



# Planning Inspectorate

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## Report to Kent County Council

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Inspector appointed by the Secretary of State

06 February 2025

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Planning and Compulsory Purchase Act 2004 (as amended)

Section 20

## Report on the Examination of the Kent Minerals & Waste Local Plan 2024 - 2039

The Plan was submitted for examination on 17 May 2024

The examination hearing was held between 10-12 September and 17 September  
2024

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## Abbreviations used in this report

AM	Additional Modification
AMR	Annual Monitoring Report
AONB	Area of Outstanding Natural Beauty (National Landscapes)
BNG	Biodiversity Net Gain
C, D & E	Construction, Demolition and Excavation
C & I	Commercial and Industrial
EA	Environment Agency
ha	Hectare
HE	Historic England
HLW	High Level Waste
HRA	Habitats Regulations Assessment
ILW	Intermediate Level Waste
LAA	Local Aggregate Assessment
LACW	Local Authority Collected Waste
LDS	Local Development Scheme
LLW	Low Level Waste
MM	Main Modification
MCA	Minerals Consultation Area
MNA	Minerals Need Assessment
MSA	Minerals Safeguarding Area
MSP	Mineral Sites Plan
Mt	Million tonnes
Mtpa	Million tonnes per annum
NDA	Nuclear Decommissioning Authority
NE	Natural England
NH	National Highways
NPPF	National Planning Policy Framework
PLA	Port of London Authority
PPG	Planning Practice Guidance
SA	Sustainability Appraisal
SAC	Special Area of Conservation
SCI	Statement of Community Involvement
SEEAWP	South East England Aggregates Working Party
SEWPAG	South East Waste Planning Advisory Group
SoCG	Statement of Common Ground
SPA	Special Protection Area
SPD	Supplementary Planning Document
SPZ	Source Protection Zone
tpa	tonnes per annum
UKRWI	United Kingdom Radioactive Waste and Material Inventory

## Non-Technical Summary

This report concludes that the Kent Minerals and Waste Local Plan 2024 – 2039 (the Plan) provides an appropriate basis for the planning of minerals and waste development in Kent, provided that a number of main modifications [MMs] are made to it. The Council has specifically requested that I recommend any MMs necessary to enable the Plan to be adopted.

Following the hearing, the Council prepared schedules of the proposed modifications and, where necessary, carried out sustainability appraisal (SA) and habitats regulations assessment (HRA) of them. The MMs were subject to public consultation over a six-week period, between 17 October – 28 November 2024. I have recommended their inclusion in the Plan after considering the SA and HRA and all the representations made in response to consultation on them.

The Main Modifications can be summarised as follows:

- Amendments to ensure the correct terminology is used to ensure that the wording of the Plan is effective and/or consistent with national policy.'
- Amendments to the strategic objectives.
- Ensuring that the 3 year sales average was included to assess local demand.
- Additional text to the land won aggregate supply considerations to reference relevant policy.
- Ensuring that soft sand site allocations would be examined in an updated Mineral Sites Plan.
- Amendments to remove reference to Mineral Consultation areas in supporting text and policy.
- Additional text to clarify the safeguarding of building stone in the supporting text.
- Update to footnotes to reference relevant documents.
- Amendments to supporting text in relation to the waste hierarchy.
- Amendments to supporting text and Policies: CSW 3; CSW 4; CSW 6; CSW 15; DM 2; DM 3; DM 4; DM 7; DM 10; DM 13; DM 14; DM 17; DM19; DM 20; and DM 22 to ensure that they are effective and/or consistent with national policy.'
- Clarification of the disposal of dredgings including a new footnote and reference to the Vision for the Tidal Thames 2022.
- Amendments to supporting text in relation to waste management at the Dungeness Nuclear Licensed Sites.
- A number of other modifications to ensure that the plan is positively prepared, justified, effective and consistent with national policy.

## Introduction

1. This report contains my assessment of the Kent Minerals and Waste Local Plan 2024 - 39 (the Plan) in terms of Section 20(5) of the Planning and Compulsory Purchase Act 2004 (as amended). It considers first whether the preparation of the Plan has complied with the duty to co-operate. It then considers whether it is compliant with the legal requirements and whether it is sound. The Plan was examined against the National Planning Policy Framework 2023 version (NPPF) which was extant at the time the Plan was prepared. Paragraph 35 of the NPPF, makes it clear that in order to be sound, a Local Plan should be positively prepared, justified, effective and consistent with national policy.
2. The starting point for the examination is the assumption that the Council has submitted what it considers to be a sound and legally compliant plan. The Kent Minerals and Waste Plan, submitted in May 2024 (SD01) is the basis for my examination. It is the same document as was published for consultation in January 2024.

## Main Modifications

3. In accordance with section 20(7C) of the 2004 Act the Council requested that I should recommend any main modifications [MMs] necessary to rectify matters that make the Plan unsound or not legally compliant and thus incapable of being adopted. My report explains why the recommended MMs are necessary. The MMs are referenced in bold in the report in the form **MM1**, **MM2** etc, and are set out in full in the Appendix.
4. Following the examination hearing, the Council prepared a schedule of proposed MMs and, where necessary, carried out SA and HRA of them. The MM schedule, SA and HRA were subject to public consultation for six weeks from 17 October – 28 November 2024. I have taken account of the consultation responses in coming to my conclusions in this report. I have made some amendments to the MMs. None of the amendments significantly alters the content of the modifications as published for consultation or undermines the participatory processes and SA/HRA that has been undertaken. Where necessary I have highlighted these amendments in the report.

## Policies Map

5. The Council must maintain an adopted Policies Map which illustrates geographically the application of the policies in the adopted development plan. When submitting a local plan for examination, the Council is required to provide a submission Policies Map showing the changes to the adopted Policies Map that would result from the proposals in the submitted Local Plan. In this case, the submission policies map comprises the plans contained in Chapter 9 of the Pre-Submission draft of the Kent Minerals and Waste Local Plan 2024 - 39 (November 2023) (document reference SD01).

6. The Policies Map is not defined in statute as a development plan document and so I do not have the power to recommend MMs to it. However, no changes are proposed to be made to the Policies Map.

## **Context of the Plan**

7. As the Plan itself explains, it deals only with the two matters of mineral supply and waste management for the entire administrative area of Kent County Council for the period to 2039. The specific sites for mineral developments are set out in the separate Kent Mineral Sites Plan, adopted in September 2020.
8. The Plan will form part of the development plan together with the Kent Mineral Sites Plan (MSP) and the 12 district and borough Local Plans and any Neighbourhood Plans. It supersedes policies in the Kent Minerals and Waste Local Plan 2013-30, as amended by the Early Partial Review in 2020.
9. Kent is a large, predominately rural county situated in the southeastern corner of the southeast region. Kent has an historic cathedral city, namely Canterbury, however, Maidstone is the County Town. The population of Kent is spread unevenly throughout the county, with the main urban area towards the northwest of the County, forming part of the Thames Gateway area.
10. The known economic mineral resources in Kent are sand and gravel, crushed rock (a limestone informally called Kentish Ragstone of the Hythe Formation), building sand, silica sand, brickearth, clay for tile-making, chalk for agricultural and industrial uses, and building stone. Secondary or recycled materials are also gained from quarry and waste operations. Mineral aggregates are both imported to, and exported from, Kent, including by rail and sea. There are also licensed areas for petroleum exploration.
11. Kent currently achieves net self-sufficiency in waste management capacity for all waste streams.

## **Public Sector Equality Duty**

12. I have had due regard to the aims expressed in S149(1) of the Equality Act 2010 regarding eliminating discrimination, advancing equality of opportunity and fostering good relations with respect to the nine characteristics protected by the Equality Act.
13. Kent County Council undertook an Equality Impact Assessment [SD09] of the Plan. This concluded that the Plan and its policies are unlikely to have any specific impacts on any of the nine protected characteristics, to any lesser or greater extent than the general population.

14. I find no reason to question these conclusions, having discovered no aspect of the Plan that would affect any person who shared any of the nine protected characteristics any more than a person who does not share them.

### **Assessment of Duty to Co-operate**

15. Section 20(5)(c) of the 2004 Act requires that I consider whether the Authority complied with any duty imposed on it by section 33A in respect of the Plan's preparation. Section 33A imposes a duty to co-operate with other local planning authorities and prescribed bodies in maximising the effectiveness of plan preparation in relation to strategic matters. Minerals and waste developments are strategic matters for the purposes of the statutory duty.
16. The Duty to Co-operate Report [SD03] indicates that there has been ongoing and direct engagement with the bodies prescribed in section 4 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The Environment Agency (EA), National Highways (NH), Historic England (HE) and Natural England (NE) have been actively engaged in the consultation processes on the Plan and comments made by those bodies have been addressed. This has strongly influenced the development of the Plan.
17. The Council has engaged with neighbouring authorities and representatives of the minerals industry in planning for minerals through the South East England Aggregates Working Party (SEEAWP).
18. The Council has also participated in meetings of the South East Waste Planning Advisory Group (SEWPAG) in planning for waste. This group comprises neighbouring authorities, the EA and representatives of the waste industry. Discussions were also held with the Greater London Authority (GLA) about the need to maintain sufficient waste management capacity to address both Kent's arisings and that of London's exports of residual wastes, though decreasing over time.
19. Statements of Common Ground (SoCG) were prepared throughout the Plan making process. Some SoCG were not completed until after submission, but this does not mean that the duty to co-operate has not been met.
20. The SoCG in respect of soft sand was dated July 2022. In 2023 the South East Mineral Planning Authorities produced a Soft Sand Position Statement which states at paragraph 1.3 that "*The Position Statement is intended to form the basis of any Statements of Common Ground (SoCG) to be produced by the parties and agreed by the different Mineral Planning Authorities. Any SoCGs between individual Mineral Planning Authorities will consider, in more detail, the implications of evidence provided in this Position Statement and seek to address issues on soft sand supply, and its coordination between those areas.*" Whilst this Statement postdates the SoCG and provides up to date evidence in terms of present and future supply taking into account

environmental and landscape designations, there is no change to the position set out in the SoCG in respect of how soft sand will be supplied. There is no evidence before me that the MPAs that signed the SoCG no longer supported the approach taken by KCC. In any event the Duty to Cooperate is a duty to cooperate with neighbouring authorities and not necessarily a duty to agree.

21. There has been on-going consultation on the Plan with waste operators and SEWPAG, particularly, in respect to hazardous waste disposal and the deletion of Policy CSW 5. The Council has demonstrated that there is no need to make specific provision for this purpose and whilst there may be an outstanding point of objection on this matter, the Council has demonstrated that it has engaged actively and constructively in preparing the Plan.
22. I am satisfied overall that, where necessary, the Council has engaged constructively, actively and on an on-going basis with the prescribed bodies and that the Duty to Cooperate has therefore been met in the preparation of the Plan.

## **Assessment of Other Aspects of Legal Compliance**

### **Local Development Scheme**

23. The Plan has been prepared in accordance with the Council's Local Development Scheme (LDS) produced in December 2023 [EB14].

### **Statement of Community Involvement**

24. Prior to the submission of the Plan, consultation was carried out in compliance with the adopted Statement of Community Involvement (SCI) 2021 [EB15].

### **Sustainability Appraisal (SA) and Habitats Regulations Assessment (HRA)**

25. The Council carried out a SA of the Plan, prepared a report of the findings of the appraisal, and published the report [SD05] along with the Plan and other submission documents under Regulation 19.
26. The MMs have been assessed in the SA Report (October 2024). This was published for consultation together with the schedule of MMs.
27. A HRA for the Publication Draft Plan was carried out in January 2024 [SD07]. The HRA screening exercise found potential for likely significant effects arising from the proposed changes to Policy CSW17 relating to the potential for importation and



deposition of low-level nuclear waste and other waste on the: Dungeness Special Area of Conservation; and Dungeness, Rye Bay and Romney Marsh Ramsar Site.

28. An Appropriate Assessment of the effects of the Plan on those sites has been carried out. The HRA concludes that the additional operations permitted under the proposed revisions to Policy CSW17, either alone or in combination with other ongoing de-commissioning operations, coast protection operations and other development are unlikely to have an adverse effect on the integrity of the Dungeness, Romney Marsh and Rye Bay SPA and the populations of its qualifying bird species as a result of noise or visual disturbances.
29. I am content that both the SA and HRA are in line with the legal requirements.

## **Other Requirements**

30. The Plan complies with all other relevant legal requirements, including in the 2004 Act (as amended) and the 2012 Regulations.
31. The development plan, taken as a whole, includes policies to address the strategic priorities for the development and use of land in the Kent Minerals and Waste Local Plan area.
32. The strategic policies within the Plan, as introduced in the Spatial Vision for Minerals and Waste in Kent, drive waste up the Waste Hierarchy enabling waste to be considered as a valuable resource, while at the same time providing a steady supply of minerals to allow sustainable growth to take place. It will also ensure that requirements such as a Low Carbon Economy (LCE) and climate change issues are incorporated into new developments for minerals and waste development in Kent.
33. The strategic policies for minerals are set out in Policies CSM 1 to CSM 12 and for waste are set out in Policies CSW 1 to 18.

