

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

Consultation on draft Kent Minerals and Waste Local Plan 2024-2039 Further Proposed Changes - Comments received to Regulation 18 consultation 13th June 2023 to 25th July 2023

In addition to the below and to improve clarity for users, a number of further minor changes have been proposed to the Plan.

Summary of Representations

Ref No.	Section	Consultee	Summary of Representation	KCC Response
	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.	Noted
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.	Noted
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.	The Plan period has been extended to 2039.
ID03	1.3 The Links with Legislation, Other Policies and Strategies Paragraph 1.3.13	Individual	<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 Household Waste Recycling Centres (HWRC) 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>Percentages related to the proportion of waste produced.</p> <p>The objectives will be achieved from the development of new and safeguarding existing facilities in accordance with the policies in the Plan.</p> <p>Waste collection is a matter for district and borough waste collection authorities - please also refer to the Municipal Waste Management Strategy for Kent.</p> <p>Other legislation exists and is being introduced which is intended to improve recycling rates including that relating to packaging. Some of this legislation is enforced by the Environment Agency.</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. 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 are communicated.</p>	
ID03	1.3 The Links with Legislation, Other Policies and Strategies Strategic Transport Plans Paragraph 1.3.19	----	<p>C. KCC's Strategic Transport Plan and NPPF guidelines.</p> <p>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.</p> <p>It is considered considerably more work is required to bring the report up to an acceptable standard.</p>	<p>Policy DM 13 is intended to ensure waste and minerals development comes forward in a manner that minimises impacts on the highway and communities.</p> <p>The development of housing is addressed by policies in the District and Borough Local Plans.</p>
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.	Noted
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.	Noted
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.	<p>Noted - Change proposed to add 'Marine Conservation Zone (MCZ)' to the list of designations of national importance within paragraph 2.2.1. and included in Figure 5.</p> <p>Abbreviation list and glossary amended to include 'Marine Conservation Zone MCZ'.</p>
ID47	2.2 Kent's Environmental and Landscape Assets	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	Noted – Change proposed to include reference to Local Nature Recovery Strategy. Continue to acknowledge their

	Paragraph 2.2.7		the local nature recovery strategy to be referenced within the various policies where environmental enhancements are to be delivered or secured.	purpose. Noted within Strategic Objectives of the Minerals and Waste Local Plan.
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. In addition to the ancient woodland plan, it may also be appropriate to include details on priority habitats within Kent, the Priority Habitat Inventory may help in preparing such a plan.	Noted - Changes proposed to Figure 5 and new Priority Habitat figure (10A) to address this comment.
ID21	2.2 Kent's Environmental and Landscape Assets Figure 7: Local Geological Sites and Local Wildlife Sites	Dartford Borough Council	Figure 7 does not seem to clearly show the RIGS site at Bluewater.	Noted - Change proposed to Figure 7 to address this comment.
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 and 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.	No policy change required - The Dungeness and Romney Marsh mineral bearing areas are subject to significant constraint and are atypical to most remaining sand and gravel deposits. However, lack of allocation in the past does not automatically preclude future potential applications or Local Plan consideration. Previously promoted sites were discussed as part of the Kent Mineral Sites Plan examination and therefore there is no need for further reference in the KMWLP.
ID29	2.4 Kent's Waste Infrastructure Figure 15	Environment Agency	There are 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.	Noted - Change proposed to title of Figure 15 to address this comment. Noted - glossary changes proposed and reference throughout Plan checked.
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 bringing sites forward.	Noted - The Plan period now covers a plan horizon from 2024-2039. Noted - It is the County Council's strategy to meet the objectively assessed needs of construction materials (including hard rock aggregates) in accordance with the NPPF.
ID19	Spatial Vision for Minerals and Waste in Kent	Aggregate Industries and Brett Aggregates Ltd [combined representation]	Supports 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).	Noted
ID31	3. Spatial Vision for Minerals and Waste in Kent	Gravesham Borough Council	No additional comments on the Vision.	Noted

ID16	3. Spatial Vision for Minerals and Waste in Kent	Tonbridge and Malling Borough Council	Acknowledge the changes to the spatial vision for minerals and waste and raise no objection. 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.	Noted
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), notes 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.	The Plan's monitoring framework has been updated to include monitoring of waste production.
ID49	3. Spatial Vision for Minerals and Waste in Kent	Ashford Borough Council	<p>The Borough 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).</p> <p>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 remain unchanged.</p> <p>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).</p>	<p>The Plan includes the following objective 'Planning for Waste will... Allow for the development of a variety of waste management facilities to ensure that Kent remains at the forefront of waste management with solutions for all major waste streams, while retaining flexibility to adapt to changes in technology and legislation.'</p> <p>The Plan explains the role of the Waste Disposal Authority.</p>
ID25	3. Spatial Vision for Minerals and Waste in Kent Points 1 and 3	East Sussex County Council and Brighton and Hove City Council	Pleased 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 East Sussex, South Downs and Brighton and Hove Plan Area.	Noted
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.	Noted
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.	No change proposed - It is considered that the overarching considerations of the transition from land-won to greater importation of sand and gravel aggregates should not include any restrictions of any specific areas or sites in the spatial vision for minerals and waste in Kent.
			4. Strategic Objectives for the Minerals and Waste Local Plan	
ID31	4. Objectives for the Minerals and Waste Local Plan	Gravesham Borough Council	No additional changes to the Strategic Objectives.	Noted
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.	Noted
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	Noted

			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	<p>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 Waste Disposal Authority (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.</p> <p>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.</p>	There is a theoretical match between the requirements for waste management and existing waste management capacity and hence there is insufficient justification to allocate any land for new waste management in a Waste Sites Plan. However particular circumstances may exist where a new site would be appropriate, for example where there is an uneven distribution of sites across the county or to provide facilities to manage waste further up the waste hierarchy. The policies of the Plan will allow new development to come forward of the right type and in the right location.
ID47	4. Objectives for the Minerals and Waste Local Plan Strategic Objective 3	Natural England	Objective 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, 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.	Noted - Not appropriate to delete 'where possible' as not all developments will have opportunities for biodiversity improvement. Concern has been addressed in revised text for strategic objectives for both minerals and waste.
ID23	4. Objectives for the Minerals and Waste Local Plan Strategic Objective 4a	Tunbridge Wells Borough Council	Welcomes 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.	Noted
ID27	4. Objectives for the Minerals and Waste Local Plan Strategic Objective 4a	Mineral Products Association	It is not clear 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. In addition, 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.	Circular economy is defined with the Plan and the use of recycled aggregate produced from Construction, Demolition and Excavation Waste (CDEW) is consistent with this principle but there are other examples which include ensuring that there is no, or minimal wastage, when primary aggregate is used in development. The Plan recognises the need for primary aggregate and includes policy that allows it to be produced – see Policy CSM2 and supporting text.
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</p>	Circular economy is defined with the Plan and the use of recycled aggregate produced from CDEW is consistent with this principle but there are other examples which include ensuring that there is no, or minimal wastage, when primary aggregate is used in development. The Plan recognises the need for primary aggregate and includes policy that allows it to be produced – see Policy CSM2 and supporting text.

			<p>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 CDEW 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.	Noted
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.	The Plan's requirements with regard to biodiversity net gain are set out in Policy DM2. Guidance will be issued following adoption of the Plan.
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	Noted
ID23	4. Objectives for the Minerals and Waste Local Plan Strategic Objective 11	Tunbridge Wells Borough Council	Suggests that enabling in objective 11 be replaced with 'empowering' the waste management industry...'	It is considered that 'enabling' is appropriate and reflects what the Plan can do in practice.
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.	The Council is not responsible for the management of non-household waste and therefore cannot form partnerships with industry in the manner envisaged. The Joint Resource partnership exists to ensure household waste is managed appropriately.
5. Delivery Strategy for Minerals				
ID24	5.1 Policy CSM 1: Sustainable Development	Tunbridge Wells Borough Council	<p>It is noted that there are three Sustainable Design Policies in the KMWLP – Policies CSM1, CSW1 (below) and DM1 (below).</p> <p>TWBC queries 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 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</p>	Noted. The structure of the plan provides strategic policies for minerals and waste separately and therefore lends itself to separate policies for CSM1 and CSW1. Policy DM1 provides the sustainable design policy considerations for both minerals and waste.

ID23	5.1 Policy CSM 1: Sustainable Development	Tunbridge Wells Borough Council	<p>TWBC's comments to the previous consultation queried whether Policies CSM1 and policy CSW1, which relate to compliance with the NPPF are necessary. It was 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.</p> <p>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.</p> <p>It is also considered that Policy DM1: Sustainable Design below sufficiently covers sustainable development requirements for minerals and waste developments.</p>	Noted. See above (response to ID24)
ID24	5.2 Policy CSM 2: Supply of Land-won Minerals in Kent	Tunbridge Wells Borough Council	<p>The changes are noted - no further comment.</p> <p>It should also be noted that the requirement for Annual Monitoring Reports have been replaced by Authority Monitoring reports – this reference should be updated.</p>	Noted and addressed in the glossary. The term Annual Monitoring Report is used throughout the plan as it has a clearer understanding for users.
ID23	5.2 Policy CSM 2: Supply of Land-won Minerals in Kent	Tunbridge Wells Borough Council	<p>The changes are noted.</p> <p>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 landbank figure.</p> <p>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.</p>	<p>No change proposed - The Policy sets out that the 7-year landbank will be maintained 'for as long as reserves and potential resources allow.'</p> <p>The term Annual Monitoring Report is used throughout the plan as it has a clearer understanding for users.</p>
ID30	5.2 Policy CSM 2: Supply of Land-won Minerals in Kent	West Sussex County Council	<p>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)?</p> <p>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.</p>	<p>Agree - Change proposed to address this comment.</p> <p>Noted - Continued engagement is welcomed by the County Council.</p>
ID40	5.2 Policy CSM 2: Supply of Land-won Minerals in Kent	Ryarsh Protection Group	<p>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.</p> <p>Current (December 2022) economic forecasts indicate UK recession and the anaemic 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.</p>	Noted - The monitoring reports (Local Aggregate Assessment - LAA and Annual Monitoring Report - AMR) are available on the County Council's website which are updated annually. The County Council will also undertake any relevant engagement in accordance with the adopted Statement of Community Involvement (SCI).
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 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.	Noted
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.	Noted
ID47	5.2 Policy CSM 2: Supply of Land-won Minerals in Kent Paragraph 5.2.17	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 County Council	No change proposed - This would be replication of the Mineral Sites Plan process and is not considered appropriate to make further reference to environmental

			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 reference to the environmental impacts for all potential allocations being referenced within the Plan.	impact as this is essential to the Mineral Sites Plan process.
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. It welcomes the updated position in respect to soft sand extraction at Chapel Farm, Lenham which forms part of an allocation in the Maidstone Local Plan Review.	Noted
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. It is also noted that the Plan states that 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.	Noted. The County Council and South Downs National Park Authority will continue to engage via DtC and the SEEAWP process to ensure all necessary discussions and SoCG and Soft Sand Position Statements reflect the authorities joint understanding of landbanks and need as they change through time.
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.	Noted. Supporting text has been amended to reflect that the mineral is of strategic importance and provision is being made for areas without resources (within the southeast) with use of the 10-year sales average need assessment system.
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. It is also noted that the Plan states that 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	Noted. The County Council and East Sussex County Council will continue to engage via DtC and the SEEAWP process to ensure all necessary discussions and SoCG and Soft Sand Position Statements reflect the authorities joint understanding of landbanks and need as they change through time.
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.	Noted
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.	Noted
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	Noted. Currently there is insufficient data to draw a significant difference between the two sites producing crushed hard rock aggregate products, such that two distinct and entirely different aggregate forming geologies exist for landbank based need calculation purposes.

			<p>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.</p> <p>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. 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.</p>	
ID47	5.2 Policy CSM 2: Supply of Land-won Minerals in Kent Policy CSM 2	Natural England	<p>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.</p>	<p>No change to policy proposed. Policy CSM 2 addresses the identification of mineral supply requirements against objective data. The other policies of the Plan, such as DM 2: Environmental and Landscape Sites of International, National and Local Importance, Policy DM 3: Ecological Impact Assessment, DM 10: Water Environment, and DM 19: Restoration and Aftercare address the area of concern Natural England has. To enlarge Policy CMS 2 to include these matters would represent repetition, the Plan should be read as a whole and assessment of sites that come forward to meet identified need would be subject to the whole policy provision of the Plan in order to determine acceptability.</p> <p>If other policies that address such matters as designated landscape protection, habitat protection and ecological net gain in the Plan are not adequate in their scope to achieve the NPPF's requirements of 'avoid, mitigate, compensate' that is a matter for that part of the Plan not Policy CSM 2.</p>
ID27	5.2 Policy CSM 2: Supply of Land-won Minerals in Kent Policy CSM 2	Mineral Products Association	<p>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.</p>	<p>Noted</p>
ID28	5.2 Policy CSM 2: Supply of Land-won Minerals in Kent Policy CSM 2	Borough Green Sandpit	<p>The Plan period of 2023-38 will give a 15-year Plan period and this is in accordance with the NPPF requirements and is supported.</p> <p>Policy CSM2 fails to make adequate provision for soft sand supply as it does not take into account future demand for housing and infrastructure. Without considering future demand, the plan becomes a monitoring tool which looks back on past trends.</p> <p>The Annual Mineral Planning Survey (December 2021) produced by the Mineral Products Association (MPA), estimates that some 3.2 – 3.8 billion tonnes of construction aggregates will be required to support growth across the UK up to 2030. There is also significant investment to be</p>	<p>Noted. The anticipated Plan period of 2023-38 has been a modified to 2024-39. The 15-year Plan period maintains the KMWLP review in accordance with the NPPF.</p> <p>The need for sand in Policy CSM 2 has been calculated in accordance with government requirements. Housing supply and infrastructure projections are reflected in the sales based managed aggregate supply system. Future housing and infrastructure projections are not certain and</p>

			<p>made in infrastructure projects over the coming years which will require a significant volume of construction aggregates.</p> <p>The calculation of the 3-year and ten-year averages is flawed in that the years 2019 and 2020 saw a downturn in sales due to Brexit and then the Covid-19 pandemic; this is acknowledged in the MPA's Annual Mineral Planning Survey. The survey also found an 8% increase in sales of land-won sand and gravel in the south-east between 2014 and 2019, contrary to the findings of the KMWLP review consultation. The unreliability of the 3- and 10-year averages, as well as the forecasted demand for housing and infrastructure projects means that the policy does not make adequate provision for soft sand supply. The site allocated within the Mineral Sites Plan is not expected to deliver any soft sand during the Plan period and cannot be relied upon.</p> <p>Furthermore, other mineral planning authorities (some of which are heavily constrained by landscape designations) rely on imports of land-won aggregates from Kent, this has not been taken into account.</p>	<p>past sales have the advantage of being certain, in that they have occurred.</p> <p>Any predicted future changes in demand, as in arising from high growth development projections are considered to be unreliable at this time, particularly in light of the current economic circumstances and the uncertainty of future growth patterns in the UK. Therefore, the emerging strategy is based upon the annual monitoring process to inform need. As required by the NPPF, "...relevant information will be used to assess landbank requirements on an ongoing basis, and this will be kept under review through the annual production of a Local Aggregate Assessment."</p> <p>The Kent 10-year sales average indeed reflects the fact that Kent supplies other areas where soft sand supply is heavily constrained. As the sales data does not differentiate between sales that lead to consumption in Kent or East Sussex or Surrey. It is recognised that Kent's reserves of soft sand have a wider regional role in supplying aggregates than the Kent demand. Therefore, use of the sales averages ensures that this supply pattern is reflected in need assessments. That need is then monitored with LAA reports to identify if the need is changing.</p>
ID32	<p>5.2 Policy CSM 2: Supply of Land-won Minerals in Kent</p> <p>Policy CSM 2</p> <p>Soft Sand</p>	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>	<p>Noted</p> <p>Noted. The County Council is a participant in the drafting of the Soft Sand Position Statement for the Minerals Planning Authorities in the South East to ensure that the County Council's mineral supply strategy, addresses the strategic cross-boundary matter of soft sand supply.</p> <p>Noted</p>
ID25	<p>5.2 Policy CSM 2: Supply of Land-won Minerals in Kent</p> <p>Policy CSM 2</p> <p>Soft Sand</p>	East Sussex County Council and Brighton and Hove City Council	<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 under Examination and Hearings were held in November</p>	<p>Noted. The County Council is a participant in the drafting of the Soft Sand Position Statement for the Minerals Planning Authorities in the South East to ensure that the County Council's mineral supply strategy, addresses the strategic cross-boundary matter of soft sand supply. This includes supply to the more constrained the steady and adequate supply of soft sand material to the ESSDB&H Plan Area.</p>

			2022. Kent is one of the co-signatories to the soft sand SoCG along with other proximate Mineral Planning Authorities. 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.	
LP09	Further Proposed Changes - Section 2 CSM2	Tunbridge Wells Borough Council	Agree - It is noted that the identified quantities for each mineral type have been recalculated to reflect the extended Local Plan period (extended from 2038 to 2039) and are based on predicted sales. Our response 'yes' is based on the assumption that site allocations in the updated Mineral Sites Plan will come forward to sustain supplies over the plan period and adequately address any shortfalls going forward.	Noted. The County Council remains of the view that the existing allocation will come forward to ensure a steady and adequate supply of soft sand reserves for the majority of the Plan period.
LP25	Further Proposed Changes - Section 2 CSM2	Mineral Products Association	We support the review of the Plan and the extension of the Plan Period to 2039 and the policy to maintain a landbank of at least 7 years' supply for sharp sand and gravel as long as resources and reserves allow, and to maintain landbanks of at least 7 years for soft sand and at least 10 years for hard rock throughout the Plan period including at its end. The most up-to-date information should be used in the Plan. This includes the latest Local Aggregates Assessment (LAA) produced by the County Council (2022).	Noted
LP29	Further Proposed Changes - Section 2 CSM2	Gravesham Borough Council	Note that while there have been reduced sales of sharp sand and gravel, thus extending the life of existing sites, even if allocated sites were brought forward, the additional supply created would still be insufficient to meet the increased requirement for sharp sand and gravel over the extended Plan period. Rather than monitoring and undertaking an early review on this aspect of the Plan to assess the supply position (say as part of the five-year plan review) to determine whether additional allocations are required going forward, it is proposed to rely on imported material to address any shortfall over the Plan period. No indication of the level of importation that may be required to address this shortfall or an assessment of the impact this will have in terms the wharves that will receive such imports and associated landside impacts that may be generated, such as pollution and traffic generation. The accompanying May 2023 draft sustainability appraisal report on page 86 advises for CSM 2 for transport "By ensuring sufficient minerals are available for extraction, the policy will support provision to meet expected market needs and so avoid the need for transport of mineral from further afield" and then gives a positive score for the SA objective of transport for CSM 2. This does not feel consistent with the proposed increased reliance on importation of sharp sand and gravel over the plan period. GBC considers that rather than deciding to rely on increased importation, the sharp sand and gravel supply position should be monitored, and a focussed review of the position undertaken as part of the 5 year Plan review, with the option of allocating additional sites if required This is the approach proposed for soft sand set out in Figure 2A of the draft Kent Mineral Sites Plan, and there would appear no reason why the same approach could not be adopted in respect of sharp sand and gravel.	The additional 2.5mt of sharp sand and gravel resources that may come forward from the Mineral Sites Plan, together with extant reserves will ensure that an at least 7-year land bank is maintained over the entire anticipated Plan period. This is a result of the fact that the 10-year sales average of land-won sharp sands and gravel has fallen to a degree that the calculation of need now is less than the combination of allocated resources and the remaining permitted reserves of this mineral. Importation via wharves and rail depots are becoming increasingly important in overall supply, while allocated resources are not being brought forward as planning applications. The policy is worded in terms of sharp sand and gravel supply "...for as long as resources allow" that is considered to be reflected in the SA of the Plan. Therefore, it is recognised by the SA, that importation of this aggregate type will, at some point, overtake land-won supply. However, there is now technically sufficient reserves and allocated resources to maintain a at least 7-year landbank of this mineral for the entire Plan period, plus a surplus. If the industry is of the view that they do not wish to bring forward allocated resources and increase importation, they cannot be compelled to do so. The Plan meets the NPPF's requirements in regard to sharp sands and gravels. The geology of Kent is such that the mineral is becoming scarce and there was always going to be a point where the emphasis between land-won supply dominance to increasing importation would occur. It appears that point has or will be soon reached.

				<p>This is what is happening, monitoring shows that over the Plan period (2024-39) the combination of extant reserves and allocated resources will provide an at least 7 -year landbank over the Plan period and give a surplus. There is no requirement to identify any further allocations in a reviewed Mineral Sites Plan at this time. Policy CSM 2 is entirely in accordance with the NPPF's requirements to plan for a steady and adequate supply of land-won sharp sands and gravels.</p>
LP46	<p>Further Proposed Changes</p> <p>CSM2</p>	Online comment - individual	<p>There is no reference to the Archaeology of the Goodwin Sands and the 2,000 recorded wrecks known to be there.</p> <p>Who in Kent County Council's Heritage Team has produced any KCC Policy report on the Goodwin Sands Mineral Quarrying, Kent's own Treasure Trove of International Maritime Historical significance, and where can this be accessed?</p> <p>In ID 47 Natural England highlights Marine Conservation areas, The Goodwin`s are such an area.</p> <p>In ID 19 Brett Aggregates highlight the possible scale of Marine dredging.</p> <p>ID 40 Ryarsh Protection Group feel the need to ask that KCC should take into account the views of local residents and the impact on their area nor KCC or Dover DC have voluntarily engaged the people of South Kent in decisions on Quarrying on the Goodwin Sands.</p> <p>ID 47 Natural England highlight the need to consider environmental aspects of quarrying need to be addressed at the earliest stage, and Natural England considers that Policy CSM2 should be significantly strengthened and that Policy CSM 2 appears weak in it`s protection.</p> <p>The references are for Land Based extraction but surely should apply to any Quarrying activity that is in a sensitive location</p> <p>Natural England has concerns that any KCC Planning application that has a possibility of harm to biodiversity should be refused. Does KCC have any say in the Goodwin Sands quarrying , and do they feel they should have? They also ask for robust impact studies, the planned lack of any land based archaeological taking place on the Goodwin Sands prior to quarrying is deplorable.</p> <p>ID 26 Historic England note the absence of its Archaeological advice.</p>	<p>The comments are noted. The Goodwin Sands are not part of the land area of Kent that the KMWLP or the Kent Mineral Sites Plan can have any direct influence over.</p> <p>As stated above the County Council has no direct role in recovering or preserving any heritage characteristics of the Goodwin Sands. It is considered that the Crown Estate (CE) and the Marine Management Organisations (MMO) may have such responsibilities.</p> <p>The MMO has responsibility for Marine Conservation areas not the County Council.</p> <p>The Crown Estates (CE) is the organisation that has authority to grant dredging licences, not the County Council.</p> <p>The possible dredging of the Goodwin Sands is a licensing matter for the CE to have authority over, not the County Council.</p> <p>This is noted. Policy CSM 2 addresses the quantities of minerals that ae required over the Plan period, other policies in the Plan address the concerns held by Natural England (NE). The Plan has to be read as a whole; policies do not exist in isolation to others in the Plan.</p> <p>The deposits offshore are the licensed by the CE in consultation with the MMO. These authorities are responsible in ensuring that the marine environment is conserved, not the County Council.</p> <p>The deposits offshore in the Goodwin Sands are matters that the CE in consultation with the MMO would consider if they were thought to be economically important. These authorities are responsible in ensuring that the marine environment is conserved, not the County Council.</p> <p>The County Council consults Historic England on its plans. As the Goodwin Sands are not part of the County Council's responsible area Historic England would not comment on</p>

			<p>ID 24 Tunbridge Wells BC go further and would like enhancement of Heritage assets.</p> <p>ID 33 Otterpool Park seem to want to extend KCC Planning permissions from 5 to 10 years, in the rapidly increasing global warming concerns a tighter not looser control would seem critical. The tone to the reader is of exploitation of natural reserves with little regard to the vast majority of Kent's people.</p>	<p>them to the County Council in relation to its Plan formulation.</p> <p>That is a matter for a consideration against the relevant policy of the Plan (Policy DM 5: Heritage Assets and Policy DM 6: Historic Environment Assessment) not Policy CSM 2: Supply of Land-won Minerals.</p> <p>The Otterpool Park new settlement is not a matter the County Council has any direct responsibility over. It is a matter the Folkestone and Hythe Borough Council's Plan addresses.</p>
LP50	Further Proposed Changes CSM2	Online comment - individual	Disagree - Leave ancient woodland alone.	Noted. Further hard (crushed) rock supply may or may not adversely affect ancient woodland. This is a matter that any allocation in the Kent Mineral Sites Plan would have to consider, if relevant, when promoted allocations for site(s) are subject to detailed technical assessment prior to any allocation and adoption of the Mineral Sites Plan.
LP51	Further Proposed Changes CSM2	Online comment - individual	Disagree - Reduce the demand for the quantity of aggregate needed in the local area by reducing the number of new housing developments, creating incentives to redistribute accommodation more effectively.	The County Council is required by the Planning Acts and national planning policy to plan for a steady and adequate supply of aggregate forming minerals to meet objectively identified needs.
LP52	Further Proposed Changes CSM2	Medway Council	Note that these changes have been made in light of more recent aggregate sales and supply data and the intention to change the plan period. This approach seems sensible, and Medway Council has no further comment to make on this matter.	Noted
LP15	Further Proposed Changes Sharp Sand and Gravel Soft Sand	Hampshire County Council	<p>The consultation data shows that there would be a shortfall of 2.15mt of soft sand when considering the plan period up to 2039, including a 7-year landbank at this point. Whilst the soft sand supply will not be exhausted within the plan period, Kent County Council have explained that 7-year landbank will not be available from 2036 onwards. Whilst Hampshire County Council are not reliant on provision of aggregate directly from Kent, consideration has previously been made of the strategic implications of soft sand supply in the wider south-east through the Soft Sand Position Statement (2019; update underway 2023) to which both Kent and Hampshire are signatories.</p> <p>In terms of the Position Statement, it explains that due to geology, soft sand resource is focused in only a few counties and the need for future supply will likely need to be balanced against conflict with landscape, environmental and recreational constraints. Consideration of the wider implications of supply should continue to be made.</p>	Noted. The County Council is a signatory to the Soft Sand Position Statement (2019; update underway 2023) and will continue to discuss soft sand supply with all the participants of the statement to maintain a clear understanding of the implications of the wider issues of soft sand supply, needing to be balanced against any conflict with landscape, environmental and recreational constraints.
LP25	Further Proposed Changes Sharp Sand & Gravel Paragraph 2.4	Mineral Products Association	<p>The 10-year average of sales for sharp sand and gravel cited in the Draft Review Plan appears low. The 10-year average reported in the LAA 2022 (and resulting LAA APR) is 186,150t (the 'dashboard' at the front of the LAA cites 228,526tpa). The 10-year average of the sales figures presented in Table 2 of the LAA is actually 228,544tpa. The figures should be checked. A minimum 7-year landbank to be maintained would be 1.6mt, which would be inadequate by 2027 if the potential yield in the allocated sites is not realised or by 2038 if it is. Thus, while they would not be exhausted, the minimum landbank required would not be maintained at the end of the Plan period without further reserves being permitted over and above those in allocated sites.</p> <p>The level of provision, based on the LAA (2022) rate would be 5.016mt, giving a larger shortfall of 2.962mt. Taking into account the potential yield (rather than 'reserve') from of 2.5mt in allocated sites, the 'surplus' reported in the Plan then becomes a shortfall of 0.462mt.</p>	<p>The Further Proposed Changes (FPC) of the KMWLP Policy CSM 2 for the sharp sands and gravels is based on the 2022 sales and reserves data that will be fully published in the next LAA monitoring report (LAA published in 2023 using 2022 data).</p> <p>The more recent information (than the LAA published in 2022 using 2021 data) demonstrates that the lowered 10-year sales average coupled with the remaining reserves and the anticipated 2.5mt in allocated sites will result in a technical surplus over the Plan period to 2039. Continued monitoring will demonstrate if this relationship alters and</p>