## **Assessment of Soundness**

### **Main Issues**

34. Taking account of all the representations, the written evidence and the discussions that took place at the examination hearing, I have identified 9 main issues upon which the soundness of this Plan depends. This report deals with these main issues. It does not respond to every point or issue raised by representors. Nor does it refer to every policy, policy criterion or allocation in the Plan.

**Issue 1 – Whether the Spatial Portrait, Spatial Vision and Objectives are appropriate, positively prepared, justified, effective and consistent with national policy and provide an appropriate basis for meeting the future demand for minerals and managing waste sustainably.**

35. Chapters 1 - 4 of the Plan set out the context of the Plan, including local policies and strategies. This includes establishing the status of the Plan, how it was prepared in accordance with national legislation and how it will be used by the County Council, the District and Borough Councils and the Ebbsfleet Development Corporation. The development of this vision has been shaped by SAs of the options, and a robust analysis of available data and information. It is important that there is clarity in the reference to legislation and that the role of the Ebbsfleet Development Corporation is recognised and the role that they play in determining non-mineral developments. This information needs to be added to the introduction chapter to ensure that the Plan is effective. **MM1 and MM2** add further text accordingly.
36. The introduction at section 1.3 establishes the links with legislation, other policies and strategies. The objectives of the Plan reference the need to encourage the sustainable transportation of minerals and waste. This position is supported by the Department for Transport Circular 01/2022 in relation to the Strategic Road Network (SRN). Furthermore, to ensure consistency the Plan should acknowledge that the Plan should not compromise the SRN's function. Further updates to reflect the most up to date targets for waste and recycling are required for consistency. This information needs to be added to the introductory chapter to ensure that the Plan is effective **MM3 and MM4** add further text accordingly. Similarly, the references to the South East Local Enterprise Partnership require amendment to reflect the change of name to the Kent and Medway Economic Partnership (KMEP) and its five key ambitions for effectiveness. **MM6 and MM7** amend the text accordingly.
37. Paragraph 1.5.1 sets out the Council's approach to determining planning applications. The NPPF establishes at paragraph 8c) that "*an environmental objective of sustainable development is to minimise pollution*". Tackling pollution requires a joined-up approach, which needs to be clear within the Plan. **MM5** provides this clarity and is necessary to ensure that the Plan is positively prepared.
38. The spatial portrait of Kent confirms the environmental and landscape assets of the area, which include those of: international, national and local importance. Landscapes of national importance include the areas, that until recently (November 2023), were known as Areas of Outstanding Natural Beauty (AONB). The change in the name reflects their national importance; the vital contribution they make to protect the nation from the threats of climate change, nature depletion and the wellbeing crisis, whilst also creating greater understanding and awareness of the work that they do. A number of paragraphs, policies and diagrams of the Plan refer to AONBs and to be consistent with national policy these references should be amended to make the Plan sound. Therefore, **MM8, MM10, MM11, MM27, MM38, MM48 and MM68** are necessary to make this change.

## Conclusion on Issue 1

39. Subject to the MMs identified above, the Plan's Spatial Portrait, Spatial Vision and Objectives are appropriate, positively prepared, justified, effective and consistent with national policy and provide an appropriate basis for meeting the future demand for minerals and managing waste sustainably.

## Issue 2 – Whether the provision made in the Plan for the future supply of aggregate and industrial minerals would deliver a steady and adequate supply and is therefore positively prepared.

40. The NPPF sets out, at paragraph 209, that it is essential that there is a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs. Since minerals are a finite natural resource, and can only be worked where they are found, best use needs to be made of them to secure their long-term conservation.

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

41. In terms of identifying the future land release for land-won aggregates, the Local Aggregates Assessment (LAA) considers that use of the last 10 years' sales data, as required by national policy, is the most reliable metric for considering demand over the Plan period. However, it is acknowledged that for additional assurance a 6-year sales average is also used for hard rock. In any event, SEEAWP endorses the use of the 10-year sales' average without any supplementary local demand modelling.
42. I agree that the use of 10 years' sales data is one of the most reliable methods of forecasting demand. However, as clearly stated by the NPPF at paragraph 219 mineral planning authorities should plan for a steady and adequate supply of aggregates by, amongst other matters, relevant local information. Such local information may include the '3 year sales' average'. Using both a 10 and 3 year sales' average would usefully detect trends which may be disguised by the long term 10 year sales' average. This would assist in determining whether further mineral extraction sites would need to be allocated. **MM12** modifies the text in paragraph 5.2.10 to provide the necessary consistency with the NPPF to take account of relevant local information. Similarly, footnote 46 should be changed to refer any reader to the most up to date Local Aggregate Assessment for Kent for effectiveness. **MM14** amends Footnote 46.
43. The approach to the calculation of the future demand for aggregate minerals over the Plan period is set out in the supporting evidence, including the 'Kent Local Aggregate Assessment 2023' (LAA) [EB12] and 'Annual Monitoring Report December 2023 (AMR) [EB13].

44. The calculation of the amount of sand and gravel and crushed rock aggregate that the Plan needs to provide for are based on the 10 years' sales figures rolling average taken from the most up to date LAA, the 2023 LAA, using past sales data from 2022. This was the most recent published data available prior to the submission of the Plan. This included periods of both high and low levels of economic growth, including the periods of COVID-19 lockdowns, giving this 10 year average (and 6-year for hard rock) a more balanced basis on which to plan for the level of growth expected over the Plan period, to provide the production capacity needed to respond to growth and certainty to communities on the planned level of mineral extraction likely in the next 15 years.
45. For sharp sand and gravel, the average 10 year sales' figure is 0.176 Million tonnes per annum (Mtpa). The Plan requirement over a 15 year Plan period (2024 – 2039) is 3.872 Million tonnes (Mt) which includes a required 7-year landbank of 1.232Mt maintained at the end of the Plan period. The permitted reserves for sand and gravel are identified as being 2.230Mt. However, the annual sales of sharp sand and gravel have been reducing which has had the effect of lengthening the life of the permitted reserves projected over the Plan period. As such the available reserves at commencement of year 2024 are estimated at 2.054Mt. Two further sites are also allocated in the MSP, which would deliver 2.5Mt, should these sites be granted planning permission this would provide a total surplus of 0.682Mt over the Plan period. Nevertheless, these sites were found sound following the examination of the MSP in 2019.
46. If the allocated sites did not come forward during the Plan period there would be a shortfall of some 1.642Mt. Nevertheless, there is no evidence that these sites would not be delivered, and the Plan strategy is for a managed decline due to the fact that land won supplies in Kent are severely limited and opportunities for additional supplies are heavily constrained by landscape and environmental designations. I consider that the annual LAA should be able to identify the consequences and impact there might be on sand and gravel resources, reserves and landbanks and whether a review of the Plan would be triggered earlier than might otherwise be the case. As such, I see no convincing reason to depart from the basis of the supply figures outlined above and I conclude that the Plan, as submitted, adequately identifies the required provision for sharp sand and gravel over the Plan period.
47. Turning to soft sand, the average 10-year sales' figure is 0.475Mtpa, although I accept that the 3 year average is greater at 0.521Mtpa. The Plan requirement over a 15 year Plan period (2024 – 2039) is 10.45 Mt which includes a required 7-year landbank of 3.325 Mt maintained at the end of the Plan period, which is over a greater period than the neighbouring MPAs in the Southeast. The permitted reserve for soft sand is identified as being 5.574Mt (at the end of 2022), but the available reserve at commencement of year 2024 is estimated to be somewhat lower at 5.099Mt, approximately half the Plan's requirement. A further soft sand allocation is provided in the MSP, which if it came forward during the Plan period, would deliver 3.2Mt. In any event, even with this additional allocation there would still be a shortfall of 2.15Mt in the maintained 7 year landbank at the end of 2039. The methodology for calculating

the soft sand requirement is not set out in the Plan and although this could aid industry confidence, I consider that the available evidence base such as the LAA, satisfactorily provides this detail and it is not necessary for the Plan to be effective.

48. The Plan states that a shortfall in the soft sand requirement has been identified. In this respect the critical period for the supply of soft sand would be post 2036 (best case scenario) or 2031 (worst case scenario). There is a subsequent statutory requirement to review the Plan every five years which, for either scenario, provides an opportunity to assess if further monitored supply requirements justify any allocation of additional sites in the MSP. Moreover, **MM12** amends the text at paragraph 5.2.10 to include reference to the 3 year sales' average as part of the LAA which may trigger an early review of the Plan if there is an increase in demand caused by economic growth in the area. I have also taken account of the potential for 'windfall' extraction sites where large strategic development sites are required to extract minerals prior to construction activities to avoid sterilisation. The Council advised that this has been achieved at sites such as Otterpool Park, which can boost the soft sand tonnage over the Plan period. Accordingly, I conclude that the Plan, as submitted, adequately identifies the required provision for soft sand over the Plan period.
49. The average 10-year sales' figure for hard rock is 1,018,922 Mtpa. However, the LAA shows that the sales of hard rock have increased in the later part of the 10-year sales' figures and therefore the use of a six-year average would provide a greater degree of certainty to forecast any future requirement. The average 6 years' sales of crushed rock is, as of 2022, 1.24Mtpa.
50. Using the 6-year sales' average the Plan requirement over a 15-year Plan period (2024 – 2039) is 31.0 Mt which includes a required 10-year landbank of 12.4 Mt maintained at the end of the Plan period. The permitted reserve for hard rock is identified as being 14,85Mt (at the end of 2022), therefore a significant shortfall will exist with a maintained landbank of 11.97 years.
51. No further allocations for hard rock are provided in the MSP, however, the MSP is subject to review where further sites could be allocated. As set out in the Local Development Scheme 2024 [ED35] the review of the MSP is scheduled for adoption in September 2026. The sales figures also demonstrate that a significant volume of hard rock is imported to Kent (1,491,346 tonnes 10-year average sales through wharves and rail depots combined). I also acknowledge that there is scope for importation of materials to increase as there is headroom in wharf capacity of approximately 56% and 84% headroom of unused capacity rail connectivity. The recycled and secondary sales of aggregate also have the potential to replace primary aggregate, albeit limited.
52. Looking at economic growth factors that may increase the demand for hard rock, there are no local construction indicators, such as housing, that indicate a likelihood of significant increases in the demand for construction aggregates above the historic 5-6Mtpa levels observed in Kent.

53. The remaining landbank is limited to 11.97 years. However as set out above, I consider that the annual LAA should be able to identify the consequences and impact there might be on hard rock resources, reserves and landbanks and whether a review of the Plan would be triggered earlier than might otherwise be the case. Moreover, if a suitable site can be found, the updated MSP would address the shortfall in hard rock reserves and identifying potential sites for allocation. The Plan also sets out policies so that sites could come forward for planning permission outside the MSP process. Consequently, at this time, I see no convincing reason to depart from the basis of the supply figures outlined above and I conclude that the Plan, as submitted, adequately identifies the required provision for hard rock over the Plan period.
54. The NPPF at paragraph 214 (a and b) explains that the maintenance of a steady and adequate supply of industrial minerals may require co-operating with other authorities to support their likely use in industrial and manufacturing processes and encourages the safeguarding or stockpiling of important minerals. This approach is supported in the Plan, which also seeks to maintain a stock of permitted reserves to support the level of actual and proposed investment required for new or existing plant and the maintenance and improvement of existing plant and equipment. Kent has reserves of brickearth and brick clay; silica sand; and chalk. Sufficient reserves of brickearth and brick clay are available over the Plan period and will continue to be monitored and assessed.
55. There are no sites in Kent that exclusively provide silica sand. National policy requires MPAs to plan for a steady and adequate supply of silica sand by providing a stock of permitted reserves to support the level of actual and proposed investment required for new or existing plant, and the maintenance and improvement of existing plant and equipment. This is carried out by providing a stock of permitted reserves of at least 10 years at established existing sites, and at least 15 years for silica sand sites where significant new capital is required, this would include entirely new sites. In 2022, an estimated permitted total reserve in the region of 1.58Mt remained in Kent. Further potential extensions to existing sites may not be possible given the site locations close to/within the National Landscape. Nevertheless, Policy CSM 2 supports the consideration of future extraction sites having regard to the Policies within the Plan.
56. The LAA confirms that there were no sales of Chalk as a graded aggregate in Kent in 2022. However, there were estimated sales of some 6,000tpa of agricultural and engineering chalk (AMR 2022-23). I acknowledge that this figure should be considered as indicative due to poor participation in survey returns and is a low figure when compared to data from 2018-19, where extraction rates were approximately 70,000tpa. As such, it will be important for continued monitoring to establish any trends. Based on the current estimated reserves at the end of 2022 of 0.496 million tonnes and the rate of extraction of 6,000 tpa for agricultural and engineering chalk there is a permitted reserve life of some 82 years. Should extraction rates increase to the 2018-19 level, a reserve life of approximately 7 years remains. However, it should be noted that the NPPF does not require specific chalk landbanks to be maintained at any particular level, rather that a 15-year landbank for chalk used in cement is maintained to support the level of actual and proposed

investment required for new or existing plant, and the maintenance and improvement of existing plant and equipment.