				there are several statutorily required review cycles prior to 2039 that will be available to reexamine the planned supply of this aggregate mineral. However, it is not anticipated that the land-won sector will 'recover' in any significant manner due to the geological scarcity of sustainable resources remaining in the authority's area.																																			
LP21	Further Proposed Changes Soft Sand	Invicta Planning Ltd. On Behalf of Borough Green Sand Pits Ltd	<p>Paragraphs 2.5-2.4 appear to contain incorrect data regarding soft sand supply over the Plan period, without taking into account the depletion of available landbanks. In 2024, it is estimated that the landbank will amount to 10.73 years, assuming accurate data from all operators. Nevertheless, there have been instances, such as between 2021 and 2022, where an overestimation of 3 million tonnes (33%) occurred, indicating imprecise data submitted by operators based on non-publicly available monitoring data. This lack of data accuracy could be influenced by operators' motivations to avoid regulatory enforcement, resulting in inaccurate sales and reserves estimations for the Local Plan.</p> <p>Future demand for soft sand supply is a key concern. The County Council bases its assessment on NPPF requirements for maintaining a steady and adequate supply of aggregates, considering 10-year sales averages and available reserves. However, the Council may not have fully considered "relevant local information" and all supply options when forecasting future demand. Housing delivery in Kent has been around 109% of requirements over the last three years, suggesting a balance between supply and demand. Soft sand sales averages have been below the 10-year average, giving confidence that supply can meet increasing demand. However, a recent increase in demand has been observed, which calls the adequacy of the reserves into question.</p> <p>The Proposed Further Changes consultation illustrates the soft sand requirements over the Plan period and sets out the Soft Sand data in the following table:</p> <table border="1"> <thead> <tr> <th></th> <th>Previous Consultation</th> <th>Current Consultation</th> <th>Difference</th> <th>Trend</th> </tr> </thead> <tbody> <tr> <td>10 year sales average</td> <td>0.456mtpa</td> <td>0.475mtpa</td> <td>+ 0.019tpa</td> <td>↑ 4% increase</td> </tr> <tr> <td>7 year land bank</td> <td>3.192mt</td> <td>3.325mt</td> <td>+ 0.133mt</td> <td>↑ 4% increase</td> </tr> <tr> <td>Total soft sand requirement (15 years + 7)</td> <td>10.032mt</td> <td>10.45mt</td> <td>+ 0.418mt</td> <td>↑ 4% increase</td> </tr> <tr> <td>Existing Soft Sand Reserve at beginning of Plan Period</td> <td>5.769mt</td> <td>5.099mt</td> <td>- 0.67mt</td> <td>↓ 12% decrease</td> </tr> <tr> <td>Chapel Farm Allocation</td> <td>3.2mt</td> <td>3.2mt</td> <td>0</td> <td>No change</td> </tr> <tr> <td>Shortfall</td> <td>1.063mt</td> <td>2.15mt</td> <td>+ 1.087mt</td> <td>↑ 102% increase</td> </tr> </tbody> </table>		Previous Consultation	Current Consultation	Difference	Trend	10 year sales average	0.456mtpa	0.475mtpa	+ 0.019tpa	↑ 4% increase	7 year land bank	3.192mt	3.325mt	+ 0.133mt	↑ 4% increase	Total soft sand requirement (15 years + 7)	10.032mt	10.45mt	+ 0.418mt	↑ 4% increase	Existing Soft Sand Reserve at beginning of Plan Period	5.769mt	5.099mt	- 0.67mt	↓ 12% decrease	Chapel Farm Allocation	3.2mt	3.2mt	0	No change	Shortfall	1.063mt	2.15mt	+ 1.087mt	↑ 102% increase	<p>The County Council considers the issue of soft sand supply as a significant strategic mineral planning concern. It must balance this concern with various planning considerations to ensure sustainable mineral development while minimising adverse effects on the environment and society over the expected Plan period.</p> <p>The availability of monitoring data, while essential, can be confidential and subject to varying levels of accuracy, which is unavoidable. To enhance the level of certainty regarding supply needs over the planning period, a 10-year sales average for soft sand is used, reducing variance.</p> <p>The County Council acknowledges the importance of relevant local information, although its application is subjective when compared to objective sales data.</p> <p>Soft sand demand is not solely tied to housing supply as it is used in various construction applications, including road building, recreation, and other purposes. Sales data is considered a more accurate proxy for demand than projected housing numbers which can vary significantly.</p> <p>Despite a recent increase in demand, the magnitude of change is not so significant to warrant a departure from the MPA's soft sand supply strategy, given available reserves and the plan review system's ability to address potential shortfalls in the 7-year landbank requirement. Charing Quarry's final restoration is not restricted to 2034, and the availability of Chapel Farm is not necessarily tied to that date. The MPA's soft sand supply strategy is based on an earlier completion of Charing Quarry and the commencement of extraction at Chapel Farm in 2027. Theoretically the lack of a 7-year landbank toward the end of the Plan period may emerge but plan reviews will consider and address the need for further site allocations.</p> <p>Competition in the Kent soft sand market is expected to be maintained, with the possibility of "windfall" reserves coming from sites with prior extraction.</p> <p>Plan reviews will identify any new allocations if significant changes in demand occur, either increasing or decreasing.</p>
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Chapel Farm Allocation	3.2mt	3.2mt	0	No change																																			
Shortfall	1.063mt	2.15mt	+ 1.087mt	↑ 102% increase																																			

			<p>The table demonstrates that the supply of this mineral has worsened compared to the previous consultation (Reg 18 Oct-Dec 2022). It can be calculated that the 3-year sales average would now be 0.520mt by calculation of an 11% increase (for the period 2021-2022), this and the reduction in the available landbank results in an increase in the shortfall at the end of the Plan period.</p> <p>The original expectation was that the Chapel Farm allocation would provide soft sand supply until 2030. However, it is now projected to be available only by 2034 due to sequential delivery after the exhaustion of reserves at Charing. This dependence on Chapel Farm coming online highlights a potential risk to soft sand supply.</p> <p>If Chapel Farm is brought forward earlier than anticipated, it indicates increased demand and an earlier exhaustion of reserves at Charing. This suggests that overall reserve figures or the sales averages used may be underestimated. Allocating just one site for the Plan period goes against NPPF guidelines that advise against having large landbanks tied to a few sites to prevent stifling competition.</p> <p>The NPPF requires planning for a 15-year minimum plan period and 5-yearly reviews to anticipate long-term trends. The current plan covers the period up to 2030 and is set for review in the mid-2020s, which aligns with the adoption of the updated KMWLP. However, this review might be too late to ensure a 7-year maintained landbank for soft sand.</p> <p>It is evident that there will be a deficit in soft sand supply over the Plan period, and new sites take several years to explore and secure for operational use. Failure to plan for supply now, coupled with the late adoption of the MSP, will result in a long-term deficit in soft sand supply.</p> <p>In conclusion, the Further Changes do not adequately plan for soft sand supply over the Plan Period, which could lead to a supply deficit. Relying on Chapel Farm alone for supply poses a significant risk if demand increases. The plan review process is slow and uncertain, and additional soft sand allocations are needed to ensure a consistent supply. Planning positively and proactively for soft sand supply by allocating additional sites is recommended as part of the review of KMWLP and MSP.</p>	<p>The anticipated adoption of an MSP in 2025 will cover the 2024-2039 plan period, with statutorily required plan reviews every five years, allowing for adjustments based on monitoring and changing demand. The Further Proposed Changes recognise that, given current reserves and potential "windfall" reserves, a 7-year maintained landbank will exist for most of the Plan period. Any potential shortfall is not projected until potentially 2036, coinciding with the last required plan review cycle.</p> <p>In conclusion, the County Council does not see a need to plan for additional soft sand allocations at this time, as they may not be required until potentially 2036, and there are mechanisms in place to address any future needs through plan reviews.</p>
LP22	Further Proposed Changes Soft Sand	East Sussex County Council	<p>The provision of soft sand is a strategic cross-boundary matter for the South East Mineral Planning Authorities (MPAs) as it is an important aggregate mineral that, for certain end uses, cannot be substituted by other materials. As you will be aware ESCC and Kent are both party to the Soft Sand Position Statement (2019) and the Soft Sand SOCG (July 2022). The entirety of the soft sand resource in the ESSDB&H Plan Area is located within the South Downs National Park. Currently all supplies to the Plan Area are met by imports. We are aware that the SDNPA will be submitting a response on the Kent CC Plans relating to future provision of soft sand. We endorse this response as far as it relates to soft sand in our Plan Area.</p>	<p>Noted. It is understood that the remaining soft sand resources in the ESSDB&H area are within the South Downs National Park, and therefore there may be a significant protected landscape designation that would impinge on the planning of soft sand in this authority's area.</p>
LP32	Further Proposed Changes Soft Sand	South Downs National Park Authority	<p>Soft sand is an essential mineral resource for various applications. Soft sand in South East of England is primarily found within the Folkestone Formation, spanning multiple counties, but its development is constrained by the South Downs National Park in accordance with National Parks and Access to the Countryside Act 1949, Countryside and Rights of Way Act 2000, Environment Act 1995, and National Planning Policy Framework (NPPF) [July 2021].</p> <p>A Soft Sand Position Statement has been prepared and updated by South East Mineral Planning Authorities, indicating Kent's significant soft sand reserves and sales, with the need for additional sites to ensure a steady supply. A Statement of Common Ground on Soft Sand has been agreed upon by several councils to maintain a consistent and adequate soft sand supply.</p>	<p>Noted. It is understood that the soft sand resources in the south east (in East Sussex, West Sussex, and Hampshire area in particular) are significantly within the South Downs National Park area, and therefore there may be a significant protected landscape designation that would impinge on the planning of soft sand in this authority's area.</p>

			<p>Despite reserves and an allocation in Kent, there is still an expected shortfall in soft sand supply by 2039, with a 7-year landbank becoming unavailable after 2036.</p> <p>The Joint East Sussex Minerals Plan relies on soft sand imports from Kent and other areas, and Kent County Council needs to assess demand through their Local Aggregate Assessment (LAA). The Position Statement and Statement of Common Ground stress the importance of identifying new soft sand sites across the region, encouraging exploration of opportunities for additional sites outside designated areas to meet the regional soft sand demand and supply.</p>	<p>Noted. It is recognised that Kent has significant resources of soft sand in the Folkestone Formation as it is geologically represented in Kent. It is also a mineral that is closely associated with a highly sensitive landscape, that of the North Downs AONB. Both within it and within its setting. This material consideration has to be understood when considering both maintaining an adequate and steady supply of this strategically important mineral and designated landscape protection.</p> <p>This is a recognised by the County Council, and the need for future supply to be balanced against any recognised conflict with landscape, environmental and recreational constraints is a matter fully reflected in the County Council's strategy of not allocated further sites at this stage given existing reserves, 3.2mt of allocated resources and the potential for 'windfall' reserves all indicate that supply will be marinated over the Plan period, meeting the at least 7-year landbank level until 2036.</p> <p>Chapel Farm will yield 3.2mt of replenishing resources, that and the existing reserves will maintain at least 7-year landbank until 2036, given the more recent (than that of LAA2022 that uses 2021 data) sales and reserves data. If 0.80mt of 'windfall' reserves from Otterpool Park new settlement are factored in, the 7-year landbank may exist, technically, to 2038. The County Council is of the view, given the sensitivity of much of the designated Kent North Downs AONB that to attempt to allocate additional sites now, on the premise that only at almost at the end of the Plan period there may be no longer a 7-year landbank in place is premature. There will be statutorily required plan 5-year plan review cycles to further consider the need for additional allocations, if required. This will enable the County Council to consider the matter of soft sand supply towards the end of the Plan period in a more sensitive manner.</p> <p>The plan review cycles in 2029 and 2034 will afford the County Council ample time to address soft sand supply if LAA monitoring reports demonstrate that the 10-year sales average and/or available reserves pattern significantly change the current prediction of soft sand supply over the anticipated plan period.</p>
LP04	Further Proposed Changes Soft Sand Paragraph 2.4	British Horse Society	<p>We would like to draw the Council's attention to two matters in relation to Chapel Farm. The first, we are sure, will already be known to the Council which is the proposal that Maidstone Borough Council will use the same location as part of the "Lenham Garden Village" development. The second is that part of the proposed access route is over the historic East Lenham Road, a highway maintainable at public expense which still exists at the northern and southern extents but the middle section of which has disappeared off the maps since the 1950s with no legal stopping up event. A Definitive</p>	<p>The Heathlands Graden settlement is well known to the County Council. Its potential effect on the delivery of the soft sand resources (3.2mt) over the anticipated Plan period of 2024-39. PROW and any necessary diversions to maintain access is a matter that is more appropriately addressed at any planning application stage. The</p>

			Map Modification Order application has been made (ref PROW/MA/C450 on the KCC register) to add the entire route to the Definitive Map as a bridleway, notwithstanding that the Council might consider it appropriate, based on the evidence, to add it as a restricted byway. If this DMMO claim is successful, then the new PROW would need to be diverted if the route was required for a haulage route.	Development Management criteria in the Mineral Sites Plan can be amended to include this matter at the plan's review.
LP25	Further Proposed Changes Soft Sand Paragraph 2.4	Mineral Products Association	<p>Error in paragraph numbers.</p> <p>The 10-year average figure for soft sand used in the Plan is slightly higher than that in the LAA 2022 (0.456mtpa). The resulting requirement over the Plan period would be 10.032mt. A minimum 7-year landbank to be maintained would be 3.2mt. By 2029 the reserves would be below the minimum landbank requirement should the allocated sites not be delivered, or by 2036 if they are. Thus, while they would not be exhausted, the minimum landbank required would not be maintained at the end of the Plan period without further reserves being permitted over and above those in allocated sites.</p>	<p>Noted - final paragraph numbers can be found in clean version of Regulation 19 Plan.</p> <p>The County Council's strategy of not allocated further sites at this stage given existing reserves, 3.2mt of allocated resources and the potential for 'windfall' reserves all indicate that supply will be maintained over the Plan period, meeting the at least 7-year landbank level until 2036, on current monitoring data.</p> <p>Chapel Farm may yield 3.2mt of replenishing resources, that and the existing permitted reserves, will maintain an at least 7-year landbank until 2036, given the more recent (than that of LAA2022 that uses 2021 data) sales and reserves data. Moreover, if 0.80mt of 'windfall' reserves from the Otterpool Park new settlement are factored in the 7-year landbank may exist, technically, to 2038. The County Council is of the view, given the sensitivity of much of the designated Kent North Downs AONB (where much of this mineral is situated) that to attempt to allocate additional sites now, on the premise that only at almost at the end of the Plan period there may be no longer a 7-year landbank in place, would be premature. There will be statutorily required plan 5-year plan review cycles to further consider the need for additional allocations, if required. This will enable the County Council to consider the matter of soft sand supply towards the end of the Plan period in a more sensitive manner.</p> <p>The plan review cycles in 2029 and 2034 will afford the County Council ample time to address soft sand supply if LAA monitoring reports demonstrate that the 10-year sales average and/or available reserves pattern significantly change the current prediction of soft sand supply over the anticipated plan period.</p>
LP15	Further Proposed Changes Hard Rock	Hampshire County Council	A shortfall of 17.38mt is calculated in the consultation document. Hampshire County Council would support the identification of a suitable site to ensure a continued steady supply.	Noted. The County Council is assessing a nominated site at this time, and conducting another Call for Sites' exercise to ensure that there is a comprehensive approach to identifying suitable alternatives.
LP22	Further Proposed Changes Hard Rock	East Sussex County Council	There are no hard rock quarries or provision for land-won hard rock in the East Sussex, South Downs and Brighton & Hove (ESSDB&H) Waste and Minerals Local as there are no geological resources in the Plan Area. Hard rock, often in the form of crushed rock, is currently imported to the ESSDB&H Plan Area via rail heads and wharves. The British Geological Study 2019 states that of the 295,000t of hard rock consumed in the ESSDB&H Plan Area, 10-20% was likely supplied from the Kent plan area.	<p>Noted. The County Council is aware that in the South East hard (crushed) rock from Kent plays a part in mineral supply over a larger than Kent area.</p> <p>Noted. Mineral supply over different boundaries often relies on maintaining mineral importation and handling facility</p>

			<p>ESCC is party to a Statement of Common Ground (SOCG, 2022) regarding the cross-boundary supply of aggregates which is co-signed with Kent County Council (KCC) and other proximate mineral planning authorities. In this SOCG the signatories agree that the safeguarding of minerals sites and infrastructure is crucial for the continued cross-boundary supply and movement of aggregates. The signatories also do not identify any significant barriers to the supply of aggregates to the ESSD&BH Plan Area.</p> <p>In this context, as the ESSDB&H Plan Area is unable to provide for land-won hard rock, then the development of additional hard rock extraction in a neighbouring mineral planning authority area which could assist in providing supply to the ESSDB&H Plan Area would therefore be supported in principle.</p> <p>It is however acknowledged that the amendments to policy CSM 2 to increase the requirement for the amount of hard rock provision to cover the projected shortfall within the Kent Plan Area may not result in any further importation of hard rock into the ESSD&BH Plan Area. It is recognised that the hard rock from any extension to Hermitage Quarry may remain within the Kent Plan Area for consumption to make up for the large shortfall.</p> <p>It is noted that extracted rock from the existing Hermitage Quarry is removed from site by road rather than rail. In view of the extension site location close to the nearby rail line, we assume that the option of rail exports has been investigated. Rail export from the site would obviously be preferable to road traffic in terms of reducing carbon emissions.</p> <p>ESCC is therefore broadly supportive of the proposal to provide for the additional hard rock site at Hermitage Quarry in the Kent Mineral Sites Plan. Hard rock requirements within the ESSDB&H Plan Area are met by importation and it is considered that the addition of this quarry extension could help with security of supply within the south-east.</p>	<p>safeguarding, the County Council is committed to maintaining high a degree of safeguarding of such facilities.</p> <p>Noted. The South East is geologically more limited to softer rocks. Kent's Ragstone (Hythe Formation) is not typical to the region.</p> <p>Noted. Patterns of supply are not monitored which high frequency to establish where materials are consumed. However, sales averages are monitored yearly to inform the mineral supply system.</p> <p>Rail export has not been part of the promoted site's transportation of exploited mineral reserves. The existing pattern of road transportation is being assessed for acceptability as part of the Kent Mineral Sites Plan review.</p> <p>Noted. Kent's hard (crushed) rock supply is recognised to have a wider than Kent role in hard rock aggregate supply, given that sales data used to calculate future need includes the quantity of materials that leave the area for other mineral planning areas, such as ESSD&BH.</p>
LP25	Further Proposed Changes Hard Rock Paragraph 2.6	Mineral Products Association	We support the use of the 6-year average of sales based on the most up-to-date information (it would be worth explaining why these data differ to those presented in the most recent LAA), as an indicator of future demand as this better reflects the demand and market for the material and the Local Aggregates Assessment which indicates that demand has increased recently and is likely to continue at these levels (and as such is consistent with the NPPF requirement to consider 'other relevant local information' as well as past sales).	The LAA that will report the 2022 sales and reserves data will demonstrate why the last 6-year sales average for the hard rock are exceptional in comparison to the 10-year sales average.
ID16	5.3 Policy CSM 3: Strategic Site for Minerals	Tonbridge and Malling Borough Council	The deletion of strategic policy CSM 3 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.	Noted.
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.	Deletion of Policy CSM 3: Strategic Site for Minerals will be subject to the results independent examination.
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	Noted

			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 CSM 3 which will result in the deletion of that Policy allied to the insertion of new paragraph 5.2.37. Policy CSM 3 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.	Noted
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.	Noted. This is how the planning system operates. The plan cannot anticipate every development coming forward over plan period on allocated / unallocated sites. Therefore, the policy is required in the event of unallocated site applications coming forward.
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 CSW 6, for example.	No change to policy required. There is no reliable way to predict where any mineral may be proposed. Therefore, there may or may not be material environmental impacts associated with such non-identified land-won mineral site proposals. The Plan requires to be read as a whole, any proposed site, allocated in a plan or not, has to be fully assessed for acceptability against all material planning considerations. The policies of the plan, including those addressing environmental matters, are all potentially relevant to this process. Thus, the change the policy to strengthen environmental considerations would be unnecessary repetition of the Plan's policy provision.
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.	Noted
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.	Noted
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.	Noted
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 ' <i>loss of any wharf site will be largely irreplaceable</i> ' and ' <i>safeguarding of the existing wharf infrastructure will therefore remain a central requirement to maintain supply</i> '. This is important in	Noted - Proposed change to supporting text to reflect the irreplaceability of wharf sites and their safeguarding being imperative to maintaining future supply.

			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	The first word of the second paragraph of Policy CSM 7 should be 'where' rather than 'there'.	Agree - Change to Policy wording proposed to address this comment.
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'	Agree - Change to Policy wording proposed to address this comment.
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.	Noted
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.	Noted - Paragraph 5.8.1 second sentence amended - 'so far as practicable' moved to the front of the sentence rather than at the end. Noted
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 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.	Noted. Appropriate update to text has been made to address this comment.
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 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. Focus should be on allowing existing sites with permanent consent, such as that operated by McAleer Contracts to expand its operation as it proposes.	Explanation of the presumption is provided in the text. Note that this text formed part of the original plan that was found sound in 2016. Expansion of operations are supported in certain circumstances i.e. where they are in accordance with the relevant policies of the Plan.

ID52	5.8 Policy CSM 8: Secondary and Recycled Aggregates Policy CSM 8	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 " <i>the second paragraph of this policy</i> " 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.	Noted. Update made to the wording of clause 5 that is intended to address this comment.
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.	No change to policy proposed. PROW matters are addressed by Policy DM 14: Public Rights of Way.
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.	No change proposed. For certain heritage restoration projects, it can be the case that they have very specific requirements in terms of what material is acceptable in order to maintain the integrity of heritage assets.
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.	No change proposed. Policy DM 19: Restoration, Aftercare and After-use addresses the needs of high-quality restoration for all mineral sites. Deleted criterion 3 of Policy CSM 9: Building Stone in Kent represented an unnecessary repetition of this requirement.
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.	No change to policy proposed. PROW matters are addressed by Policy DM 14: Public Rights of Way.
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?	The 2012 planning permission expired (TW/10/33) and no further application has come forward. Amend text (5.10.8) to note that permission was not implemented and has now lapsed.
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'.	The 2012 planning permission expired (TW/10/33) and no further application has come forward. Amend text (5.10.8) to note that 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.	Noted
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.	No change to policy proposed. PROW matters are addressed by Policy DM 14: Public Rights of Way.
ID24	5.11 Policy CSM 11: Prospecting for Carboniferous Limestone	Tunbridge Wells Borough Council	It is suggested that reference also be made to any necessary mitigation measures.	CSM 11 is a strategic policy, and any necessary mitigation measures would be considered against the DM policies and therefore no changes are needed.

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.	As set out above, CSM 11 is a strategic policy, and any necessary mitigation measures would be considered against the DM policies and therefore no changes are needed.
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.	Noted
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.	Noted. The structure of the plan provides strategic policies for minerals and waste separately and therefore lends itself to separate policies for CSM1 and CSW1. Policy DM1 provides the sustainable design policy considerations for both minerals and waste.
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.	Noted. The structure of the plan provides strategic policies for minerals and waste separately and therefore lends itself to separate policies for CSM1 and CSW1. Policy DM1 provides the sustainable design policy considerations for both minerals and waste.
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.	Guidance on the production of Circular Economy Statements will be prepared.
ID41	6.2 Policy CSW 2: Waste Hierarchy and Policy CSW 3: Waste Reduction Paragraph 6.2.6 and 6.2.7	Individual	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.	This is addressed in Policies CSW3 and DM2.
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.	It is considered that the policy wording reflects the supporting text.
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.	Guidance will be prepared setting out the content of a Circular Economy Statement. The approach will be similar to that adopted in the London Plan and its related guidance.
ID24	6.2 Policy CSW 2: Waste Hierarchy and Policy CSW 3: Waste Reduction Paragraph 6.2.7	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.	Guidance on developer contributions relating to waste disposal and recycling is available The monitoring framework includes targets for monitoring Policies CSW2 and CSW3.

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?	As stated in the Plan guidance will be prepared.
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.	The level of financial contributions required will be set on a case by case basis and informed by the Waste Disposal Authority. The monitoring framework includes targets for monitoring Policies CSW2 and CSW3.
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.	Noted. Guidance on the preparation of Circular Economy Statements will be prepared to assist.
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.	Noted
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.	Noted
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, requests that we are kept informed of any future updates and changes to Kent's Hazardous Waste arisings or transfer capacities.	Noted
ID41	6.3 Policy CSW 4: Strategy for Waste Management Capacity Net Self-sufficiency	Individual	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.	The Plan's objectives and policies support the development of recycling facilities, but it is not within the remit of the Plan to address specific waste collection

	and Waste Movements Paragraph 6.3.3			issues which should be raised with the Waste Collection Authority.
LP09	Further Proposed Changes Paragraph 6.3.3	Tunbridge Wells Borough Council	Agree - TWBC considers that no other changes are needed, and it is good to note that London is now able to be self-sufficient in this regard.	Noted
LP22	Further Proposed Changes Paragraph 6.3.3	East Sussex County Council	The removal of paragraph 6.3.3 will remove Kent's responsibility to make provision for reducing the quantity of residual waste from London. Due to London's commitment towards net self-sufficiency, it is not considered that East Sussex would be placed under a burden to manage any offset waste that would have been under Kent's management. As such, no further comment is proposed at this stage.	Noted
LP26	Further Proposed Changes Paragraph 6.3.3	Surrey County Council	With regard to the deletion of paragraph 6.3.3 (and the associated sub-title), the MWPA note the removal of provision for the management of residual non-hazardous waste by landfill or energy recovery from London. This is supported by the London Plan's (2021) commitment to net self-sufficiency, which is outlined in Policy SI 8 (Waste capacity and net waste self-sufficiency). This position is also supported by paragraph 2.1 of the Statement of Common Ground between Waste Planning Authority members of the South East Waste Planning Advisory Group (SEWPAG) Concerning Strategic Policies for Waste Management (March 2020), to which Kent County Council and Surrey County Council are both signatories.	Noted
LP27	Further Proposed Changes Paragraph 6.3.3	South East Waste Planning Advisory Group	With regard to the deletion of paragraph 6.3.3 (and the associated sub-title), SEWPAG note the removal of provision for the management of residual non-hazardous waste by landfill or energy recovery from London. This is supported by the London Plan's (2021) commitment to net self-sufficiency, which is outlined in Policy SI 8 (Waste capacity and net waste self-sufficiency). This position is also supported by paragraph 2.1 of the Statement of Common Ground between Waste Planning Authority members of the South East Waste Planning Advisory Group (SEWPAG) Concerning Strategic Policies for Waste Management (March 2020), to which Kent County Council is a signatory.	Noted
LP29	Further Proposed Changes Paragraph 6.3.3	Gravesham Borough Council	GBC notes this change but does not wish to raise any comment at this stage.	Noted
LP36	Further Proposed Changes Paragraph 6.3.3	Online comment - individual	Let London sort out its own waste, not transport it here for Kent to deal with	Noted
LP40	Further Proposed Changes Paragraph 6.3.3	Online comment - individual	London should provide its own facilities -if not possible then somewhere other than Kent should be found - Kent is very overcrowded	Noted
LP41	Further Proposed Changes Paragraph 6.3.3	Online comment - individual	By energy recovery.	The content of this comment is insufficiently clear to respond to.
LP52	Further Proposed Changes Paragraph 6.3.3	Medway Council	Understands and supports the intention of these changes, which is to ensure the KMWLP aligns with the London Plan aspiration and the SEWPAG Statement of Common Ground (SCG) to which it is a signatory. However, Medway Council notes that it is may not be able to adhere to the SCG's aspiration of all WPAs achieving net self sufficiency, and would therefore wish to be assured that the change proposed by Kent County Council, does not signal an intention to move away from the provision of capacity which would meet other WPA areas' (in particular those within the South East such as Medway) needs, where this is justified as being an appropriate solution.	The Statement of Common Ground between KCC and Medway Council will be updated to acknowledge this concern.
ID24	6.3 Policy CSW 4: Strategy for Waste Management Capacity Net Self-sufficiency	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.	Noted

	and Waste Movements Paragraph 6.3.3 and 6.3.4			
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.	It is considered that the Plan, with proposed changes, provides sufficient support for the development of such a facility and the specific allocation of a site is not justified. The issue raised has been acknowledged in proposed changes to the Plan's supporting text.
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.	Noted
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>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>	<p>It is considered that the Plan, with proposed changes, provides sufficient support for the development of such a facility and the specific allocation of a site is not justified.</p> <p>The issue raised has been acknowledged in proposed changes to the Plan's supporting text.</p>
ID44	6.3 Policy CSW 4: Strategy for Waste Management Capacity Net Self-sufficiency and Waste Movements Paragraph 6.3.6	Folkestone and Hythe District Council	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 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.	<p>It is considered that the Plan, with proposed changes, provides sufficient support for the development of such a facility and the specific allocation of a site is not justified.</p> <p>The issue raised has been acknowledged in proposed changes to the Plan's supporting text.</p>
LP54	6.3 Policy CSW 4: Strategy for Waste Management Capacity Net Self-sufficiency and Waste Movements	Greater London Authority (GLA)	Supports the strategy for managing waste in the Draft KMWLP and looks forward to further collaboration with Kent CC as the draft KMWLP evolves to ensure a co-ordinated approach to securing sustainable development and the management of growth in the wider metropolitan area. Whilst the Mayor is aiming to achieve net self-sufficiency by 2026, this does not remove the need for provision to manage London's waste outside London. It is not clear from the information provided as part of this consultation the extent to which Kent CC intends to reduce provision for	In light of the discussions which have taken place, clarification and minor changes are proposed.