57. In terms of the supply of Chalk for cement, there are currently no active cement quarries in Kent. The site of the Medway Cement Works at Holborough is subject to an implemented planning permission which has mineral resources available for at least 25 years of cement manufacture. Therefore, there is the possibility that there is an insufficient permitted landbank to maintain a supply of chalk for cement over the entire Plan period. Nevertheless, given the fluctuations in extraction/sales rates I consider that the AMR should be able to identify any impact on the chalk landbank and whether a review of the Plan would be triggered earlier than might otherwise be the case. Furthermore, Plan Policy CSM 4 would facilitate the consideration of new chalk extraction sites should they come forward.”
58. I conclude that the Plan, as submitted, adequately identifies the required provision for industrial minerals (where required) over the Plan period.
59. The land won aggregate supply considerations take into account the requirements for future land release for land won aggregates, the materials that can be supplied from existing sites and the contributions from substitute materials. Whilst a cross reference to Policy CSM 2 is provided so that a reader of the Plan would know where to find further information relating to site allocation, further cross referencing should be provided to Policy CSM 4 (Non-identified Land-won Mineral Sites) and CSM 9 (Building Stone in Kent). The text at **MM13** is necessary for effectiveness.
60. An amendment to the text of footnote 47 is necessary to update the position on relevant mineral sites to ensure effectiveness. **MM15** therefore updates this footnote.
61. Policy CSM 2 sets out the supply of land-won minerals in Kent and that mineral working will be granted planning permission at sites identified in the MSP. The MSP was adopted by the County Council on 10 September 2020. As set out in the Local Development Scheme 2024 [ED35] the review of the MSP is scheduled for adoption in September 2026. The Council's approach to preparing an updated MSP and to ensure that sufficient sites are allocated to meet the requirement should be reflected in the Plan for clarity and effectiveness. **MM16** provides for the consideration of future sites in an MSP.
62. Paragraph 5.2.30 establishes that the consented reserves of crushed rock are contained within two Kentish Ragstone sites, in the context of establishing the hard rock reserve and supply position. Reference to the possibility of consenting further sites is not relevant here and should be deleted for clarity as Policy CSM 4 considers this matter. **MM17** makes this change for effectiveness.

63. The first sentence of Policy CSM 2, bullet point 3, contains a repetition of '10 years' which could lead to confusion in terms of investment for individual silica sand sites. For clarity and effectiveness **MM18** deletes the erroneous text.

### **Policy CSM 5 Land won mineral safeguarding**

64. Bullet point 7 of the Plan's Spatial Vision provides for the safeguarding of minerals resources. Policy CSM 5 sets out how the Plan will protect mineral resources from unnecessary sterilisation. Paragraph 210 of the NPPF states that planning policies should safeguard mineral resources by defining Mineral Safeguarding Areas (MSAs) and Mineral Consultation Areas (MCAs). A MCA is defined in the NPPF as a geographical area based on the MSA where the District or Borough Councils should consult the MPA for any proposal for non-minerals development. In Kent the MSAs and MCAs are identical having the same geographical boundaries and therefore the MSAs have a dual role of acting as both MSAs and MCAs. Moreover, national policy expects that MSAs should be included on the Policies Maps of the development plan maintained by the District and Borough Councils. This is intended to alert prospective promoters of development and the local planning authority, to the existence of mineral resources and shows where local mineral safeguarding policies may apply. Given this situation reference to MCAs are not necessary for effectiveness. **MM19, MM20** and **MM21** delete references to the MCA.

### **Policy CSM 11 prospecting for carboniferous limestone**

65. The supporting text to Policy CSM 11 establishes that if prospecting is proposed in the Plan period, it will have to be undertaken sensitively with sufficient controls to avoid any impacts upon sensitive receptors, such as calcareous grassland. As such it is expected that any application may need to be accompanied by an Environmental Statement and surveys. To provide clarity for any potential developers it is necessary for the supporting text to set out what survey is required. **MM28** provides additional text 'following prospecting' to ensure the Plan is effective in this respect.

### **Conclusion on Issue 2**

66. The Plan, when considered with the recommended changes, provides an appropriate basis to secure a steady and adequate supply of aggregates and industrial minerals and is positively prepared, justified, effective and consistent with national policy. The Plan is therefore sound in this regard.

### **Issue 3 – Whether the Plan adequately balances the needs of competing development and provides appropriate direction for the sustainable transport of minerals.**

67. Kent benefits from a range of mineral transportation facilities, including wharves and rail depots. Bullet point 7 of the Plan's Spatial Vision provides for the safeguarding of



this infrastructure, which also supports Policy CSM 1 sustainable development. The locations of the safeguarded wharves and rail depots are shown in Figure 13: Minerals Key Diagram and in Chapter 9: Adopted Policies Maps.

68. Minerals can only be worked where they are found, which limits the potential to spatially distribute sites, or the ability to 'develop' sites close to existing transport infrastructure. Nevertheless, Policy CSM 12 encourages an increase in sustainable transport modes for minerals so that where potential linkages can be made these can be supported by the Plan.
69. Policies CSM 6: Safeguarded Wharves and Rail Depots; Policy CSM 7: Safeguarding Other Mineral Plant Infrastructure; and Policy CSM 12: Sustainable Transport of Minerals, all seek to address the need to safeguard mineral transportation and production infrastructure, while being flexible to the needs of the industry. In particular Policy CSM 12 encourages an increase in sustainable transport modes for minerals. These policies are supported by specific development management policies such as DM 13 Transportation of Minerals and Waste.

### **Conclusion on Issue 3**

70. The Plan provides an appropriate basis to adequately balance the needs of competing development and provides appropriate direction for the sustainable transport of minerals and is positively prepared, justified, effective and consistent with national policy. The Plan is therefore sound in this regard.

### **Issue 4 - Whether the Plan sufficiently promotes the use of secondary and recycled aggregates and is effective.**

71. Chapter 3 sets out the Spatial Vision and Objectives of the Plan. The spatial vision states that planning for minerals will facilitate the processing and use of secondary and recycled aggregates to become less reliant on land won construction aggregates. Objective 6 states that that the Plan will promote and encourage the use of recycled and secondary aggregates in place of primary land and marine won minerals.
72. To support the sustainable vision of the Plan the supporting text to Policy CSM 8 establishes that the use of minerals and the replacement of primary aggregates with secondary and recycled materials is becoming increasingly important as indigenous land-won primary supplies diminish and that the County Council is keen to see the quantities of secondary and recycled aggregates being produced within Kent increase. To facilitate this ambition, additional supporting text is necessary to demonstrate the link between construction waste as a source of recycled aggregate and that the targets for the recycling targets are within CSW4. **MM22** addresses these matters and is necessary for the Plan to be effective.

## Conclusion on Issue 4

73. Subject to the identified modification, the Plan provides an appropriate basis to sufficiently promote the use of secondary and recycled aggregates and is effective.

## Issue 5 - Whether the Plan makes adequate provision for other minerals of significance in Kent and is positively prepared, justified, effective and consistent with national policy.

### Policy CSM 9: Building Stone in Kent

74. The Plan identifies that there are currently only two consented sites that produce building stone in the County, however only Hermitage Quarry has the ability to produce high-quality cut stone from the full sequence of ragstone beds in the Hythe Formation, and it continues to provide building stone for building conservation uses. Historically the ragstone was used for many public buildings such as Westminster Abbey and the Tower of London, as well as castles such as Leeds and Rochester. The building stone provides a distinctive character to both new and old buildings in the County. The ragstone, being a hard coarse grained limestone, is also used as a crushed rock and a significant amount of the reserve is used for this purpose.
75. The majority of the reserve at Hermitage Quarry is used for aggregate, but I note that the planning permission includes conditions regulating the supply of building stone from the quarry as part of the overall operations. This would ensure a continued supply of building stone for the repair of historic buildings. Moreover, the ragstone resource is extensive across the County and is protected by the MSA as identified on the Policies Map and Policy CSM 9 would support planning applications for building stone extraction subject to the policy criteria.
76. To support the spatial vision to deliver a sustainable, steady and adequate supply of land won minerals additional text is proposed to be added **MM23** to highlight the joint working of Hermitage Quarry and that the geological resource will be safeguarded.

### Policy CSM 10: Oil, Gas and Unconventional Hydrocarbons

77. Policy CSM 10 of the Plan sets out the criteria against which to consider proposals associated with the exploration, appraisal and production of oil, gas and unconventional hydrocarbons. The Policy is generally consistent with paragraph 215(a) of the NPPF in distinguishing between the three phases of development (exploration, appraisal and production) and it considers the environmental and amenity impact of drilling operations. Nevertheless, for clarity the supporting text at paragraph 5.10.2 should be amended to delete the word 'unconventional' as the term hydrocarbons covers both conventional and unconventional. Additionally, paragraph 5.10.3 should refer to the role of the Government, EA and others with regard to the

necessity of appropriate licences. **MM24** and **MM25** address these matters and are necessary for the Plan to be effective.

78. Amended wording of Footnote 63 is also necessary to clarify that Protected Groundwater Source Areas are designated by the EA. This matter is addressed by **MM26** which is necessary for clarity and effectiveness.

### **Conclusion on Issue 5**

79. Subject to the identified modifications, the Plan makes adequate provision for other minerals of significance in Kent and is positively prepared, justified, effective and consistent with national policy

## **Issue 6 – Whether the Plan's overall approach and policies in relation to waste that needs to be managed in the Plan area over the Plan period are robust, justified, effective and consistent with national policy.**

### **Overview**

80. Kent currently achieves net self-sufficiency in waste management capacity for all waste streams. It should be noted that there is no expectation that WPAs should be net self-sufficient in capacity for the management of hazardous waste, due to the wide range of such wastes and the facilities generally needing to serve a 'larger than local' catchment to be viable.
81. Looking forward over the Plan period, the Plan sets out the ambition to facilitate the achievement of a more circular economy and to ensure that waste management is sustainable and takes place as high up the waste hierarchy as possible.
82. The Council has undertaken a number of Waste Needs Assessments to assess the future demand for waste management capacity for each waste stream. For clarity a new footnote will be added to identify the relevant waste needs assessment **MM29**, which is required for effectiveness. Policy CSW 4 sets out the targets for recycling, composting and landfill.
83. Whilst no specific allocations are made, the Plan recognises that treatment capacity for food arising both from the Local Authority Collected Waste (LACW) and Commercial & Industrial (C&I) streams may be required as well as the upgrading and expansion of existing facilities. Facilities may also be required for development that supports more sustainable waste management, assists in moving the management of waste up the waste hierarchy and responds to the proximity principle requiring facilities to be located close to the source of waste generation. In this respect, the waste management policies provide a flexible approach to ensure that where local

needs for particular facilities are identified then such facilities would be permitted subject to consideration of the development management policies of the Plan.

84. As set out in the spatial vision, the Plan is working towards a low carbon economy and as part of this approach the Plan recognises that the current distribution of waste transfer facilities receiving household waste across the County results in excessive transport and therefore there is a need for the development of new waste transfer facilities where collected waste can be bulked up for onward management. Furthermore, over the Plan period it is possible that significant development elsewhere in Kent may require the provision of additional waste management facilities.
85. Apart from Policies CSW 1, CSW 7, CSW 10, CSW 11, CSW 12, CSW 13 and CSW 16 and the supporting text, which are sound without modification, the remaining Waste Management policies are considered below.

### **Policy CSW 2 Waste Hierarchy**

86. In common with national policy, one of the central themes of the Plan is driving waste up the waste hierarchy. The supporting text to Policy CSW 2 explains that the Plan gives priority to planning for waste management developments that prepare waste for re-use or recycling. However, it is also important for proposals looking to manage residual waste to consider how this can be sustainably managed. To achieve this such proposals should be accompanied by a waste hierarchy statement. Consequently, a change is required to the supporting text of the policy to reflect this for effectiveness **[MM30]**.

### **Policy CSW 3 Waste Reduction**

87. Waste reduction as set out in Policy CSW 3 embraces the requirements of a 'circular economy' and therefore minimising waste generation at every stage of a product's lifecycle. To ensure that the policy is effective the definition of 'major developments' should be set out within it. The footnote that sets out what is a major development should also be deleted. These matters are addressed in **MM31**. To aid clarity for developers the third paragraph should refer to 'all' new development as set out in **MM32** for effectiveness.