			<p>waste from London, or if it intends to remove it entirely. In respect of Policy CSW 4 it is important to provide clarity on this.</p> <p>Discussions with Kent CC suggest that it is not Kent CC's intention to restrict flows of waste from London over the KMWLP plan period. If this is the case, Draft KMWLP Policies CSW4 and CSW7 should clearly acknowledge the continued two-way flow of waste between London and Kent over the KMWLP plan period. Without greater clarity on this point, the Mayor would object to Draft KMWLP Policies CSW4 and CSW7 at Regulation 19 consultation. The Mayor looks forward to further engagement with Kent CC as Draft KMWLP policies evolve.</p>	
ID47	6.4 Policy CSW 5: Strategic Site for Waste	Natural England	<p>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.</p>	This policy is now proposed for deletion. If an application were to come forward than the matters raised would be addressed as part of that application.
LP09	Further Proposed Changes CSW5	Tunbridge Wells Borough Council	<p>Agree - TWBC supports the management of waste in accordance with the implementation of the waste hierarchy (as set out in our comments to the previous KMWLP consultation) and notes that retaining the allocation for the extension of Norwood Quarry would no longer be consistent with the waste hierarchy and that there are alternative means of dealing with the disposal of hazardous flue ash. Therefore, no objection is raised to the deletion of Policy CSW5 on the basis that the provision of such alternative means is safe and of sufficient capacity to cover the whole of the Plan period.</p>	Noted
LP15	Further Proposed Changes CSW5	Hampshire County Council	<p>The consultation document proposes the deletion of Policy CSW 5, that allocates land for an extension to Norwood Quarry, Isle of Sheppey for subsequent filling with hazardous flue ash. This approach is considered in line with the waste hierarchy, whereby there is a shift away from landfill to other approaches in the hierarchy. Hampshire County Council would support this way of incentivising the move away from landfill.</p>	Noted
LP22	Further Proposed Changes CSW5	East Sussex County Council	<p>One of the key issues arising from this policy change is the potential for an unequal burden of hazardous waste management to be placed on ESCC. However, ESCC maintain a strong objective towards net self-sufficiency and currently implement a criteria-based policy approach to landfill provision in the county, furthermore the East Sussex, South Downs and Brighton & Hove (ESSDB&H) Waste and Minerals Local Plan does not include any allocations for new landfill sites. As such, it is unlikely that the policy change will have a negative impact on East Sussex and as such, no further commentary is provided at this stage.</p> <p>It is, however, recognised that given the problematic nature of data collection and changing definitions of hazardous waste, establishing an accurate forecast of the future need for hazardous waste management across the county is difficult. Therefore, the possibility of such a need in the future, as a result of the proposed policy change, should not be ruled out as a potential consideration.</p> <p>A Statement of Common Ground (SOCG) between members of the South East Waste Planning Advisory Group is currently in place which relates to regional waste self-sufficiency. In the event that the Kent Plan proposals would have any impact on agreements in the SOCG we assume that Kent County Council will initiate further discussions on this matter.</p>	<p>This proposed change does not rule out the possibility of developing hazardous waste landfill in Kent in the future. Any proposal would be addressed using the criteria-based policies within the Plan.</p> <p>The SEWPAG SOCG does not expect authorities in the south-east to be self-sufficient in the management of hazardous waste. In its response to the consultation SEWPAG expressly noted that it has no objection to the deletion of Policy CSW5 (see below).</p>
LP23	Further Proposed Changes CSW5	Axis on behalf of FCC Environment	<p>Disagree - strongly believe that the continued allocation at Norwood Landfill is wholly justified and necessary to maintain flexibility within the MWLP (the Plan) and for the Plan to be 'sound'.</p>	The deletion of Policy CSW5 is justified on the basis that its continued inclusion encourages a form of waste management, (landfill) that is not consistent with the objective of sustainable waste management and the waste hierarchy when alternatives are, and will become, available. Flexibility is maintained as deletion of CSW5 does not rule out the possibility of hazardous landfill being developed in Kent.

LP26	Further Proposed Changes CSW5	Surrey County Council	MWPA have no objection to the removal of the allocation of land for an extension to Norwood Quarry, Isle of Sheppey, for subsequent filling with hazardous flue ash. It is noted that there is no evidence of strategic waste movements of Air Pollution Control residues (APCr) from Surrey to Kent from the last three years, with reference to the Environment Agency Waste Data Interrogator (WDI).	Noted
LP27	Further Proposed Changes CSW5	South East Waste Planning Advisory Group	SEWPAG have no objection to the removal of the allocation of land for an extension to Norwood Quarry, Isle of Sheppey, for subsequent filling with hazardous flue ash. It is noted that within the last three years Norwood Quarry only received Air Pollution Control residues (APCr) waste arising from Kent. There is no evidence of strategic waste movements of APCr from elsewhere in the South East to this site, with reference to the Environment Agency Waste Data Interrogator (WDI).	Noted
LP29	Further Proposed Changes CSW5	Gravesham Borough Council	GBC notes that the original allocation at Norwood Farm was made to address the risk that alternative viable methods of processing Air Pollution Control Residue (APCr) would not be available over the plan period to treat the APC type residues produced by Allington EfW. It is also noted that the evidence shows that there will be sufficient landfill capacity in Kent to address hazardous waste produced by the Allington EfW over the whole plan period (capacity would run out by 2038) but that the growth in alternative methods for managing APCs both in Kent and elsewhere, should address this shortfall. GBC supports the use of alternative methods of processing this waste to avoid the use of landfill sites and given that any future shortfall in landfill provision for this type of hazardous waste can be addressed through a future planning application, albeit there may be a delay, supports the deletion of the Norwood Farm allocation.	Noted
LP52	Further Proposed Changes CSW5	Medway Council	Note that the proposed change has been made in light of more current information around the need for additional capacity to manage hazardous flue ash, and that information contained in the updated report on Hazardous Waste Management Requirements, found that this type of waste, previously managed through landfill at the Norwood Quarry site, is now largely being managed through means other than landfill. Medway Council also notes that removal of the policy does not necessarily prevent the development of additional landfill capacity should it be needed, but merely removes the presumption towards its provision. Medway Council also notes that provision for hazardous waste, such as APCr is a matter not limited by Plan area net self-sufficiency objectives, and therefore provision may be planned for in a manner that takes account of regional, or even national, provision. In that context, the most recent assessment of hazardous waste management requirements in Medway produced for Medway Council by BPP Consulting, indicates Medway is a net importer of hazardous waste and is thus making provision for 'larger than local' needs in that respect. Medway Council has a particular interest in the planning of provision of capacity for the management of air pollution control residues in that it has recently granted outline planning consent for a potential Energy from Waste plant at the Medway One development in Kingsnorth, which does not as yet have an identified outlet for its APCr should it be developed. However, the Medway Council is committed to supporting the waste hierarchy and therefore would expect any prospective operator to manage residues in accordance with the hierarchy with disposal to landfill being the least preferred option, even if such capacity is relatively local. Medway Council intends to include a policy reflecting this position in its revised Local Plan, which in turn would be reflected in any assessment of proposals for the management of APCr associated with the Medway One development.	Noted
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	Noted

			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.	A change to Policy DM2 (Environmental and Landscape Sites of International, National and Local Importance) is proposed to include mention of Marine Conservation Zones. Inclusion in Policy DM2 will ensure that this matter is addressed when determining proposals for both waste and minerals Development.
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.	The need for proposals to take amenity considerations into account is already addressed by clause 'g' and by Policy DM11 (Health and Amenity).
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.	Noted - The critical need for a facility will always be weighed against any potential constraints relating to the location of the proposal.
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.	Noted
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.	Noted
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.	Noted
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.	Noted
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.	Noted
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.	Noted. The Plan will support proposals for the development of facilities to manage separately collected food waste in appropriate locations.
ID47	6.8 Policy CSW 8: Other Recovery	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	The need to avoid impacts to designated sites is addressed by Policy DM2.

	Facilities for Non-hazardous Waste Policy CSW 8		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.	Noted
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.	Noted
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.	Other policies within the Plan e.g., Policy DM2 are specifically included to ensure proposals to ensure impacts on the environment are avoided or at least minimised.
ID24	6.10 Policy CSW 10: Development at Closed Landfill Sites	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 examination, hearings for which area imminent), and welcomes the changes made to Policy CSW10 in the KMWLP.	Noted
ID24	6.11 Policy CSW 11: Permanent Deposit of Inert Waste	Tunbridge Wells Borough Council	The proposed changes to this policy are welcomed.	Noted
ID28	6.11 11 Policy CSW 11: Permanent Deposit of Inert Waste	Invicta Planning (on behalf of Borough Green Sand Pits Ltd)	<p>The available inert waste to land capacity is stated as only sufficient for the Plan period to meet Kent's arisings 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>	The change to the policy has been misunderstood as it is not intended to, and does not, inhibit inert waste being imported into Kent for quarry restoration. The policy seeks to ensure that quarry restoration is a priority use of inert waste material.

			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'.	
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.	Noted
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.	Other policies within the Plan e.g., Policy DM2 are specifically included to ensure proposals to ensure impacts on the environment are avoided or at least minimised.
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.	Noted - Change to Policy CSW 13 proposed to address this comment and ensure the correct terminology in relation to 'Contaminated Land'. The Plan has also been proofed and a subsequent change proposed in relation to 'contaminated land' in paragraph 6.5.4.
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.	Noted - Policy CSW 14 includes a reference to enhance biodiversity and would be supplemented by DM Policies.
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.	Noted
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).	Supporting text sets out how a policy may be implemented and so text has been added to the supporting text rather than the policy.
ID24	6.16 Policy CSW 16: Safeguarding of Existing Waste Management Facilities	Tunbridge Wells Borough Council	TWBC supports the changes made to this policy.	Noted
ID33	6.16 Policy CSW 16: Safeguarding of Existing Waste Management Facilities	Otterpool Park LLP (Quod)	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.	The Plan does not absolutely safeguard sites in the manner suggested by this comment. Policy DM8 sets out circumstances when development can come forward on safeguarded sites. For example Policy DM8 allows development on safeguarded sites where: ' <i>the facility is not viable or capable of being made viable;</i> ' and ' <i>It has been demonstrated that the capacity of the facility to be lost is not required.</i> '

		<p>Paragraph 7.6.1 of the draft KMWLP states: <i>“It is essential to the delivery of this Plan’s minerals and waste strategy that existing facilities 114 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 KMWLP 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>A clear list of safeguarded sites sits alongside the AMR.</p>
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LP18	6.16 Policy CSW 16: Safeguarding of Existing Waste Management Facilities	Quod on behalf of Otterpool Park LLP	<p>For the plan to be found sound, draft Policy CSW 16 should be amended to reflect the need to safeguard waste management facilities that do provide waste capacity and not just theoretical capacity. We suggest it should be amended to state:</p> <p>“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”</p> <p>(or we would be content for it to say 10 years rather than 5 years if KCC considered that to be more appropriate).</p> <p>For the same reason, the definition in footnote 114 of draft Policy CSW 16 should be amended to state:</p> <p>“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”</p> <p>(or we would be content for it to say 10 years rather than 5 years if KCC considered that to be more appropriate).</p> <p>The Kent MWLP Annual Monitoring Report (AMR) should be updated to include a clear list of waste sites. 8. It is not appropriate to prevent non-waste uses on sites in perpetuity where waste facilities have been granted permission previously and reference should be made in Policy CSW 16 to Policy DM8 which provides criteria for when non-waste development could come forward.</p>	<p>No change to policy or explanatory footnote. Consented waste management capacity that has been lawfully implemented should be considered part of the County Council’s safeguarded waste management capacity. Policy DM 8 allows development to come forward if it meets the criteria of the policy to allow the presumption to safeguard to be set aside.</p>
ID29	16.8.2	Environment Agency	<p>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.</p>	<p>Changes to the supporting text are proposed which address these concerns.</p>
ID29	16.8.6	Environment Agency	<p>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.</p>	<p>Changes to the supporting text and to Policy CSW17 are proposed which address these concerns as appropriate.</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>The definitions of radioactive waste are accurate and are still in use. Text added to note change to legislation.</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. 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. 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	<p>6.18 Policy CSW 17: Waste Management at the Dungeness Nuclear Site</p> <p>Supporting text at para. 6.18.2, para. 6.18.4 and para. 6.18.6</p>	<p>Nuclear Decommissioning Authority (NDA) and Magnox Limited (Magnox)</p>	<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 <i>Facilities for the management (including storage, treatment or disposal)</i> storage and/or management of radioactive waste will be acceptable within the Dungeness Nuclear Licensed Sites where:</p> <ol style="list-style-type: none"> <i>1. this is consistent with the national strategy for managing radioactive waste and discharges; and</i> <i>2. the outcome of environmental assessments justify it being managed on site.</i> <p><i>On-Site Disposal of Waste</i></p> <p><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.</i></p> <p><i>The types of disposal of such wastes that would be acceptable are:</i></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) 	<p>Changes to Policy CSW 17 are proposed which are intended to address NDA/Magnox concerns as appropriate. These changes have been discussed with NDA/Magnox and differ from the original proposed text included in the original NDA/Magnox consultation response.</p>

			<p>exclude for example assessment of the impact on groundwater. It is requested that the last sentence is amended to read as follows:</p> <p>“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> <ul style="list-style-type: none"> • Paragraph 6.18.4 – the last sentence refers to “the NDA and Magnox Ltd do not anticipate any import of radioactive waste for disposal at Dungeness”. 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. • Paragraph 6.18.6 – This includes the following sentence. “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.” 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. Reference is also made to footnote 96 which is defined as: “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. It is considered that the above clarification is made in para. 6.18.6 of the policy’s supporting text. 	
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.	Noted
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.	Noted
ID29	6.18 Policy CSW 17: Waste Management at the Dungeness Nuclear Site	Environment Agency	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 also note the revised policy mentions VLLW and should be updated.	Changes to the supporting text and to Policy CSW17 are proposed which address these concerns as appropriate.
ID47	6.18 Policy CSW 17: Waste Management at the Dungeness Nuclear Site	Natural England	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	Changes to the supporting text and to Policy CSW 17 are proposed which address these concerns as appropriate. An updated Habitats Regulation Assessment (HRA) has been prepared which shows that the changes to the Policy

			<p>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>	would not lead to a change to the impacts on the designated Sites.
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.	Noted
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.	Noted. The use of the term Very Low Level Waste is appropriate - this term is still in use.
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.	Noted
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.	Noted
ID23	7.1 Policy DM 1:Sustainable Design	Tunbridge Wells Borough Council	The new additional wording relating to BNG and BREEAM standards is welcomed.	Noted
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.	A change is proposed to the supporting text of Policy DM1 to address this comment.
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.	A change is proposed to Policy DM1 to ensure the impact on soils is specifically addressed.
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.	This matter is addressed in clause by the change to clause 7. Continued reference to biodiversity in clause 6 would cause duplication and potential confusion/inconsistency within the Plan's policies.