### **Policy CSW 4 Strategy for Waste Management Capacity Net Self-sufficiency and Waste Movement**

88. The Planning Practice Guidance for Waste requires Waste Planning Authorities to monitor and report the amounts of each principal waste stream forecast to arise in their area to assess available capacity for the management of each of the streams, and then determine if any capacity gaps might exist. Any resulting shortfall may mean that the objectives/targets of the Plan would not be met.

89. The 'Capacity Requirement for the Management of Residual Non-Hazardous Waste in Kent 2022' [EB04] assessment confirms that the combined consented EfW capacity and remaining consented non-hazardous landfill capacity will be more than sufficient to meet the Plan requirements for the management of residual non-hazardous waste. Therefore, net self-sufficiency in residual waste management capacity can be achieved in Kent without the development of additional capacity. However, should additional capacity be required policies CSW 8 and CSW 9 provide for this.
90. The 'Construction, Demolition & Excavation Waste Management Requirements in Kent 2022' [EB05] assessment demonstrates that, apart from permanent deposit to land, no specific additional provision for the management of the C, D & E waste stream is required. The requirement for landfill provision for C, D and E waste has arisen due to the reduction in mineral extraction and therefore lack of void space. Policy CSW11 addresses this need by supporting operations involving the permanent deposit of inert waste, as well as the continuing use of such waste for the restoration of mineral sites. Accordingly, self-sufficiency can be achieved.
91. The capacity requirement for the management of residual non-hazardous waste including LACW and C&I waste is set out in EB06 and EB08. The calculation of the capacity requirements takes into account revised recycling / household growth rates which are based on government guidance and the actual rates achieved in 2020/21. The forecast results in the projection of these waste streams decreasing overall and therefore a reduction in capacity requirement over the Plan period. Nevertheless, the reduction in waste going to landfill and the achievement of the Plan's recycling targets will depend on the appropriate waste management facilities, particularly to manage food waste, being available and sustainability located. Whilst the Plan does not allocate sites for waste facilities, Policies CSW 6 - 8 establish the approach to be taken when assessing proposals, in particular the management of waste at sustainable locations.
92. The 'Non-Hazardous Waste Recycling/Composting Capacity Requirement in Kent 2022' [EB09] assessment demonstrates that the combined consented recycling/composting capacity in Kent would be sufficient to meet the proposed recycling/composting targets associated with the management of non-hazardous waste over the Plan period as set out in Policy CSW 4. As such, net self-sufficiency in recycling/composting capacity would be achieved and no additional capacity is required.
93. The Waste Needs Assessments (EB04 to EB09) confirm that Kent currently achieves net self-sufficiency in waste management capacity for all waste streams and is forecast to do so over the Plan period. Accordingly, the capacity of the waste management facilities (excluding transfer) in Kent is sufficient to manage the equivalent quantity of waste to that which is predicted to arise in Kent in the manner proposed by the Plan (as set out in the targets included in Policy CSW 4).

94. A number of modifications to Policy CSW 4 and its supporting text are required as set out in the following paragraphs. To ensure that the supporting text refers readers to the most up to date documents an additional footnote is also necessary at paragraph 6.3.6. For effectiveness **MM33** addresses this matter.
95. Footnote 72 provides the context of the Plan's relationship with the London Plan and the expectation that Kent may have to manage some non-hazardous waste arising in London. In this respect, the commissioning of the Kemsley K3 EfW plant in 2019 and recent grant of a Development Consent Order to increase its throughput by up to 107,000 tpa of non-hazardous residual waste makes more than ample provision for non-hazardous waste from London (Review of Waste Flows Between London and Kent [EB10]). Given the need for the Plan to be positively prepared and effective it is necessary to delete footnote 72 but transpose the text within a new paragraph in the supporting text. **MM34** addresses this issue.
96. Turning to Policy CSW 4, a number of MMs are required. Firstly, to ensure that the policy aligns with the vision and objectives of the Plan the first paragraph requires an additional sentence so that waste is also managed in proximity to where it is generated. Secondly, a footnote is required to clarify that proximity may vary according to the waste stream due to different locational catchments. Finally, a couple of typographical errors require amendment where the abbreviation for CEDW has been incorrect. **MM35**, **MM36** and **MM37** make these changes and are necessary for the Plan to be effective.

### **Policy CSW 6: Location of Built Waste Management Facilities**

97. Policy CSW 6 provides a criteria-based approach for assessing the suitability of sites for waste management facilities. To ensure that sufficient policy opportunities are available in appropriate circumstances changes to Policy CSW 6 are required to add effective wording which better reflects national policy and ensures consistency with other policies within the Plan. **MM38** makes these changes.

### **Policy CSW 7: Waste Management for Non-hazardous Waste**

98. The National Planning Policy for Waste, in requiring communities to take more responsibility for their own waste, is not restricted to any particular waste streams, but applies to waste in general. Also, within the Plan's vision and objectives, is the ambition to ensure sufficient capacity exists to maintain a County-wide network for the sustainable management of Kent's waste. Consequently, there should be clear policy direction for the provision of facilities to meet any identified waste management capacity gaps. Whilst not specifically identified, there may be gaps in waste management capacity during the lifetime of the Plan, therefore, it is appropriate for Policy CSW 7 to make it clear that the Plan aims to meet any gaps in non-hazardous waste capacity. Accordingly, no changes are required to the Plan in this respect.

### **Policy CSW 8: Other Recovery Facilities for Non-hazardous Waste**

99. Policy CSW 8 provides a framework to help secure the recovery of waste by replacing other materials that would otherwise have been used without endangering human health and without harming the environment. This approach aligns with the Plan's vision to move waste up the hierarchy and achieve a circular economy. To aid the effectiveness of the policy, reference to the correct regulations is necessary, therefore footnote 81 should be amended as set out in **MM39**.

### **Policy CSW 9: Non Inert Waste Landfill in Kent**

100. The key thrust of the Plan is to drive waste up the waste hierarchy and therefore avoid the need for landfill. Nevertheless, there may be circumstances where waste can only be disposed of via landfill and therefore it is important for the Plan to set out how this can be sustainably managed. For the policy to be effective, in terms of developers understanding that they need to address every criterion, an additional 'and' is required after bullet point 2. A number of typographical errors also require amendment within the policy and consequently both these matters are addressed within **MM40**.

### **Policy CSW 12: Hazardous Waste Management**

101. The management of hazardous waste involves many distinct specialist management activities which are often only viable at a regional, or larger scale and therefore net self-sufficiency is not often sustainable. In this respect the 'Hazardous Waste Management Requirements in Kent 2022' [EB07 & EB07/1] states that Kent is a net exporter of hazardous waste. Furthermore, the profile of hazardous waste arisings has changed over the previous 4 years and Government guidance has had to adapt to respond to emerging waste. In recognition of this, the Plan policies need to be flexible to facilitate changes to the existing arrangements. It should also be acknowledged that landfill is at the bottom of the hierarchy and future hazardous waste arisings requiring management may be managed through methods other than landfill. To provide this flexibility Policy CSW 12 specifically addresses applications for built hazardous waste management facilities.
102. For the reasons set out above the Plan does not propose an extension to landfilling hazardous flue dust ash residues at Norwood Quarry. I acknowledge that the Norwood Quarry site plays a significant role in the sustainable management of hazardous waste in the region and that it could expand the waste types that it receives, subject to EA Permitting. Any future expansion of waste types received would reduce the existing void space at the site. Nevertheless, if alternative provision was required within Kent for hazardous waste disposal, Policy CSW 12 would provide the flexibility to assess any future applications. Moreover, even if the void space at Norwood Quarry was significantly reduced during the Plan period, the review of the Plan would be able to address such matters. Therefore Policy CSW 12 is sound as it is currently worded and no modifications are necessary.

### **Policy CSW 14: Disposal of Dredgings**

103. The Thames Estuary, which, in navigation terms, connects the London conurbation to the North Sea, has a large tidal excursion, which requires maintenance dredging to maintain safe operational water depths for navigation. Such works are carried out under the direction of the Port of London Authority (PLA). The PLA has completed a review of its 'Vision for the Tidal Thames', which is built around three connecting themes. Given that the PLA has its own application process for dredging, reference to its vision document is justified for the Plan to be positively prepared. The appropriate text required for effectiveness is set out at **MM42**.
104. In terms of disposing of the dredged material, section 6.14.1 of the Plan states "*When the dredged materials do not consist of aggregates or cannot be accommodated within projects to enhance the biodiversity of the estuaries, then landfill is the only option currently available.*" However, to avoid landfill the EA permits, through a waste exemption, the deposit of dredging spoil on the banks of the water it was dredged from and to treat it by screening and removing water. To clarify this approach an additional footnote should be added to paragraph 6.14.1 for effectiveness as set out in **MM41**.

### **Policy CSW 15: Wastewater Development**

105. The treatment of wastewater is at the forefront of tackling nutrient neutrality because the sources of excess nutrients, although very site specific, often include sewage treatment. As such, it is important that any proposed wastewater developments do not add to existing nutrient burdens within catchments, so there is no net increase in nutrients as a result of the plan or project. Changes are therefore required to the supporting text at paragraph 6.15.2 and to Policy CSW 15 to add wording and a footnote to ensure consistency with national policy and other policies within the Plan **[MM43]**.

### **Policy CSW 16: Safeguarding of Existing Waste Management Facilities**

106. Policy CSW 16 seeks to safeguard existing waste facilities from the inappropriate siting of non-waste facilities, such as housing. This is completely justified, as sensitive uses could adversely affect the functioning of waste sites. As such Policy CSW 16 is sound as submitted.

### **Policy CSW 17: Waste Management at the Dungeness Nuclear Licensed Sites**

107. Kent has two nuclear power stations sites (Dungeness A and B) located on the Dungeness Peninsula and have both formally ceased power generation. As set out in the Plan and the Radioactive Waste Topic Paper [EB03], the decommissioning of Dungeness A is managed by the Nuclear Decommissioning Authority (NDA) and Nuclear Restoration Services. Dungeness B is currently the responsibility of EDF



Energy but will transfer to NDA/Nuclear Restoration Services upon obtainment of fuel free verification and licence transfer.

108. The latest UK Radioactive Waste and Material Inventory (UKRWI) was published by the Department for Business, Energy & Industrial Strategy (BEIS) and the NDA in 2023. The 2023 UKRWI lists the major sources of current and future radioactive waste arisings. Apart from Dungeness A and B power stations, there are no other major radioactive waste sources identified in Kent.
109. Current waste management routes for radioactive wastes from the Dungeness sites are varied and include some Low Level Waste (LLW) being sent off-site for incineration and some to metal recycling facilities. Intermediate Level Waste (ILW) is being, and will continue to be, produced during the decommissioning of Dungeness A and B stations. There is no High Level Waste (HLW) at Dungeness A or B.
110. The UK has a rigorous and robust framework for regulating radioactive waste. The Government has recently published the UK Policy Framework for Managing Radioactive Substances and Nuclear Decommissioning (May 2024). The purpose of this framework is to provide a coherent UK-wide policy framework for managing radioactive substances and nuclear decommissioning. Solid radioactive waste needs to be disposed of in specialised facilities, except when the waste has a very low level of radioactivity. In setting limits and conditions for disposal of solid radioactive wastes, the guidance contained in 'Near-surface Disposal Facilities on Land for Solid Radioactive Wastes' (2009) should be considered.
111. To ensure that the Plan is positively prepared and consistent with national policy reference should be made to both these documents within the supporting text and/or in the footnote to Policy CSW 17. **MM44** and **MM45** include the reference to these documents.

## **Conclusion on Issue 6**

112. I am satisfied that the Plan, when considered with the MMs set out above, provides appropriate provision for the future management of waste in Kent and is positively prepared, justified, effective and consistent with national policy in this respect.

## **Issue 7 – Whether the Development Management Policies are justified, effective and consistent with national policy.**

### **Overview**

113. The Plan contains a number of development management policies that collectively seek to control the impacts from future mineral and waste development. These include criteria-based policies that consider, amongst other things, the impacts of

development on the environment; Green Belt; transport infrastructure; health and amenity considerations; restoration and aftercare; the historic environment; water resources; highways and public rights of way; and landscape matters.

114. Apart from Policies DM 6, DM 8, DM 9, DM 11, DM 12, DM 15, DM 18 and DM 21 and the supporting text, which are sound without modification, the remaining development management policies are considered below.

### **Policy DM 1: Sustainable Design**

115. National guidance expects that plans should, at the most appropriate level, set out a clear design vision and expectations, so that applicants have as much certainty as possible about what is likely to be acceptable. Policy DM 1 sets out the overarching framework for sustainable design of mineral and waste developments to minimise impacts on the environment and communities.

116. To ensure clarity and the effectiveness of the supporting text a date reference should be added to the document cited in paragraph 7.1.4 as set out in **MM46**.

### **Policy DM 2: Environmental and Landscape Sites of International, National and Local Importance**

117. This policy relates to the consideration of development proposals that may affect landscape sites of 'International', 'National' and 'local' importance, to ensure that there are no unacceptable adverse impacts on these important assets. The policy also sets out the circumstances where impacts upon them would be acceptable.

118. The NPPF, at paragraph 180, sets out a number of principles to be applied when determining planning applications which impact on habitats and biodiversity. As currently worded, the policy is inconsistent with the NPPF. Therefore, in order for it to be consistent with the NPPF the terminology of Policy DM 2 requires amending to effectively consider environmental and landscape sites of international, national and local importance. Furthermore, footnotes 101 and 103 require deletion because these are now either embodied within Policy DM 2 or are now inconsistent with national policy. Footnote 102 should be amended to reflect the correct legislation to be effective. **MM48**, **MM49**, **MM50** and **MM51** are therefore necessary to ensure that the Plan is effective and consistent with national policy.

119. The use of the phrase 'buffer zone' can have a variety of meanings. For clarification a footnote to paragraph 7.2.4 should be added to address this in order for the Plan to be effective [**MM47**].

### **Policy DM 3: Ecological Impact Assessment**

120. This policy requires developers to use an adequate level of ecological assessment, with an approach to this set out in bullet points 1 – 4. The policy also sets out the requirement for Biodiversity Net Gain (BNG). A proportion of the policy repeats what is set out in Policy DM 2 and is not necessary and should be deleted. Similarly to my comments made in respect of DM 2 above, amendments are necessary to Policy DM 3 and footnote 104 to ensure consistency with national policy. I have considered whether the policy should specify 10% Biodiversity Net Gain (BNG) or a higher percentage. Nevertheless, the evidence base for securing measurable net gains for biodiversity does not support a figure greater than that set out in national policy, particularly where the policy stipulates that the 10% is an 'at least' figure and it maybe that the restoration of mineral sites can achieve far greater ecological enhancements.
121. Together, these changes, set out in **MM52** and **MM53** which also include some corrections to typographical errors, are necessary for the policy to be effective and consistent with national policy.

### **Policy DM 4: Green Belt**

122. The NPPF establishes that mineral development in the Green Belt is a use that is considered to be 'not inappropriate' provided they preserve its openness and do not conflict with the purposes of including land within it. In this respect the western area of Kent is located within the Green Belt around London, which is designated to prevent urban sprawl. Policy DM 4, as drafted, states that mineral and waste developments in the Green Belt will be considered in light of their potential impacts. However, the policy is unclear in relation to what the potential impacts are and therefore how the policy will be applied. **MM54** amends the policy so that it relates directly to national policy. These changes are necessary in the interests of clarity, consistency and effectiveness.

### **Policy DM 5: Heritage Assets and Policy DM 6: Historic Environment Assessment**

123. Policies DM 5 and DM 6 relate to the built and historic environment. **MM55** provides additional text to footnote 107 to clarify the current number of designated heritage coastlines. This MM is necessary for effectiveness.

### **Policy DM 7: Safeguarding Mineral Resources**

124. Policy DM 7 sets out the circumstances when non-minerals development maybe acceptable at a location within a MSA. Footnote 110 provides a definition of what mineral safeguarding means, however this footnote is not necessary and provides information that should be within the Plan itself. Indeed, the detail of mineral safeguarding is established in the supporting text to this policy and within section 5.5. **MM56** deletes footnote 110 and is required to enable the Plan to be effective.

125. Policy DM 7 says that “*Further guidance on the application of this policy is included in a Supplementary Planning Document*”. For effectiveness the policy should cite the relevant SPD and the date it was adopted. **MM57** provides this additional text and is necessary in order for the Plan to be effective.

### **Policy DM 10: Water Environment**

126. Policy DM 10 and its supporting text relates to water quality, impact on groundwater Source Protection Zones (SPZ) and flood risk. The supporting text to Policy DM 10 at paragraph 7.8.2 should be amended to include that flood risk can be safely managed elsewhere to be consistent with national policy [**MM58**]. To be effective, the second sentence of Paragraph 7.8.4, which directs applicant to provide a hydrological / hydrogeological assessment(s) should be deleted and transposed within Policy DM 10 [**MM59** and **MM60**]. These changes are necessary for clarity and for the policy to be effective and consistent with national policy.

### **Policy DM 13: Transportation of Minerals and Waste**

127. The policy sets out comprehensive requirements to ensure that the transportation of minerals and waste contributes to sustainable development. However, the policy has two omissions which undermine its effectiveness. As such, changes are required to ensure that the policy identifies that emissions associated with road transport should include carbon [**MM61**]; and that the word ‘safely’ is added to bullet point 2 to ensure that the policy is consistent with bullet point 1 of the policy [**MM62**]. These changes are necessary for effectiveness.

### **Policy DM 14: Public Rights of Way**

128. This policy provides a criteria-based approach to the consideration of the impact of minerals and waste proposals on the Public Rights of Way network. **MM63** provides additional text to clarify that a ‘legal event’ is necessary for a change to the Public Rights of Way network and that any access improvements should be made in accordance with the Rights of Way Improvement Plan 2018 -28. These changes are necessary for effectiveness.

### **Policy DM 16: Information Required in Support of an Application**

129. The supporting text to Policy DM 16 refers developers to the type of information that may be required to support applications for planning permission and identifies particular developments that may require additional surveys or assessments. Given the wide range of information that may be required to support an application the policy as currently worded is somewhat vague and ineffective. **MM64** moves the text currently provided in footnote 19 to the policy so that developers can reference the most up to date validation guidance available on the Council’s website. This is necessary for effectiveness and clarity.

### **Policy DM 17: Planning Obligations**

130. The NPPF establishes, at paragraph 55, that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Policy DM 17 sets out where the Council consider it would be appropriate to seek a planning obligation. In particular, bullet point 18 refers to large waste developments, with clarity for what equates to a 'large waste development' set out in footnote 120. However, for effectiveness the footnote information should be added to the policy itself. **MM65 and MM67** provide this additional policy text and delete footnote 120.

### **Policy DM 19: Restoration, Aftercare and After-use**

131. This policy sets out the Council's approach to the consideration of restoration, aftercare and after-use of waste and mineral developments. However, the final paragraph of the policy fails to fully reflect the consideration of schemes that are concerned with BNG, insofar as the aftercare scheme should be for at least 30 years, as set out in the Environment Act 2021. Policy DM 19 should be amended to reflect this. **MM69** is therefore necessary to ensure that the Plan is effective and consistent with national policy.

### **Policy DM 20: Ancillary Development**

132. **MM70** provides additional text to footnote 123 to correctly cite the reference to Town and Country Planning Act 1990. This MM is necessary for effectiveness.

### **Policy DM 22: Enforcement**

133. Planning breaches can cause significant environmental and amenity issues. To fully meet such challenges the Council has an Enforcement Protocol in place, however, some enforcement actions require a multi-disciplinary approach, particularly with the EA. **MM71** provides additional text to paragraph 7.20.1 to clarify that the Council will work with other stakeholders, which is required for effectiveness and positive planning.

### **Conclusions**

134. Subject to the identified MMs, the minerals and waste development management policies and their supporting text are justified, effective and consistent with national policy.

### **Issue 8 – Is the strategy for the delivery, implementation and monitoring of the Plan appropriate and robust?**

## Overview

135. Section 8 of the Plan sets out the managing and monitoring of the delivery of the Plan. A monitoring schedule is included that sets out the key indicators to monitor the effectiveness of each policy cross referenced with the strategic objectives.
136. The monitoring of each indicator will be carried out as part of the production of the Kent AMR. Policies may be subject to review if annual monitoring indicates that significant, adverse trends are likely to continue. The AMR includes the Kent LAA which sets out demand and supply indicators which are agreed by the SEEAWP. These can show whether a review of minerals policies is necessary.
137. The waste data to be collected will help to demonstrate whether the waste policies are effective. Data on LACW is readily available and reported to central Government on an annual basis. Data on C&I waste arisings is less readily available. Nevertheless, the following local output indicators will be used to monitor the effectiveness of the Plan's policies regarding C&I and hazardous waste management: C&I waste generated in Kent that is landfilled within Kent and outside Kent; and hazardous waste arising in Kent that is managed within Kent and outside Kent.
138. The monitoring trigger for Policy CSW 8 is set out in the Monitoring Schedule as "*Within 10% of the target maximum for the household waste landfill diversion target at or beyond the dates stated in Policy CSW4*". However, for clarity the term 'household waste' should be amended to 'Local Authority Collected Waste' to accurately reflect the definition provided in the Kent Waste Needs Assessment. This would result in a continuity of data collection over the Plan period. **MM72** is necessary to ensure that the Plan's Monitoring Schedule is clear and effective.
139. I consider that the Monitoring Schedule provides an appropriate framework for the production of the Kent AMR. The AMR provides a suitable regular assessment of how effective the policies are proving to be in meeting their objectives, thereby facilitating the identification of any changes needed including the need for any early review of the Plan.

## Other Matters

140. Section 9 of the Plan sets out the 'Adopted policies maps', including the: Safeguarded Wharves and Rail Transportation Adopted Policies Maps; and the Mineral Safeguarding Areas (MSAs). As set out above MMs are recommended to delete reference to MCAs. Therefore, to ensure effectiveness and consistency reference to MCAs should also be deleted from paragraph 9.2.1, as set out in **MM73**.

141. The 'Glossary' to the Plan provides definitions of the terms used within it. MMs are proposed to update the glossary to reflect national policy and guidance. This includes **MM74** and **MM75**, which update '*Agent of Change Principle*' and '*Ancient Woodland*' for both clarity and effectiveness.

## **Overall Conclusion and Recommendation**

142. The Kent Minerals and Waste Local Plan has a number of deficiencies in respect of soundness for the reasons set out above. Accordingly, in terms of Section 20(7A) of the 2004 Act, I recommend non-adoption of it as submitted.

143. The Council has requested that I recommend MMs to make the Plan sound and capable of adoption. I conclude that the Duty to Cooperate has been met and that with the recommended Main Modifications set out in the Appendix to this Report, the Kent Minerals and Waste Local Plan satisfies the requirements referred to in Section 20(5)(a) of the 2004 Act and is sound.

*J Burston*

Inspector

This report is accompanied by an Appendix containing the Main Modifications.

## Appendix 1

### **Kent Minerals and Waste Local Plan 2024-39 - Schedule of Main Modifications**

The modifications below are expressed in the conventional form of ~~strikethrough~~ for deletions and **bold underlining** for additions of text.



Ref Number	Page Number	Policy/ Paragraph	Main Modification
MM1	12	Paragraph 1.2.3	<p>Amend second sentence of paragraph 1.2.3 as follows:</p> <p>'The Plan is also relevant to the determination of non-minerals and waste applications which may be determined by the District and Borough Councils, <b><u>Ebbsfleet Development Corporation</u></b>, and the County Council (in terms of other County matters such as schools).'</p>
MM2	13	Footnote 2 Paragraph 1.2.5	<p>Amend footnote 2 as follows:</p> <p>'The Town and Country Planning (Local Development) (England) Regulations 2004, The Town and Country Planning (Local Development) (England) (Amendment) Regulations 2008, The Town and Country Planning (Local Planning) (England) Regulations 2012 and the Localism Act (2011), Environmental Assessment of Plans and Programmes Regulations 2004 <b><u>and the Planning and Compulsory Purchase Act 2004</u></b>.'</p>

MM3	15	Paragraph 1.3	<p>Create a new paragraph 1.3.10 as follows:</p> <p><b><u>'The policy of the Secretary of State for Transport in relation to the Strategic Road Networks is Circular 01/2022: Strategic road network and the delivery of sustainable development. Particularly paragraph 4 of the Circular which states "...The principal purpose of the SRN is to enable safe, reliable, predictable, efficient, often long distance, journeys of both people (whether as drivers or passengers) and goods..." and paragraph 28 which outlines "...The policies and allocations that result from plan-making must not compromise the SRN's prime function to enable the long-distance movement of people and goods...".'</u></b></p>
MM4	16	Paragraphs 1.3.15 and 1.3.16	<p>Amend paragraphs 1.3.15 and 1.3.16 as follows:</p> <p>'1.3.15 A refreshed <b><u>The latest</u></b> Kent JMWMS (<b><u>2018/19 to 2020/21</u></b>) was agreed by the KRP in 2018 which sets out new objectives and policies being implemented across Kent. These included a recycling rate of 50% and a landfill target of no more than 2% by 2020/21 and a year on year reduction in residual waste per household. <b><u>Up to date performance against these targets can be found in the AMR. The Kent JMWMS is due to be updated.</u></b></p> <p>1.3.16 The County Council as Waste Disposal Authority (WDA) is conducting a five-year review of its Waste Disposal Strategy (<b><u>2017-35</u></b>) originally adopted in July 2017.....'</p>
MM5	19	Paragraph 1.5.1	<p>Amend the second sentence of paragraph 1.5.1 as follows:</p> <p><b><u>'In respect of pollution, i</u></b>n arriving at its decision, the County Council and its partner planning authorities will:'</p>