ID41	7.1 Policy DM 1: Sustainable Design Policy DM1, point 8	Individual	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)	In certain circumstances the loss of Best and Most Versatile Agricultural Land will be outweighed by the need for the development. Such a change as proposed would not be consistent with national policy in the NPPF.
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>	Noted
ID31	7.2 Policy DM 2: Environmental and Landscape Sites of International, National and Local Importance and Policy DM 3: Ecological Impact Assessment	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 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.</p>	Wording of Policy DM2 has been amended to clarify that the requirement for 'maximum practicable' BNG will only apply to BNG that can be achieved 'on-site' (at the development site).
ID42	7.2 Policy DM 2: Environmental and Landscape Sites of International, National and Local Importance	Kent Downs AONB	Welcome the inclusion of requirement for enhancement as well as conservation in AONBs and the reference to AONB setting.	Noted

	and Policy DM 3: Ecological Impact Assessment Paragraph 7.2.1			
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.	Noted
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.	Noted
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.	Noted
ID27	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	Mineral Products Association	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 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.	The change to the policy does not require the achievement of at least 20%. The use of the term maximum practicable is intended to reflect the fact that in certain circumstance it may be possible for development to achieve much more than the statutory minimum 10%, however, in the case of quarry restoration in particular there is evidence that indicate well in excess of 10% and indeed greater than 20% BNG can be achieved. The Council's approach of not including a specific percentage is intended to avoid this being taken as a target which would result in less BNG being achieved than might otherwise occur. Note that the wording of Policy DM2 has been amended to clarify that the requirement for 'maximum practicable' BNG will only apply to BNG that can be achieved 'on-site' (i.e. at the development site).
ID16	7.2 Policy DM 2: Environmental and Landscape Sites of International, National	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.	Noted

	and Local Importance and Policy DM 3: Ecological Impact Assessment Policy DM 2			
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.	Noted - Policy DM 5 makes reference to Heritage Assets (including 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.	Noted - Policy DM5 makes reference to Heritage Assets (including historic parks and gardens).
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 2	Woodland Trust	<p>Welcome the strengthened wording to protect ancient woodland and trees in section 2 of this policy, in particular:</p> <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>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</i></p>	<p>Noted - Recognise support for policy changes. Other matters related to mitigation for habitat / ancient woodland loss would be considered at detailed planning application stage.</p> <p>Detailed matters related to habitat loss and any appropriate mitigation (including buffers) would be addressed at detailed planning application stage.</p> <p>Recognise role that buffers play in mitigation on a site by site basis and include sentence in para 7.2.4 (supporting text) to reflect this.</p>

			<p><i>outweigh any loss, justified by wholly exceptional reasons, and a suitable compensation strategy is in place.</i></p> <p>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.”</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>‘When determining planning applications, local planning authorities should apply the following principles:</p> <p>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>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 or 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>	<p>Noted - Reference is made to the avoid, mitigate, compensate hierarchy in paragraph 180 of the NPPF (Sept 2023).</p> <p>Amended to include reference to this hierarchy in Policy DM 2.</p> <p>Both Policy DM 2 and DM 3 would be applied equally.</p>
ID41	<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, first paragraph</p>	Individual	Delete 'unacceptable' as no adverse impact should be acceptable for these sites	Noted - Not all adverse impacts are necessarily unacceptable. Each proposal would be considered on its merits.
ID41	<p>7.2 Policy DM 2: Environmental and</p>	Individual	Please define what is acceptable/unacceptable adverse impacts	This is a matter specific to each application. Each application would be considered against all relevant

	Landscape Sites of International, National and Local Importance and Policy DM 3: Ecological Impact Assessment Policy DM 2, fourth paragraph of section 2			material considerations, of which potential adverse impacts is one.
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	Individual	Delete 'unacceptable' as no adverse impact is acceptable for these sites	Noted - Not all adverse impacts are necessarily unacceptable. Each proposal would be considered on its merits.
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.	Noted
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.	Further guidance will be provided once the Plan has been adopted.
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.	Further guidance will be provided once the Plan has been adopted.
ID29	7.2 Policy DM 2: Environmental and Landscape Sites of International, National and Local Importance	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 DM2 provides the protection of habitats sought by this comment.

	and Policy DM 3: Ecological Impact Assessment 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.	Noted
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.	Noted
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.	The change to the policy does not specifically include a target of 20% BNG but instead seeks the achievement of 'maximum practicable' BNG. The use of the term 'maximum practicable' is intended to reflect the fact that in certain circumstance it may be possible for development to achieve much more than the statutory 10%, however, in the case of quarry restoration in particular there is evidence that well in excess of 10% and indeed more than 20% BNG can be achieved. The Council's approach of not including a specific percentage is intended to avoid this being taken as a target which would result in less BNG being achieved than might otherwise occur. Note that the wording of Policy DM2 has been amended to clarify that the requirement for 'maximum practicable' BNG will only apply to BNG that can be achieved 'on-site' (i.e. at the development site).
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	Noted

			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, National and Local Importance and Policy DM 3: Ecological Impact Assessment Policy DM 3	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 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). 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.	The use of the term 'maximum practicable' is intended to reflect the fact that in certain circumstance it may be possible for development to achieve much more than the statutory 10%, however, in the case of quarry restoration in particular there is evidence that well in excess of 10% and indeed more than 20% BNG can be achieved on site. The Council's approach of not including a specific percentage is intended to avoid this being taken as a target which would result in less BNG being achieved than might otherwise occur. Guidance on the implementation of this policy will be prepared once the Plan has been adopted.
ID28	Policy DM 3: Ecological Impact Assessment	Invicta Planning (on behalf of Borough Green Ltd Sandpits and Sheerness Recycling Ltd)	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. 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. 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'	The change to the policy does not specifically include a % target above the statutory minimum 10% BNG but instead seeks the achievement of 'maximum practicable' BNG. The use of the term 'maximum practicable' is intended to reflect the fact that in certain circumstance it may be possible for development to achieve much more than the statutory 10%, however, in the case of quarry restoration in particular there is evidence that well in excess of 10%, and indeed more than 20% BNG can be achieved on site. The Council's approach of not including a specific percentage is intended to avoid this being taken as a target which would result in less BNG being achieved. Note that the wording of Policy DM2 has been amended to clarify that the requirement for 'maximum practicable' BNG will only apply to BNG that can be achieved 'on-site' (i.e. at the development site).
ID35	Policy DM 3: Ecological Impact Assessment Para. 7.2.4	Gallagher Aggregates Ltd (GAL)	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. 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.	The change to the policy does not specifically include a % target above the statutory minimum 10% BNG but instead seeks the achievement of 'maximum practicable' BNG. The use of the term 'maximum practicable' is intended to reflect the fact that in certain circumstances it may be possible for development to achieve much more than the statutory 10%, however, in the case of quarry restoration in particular there is evidence that well in excess of 10%, and indeed more than 20%, BNG can be achieved on site. The

			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. 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 BNG and clear as to the basis for any targets over and above the statutory requirements.	Council's approach of not including a specific percentage is intended to avoid this being taken as a target which would result in less BNG being achieved. Note that the wording of Policy DM2 has been amended to clarify that the requirement for 'maximum practicable' BNG will only apply to BNG that can be achieved 'on-site' (i.e. at the development site).
ID26	7.4 Policy DM 5: Heritage Assets and Policy DM 6: Historic Environment Assessment Paragraph 7.4.2	Historic England	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 text 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.	Noted - Change proposed to paragraph 7.4.2 to address this comment.
ID24	7.4 Policy DM 5: Heritage Assets and Policy DM 6: Historic Environment Assessment Policy DM 5	Tunbridge Wells Borough Council	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. 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: <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>	It is considered that the inclusion of ancient woodland in Policy DM 5 would not be appropriate considering the relation to heritage assets and consider this is most appropriately addressed in section 2 of Policy DM 2 which refers to National Sites and includes ancient woodland. Noted - Changes proposed to Policy DM 5 to address this comment and ensure consistency with the NPPF.
ID23	7.4 Policy DM 5: Heritage Assets and Policy DM 6: Historic Environment Assessment Policy DM 5	Tunbridge Wells Borough Council	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. 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: <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>	Noted - Changes proposed to Policy DM 5 to address these comments and ensure consistency with the NPPF.
ID31	7.4 Policy DM 5: Heritage Assets and Policy DM 6: Historic Environment Assessment Policy DM 5	Gravesham Borough Council	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. 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.	Noted - Changes proposed to Policy DM 5 to address these comments and ensure consistency with the NPPF.
ID41	7.4 Policy DM 5: Heritage Assets and Policy DM 6: Historic Environment Assessment	Individual	Remove the word 'unacceptable' as no adverse impact is acceptable for these heritage assets	Noted - Changes proposed to Policy DM 5 to address this comment and ensure consistency with the NPPF.

	Policy DM 5, last paragraph			
ID24	7.4 Policy DM 5: Heritage Assets and Policy DM 6: Historic Environment Assessment Policy DM 6, criterion 1	Tunbridge Wells Borough Council	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: Criterion 1 – ‘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.’	Noted - Changes proposed to Policy DM 6 to address these comments.
ID23	7.4 Policy DM 5: Heritage Assets and Policy DM 6: Historic Environment Assessment Policy DM 6, criterion 1	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: Criterion 1 – ‘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.’	Noted - Changes proposed to Policy DM 6 to address these comments.
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.	Noted. The County Council remains committed to having a NPPF compliant safeguarding approach in the policies of the Plan, such that the criteria for any argued exemption to the presumption to safeguard (as set out in Policy DM 7 and Policy DM 8) are robust.
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 DM 7 and DM 8. 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.	The Safeguarding Supplementary Planning Document is dated to March 2021. The Supplementary Planning Document or associated guidance will be maintained by the County Council and updated as required. Any policy wording should not contain links to other documents that may become no longer available due to legislative changes, or because of web browser changes unrelated to the Plan document.
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 DM 7 and DM 8. 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’.	Any policy wording should not contain links to other documents that may become no longer available due to legislative changes, or because of web browser changes unrelated to the Plan document.

ID49	7.5 Policy DM 7: Safeguarding Mineral Resources and 7.6 Policy DM 8: Safeguarding Minerals Management, Transportation, Production & Waste Management Facilities	Ashford Borough Council	<p>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.</p> <p>KCC's adopted SPD, states '<i>A list of allocations in District and Borough Local Plans that the County Council consider have adequately taken waste and mineral safeguarding into account at the plan making stage will be included and updated in the County Council's Annual Monitoring Report. Development which comes forward within these allocations will be exempt from safeguarding provisions</i>'.</p> <p>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 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.</p>	The 1st of April to 31st March Annual Monitoring Report (AMR) at Appendix 4: Safeguarding Considerations-Local Plan allocations in Kent, pages 57 to 76 sets out the Kent local plan allocations that are exempt from safeguarding constraints.
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.	Noted. Proposed change to supporting text to reflect the irreplaceability of rail depot sites and their safeguarding being imperative to maintaining future supply.
ID33	7.5 Policy DM 7: Safeguarding Mineral Resources	Otterpool Park LLP (Quod)	<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>	No policy change required. The ability to argue 'overriding' and 'exceptional' circumstances to meet the relevant exemption criterion (5) in Policy DM 7 exists, this can be applied to developments that are identified in Plans (that do not meet the requirements of exemption criterion 7) and to 'windfall' sites that have land-won safeguarding implications.
LP18	7.5 Policy DM 7: Safeguarding Mineral Resources	Quod on behalf of Otterpool Park LLP	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 of continuing to safeguard a site for mineral extraction which has not yet come forward – this should be stated as a specific example of exemption in the policy wording. Delivery of housing to meet the trajectory envisaged in the recently adopted FHDC Core Strategy Review (2022) should be taken into account. 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. In this instance, the more recent document is the FHDC Core Strategy Review (2022), which designates the site as a new garden settlement.	No policy change required. The ability to argue an exemption to the presumption to safeguard finite land-won mineral resources on the basis of an 'overriding need' for non-mineral development is set out in criterion 5. It also sets out that prior extraction of the threatened mineral resources should be explored before invoking the exemption. Therefore, there are sufficient safeguards for non-mineral development to have the case for an 'overriding need' that outweighs the safeguarding presumption, including such matters of practicality for any

			<p>We suggest that further additional 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>“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.”</p>	<p>prior mineral extraction, to be presented to the County Council as the mineral safeguarding authority.</p> <p>The relevant guidance is also included in the Safeguarding SPD. The SPD or associated guidance will be maintained by the County Council and updated as required. Moreover, the argument that more recently adopted local plans should, if they have allocations exist on safeguarded mineral bearing land, should take precedence is entirely counter to the principle of finite land-won mineral safeguarding. The policy has a criterion (7) that allows an exemption to be argued for a local plan allocated development provided that the allocation in that relevant local plan has been the subject of mineral safeguarding consideration via the local plan formulation and examination process. Therefore, to simply allow the adopted FHDC Core Strategy Review (2022) to circumvent that process retrospectively would undermine the KMWLP’s mineral safeguarding strategy and that of the NPPF that makes clear finite mineral resources are to be conserved (NPPF 2023, Part 17. Facilitating the sustainable use of minerals para. 209, page 59).</p>
ID33	7.6 Policy DM 8: Safeguarding Minerals Management, Transportation, Production & Waste Management Facilities	Otterpool Park LLP (Quod)	<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. 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>No policy change required. Safeguarding of lawfully implemented waste management capacity is required. If this did not occur the County Council’s safeguarding of facilities in the drive to maintain self-sufficiency over the projected plan period would be undermined and potentially be an unsound approach to plan preparation.</p> <p>Noted. The process of assessing whether there is overriding need that is sufficient to invoke an exemption from the presumption to safeguard is set out in Policy DM 8 for all applicants to address in their submissions to the determining planning authority.</p> <p>The policy wording reflects the principle of safeguarding and the circumstances of when an exemption from the presumption to safeguard that applies in the Plan area.</p> <p>The decision-making planning authority for non-waste development would be the local not Kent County Council; the local authority would assess, in consultation with Kent</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>. 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>County Council, if the requirements of criterion 6 have been met.</p> <p>The local planning authority will be able to apply the exemption tests and come to a decision regarding any ‘overriding need’ exists and is sufficient to invoke an exemption from the presumption to safeguard.</p> <p>It provides any applicant with the ability to demonstrate why the non-waste development being proposed is capable of being determined with an exemption from the presumption to safeguard. Criterion 6 allows for all arguments supporting an ‘overriding need’ to be taken into account by the determining local authority.</p> <p>No change to policy. The suggested text is too specific to a circumstance where such matters of being no longer required (criterion 7) that a lack of being fully developed may indicate.</p> <p>Noted</p> <p>No change to policy. The suggested text is too specific to a circumstance where such matters as a ‘overriding need’ that can outweigh the presumption to safeguard may apply, such as local plan allocation considerations that may be part of the local plan’s strategy. Such issues can be argued with current policy exemption justification wording.</p> <p>Noted</p>
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LP18	7.6 Policy DM 8: Safeguarding Minerals Management, Transportation, Production & Waste Management Facilities	Quod on behalf of Otterpool Park LLP	<p>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 of continuing to safeguard a site for waste provision which has not yet come forward within 5 years of consent being granted – this should be stated as a specific example of exemption in the policy wording.</p> <p>We suggest additional wording is inserted into Policy DM8 (following the list of seven criteria):</p> <p>“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.”</p> <p>We suggest additional wording is inserted into Policy DM8 (beneath the list of seven criteria) to reflect the importance of exceptional cases such as the Proposed Development:</p> <p>“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.”</p>	<p>No policy change required. Safeguarding of lawfully implemented waste management capacity is required. If this did not occur the County Council’s safeguarding of facilities in the drive to maintain self-sufficiency over the projected plan period would be undermined and vulnerable to legal challenge.</p>
ID19	7.6 Policy DM 8: Safeguarding Minerals Management, Transportation, Production & Waste Management Facilities	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 (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</p>	<p>Noted. Early engagement in the planning application process is important. Though the process is a voluntary matter, and therefore should not be part of a plan policy. It is more suitably expressed in any review or replacement of the Supplementary Planning Document (SPD) on land-won minerals and minerals and waste management facility safeguarding. The policy’s supporting text can be amended to make this clear.</p>

			<p>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 style="text-align: center;"><i>.....by occupants of the proposed development and that access to and from the facility would not be constrained by the development proposed. <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></i></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.	Noted. Change policy wording to "...conditions will be imposed and, if appropriate, legal agreements will be entered into to ensure...."
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.	Noted. Change policy wording to "...conditions will be imposed and, if appropriate, legal agreements will be entered into to ensure...."
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).	<p>It is considered that the inclusion of biodiversity net gain in Policy DM 10 would not be appropriate as it would replicate the role of Policies DM1, DM 2 and DM 3 which address this matter.</p> <p>The requirement for Flood Risk Assessments is set out in the supporting text for Policy DM10 in paragraph 7.8.3 and is it not considered appropriate for this to be included in the policy text.</p>
ID23	7.8 Policy DM10: Water Environment	Tunbridge Wells Borough Council	<p>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.</p> <p>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).</p> <p>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.</p>	<p>It is considered that the inclusion of biodiversity net gain in Policy DM 10 would not be appropriate as it would replicate the role of Policies DM1, DM 2 and DM 3 which address this matter.</p> <p>The requirement for Flood Risk Assessments is set out in the supporting text for Policy DM10 in paragraph 7.8.3 and is it not considered appropriate for this to be included in the policy text.</p>
ID03	7.8 Policy DM10: Water Environment Figure 21 Water Availability Status	Individual	The relationship between housing growth, ground water availability and sewage disposal 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.	Noted. The Kent Minerals and Waste Local Plan addresses what is required to maintain net self-sufficiently in waste management capacity in terms of targets, that is to ascend the defined waste hierarchy. Waste development, that is currently operational, is controlled by separate legislation (the Environment Act 2021). The Environment Agency (EA) controls such matters as permitting facilities to operate in accordance with a licensing requirement.