MM6	21	Paragraph 2.1.4 and 2.1.5 Footnote 25 Footnote 26	<p>Amend paragraph 2.1.4 and 2.1.5 as follows:</p> <p><del>'2.1.4 Kent is a member of The South East Local Enterprise Partnership (SE LEP). This encompasses East Sussex, Essex, Kent, Medway, Southend and Thurrock. LEPs are voluntary partnerships between local authorities and businesses which were formed in 2011 by the former Department for Business, Innovation and Skills (BIS) to help determine local economic priorities and lead economic growth and job creation within the local areas. LEPs are responsible for some of the functions previously carried out by the regional development agencies which were abolished in March 2012. There were 38 LEPs in operation in October 2021.</del></p> <p><del>2.1.5 Figure 3 shows the extent of the SE LEP and the Thames Gateway area. The SE LEP area has 156,000 businesses and 3.9 million people. 1,526,000 people work within the LEP area, contributing £63bn Gross Value Added (GVA)<sup>25</sup>. This represents 5% of the national contribution<sup>26</sup>. The SE LEP's aim is to ensure the survival and stability of our economy in the short term and to drive sustainable economic renewal and growth in the medium to long term. The SE LEP has identified four strategic priorities which reflect the unique geography, assets and opportunities: 1. business resilience and growth 2. UK's global gateway 3. communities for the future 4. coastal catalyst.'</del></p> <p><del>Footnote 25 – GVA is explained in the Glossary in Appendix A. Footnote 26 – South East Local Enterprise Partnership Strategic Economic Plan</del></p> <p><b><u>'2.1.4 Kent is part of the Kent and Medway Economic Partnership (KMEP) which is responsible for producing the economic framework for the county. It brings together councils, businesses, educators, the health sector, and community groups to drive forward economic growth. It has produced the Kent and Medway Economic Framework which sets out 5 key ambitions and 21 action areas to</u></b></p>
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			<p><b><u>develop the economy to be more productive, sustainable and inclusive. The 5 ambitions are, to:</u></b></p> <ul style="list-style-type: none"> <li>• <b><u>enable innovative, creative, and productive businesses</u></b></li> <li>• <b><u>widen opportunities and unlock talent</u></b></li> <li>• <b><u>secure resilient infrastructure for planned, sustainable growth</u></b></li> <li>• <b><u>place economic opportunity at the centre of community wellbeing and prosperity</u></b></li> <li>• <b><u>create diverse, distinctive and vibrant places.'</u></b></li> </ul>
MM7	23	Figure 3	Amend Figure 3 to remove reference to SELEP and replace with KMEP.
MM8	24	Paragraph 2.2.1	Amend the first bullet point under 'National Importance' as follows:  'almost a third of Kent is protected by two <b><u>National Landscapes (formerly known as Areas of Outstanding Natural Beauty (AONB))</u></b> : the Kent Downs AONB and High Weald AONB'
MM9	56	Strategic Objective 5	Amend bullet 5 as follows:  Seek to ensure the delivery of adequate and steady supplies of sand and gravel, chalk, brickearth, clay, building sand, silica sand, crushed rock, building stone and minerals for cement during the plan period, <del>through identifying sufficient sites</del> <b><u>by maintaining a stock of permitted reserves</u></b> and safeguarding mineral bearing land for future generations.
MM10	56	Strategic Objective 9	Amend the second sentence of strategic objective 9 as follows:  'Where possible, after-uses should conserve and improve local landscape character, and provide opportunities for improvements in biodiversity which meet and, where relevant, exceed targets outlined in the Kent Nature Partnership Biodiversity Strategy 2020 to 2045, the Biodiversity Opportunity Areas, <b><u>National Landscape (formerly known as Areas of Outstanding Natural Beauty (AONB))</u></b> Management Plans and Local

			Nature Recovery Strategies to help maximise overall net-gain in biodiversity on restoration.'
MM11	57	Strategic Objective 15	Amend strategic objective 15 as follows:  '15 Restore waste management sites at the earliest opportunity to the highest possible standard to sustainable after-uses that benefit the Kent community economically, socially <del>or</del> <b>and</b> environmentally. Where possible, after-uses should conserve and improve local landscape character and provide opportunities for biodiversity to meet and where relevant, exceed targets outlined in the Kent Nature Partnership Biodiversity Strategy 2020 to 2045, the Biodiversity Opportunity Areas, Greater Thames Nature Improvement Area, <b>National Landscape (formerly known as</b> Area of Outstanding Natural Beauty) Management Plans and Local Nature Recovery Strategies to maximise overall net-gain in biodiversity on restoration.'
MM12	61	Paragraph 5.2.10	Amend the first sentence of paragraph 5.2.10 as follows:  'The NPPF[43] requires Minerals Planning Authorities to plan for a steady and adequate supply of aggregates through preparing an annual Local Aggregates Assessment (LAA) from which future planned provision should be derived based on a rolling average of 10-years aggregates sales data <sup>44</sup> and an assessment of all supply options (including marine dredged, secondary and recycled sources), and other relevant local information <b><u>including the 3 year sales average.</u></b> '
MM13	62	New paragraph 5.2.17	Add a new paragraph 5.2.17 to Land won Aggregate Supply Considerations section after paragraph 5.2.16 as follows:  <b><u>'A policy covering situations where non-identified land won mineral sites could be acceptable is included as Policy CSM 4. In considering proposals that create</u></b>

			<b><u>building stone from aggregate development, Policy CSM 9 shall also be considered.</u></b>
MM14	63	Footnote 46 Paragraph 5.2.20	Amend footnote 46 as follows:  ' <del>KCC (January 2015) The 2nd</del> <b><u>See the</u></b> latest Local Aggregate Assessment for Kent, Table 3.'
MM15	63	Footnote 47 Paragraph 5.2.20	Amend footnote 47 as follows:  'This currently occurs at <del>two</del> <b><u>one</u></b> sites (Hermitage Quarry - rock and hassock & <del>East Peckham – imported rock and extracted sandstone gravels</del> ).'
MM16	65	Paragraph 5.2.24	Add to the end of paragraph 5.2.24:  ...justify any allocation of additional sites: <b><u>in an updated Mineral Sites Plan. Any allocation would need to be acceptable in planning terms and subject to detailed examination.</u></b>
MM17	65	Paragraph 5.2.30	Delete the last sentence of paragraph 5.2.30 as follows:  ' <del>A policy covering situations where non-identified land-won mineral sites could be acceptable is included as Policy CSM 4.</del> '
MM18	69	Policy CSM 2	Amend the first sentence point 3 of Policy CSM 2 as follows:  'In response to planning applications, the Mineral Planning Authority will seek to permit sites for silica sand production sufficient to provide a stock of permitted reserves of at least 10 years for individual sites <del>of 10 years</del> and 15 years for sites where significant new capital is required, to support the level of actual and proposed investment required for new or existing plant and the maintenance and improvement of existing plant and equipment.'

MM19	72	Paragraph 5.5.3	<p>Amend paragraph 5.5.3 as follows:</p> <p>'Land-won mineral safeguarding is carried out through the designation of Mineral Safeguarding Areas (MSAs) and Mineral Consultation Areas (MCAs). Further explanation is provided below.'</p>
MM20	73	Paragraph 5.5.7	<p>Delete this paragraph.</p> <p><del>5.5.7 The MCA designation is intended to ensure that consultation takes place between county and district/borough planning authorities when mineral interests might be compromised by non-minerals development, especially in close proximity to a known mineral resource. The designation of MCAs is not obligatory, but consultation on development within an MCA is. The MCAs within Kent cover the same areas as the MSAs.</del></p>
MM21	74	Policy CSM 5	<p>Delete bullet point two:</p> <p><del>Mineral Consultation Areas which cover the same area as the Minerals Safeguarding Areas.</del></p>

MM22	77	<p>Section 5.8</p> <p>Paragraphs 5.8.1 and 5.8.2</p>	<p>Amend paragraphs 5.8.1 and 5.8.2 as follows:</p> <p><b><u>‘5.8.1 The use of secondary and recycled aggregates is generally more sustainable than extracting primary land-won aggregates. It is for this reason that national policy expects MPAs to, so far as practicable, take account of the contribution that secondary and recycled materials would make, before considering extraction of primary materials. As considered in Section 5.2, the replacement of primary aggregates with secondary and recycled supplies materials is becoming increasingly important as indigenous land-won primary supplies diminish. The County Council is therefore keen to see the quantities of secondary and recycled aggregates being produced within Kent increase. <u>Inert Construction, Demolition and Excavation waste (CDEW) is the main source of recycled aggregate and Policy CSW4 includes ambitious targets for the recycling of such waste. In addition, Policy CSW 3 expects CDEW arising from all types of new development to be recycled, as well as the use of recycled materials in construction.</u></u></b></p> <p><b>5.8.2</b> In 2016 the consented secondary and recycled aggregates processing capacity within Kent exceeded 2.7Mtpa, 0.63 Mtpa of which was identified as temporary capacity. <del>Inert Construction, Demolition and Excavation (CDE) waste is the main source of recycled aggregate and a</del> Arisings of <b><u>CDEW</u></b> <del>this waste</del> in Kent were estimated to be 2.6 Mtpa which indicates that some capacity may be utilised for imported materials. In addition, arisings of materials suitable for conversion into secondary aggregates such as furnace bottom ash will increase if more Energy from Waste capacity is developed during the plan period in line with Policy CSW 8: Recovery Facilities for Non-hazardous Waste.’</p>
MM23	78	Paragraph 5.9.1	<p>Add the following sentence to the end of paragraph 5.9.1:</p> <p><b><u>‘This was recognised, for example, in the permission for extraction of Kentish Ragstone (Hythe Formation) at Hermitage Quarry in 2013 where the Secretary of State imposed two conditions regulating the supply of building stone from the</u></b></p>



			<b><u>quarry as part of the overall operations. Furthermore, this geological resource will be safeguarded as set out in Policy CSM 5.'</u></b>
MM24	79	Paragraph 5.10.2	Amend paragraph 5.10.2 as follows:  'Where possible reserves have been identified there is a need to establish, through exploratory drilling, whether or not there are sufficient recoverable quantities of <del>unconventional</del> hydrocarbons present to facilitate economically viable full scale production. There are three phases of onshore hydrocarbon extraction: exploration, testing (appraisal) and production.'
MM25	79	Paragraph 5.10.3	Amend paragraph 5.10.3 as follows:  'In the case of appraisal wells, decisions will not take account of hypothetical future activities, since the further appraisal and production phases will be the subject of separate planning applications, <b>licences</b> and assessments.....'
MM26	83	Footnote 63	Change footnote as follows:  'Advice will be sought from <b>As designated by</b> the Environment Agency.'
MM27	82	Paragraph 5.10.14	Amend the second to last sentence of paragraph 5.10.14 as follows:  'Section 3 of these Regulations define "other protected areas" in the following manner, as areas of land at a depth of less than 1,200 metres beneath a National Park, the Broads, <b>National Landscapes (formerly known as</b> Areas of Outstanding Natural Beauty) or a World Heritage site.
MM28	84	Paragraph 5.11.2	Amend paragraph 5.11.2 as follows:  'As any application may need to be accompanied by an Environmental Statement, details of the results of the survey <b>following prospecting</b> , and implications of such a development for the environment would need to be included in this Statement.'