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.	Noted
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.	Noted - Change proposed to Policy DM 11 and addition of new 7.9.2 to address this comment.
ID11	7.9 Policy DM 11: Health and Amenity Policy DM 11, second paragraph	British Horse Society	PROW should also be included in these considerations.	It is not considered appropriate to add reference to Public Rights of Way in Policy DM 11 as this is already covered in Policy DM 14 Public Rights of Way.
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.	It is considered that the Policy cannot be too specific to ensure that it is applicable to all types of minerals and waste development.
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.	Noted
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).	Amended to include SSSIs sensitive to air quality in section 7.14.5. Critical load and critical level already referred to in 7.14.7 and amended text to emphasise need for these criteria in any air quality assessment.
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.	Noted
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.	Noted. Consideration of the impact of proposals on the PROW network is provided for in Policy DM 14. Consideration is also given in Policy DM 11 (Health and Amenity) and DM 13 (Transportation of Minerals and Waste). The impact on the local road network of any proposal would be considered at the planning application stage.
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.	Noted
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.	All PROWs are protected. Informal pathways and cycleways are not afforded the same level of protection. Consideration would be given to any public amenity impact on other 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.	Noted
ID11	7.12 Policy DM 14: Public Rights of Way Policy DM 14, point 1	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.	Noted. 'Stopping up' is potential measure that would be considered during the consideration of any planning application, alongside other material planning considerations.

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.	Noted - The Policy is considered justified on the basis that it provides advice for the required level of information to be submitted for mineral and waste development and will be assessed against the policies of 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.	Noted - The Policy is considered justified on the basis that it provides advice for the required level of information to be submitted for mineral and waste development and will be assessed against the policies of the Plan. A similar style of policy in the adopted Plan has previously been found sound by the Planning Inspectorate.
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.	Agree - Change proposed to Point 6 of Policy DM 17 to address this comment.
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).	Agree - Changes proposed to Points 6 and 9 of Policy DM 17 to address these comments.
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.	Noted
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 is suggested that the first part of the subsequent paragraph could be deleted to avoid repetition.	Agree - Changes proposed to paragraph 7.16.2 to address this comment.
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.	Noted - Changes proposed to paragraph 7.17.2 to address these comments.
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.	Noted. No change to the policy required. The policy is intended to address a wide range of material considerations in regard to site restoration and aftercare, including biodiversity enhancement, where appropriate ensuring connectivity with surrounding landscape and habitats. Singling out a particular species for individual consideration is not appropriate in the policy. This matter, as in making specific provision for a RSPB priority species (Turtle Dove), is more appropriately addressed in terms of individual planning applications where specific opportunities exist or can be potentially made to accommodate the needs of this or other priority species.

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.	No policy change required. Individual circumstances will indicate what length of restoration and aftercare management and monitoring will be required. A blanket 30-year requirement would not be applicable in every circumstance, as the policy wording currently allows for.
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.	No policy change required. Individual circumstances will indicate what length of restoration and aftercare management and monitoring will be required. A blanket 30-year requirement would not be applicable in every circumstance as the policy wording currently allows for.
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 fulfilled 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.	No policy change required. The policy is intended to address a wide range of material considerations in regard to site restoration and aftercare, including biodiversity enhancement, where appropriate ensuring connectivity with surrounding landscape and habitats. Therefore, this encompasses the potential for lake margin biodiverse habitat creation, if appropriate, if mineral extraction of the right type comes forward over the plan period. The matter would be more appropriately addresses in the context of individual planning applications.
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.	Noted
ID41	7.17 Policy DM 19: Restoration, Aftercare and After-use Policy DM 19, point 21	Individual	Change 'unacceptable' to 'detrimental'	No change to the policy required. The policy is intended to address restoration and aftercare matters, the use of the term 'unacceptable' relates to when the degree of any detrimental impacts become unacceptable.
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.	Noted
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.	No change to the policy required. The policy allows for voluntarily agreed longer periods "...through agreement between the applicant and minerals planning authority". As these have to be entered into voluntarily by both parties, they can be formal legal agreements, if that is deemed appropriate. The require formal binding legal agreements for longer than the statutorily required 5 years may not be appropriate, the policy retains greater flexibility currently worded.
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.	No change to the policy required. The policy allows for voluntarily agreed longer periods "...through agreement between the applicant and minerals planning authority". As these have to be entered into voluntarily by both parties,

				they can be formal legal agreements, if that is deemed appropriate. The require formal binding legal agreements for longer than the statutorily required 5 years may not be appropriate, the policy retains greater flexibility currently worded.
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.	No Policy change proposed. The County Council considers enforcement to be a critical element in minerals and waste planning, particularly given the scope for environmental damage that unauthorised waste and mineral development can result in. Therefore, having the weight of policy to undertake any required enforcement action strengthens the authority's ability to safeguard the environment.
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.	No Policy change proposed. The County Council considers enforcement to be a critical element in minerals and waste planning, particularly given the scope for environmental damage that unauthorised waste and mineral development can result in. Therefore, having the weight of policy to undertake any required enforcement action strengthens the authorities ability to safeguard the environment.
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.	Noted
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.	Noted
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.	Noted - Change made to Dartford MSA map to address this comment. It is considered that a separate MSA map for EDC is more appropriate due to being a separate planning authority.
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. 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.	Noted - Dover District Council has been contacted for the latest urban boundary shapefile data.
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.	The GIS data for the safeguarded minerals is provided under license to the County Council by the British Geological Survey (BGS). The County Council would be grateful for shapefiles of the urban boundaries from

				Gravesham BC that show any change to be able to incorporate these into the MSA maps.
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.	There has been no change to the minerals that are safeguarded within the Tonbridge and Malling Borough, the final MPA maps can be found in the Regulation 19 Pre-Submission Draft of the Plan.
Sustainability Appraisal				
ID31	Sustainability Appraisal Scoping Report	Gravesham Borough Council	GBC do not wish to make any additional changes to the Sustainability Appraisal Scoping Report	Noted
ID49	Sustainability Appraisal Scoping Report	Ashford Borough Council	No comment.	Noted
ID23	Sustainability Appraisal Scoping Report Section 3.3	Tunbridge Wells Borough Council	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: 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.	The Kent Biodiversity Strategy is included in Appendix A of the Scoping Report. The other two strategy documents have been reviewed and taken into account in defining the policy context.
ID16	Sustainability Appraisal Scoping Report Appendix C	Tonbridge and Malling Borough Council	Consideration of “Do nothing options” for policies as proposed. 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.	Text has been added to the table in Appendix C to clarify the rationale for deleting the policy and explaining why a ‘do nothing’ option is not reasonable.
LP09	Draft Sustainability Appraisal Report - Reg 18 Consultation - May 2023	Tunbridge Wells Borough Council	Welcomes that most of the changes suggested by TWBC in the previous KWMLP consultations have now been addressed in both the Sustainability Appraisal and the non-technical summary. TWBC has no further comments to make in respect of these documents.	Noted
LP29	Draft Sustainability Appraisal Report - Reg 18 Consultation - May 2023	Gravesham Borough Council	The accompanying May 2023 draft sustainability appraisal report on page 86 advises for CSM 2 for transport “By ensuring sufficient minerals are available for extraction, the policy will support provision to meet expected market needs and so avoid the need for transport of mineral from further afield” and then gives a positive score for the SA objective of transport for CSM 2. This does not feel consistent with the proposed increased reliance on importation of sharp sand and gravel over the plan period.	The assessment has been amended to distinguish the case of sharp sand and gravel, for which it is expected that imports of land-won and marine aggregates will increasingly replace sharp sand and gravel from Kent.
Kent Waste Needs Assessments				
ID44	Kent Waste Needs Assessments 2022	Folkstone and Hythe District Council	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. 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. 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.	Noted The capacity as this site is included as the planning consent has been lawfully implemented. To not do so would make the Plan vulnerable to being found unsound given that this capacity could fully be built out, to conclude

			<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. 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>	<p>that it cannot be included at this juncture would be speculative. Therefore, if this position were to be taken the Plan's underlying evidence base could be challenged as being based on a speculative assumption. This would not be a robust evidential approach to plan formulation.</p> <p>The waste permission has been lawfully implemented. Therefore, Policy DM 8 and any argued exemption based on the policies exemption criteria will have to be considered as part of any planning proposal submitted to the determining planning authority, this being Folkestone and Hythe District Council.</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. 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>	<p>Thank you for this information which will be used in the next LAA and in any update to the Waste Needs Assessment. Future surveys will include this facility.</p>
LP09	Kent Waste Needs Assessment 2022 Update - Hazardous Waste Management Requirements in Kent to 2039 - May 2023	Tunbridge Wells Borough Council	<p>TWBC notes the requirement for on-going engagement under the Duty to Cooperate to establish that the current patterns of hazardous waste management can continue for the Plan period i.e., there will be adequate capacity going forward to manage hazardous waste which is produced within Kent but then transferred and managed outside of Kent and agrees with this suggested approach. TWBC also notes the overall conclusion of the report is that Policy CSW12 of the updated KMWLP makes adequate provision for the management of hazardous waste throughout the Plan period, and generally agrees with this approach.</p>	<p>Noted</p>
LP29	Kent Waste Needs Assessment 2022 Update - Hazardous Waste Management Requirements in Kent to 2039 - May 2023	Gravesham Borough Council	<p>No comments.</p>	<p>Noted</p>
LP38	Kent Waste Needs Assessment 2022 Update - Hazardous Waste Management	Online comment - individual	<p>Concerned about any increase in use of land to process hazardous materials.</p>	<p>The Plan does not include any specific proposals to increase the use of land for the processing of hazardous materials and a change is proposed that would result in the allocation of land for an extension to an existing hazardous</p>

	Requirements in Kent to 2039 - May 2023			landfill site on the Isle of Sheppey (Norwood Quarry) (Policy CSW5).
LP41	Kent Waste Needs Assessment 2022 Update - Hazardous Waste Management Requirements in Kent to 2039 - May 2023	Online comment - individual	Needs to be done sooner than later.	Comment is not clear on what change is required to the Plan.
			Other	
ID29	Glossary	Environment Agency	Biodiversity Net Gain is not defined in the glossary.	A definition is proposed in the Reg 19 version of the Plan.
ID13	Biodiversity Net Gain	Ebbsfleet Development Corporation	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 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.	A consistent approach has been taken within the Plan and this is set out in Policy DM 2 and explained in the supporting text. Guidance on BNG is currently awaited from Government and will inform our local guidance.
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.	Noted - Changes have been made to ensure protection of biodiversity in response to comments made by Natural England.
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	Noted
ID49	Habitat Regulations Assessment and Strategic Flood Risk Assessment	Ashford Borough Council	No comment.	Noted
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.	Noted - The SFRA Position Statement has been updated.
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.	Noted
ID23	Strategic Flood Risk Assessment Position	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	Noted

	Statement (October 2022)		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.	Noted
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.	Noted
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	Noted
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.	Changes to the supporting text and to Policy CSW 17 are proposed which address these concerns as appropriate. An updated Habitats Regulation Assessment (HRA) has been prepared which shows that the changes to the Policy would not lead to a change to the impacts on the designated Sites.
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.	Noted
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.	Noted - Final formatting and proof reading of the has been undertaken in preparation of the Regulation 19 Pre-Submission Draft Plan and a clean copy has been produced alongside the tracked changes version.

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 sates:</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</i></p>	<p>Noted. The safeguarding of all wharves is an ongoing matter that the Plan aims to achieve in accordance with the NPPF.</p> <p>Noted</p> <p>Noted</p> <p>Noted. Importation will become increasingly important in terms of maintaining overall supply of aggregates in the Plan area. Therefore, wharf safeguarding will continue to be provided for in the policies of Plan, it is proposed.</p>
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			<i>supply of this aggregate will increasingly be via imports, of which, while wharfage remains the dominant importation mode.”</i>	
			Miscellaneous	
ID01	All	Barking and Dagenham Council	No comments to make at this time but ask to be kept informed going forward.	Noted
ID06	All	Transport for London	Confirm no comments to make in response to consultation.	Noted
ID07	All	Southern Water	Confirm no comments to make at this stage and request to be kept informed of progress.	Noted
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.	Noted
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>	<p>Noted</p> <p>Policy DM 19: Restoration, Aftercare and After-use addresses restoration of sites. Securing guarantees to ensure that sites are restored is addresses by criterion 25 of the policy, that is subject to modification as part of the Plan’s review states:</p> <p><i>“the potential for financial guarantees such as bonds in exceptional circumstances where their use can be justified to secure restoration objective.”.</i></p> <p>This will be in accordance with how such matters are addressed as set of in the NPPF and PPG guidance.</p> <p>The County Council and the other local authorities (Tonbridge and Malling Borough Council and Tunbridge Wells Borough Council) are all plan making authorities who consult one another on their respective local plans to ensure that there is no direct conflict. Though it should be understood that the non-mineral/waste management visions and strategies to deliver sustainable development of these non-County Council local plans will be a matter for these authorities to assess and formulate in each of their respective areas.</p>
	All	Individual	Suggests putting ‘County’ in brackets after ‘Local Plan’ to avoid confusion with Borough and District ‘Local’ Plans.	Kent County Council is the Minerals and Waste Planning Authority for Kent and therefore has a statutory responsibility to plan for sustainable waste management capacity and mineral supply within the County. This is done through the production of the Kent Minerals and Waste Local Plan, which forms part of the development plan alongside district and borough local plans, neighbourhood plans and national planning policy. The production of minerals and waste plans fall to the minerals and waste planning authority, which in this instance is Kent.

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. 	Noted
ID10	All	Hawkinge Town Council	No comments to make on consultation.	Noted
ID14	All	Surrey County Council	No comments to make on consultation.	Noted
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>	Noted
ID11	All	British Horse Society	We would be very willing to work with any applicants to ensure that equestrians are fairly considered and included within any planning applications.	Noted

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>	<p>Noted</p> <p>Noted</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>	<p>Noted</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> 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>Noted</p> <p>Noted</p> <p>Duty to cooperate obligations require the authorities to identify matters that require further discussion. This is ongoing regarding the Otterpool Park proposals at this time.</p> <p>Noted. The site is not allocated in the KMWLP as it is regarded as part of the area's safeguarded waste management capacity. The LPA Core Strategy can be, in regard to this element, assessed against the exemption criteria available in Policy DM 8. If any of the criteria can be met, then the use of this land for non-waste development</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 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.</p> <p><u>Preparation of the KMWLP</u> 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).</p> <p>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.</p> <p>Para. 6.3.6 of the draft KMWLP states <i>“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”</i> KCC should make clear what is needed to undertake to allocate a site(s) to provide the facilities.</p> <p>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.</p> <p>If KCC as WPA wish to <i>“ensure sufficient capacity exists to maintain a county-wide network for the sustainable management of Kent’s waste”</i> (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.</p> <p>The NPPG states that <i>“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”</i> (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 <i>“vision and aspiration of local</i></p>	<p>may be permitted without conflict with the KMWLP’s presumption to safeguard this capacity (see Policy CSM: Safeguarding of Existing Waste Management Facilities)</p> <p>.</p> <p>Noted</p> <p>Noted</p> <p>Allocation of sites in a Plan are required when net self-sufficiency is no longer possible to be maintained. This is not the case in Kent at this time. Continued monitoring of waste arisings, capacity will inform the Plan process accordingly. There is no current requirement to identify additional sites via a ‘Call for Sites’ exercise. As stated above, the Otterpool Park development has the opportunity to test the presumption to safeguard via application of exemption criteria in Policy DM 8 of the KMWLP.</p> <p>The waste facility has been the subject of legal consideration as regards its lawful implementation. The permission for materials recycling and an anaerobic digestion plant are considered part of the safeguarded waste management capacity for the area. There is no current need to conduct a ‘Call for Sites’ exercise given that the extant net self-sufficiency that exists in the Plan area.</p>
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ID36	All	Ightham Parish Council	Ightham Parish Council has no objections to the changes proposed. We are pleased to note the move towards recycling of minerals rather than fresh extractions.	Noted
ID38	All	Sevenoaks Climate Action Network: Waste Management Subgroup	<p>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.</p> <p>Finally, we support the proposed plan for more packaging producer's responsibility with regards to reducing nonrecyclable packages.</p>	The objectives and policies of the Plan are considered ambitious and consistent with the Government's targets for the achievement of net zero.
LP01	Further Proposed Changes	UK Health Security Agency	No comments.	Noted
LP02	Further Proposed Changes	National Gas Transmission	No comments.	Noted
LP03	Further Proposed Changes	Transport for London	No comments.	Noted
LP05	Further Proposed Changes	Dover District Council	No comments.	Noted
LP06	Further Proposed Changes	Southern Water	No comments.	Noted
LP07	Further Proposed Changes	Environment Agency	No further comments to make and refer to letter dated 2 nd December in response to previous Regulation 18 consultation which are required to be addressed to be able to find the plan sound.	Noted
LP08	Further Proposed Changes	Canterbury City Council	No objection to proposed changes.	Noted

LP09	Further Proposed Changes	Tunbridge Wells Borough Council	Welcomes that TWBCs comments from the previous consultation are included in the Consultation Summary Document October to December 2022. However, no response is provided in the summary table to establish whether these comments have or will be addressed and/or incorporated into the next version of the KMWLP and no updated full KMWLP itself has been provided as part of the current consultation to review this. It is appreciated that you may still be working on this and TWBC would like the opportunity to comment on any revisions made in the future.	Noted. This table has now been produced which summaries the representations received to the Regulation 18 public consultation from October to December 2022, as well as the Regulation 18 public consultation on the further proposed changes from June to July 2023, and provides a response on how these have been addressed.
LP10	Further Proposed Changes	City Corporation	No comments.	Noted
LP11	Further Proposed Changes	New Romney Town Council	No comments.	Noted
LP12	Further Proposed Changes	Tonbridge and Malling Borough Council	Acknowledge further proposed changes to policies CSM2, CSW5, paragraph 6.3.3 and extension of plan period to 2039 and have no concerns.	Noted
LP13	Further Proposed Changes	National Highways	No objection. Proposed additional changes do not impact on safety, reliability and/or operational efficiency of the Strategic Road Network.	Noted
LP14	Further Proposed Changes	Coal Authority	No comments.	Noted
LP16	Further Proposed Changes	Historic England	No comments.	Noted
LP17	Further Proposed Changes	West Sussex County Council	No comments.	Noted
LP18	Further Proposed Changes	Quod on behalf of Otterpool Park LLP	<p>Otterpool Park LLP are seeking to bring forward development on the site identified as 'Otterpool Park' where the development of a new garden settlement is supported as per Policy SS6 of the Folkestone & Hythe District Council (FHDC) Core Strategy Review, adopted in 2022. On 4 April 2023, FHDC resolved to grant outline planning consent for a residential led mixed use development of up to 8,500 homes, along with retail, commercial, education, health, community uses and associated infrastructure at Otterpool Park (ref: Y/19/0257/FH).</p> <p>Kent's Strategic Delivery Plan (2020-2023, page 9) states that "Kent County Council (KCC) will work collaboratively with the relevant district Council as the local planning authority, landowners, and Homes England, as the Government's 'housing accelerator' in order to positively influence the delivery" of Otterpool Park. These representations are prepared with the delivery of Otterpool Park in mind.</p> <p>More recently, Kent County outlined their support for the principle of the delivery of a garden settlement at Otterpool Park within their consultation response issued on 17th March 2023. The County Council confirmed that:</p> <p>"The County Council has provided support for the positively planned delivery of a new garden settlement at Otterpool Park supported by the timely provision of infrastructure in a truly green setting"</p> <p>The amendments proposed within Kent County Council's current consultation are relatively limited in nature, but the most significant of which relates to the proposal to delete draft 'Policy CSW 5 – Strategic Site for Waste', which allocates land at Norwood Quarry Landfill site, Isle of Sheppey. Development of the land was envisaged to extend the life of an existing landfill site, which is now expected to be exhausted by 2028.</p>	<p>The County Council supports sustainable development and sees no contradiction between this and the need to maintain minerals and waste safeguarding in the production of its statutory responsibilities as a minerals and waste local plan authority.</p> <p>Duty to cooperate (DtC) obligations are such that the County Council has engaged with Folkestone & Hythe District Council (FHDC) with regard to the need to consider all material waste management capacity and land-won mineral safeguarding in relation to the residential led mixed use development of up to 8,500 homes, along with retail, commercial, education, health, community uses and associated infrastructure at Otterpool Park.</p>

			<p>Representations Quod, on behalf of Otterpool Park LLP, have previously submitted representations to the KMWLP consultations. It is requested the following amendments are made: Preparation of the local plan:</p> <ol style="list-style-type: none"> 1. The KMWLP should be updated to make clear how KCC intends to achieve the waste targets set out in Policy CSW 4 i.e. through which sites will waste facilities be located on. 2. As outlined above, the latest proposed update to the draft Kent Minerals and Waste Local Plan 2023-38 proposes to remove the site allocation for the proposed extension areas for Norwood Quarry and Landfill Site (Policy CSW5). Whilst, in principle, Quod does not object to this amendment, it is important that the Plan should seek to meet demand for waste in a planned and sustainable manner. 3. KCC should be clear what waste transfer facilities are required, taking into account already delivered facilities within the county. KCC should then undertake a call for sites consultation, an assessment of the most suitable sites and carry out the process of allocating sites through the local plan to provide the necessary waste transfer facilities. A waste transfer facility would not be best placed in the location of the Permitted Waste Facility at Otterpool Park (application reference SH/08/124). 4. KCC should not rely on waste facilities providing capacity if they have not been delivered within five years of being granted consent and KCC should consider bringing forward alternative or additional allocations if it considers that is necessary (for example, given the doubts about the prospects of the Permitted Waste Facility (SH/08/124) coming forward, KCC should not be relying on it to provide capacity for the authority going forward). <p>Conclusion</p> <p>Emerging planning policy should not prejudice the ability for FHDC and KCC's strategic objectives from being met and the Proposed Development at Otterpool Park from being properly delivered, which would in turn deliver a significant number of benefits. The first priority in KCC's Strategic Delivery Plan (2020-2023) is for Kent to be an ambitious and successful county, with high quality jobs, skilled workers, enterprising businesses and thriving urban and rural areas. To achieve this the Plan states on page 9 that KCC will work collaboratively with the relevant district councils and landowners in order to positively influence the delivery of the garden communities across Kent – including Otterpool Park. The emerging KMWLP should be revised so that this priority can be achieved.</p>	<p>The County Council has considered the previous representation and has the following general comments to the points 1. to 4. Below:</p> <ol style="list-style-type: none"> 1. The County Council has assessed current and future waste arisings against current consented management capacity available, this demonstrates that the projected plan period will maintain net self-sufficiency. It would be inappropriate to now allocate additional sites in a Waste Local Plan. 2. The intention to remove the extension to Norwood Quarry from the Plan is to reduce reliance on waste disposal management at the bottom of the defined waste hierarchy. Other technologies to use residues from thermal waste treatment for defined purposes are becoming available. Thus, the need to maintain a strategic waste site for the disposal of such residues would conflict with the Plan's strategy to increase the sustainability of waste management in Kent into the future. 3. Net self-sufficiency can be maintained over the anticipated Plan period to 2039. Therefore, further site allocations in a Waste Local Plan would not be supported by any evidential need case to do so. 4. Consented waste management capacity that has been lawfully implemented should be considered part of the County Council's waste management capacity. Otherwise, the interpretation of what that waste treatment capacity is could be subject to legal challenge. <p>The DtC process, that KCC and FHDC have been engaged in, will enable all material planning matters that support sustainable development in Kent to occur. The KMWLP review document is for the whole of Kent and should not be designed to address what may be thought of as local imperatives that should be the preserve of the respective borough and district local plan formulation, consultation and examination process, which the County Council is also engaged with as a statutory consultee.</p>
LP19	Further Proposed Changes	Ashford Borough Council	Refer to Ashford Borough Council's letter and accompanying Appendix A of 19 th December 2022 to the previous Regulation 18 consultation which remain unchanged.	Noted
LP20	Further Proposed Changes	Marine Management Organisation	<p>Suggested policies from the South East Inshore Marine Plans that we feel are most relevant to your Minerals and Waste Local Plan are: SE-INF-1, SE-INF-2, SE-DD-1, SE-DD-2, SE-DD-3, SE-PS-1, SE-PS-4, SE-HER-1, SE-EMP-1, SE-CC-1, SE-CC-2 and SE-CC-3.</p> <p>Recommend you mention the South East Marine Plan. The East Inshore and East Offshore Marine Plans were adopted in 2014, and the South Inshore and Offshore Marine Plan was adopted in 2018, which cover the adjacent areas. Please ensure correct reference to the South East, South, and East marine plan areas where included.</p> <p>The MMO delivered Marine Plan Implementation Training sessions in November/December 2022. This provided an introduction to marine planning, and I would suggest re-visiting the material in our recorded webinar which supported the Consultation of the South East Marine Plan.</p>	Noted. No change to the Plan proposed. Paragraph 1.3.9 already makes reference to the relevant Marine Plans. The MMO's suggested policies are considered to be already appropriately interpreted in the KMWLP's safeguarding policies that are designed to maintain the viability of marine importation facilities. Other matters relating to offshore development, such as dredging activity, cannot be part of the KMWLP as they fall outside of the administrative authority of KCC, and therefore are matters entirely related to the marine offshore plans. Matters relating to climate

			These are recommendations and we suggest that your own interpretation of the South East Marine Plan is completed. We would also recommend you consult the following references for further information: South East Marine Plan and Explore Marine Plans.	change and biodiversity, commercial dock developments etc in Kent are matters that would be reflected in the KMWLP and other relevant Kent Local Plans.
LP28	Further Proposed Changes	Natural England	No comments.	Noted
LP31	Further Proposed Changes	Gloucester County Council	No comments.	Noted
LP33	Further Proposed Changes	Ebbsfleet Development Corporation	No comments on further proposed changes and refer to Ebbsfleet Development Corporation letters dated February 2022 and November 2022 in response to the previous Regulation 18 consultations of which the comments still stand.	Noted
LP34	Further Proposed Changes	Thanet District Council	No comments.	Noted
LP35	Further Proposed Changes	Swale Borough Council	No comments.	Noted
LP37	Further Proposed Changes	Online comment - individual	Agree with proposed changes.	Noted
LP38	Further Proposed Changes	Online comment - individual	It would be useful to see further strategies being highlighted by the council to reduce impact on the environment through extraction of minerals and deposition of waste.	Noted
LP39	Further Proposed Changes	Online comment - individual	Agree with proposed changes.	Noted
LP42	Further Proposed Changes	Online comment - individual	Stop destroying the area where many people and particularly wildlife live. It seems yet again that greed has overcome husbandry of our unique natural resources, which will also severely impact and disrupt the lives and businesses of local people.	Noted. The County Council is required to plan for minerals supply in accordance with statutory requirements.
LP43	Further Proposed Changes	Online comment - individual	I am very worried your plans to close sites and reduce opening hours will result in an increase in fly tipping. People already have to book slots to attend the HWRC and this can already put some people off attending legitimate waste locations / services. Also any reduction in hours is likely to impact working people who need to have non traditional hours / days to access the facilities - consider the 9 to 5, 6 days a week employee.	Noted
LP44	Further Proposed Changes	Online comment - individual	Agree with proposed changes.	Noted
LP45	Further Proposed Changes	Plaxtol Parish Council	Agree with proposed changes.	Noted
LP47	Further Proposed Changes	Swanscombe and Greenhithe Town Council	Agree with proposed changes.	Noted
LP48	Further Proposed Changes	Port of London	Agree with proposed changes. For information the Port of London Authority (PLA) in principle supports the ongoing safeguarding of the regions safeguarded wharves and terminals located across the Tidal Thames.	Noted
LP49	Further Proposed Changes	Hunton Parish Council	Agree with proposed changes.	Noted
LP53	Further Proposed Changes	Essex County Council	No comments at this time and request that the Essex Minerals and Waste Planning Authority be kept informed and up to date with all future rounds of Duty to Cooperate and consultation.	Noted