MM29	87	Paragraph 6.2.4	<p>Insert a new footnote into paragraph 6.2.4 as follows:</p> <p>6.2.4 In accordance with the Waste Hierarchy, the Plan gives priority to planning for waste management developments that prepare waste for re-use or recycling. The most recent assessment of waste management capacity requirements <b><u>(new footnote)</u></b> shows that, 68 HM Government (2020), The Waste (Circular Economy) (Amendment) Regulations 2020 69 Environment Act 2021 70 Department for Environment, Food and Rural Affairs (2023), Environmental Improvement Plan 2023 88 overall, Kent's current recycling and processing facilities have adequate capacity for the anticipated rate of usage.</p> <p><b><u>'BPP Consulting Waste Needs Assessment November 2022'</u></b></p>
MM30	88	Paragraph 6.2.6	<p>Add the following sentence to the end of paragraph 6.2.6:</p> <p><b><u>'Proposals for the management of residual waste by landfill or 'other recovery' will need to be accompanied by a waste hierarchy statement.'</u></b></p>
MM31	89	Policy CSW 3	<p>Delete footnote 71:</p> <p><del><sup>74</sup>Development requiring a Circular Economy Statement will have a total floor space of greater than 1000 square metres and/or comprise greater than 10no. units of housing and/or where the site is 1 hectare or more</del></p> <p>Amend second paragraph of Policy CSW 3 as follows:</p> <p>For major developments<sup>74</sup> <del>the above should be demonstrated via the submission of a Circular Economy Statement.</del> <b><u>For development which has a total floor space of greater than 1000 square metres and / or comprises greater than 10no. units of housing and / or where the site is 1 hectare or more, the above principles (1 to 4) should be demonstrated via the submission of a Circular Economy Statement.</u></b></p>

MM32	90	Policy CSW 3	<p>Amend Policy CSW 3 as follows:</p> <p><b><u>'All n</u></b>New development should include detailed consideration of waste arising from the occupation of the development including consideration of how waste will be stored, collected and managed.'</p>
MM33	90	Paragraph 6.3.6	<p>Add a new footnote after the last sentence of paragraph 6.3.6 as follows:</p> <p><b><u>'For further details please see the Waste Needs Assessments November 2022.'</u></b></p>
MM34	91	Paragraph 6.3.6 and footnote 72	<p>Delete footnote 72: <del>The London Plan 2021 expects net self sufficiency in the management of waste to be achieved by 2026. Actual progress towards meeting this target will be considered.</del></p> <p>Add new paragraph 6.3.7 before Policy CSW 4:</p> <p><b><u>'6.3.7 The London Plan 2021 expects net self-sufficiency in the management of waste to be achieved by 2026. Due to its proximity and constraints within London, it is reasonable to assume that some non-hazardous residual waste arising in London may be transported to Kent for management.'</u></b></p>
MM35	91	Policy CSW 4	<p>Amend the last sentence of the first paragraph of Policy CSW 4 as follows:</p> <p>'As a minimum it is to achieve the targets set out below for recycling and composting (minima) and landfill limits (maxima) with the difference managed by other forms of recovery <b><u>and with the management of waste proximate to where it is generated.'</u></b></p> <p>Insert a new footnote after 'generated' as follows:</p> <p><b><u>'It is recognised that different waste streams may have different catchments.'</u></b></p>
MM36	92	Policy CSW 4	<p>Add a new footnote to define CDEW as follows:</p> <p><b><u>'Construction, Demolition and Excavation Waste.'</u></b></p>

MM37	93	Policy CSW 4	<p>Amend the last paragraph of Policy CSW 4 as follows:</p> <p>'It is assumed that 20% of the <del>CDEW</del> <b>waste</b> stream comprises non-inert materials The subsequent targets are proportions of the inert or non-inert elements of the <del>CDEW</del> <b>waste</b> stream.'</p>
MM38	95	Policy CSW 6	<p>Amend points a, b and c of Policy CSW 6 as follows:</p> <p>'Planning permission will be granted for proposals that:</p> <p>a. Do not give rise to <del>unacceptable</del> <b>unacceptable</b> significant adverse impacts upon national and international designated sites, including <b>National Landscapes (formerly known as</b> Areas of Outstanding Natural Beauty (AONB)), Sites of Special Scientific Interest (SSSI), Special Areas of Conservation (SAC), Special Protection Areas (SPAs), Ramsar sites, and heritage assets. (See Figures 4, 5 &amp; 6).</p> <p>b. do not give rise to <del>unacceptable</del> <b>unacceptable</b> significant adverse impacts upon Local Wildlife Sites (LWS), Local Nature Reserves (LNR), Ancient Woodland, Air Quality Management Areas (AQMAs) and groundwater resources. (See Figures 7, 8, 10 &amp; 15)</p> <p>c. are well located in relation to <del>the Strategic Road Network Kent's Key Arterial Routes</del>, and/or railheads and wharves avoiding proposals which would give rise to unacceptable adverse impacts on <del>strategic and</del> <b>strategic and</b> local roads and/or villages.'</p>
MM39	99	Footnote 81	<p>Amend footnote 81 as follows:</p> <p><del>Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives.</del> <b>As defined in the Waste (Circular Economy) (Amendment) Regulations 2020 or any subsequent amendment.</b></p>

MM40	100	Policy CSW 9	<p>Amend Policy CSW 9 as follows:</p> <p>'Non-Inert Waste Landfill in Kent          Planning permission will only be granted for non-inert waste landfill if:</p> <ol style="list-style-type: none"> <li>1. it can be demonstrated, in a <b>W</b>aste <b>H</b>ierarchy <b>S</b>tatement, that the waste stream that needs to be landfilled cannot be managed in accordance with the objectives of Policy CSW 2 and no alternative suitable capacity for its management exists; and</li> <li>2. environmental or other benefits will result from the development; <b>and</b></li> <li>3. the site and any associated land are to be restored to a high quality standard and an appropriate after-use that accords with the local landscape character as required by Policy DM 19; and</li> <li>4. at least 85% of any landfill gas produced will be captured and utilised using best practice techniques.' </li></ol>
MM41	104	Paragraph 6.14.1	<p>Insert new footnote at the end of the second sentence of paragraph 6.14.1 as follows:</p> <p><b><u>'Please note that dredging spoils consisting of soil and plant matter can be deposited and used under the conditions of the D1, U1, U10 and U11 waste exemptions. Please see guidance: D1 waste exemption: depositing waste from dredging inland waters - GOV.UK (www.gov.uk), U1 waste exemption: use of waste in construction - GOV.UK (www.gov.uk), U10 waste exemption: spreading waste to benefit agricultural land -creating a better place for people and wildlife GOV.UK (www.gov.uk), U11 waste exemption: spreading waste on non-agricultural land - GOV.UK (www.gov.uk).'</u></b></p>
MM42	104	Paragraph 6.14.1	<p>Amend paragraph 6.14.1 as follows:</p> <p>'Retaining the navigable channels within the estuaries within Kent is the statutory duty of the Port of London Authority (PLA) and the Medway Ports Authority. When the dredged materials do not consist of aggregates or cannot be accommodated within projects to enhance the biodiversity of the estuaries, then landfill is the only option currently available. The PLA <b>completed a review of</b> <del>is reviewing</del> its 'Vision for the Tidal Thames (The Thames Vision)' in 2024<b>2 which sets out future priorities for the Tidal Thames around three themes 'Trading', 'Destination' and 'Natural'</b></p>

			<p><b><u>Thames</u></b>. Any sites that would require planning permission for the disposal of dredged materials to land will be considered against the policies of the Plan as a whole. Specifically, Policy CSW 14 should ensure that such waste development would be the most sustainable option for the management of this material and that it affords increased opportunities for enhanced biodiversity in the Kent estuaries.'</p>
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			<b><u>2009 and 'UK Policy Framework for Managing Radioactive Substances and Nuclear De-Commissioning', May 2024.'</u></b>
MM45	109	Paragraph 6.18.7	Amend paragraph 6.18.7 as follows:  'The Government <b><u>has published UK Policy Framework for Managing Radioactive Substances and Nuclear De-Commissioning (May 2024) and</u></b> is currently preparing Planning Guidance for on-site disposal of suitable 'low level' and 'very low level' radioactive waste on nuclear and decommissioned sites'.
MM46	114	Paragraph 7.1.4	Amend the last sentence of paragraph 7.1.4 as follows:  'Planning applications should therefore include details of how soil disturbance is to be minimised. Best practice examples are set out in the Defra publication 'Construction Code of Practice for the Sustainable Use of Soils on Construction Sites' <b><u>2009.</u></b> '
MM47	116	Paragraph 7.2.4	Add a new footnote after 'buffers' in the last sentence of paragraph 7.2.4 as follows:  <b><u>'A buffer is a piece of land that separates or manages incompatible land uses.'</u></b>



MM48	117	Policy DM 2	<p>Amend Policy DM 2 as follows:</p> <p>'Policy DM 2 Environmental and Landscape Sites of International, National and Local Importance</p> <p>Proposals for minerals and/or waste development will be required to ensure that <del>there is no unacceptable adverse impact on</del> <b><u>they are not likely to cause significant harm to</u></b> the integrity, character, appearance and function, biodiversity and geodiversity interests of sites of international, national and local importance, such that these proposals accord with the avoid, mitigate, compensate hierarchy. <b><u>Proposals in coastal locations that are considered likely to cause significant harm to Marine Conservation Zones should also accord with the avoid, mitigate and compensate hierarchy.</u></b></p> <p>1. International Sites Minerals and/or waste proposals <b><u>(for planning permission, or allocation within the Minerals Sites Plan and any Waste Sites Plan), located within or that are considered to have a 'likely significant effect' to have any unacceptable adverse impact (either alone or in combination with other plans or projects)</u></b> on international designated sites, including Ramsar <b><u>sites</u></b>, Special Protection Areas and Special Areas of Conservation ('National Site Network' as defined by the Changes to the Habitats and Species Regulations 2017 and 'Habitat Sites' as defined by the NPPF), will need to be evaluated <b><u>as part of an 'appropriate assessment'</u></b> in combination with other projects and plans and be in accordance with established management objectives for the national sites network ('network objectives'). <b><u>Where an 'adverse effect on integrity' of an international designated site cannot be ruled out as a result of a proposal</u></b> <del>Before any such proposal will be granted planning permission or identified in the Minerals and Waste Sites Plan,</del> it will need to be demonstrated that:</p> <ol style="list-style-type: none"> <li>a. there are no alternatives;</li> <li>b. there is a robust case established as to why there are imperative reasons of overriding public interest; and</li> </ol>
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			<p>c. there is sufficient provision for adequate timely compensation <b><u>before permission can be granted, or the allocation can be included within the Minerals Sites Plan and any Waste Sites Plan.</u></b></p> <p>2. National Sites          Designated National Landscapes have the highest status of protection in relation to landscape and scenic beauty. <b><u>When exercising or performing any functions in relation to, or so as to affect land, in a National Landscape, relevant authorities must seek to further the purpose of conserving and enhancing the natural beauty of the National Landscape.</u></b> <del>Regard must be had to the purpose of the designation when exercising or performing any functions in relation to, or so as to affect land, in an AONB.</del> For the purposes of this policy, such functions include the determination of planning applications and the allocation of sites in a development plan.</p> <p>Planning permission for major minerals and waste development in a designated National Landscape will be refused except in exceptional circumstances and where it can be demonstrated that it is in the public interest. In relation to other minerals or waste proposals in a National Landscape, great weight will be given to conserving and enhancing its landscape and scenic beauty. Proposals within the setting of a National Landscape should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.</p> <p>Consideration of such applications will assess;</p> <p>a. the need for the development, including in terms of any national considerations and the impact of granting, or refusing, the proposal upon the local economy;</p> <p>b. the cost of, and scope for developing elsewhere outside the designated area, or meeting the need in some other way; and</p> <p>c. any detrimental impact on the environment, the landscape and recreational opportunities, and the extent to which the impact could be moderated taking account of the relevant AONB Management Plan.</p>
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			<p>Sites put forward for allocation for minerals or waste development in updates to the Minerals Sites Plan or any Waste Sites Plan will be considered having regard to the above tests. Those that the Minerals and Waste Planning Authority considers unlikely to meet the relevant test(s) will not be allocated.</p> <p>Proposals for minerals and/or waste developments within or outside of designated Sites of Special Scientific Interest or National Nature Reserves, that are considered likely to have any <del>unacceptable</del> adverse impact on a Site of Special Scientific Interest or National Nature Reserve, will not be granted planning permission or identified in updates to the Minerals Sites Plan and any Waste Sites Plan except in exceptional circumstances where it can be demonstrated that <b><u>impacts cannot be avoided in the first instance (through locating on an alternative site with less harmful impacts), or adequately mitigated, unless</u></b> there is an overriding need for the development and any impacts can be <del>mitigated or compensated for</del>, and:</p> <ul style="list-style-type: none"> <li>a. the benefits of the development <b><u>in the location proposed clearly</u></b> outweigh any impacts that it is likely to have on the features of the site that make it of special scientific interest; and</li> <li>b. the benefits of the development outweigh any impacts that it is likely to have on the national network of Sites of Special Scientific Interest.</li> </ul> <p>Minerals and/or waste proposals located within or considered likely to <b><u>cause loss or deterioration of</u></b> <del>have any unacceptable adverse impact on</del> 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 Plan unless the need for, and the benefits of the development in that location clearly outweigh any loss, justified by wholly exceptional reasons, and a suitable compensation strategy is in place.</p> <p><b>3. Local Sites</b></p> <p>Minerals and/or waste proposals within, or likely to have an unacceptable adverse impact on, the Local Sites listed below will not be granted planning permission, or identified in updates to the Minerals Sites Plan and any Waste Sites Plan, unless it can be</p>
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			<p>demonstrated that there is an overriding need for the development and any impacts can be mitigated or compensated for, such that there is a net planning benefit:</p> <ul style="list-style-type: none"><li>a. Local Wildlife Sites;</li><li>b. Local Nature Reserves;</li><li>c. Priority Habitats and Species;</li><li>d. land that is of regional or local importance as a wildlife corridor or for the conservation and enhancement of geodiversity and biodiversity;</li><li>e. <b><u>habitats and species identified in the Kent Nature Partnership Biodiversity Strategy 2020 to 2045</u></b> <del>ef.</del> Local Geological Sites; <del>fg.</del> irreplaceable habitat including aged and veteran trees; <b>gh.</b> Country Parks, common land and village greens and other important areas of open space or green areas within built-up areas. <del>h. Marine Conservation Zones'</del></li></ul>
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MM49	117	Footnote 101	<p>Delete footnote 101:</p> <p><del><sup>401</sup> NPPF defines 'habitat sites' as 'any site which would be included within the definition at Regulation 8 of the Conservation of Habitats and Species Regulations 2017 for the purpose of those regulations, including candidate Special Areas of Conservation, Sites of Community Importance, Special Areas of Conservation, Special Protection Areas and any relevant Marine Sites'</del></p>
MM50	117	Footnote 102	<p>Amend footnote 102 as follows:</p> <p><del>Changes to the Conservation of Habitats and Species Regulations 2017—</del>  <del><a href="https://www.gov.uk/government/publications/changes-to-the-habitatsregulations-2017">https://www.gov.uk/government/publications/changes-to-the-habitatsregulations-2017</a></del>. <b><u>As defined in the Conservation of Habitats and Species Regulations 2017 (as amended).</u></b></p>
MM51	117	Footnote 103	<p>Delete footnote 103.</p> <p><del><sup>403</sup> The purpose of an AONB is set out in Section 82(1) of the Countryside and Rights of Way Act 2000 states as follows: the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty.</del></p>

MM52	119	Policy DM 3	<p>Amend Policy DM 3 as follows:</p> <p>'Policy DM 3 Ecological Impact Assessment Proposals for minerals and waste developments will be required to ensure that they result in no unacceptable adverse impacts on Kent's important biodiversity assets. These include internationally, nationally and locally designated sites, internationally and nationally protected species, and habitats and species of principal importance for the conservation, protection and enhancement of biodiversity, geodiversity and habitats and species identified in the Kent Nature Partnership Biodiversity Strategy 2020 to 2045.</p> <p>Proposals that are likely to have unacceptable adverse impacts upon important geodiversity and biodiversity assets (<b>as defined in Policy DM2</b>) will need to demonstrate that an adequate level of ecological assessment has been undertaken and should provide a positive contribution to the protection, enhancement, creation and management of biodiversity. Such proposals will only be granted planning permission following:</p> <ol style="list-style-type: none"> <li>1. an ecological assessment of the site, including preliminary ecological appraisal and, where likely presence is identified, specific protected species surveys;</li> <li>2. consideration of the <b>exceptional circumstances that clearly demonstrate the</b> need for, and benefits of, the development and the reasons for locating the development in its proposed location, <b>that clearly outweigh its impacts</b>;</li> <li>3. <b>Where impacts cannot be avoided</b>, the <u>identification and securing of measures required</u> to mitigate any adverse impacts (direct, indirect and cumulative) <b>should be identified and appropriately secured</b>; and,</li> <li>4. <b>finally, only as a last resort</b>, the <u>identification and securing of compensatory measures</u> where adverse impacts cannot be avoided or mitigated for, <b>then compensatory measures should be identified and secured.</b>'</li> </ol>
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			<p>All development<sup>104</sup> shall achieve a net gain in biodiversity value in accordance with the requirements of the NPPF. All major development shall deliver at least a 10% net gain in biodiversity value with an expectation that the maximum practicable net gain is achieved. All planning applications <del>must</del> <b>should</b> be supported by a <b>draft</b> Biodiversity <del>Net Gain</del> Plan and relevant supporting reports that demonstrate net gain <del>will</del> <b>can</b> be achieved, implemented, managed and maintained.</p> <p>Remainder of Policy text remains as drafted in the Regulation 19 Kent Minerals and Waste Local Plan 2024-39.</p>
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MM53	120	Footnote 104	<p>Amend footnote 104 as follows:</p> <p><del>Please note an application to vary a condition of a planning permission under section 73 which is made after the commencement of the statutory framework for Biodiversity Net Gain on [January xx 2024 subject to parliamentary timetabling] is not in scope if the original permission to which the section 73 application relates was either granted before [January xx 2024 subject to parliamentary timetabling] or the application for the original permission was made before [January xx 2024 subject to parliamentary timetabling].</del> <b><u>An application to vary a condition of a planning permission pursuant to section 73 of the Town and Country Planning Act is exempt from BNG requirements where the original permission which the section 73 application relates to was either granted before 12 February 2024 or the application for the original permission was made before 12 February 2024</u></b></p>
MM54	121	Policy DM 4	<p>Amend Policy DM 4 as follows:</p> <p><del>'Proposals for minerals and waste development within the Green Belt will be considered in light of their potential impacts, and shall comply with national policy and the NPPF.'</del></p>
MM55	122	Footnote 107	<p>Amend footnote 107 as follows:</p> <p><b><u>Currently t</u></b>Two sites in Kent: (1.) South Foreland and (2.) Dover – Folkestone.</p>
MM56	125	Footnote 110	<p>Delete footnote 110:</p> <p><del><sup>440</sup> In this context 'mineral safeguarding' should be taken to mean safeguarding certain minerals identified within a Mineral Safeguarding Area shown in the policies maps in Chapter 9 and allocations in the Minerals Sites Plan.</del></p>
MM57	125	Policy DM 7	<p>Amend the last sentence of Policy DM 7 as follows:</p> <p><del>'Further guidance on the application of this policy is included in a</del> <b><u>the Kent Minerals and Waste Local Plan Safeguarding</u></b> Supplementary Planning Document <b><u>(March 2021).</u></b></p>



MM58	130	Paragraph 7.8.2	<p>Amend the last sentence of paragraph 7.8.2 as follows:</p> <p>'Planning applications for sites located in areas prone to flooding must be accompanied by a suitable Flood Risk Assessment <b><u>which demonstrates the flood risk of the site can be safely managed without increasing flood risk elsewhere.</u></b>'</p>
MM59	131	Paragraph 7.8.4	<p>Amend paragraph 7.8.4 as follows:</p> <p><del>'To ensure compliance with the Water FD113 minerals and waste developments must not cause any unacceptable adverse impact on local water bodies. Applications for minerals and waste proposals within Source Protection Zones (SPZ) and Groundwater Vulnerability and Aquifer Designation areas should be accompanied by a hydrogeological and/or hydrological assessment(s) that investigate the potential present and future risks of unacceptable adverse impacts on the water environment associated with the proposed development and how these will be adequately mitigated to prevent such impacts. Waste operations are not usually considered compatible within SPZ1.'</del></p>
MM60	131	Policy DM 10	<p>Change to text of Policy DM 10 as follows:</p> <p><del>'exacerbate flood risk in areas prone to flooding (as shown in Figure 15) and elsewhere, both now and in the future <b><u>(taking account of climate change recommended uplifts)</u></b>. Measures to reduce flood risk where possible are encouraged.'</del></p> <p>'All minerals and waste proposals must include measures to ensure the achievement of both no deterioration and improved ecological status of all waterbodies within the site and/or hydrologically or hydrogeologically connected to the site. <b><u>Applications for minerals and waste proposals within Source Protection Zones (SPZ) and Groundwater Vulnerability and Aquifer Designation areas must be accompanied by a hydrogeological and/or hydrological assessment(s) that investigate the potential present and future risks of unacceptable adverse impacts on the water environment associated with the proposed development and how these will be adequately mitigated to prevent such impacts. In all other cases, Hhydrogeological and/or hydrological assessment(s) may be required to demonstrate the effects of the</u></b></p>

			<p>proposed development on the water environment and how these may be mitigated to an acceptable level.</p> <p><b><u>For sites within areas at risk of flooding, a Flood Risk Assessment will be required to demonstrate flood risks to the site can be safely managed, without increasing flood risk elsewhere.'</u></b></p>
MM61	134	Policy DM 13	<p>Amend the first sentence of Policy DM 13 as follows:</p> <p>'Minerals and waste development will be required to demonstrate that emissions <b><u>(including carbon)</u></b> associated with road transport movements are minimised as far as practicable and by preference being given to non-road modes of transport.'</p>
MM62	135	Policy DM 13	<p>Amend section 2 of Policy DM 13 as follows:</p> <p>'the highway network is able to <b><u>safely</u></b> accommodate the traffic flows that would be generated, as demonstrated through a transport assessment, and the impact of traffic generated does not have an unacceptable adverse impact on the environment or local community; and'</p>

MM63	135	Policy DM 14	<p>Amend Policy DM 14 as follows:</p> <p>'Planning permission will only be granted for minerals and waste development that adversely affect a Public Right of Way, if:</p> <ul style="list-style-type: none"> <li>• satisfactory prior provisions, <b><u>by means of relevant legal event</u></b>, for its diversion or stopping up are made which are both convenient and safe for users of the Public Rights of Way</li> <li>• provision is created for an acceptable alternative route both during operations and following restoration of the site.</li> <li>• opportunities are taken wherever possible to secure appropriate, improved access into and within the countryside <b><u>in accordance with the Rights of Way Improvement Plan 2018-28.</u></b></li> </ul>
MM64	139	Footnote 119	<p>Amend footnote 119 as follows:</p> <p>Applicants should refer to <del>the following website for the most recent guidance on local information requirements and validation of applications:</del>  <del><a href="http://www.kent.gov.uk/planningapplications">http://www.kent.gov.uk/planningapplications</a>.</del> <del>Guidance will be reviewed and updated periodically</del> <b><u>Kent County Council's website for the most recent guidance on local information requirements for validation of applications.</u></b></p>
MM65	139	Policy DM 17	<p>Ament bullet number 18 as follows:</p> <p>codes of construction practice for large<sup>120</sup> waste developments <b><u>with a capacity of over 100,000 tpa</u></b> that incorporate the requirement for the majority of the construction workforce to be recruited locally. Opportunities for modern apprenticeships to be made available for a proportion of the construction workforce.</p>
MM67	140	Footnote 120	<p>Footnote to be deleted:</p> <p><sup>120</sup><del>A large waste development is one that has a capacity of over 100,000 tpa</del></p>

MM68	145	Policy DM 19	<p>Amend point 17 of Policy DM 19 as follows:</p> <p>'17. proposals for meeting and where relevant exceeding, biodiversity net gain targets, including those outlined in the Kent Nature Partnership Biodiversity Strategy 2020-45, Biodiversity Opportunity Areas, <b><u>National Landscapes (formerly known as</u></b> Areas of Outstanding Natural Beauty] Management Plans and the Local Nature Recovery Strategy;'</p>
MM69	145	Policy DM 19	<p>Amend the final paragraph of Policy DM 19:</p> <p>'Aftercare schemes <b><u>concerned with Biodiversity Net Gain should be for at least 30 years. Schemes related to other forms of aftercare</u></b> should incorporate an aftercare period of at least five years. Where appropriate, voluntary longer periods for certain uses will be sought through agreement between the applicant and minerals planning authority.'</p>
MM70	146	Footnote 123	<p>Amend footnote 104 as follows:</p> <p><b><u>As defined in s. 90 of the Town and Country Planning Act 1990. In relation to minerals and waste developments</u></b> "Ancillary Development" is defined in the Town and Country Planning Act S90. In relation to minerals and waste developments "ancillary development" only includes development that is directly related to the minerals or waste development proposed.</p>
MM71	147	Paragraph 7.20.1	<p>Amend the last sentence of paragraph 7.20.1 as follows:</p> <p>'To fully meet such challenges requires the actions of a local control and management regime and the support of a recognised policy base <b><u>and working with other stakeholders including the Environment Agency.</u></b>'</p>
MM72	160	Monitoring Schedule Policy CSM 8	<p>Amend trigger for Policy CSM 8 as follows:</p> <p>'Within 10% of the target maximum for the <del>household waste</del> <b><u>Local Authority Collected Waste</u></b> landfill diversion target at or beyond the dates stated in Policy CSW4.'</p>

MM73	181	Paragraph 9.2.1	<p>Amend paragraph 9.2.1 as follows:</p> <p>'The following Policies Maps display the Mineral Safeguarding Areas (MSAs) in Kent. <b><u>The MSAs within Kent cover the same areas as the Mineral Consultation Areas (MCAs).</u></b> The maps cover the following authority's areas in Kent.'</p>
MM74	195	Glossary	<p>Amend the definition for the 'Agent of Change Principle' in the glossary as follows:</p> <p>'A developer proposing new development within an area that is of such a nature that it might be impacted by existing development or impact on that development (e.g. housing proposed within an industrial area). The 'agent of change principle' sets out a position that a person or business (i.e. the 'agent of change') introducing a new land use is responsible for managing the impact of that change, <b><u>in accordance with the requirements of the NPPF.</u></b>'</p>
MM75	196	Glossary	<p>Insert definition of 'Ancient Woodland' into the glossary as follows:</p> <p><b><u>'Ancient Woodland - An area that has been wooded continuously since at least 1600 AD. It includes ancient semi-natural woodland and plantations on ancient woodland sites (PAWS).'</u></b></p>