# Kent Minerals and Waste Local Plan 2024-39

# As Modified by the Inspector's Recommendations - The Plan for Adoption

March 2025

# Contents

## Abbreviations

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

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|---|---|
| EfW | Energy from Waste |
| EIA | Environmental Impact Assessment |
| EPR | Early Partial Review |
| ES | Environmental Statement |
| ESC | Environmental safety case |
| EU | European Union |
| GDF | Geological Disposal Facility |
| GPDO | Town and Country (General Permitted Development) Order |
| GVA | Gross Value Added |
| HDV | Heavy Duty Vehicle |
| HGV | Heavy Goods Vehicle |
| HLW | High Level Waste (Radioactive Waste Classification) |
| HRA | Habitat Regulations Assessment |
| HWRC | Household Waste Recycling Centre |
| ILW | Intermediate Level Waste (Radioactive Waste Classification) |
| JMWMS | Joint Municipal Waste Management Strategy |
| KCC | Kent County Council |
| km | Kilometres |
| KMEP | Kent and Medway Economic Partnership |
| KRP | Kent Resource Partnership |
| LAA | Local Aggregate Assessment |
| LCA | Life Cycle Assessment |
| LCE | Low-Carbon Economy |
| LDS | Local Development Scheme |
| LLW | Low Level Waste (Radioactive Waste Classification) |
| LLWR | Low Level Waste Repository |
| LNR | Local Nature Reserve |
| LNRS | Local Nature Recovery Strategy |

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

| | |
|---|---|
| SEPA | Scottish Environment Protection Agency |
| SFRA | Strategic Flood Risk Assessment |
| SPA | Special Protection Area |
| SPZ | Source Protection Zone |
| SSSI | Site of Special Scientific Interest |
| SWESC | Site Wide Environmental Safety Case |
| TCPA | Town and Country Planning Act |
| tpa | Tonnes per annum |
| TRW | Topic Report on Waste |
| UNESCO | United Nations Educational, Scientific and Cultural Organisation |
| VLLW | Very Low Level Waste (Radioactive Waste Classification) |
| Water FD | Water Framework Directive |
| WCA | Waste Collection Authority |
| WFD | Waste Framework Directive |
| WMP | Waste Management Plan |
| WMU | Waste Management Unit |
| WPA | Waste Planning Authority |

## List of Figures

# 1. Introduction

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

## 1.1 The Kent Minerals and Waste Local Plan 2024-39

**1.1.1** This document, the Kent Minerals and Waste Local Plan 2024-39, is the main Local Plan document pertaining to minerals supply and waste management in Kent. It describes:

1. the overarching strategy and planning policies for mineral extraction, importation and recycling, and the waste management of all waste streams that are generated or managed in Kent, and

2. the spatial implications of economic, social and environmental change in relation to strategic minerals and waste planning.

**1.1.2** This Plan identifies and sets out the following subjects for the period up to, and including, the year 2039:

1. the long term Spatial Vision and Strategic Objectives for Kent's minerals and waste

2. the delivery strategy for minerals and waste planning that identifies how the objectives will be achieved in the plan period

3. the area where strategic waste development is likely to occur

4. the Development Management (DM) policies that will be used when the County Council makes decisions on planning applications

5. the framework to enable annual monitoring of the policies within the Plan

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

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

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

1. *Sustainability Appraisal* (SA)

2. *Habitat Regulations Assessment* (HRA)
3. *Strategic Flood Risk Assessment* (SFRA)
4. *Strategic Landscape Assessment*
5. *Strategic Transport Assessment*
6. *Equalities Impact Assessment* (EqIA)[1]

### 1.2 The Status of the Kent Minerals and Waste Local Plan 2024-39

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

**1.2.2** The policies in this Plan update policies in the Kent Minerals and Waste Local Plan 2013-30.

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

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

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

[1] These documents form part of the Plan's evidence base and are available online from https://www.kent.gov.uk/about-the-council/strategies-and-policies/service-specific-policies/economic-regeneration-and-planning-policies/planning-policies/minerals-and-waste-planning-policy#nul.

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

**1.2.6** The Kent MWLP only applies to the administrative county of Kent. Medway Council maintain their own local plan.

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

**1.2.8** A list of the abbreviations used can be found on page 5 and Appendix A lists a glossary of terms.

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

**1.3.1** When preparing plans, minerals and waste planning authorities must take account of international and national legislation and national planning policy. Until 2013, regional planning policy formed part of the development plan and was required to be taken into account in the preparation of local plans. The *Regional Spatial Strategy* (RSS) for the South East of England was substantially revoked[7]. The remaining part of the RSS relates to a policy about new residential development near the Thames Basin Heaths Special Protection Area (SPA), which is not in Kent.

### National Legislation

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

**1.3.3** The Waste (Circular Economy) (Amendment) Regulations 2020 (*SI 2020/904*), transpose the European Union's 2020 Circular Economy Package (2020

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[2] 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 and the Planning and Compulsory Purchase Act 2004.
[3]National Planning Policy Framework (December 2023).
[4]National Planning Policy for Waste (October 2014)
[5] DEFRA (January 2021) Waste Management Plan for England.
[6] Available online from: https://www.kent.gov.uk/about-the-council/strategies-and-policies/service-specific-policies/economic-regeneration-and-planning-policies/planning-policies/minerals-and-waste-planning-policy#null.
[7] Statutory Instruments 2013 No. 427: The Regional Strategy for the South East (Partial Revocation) Order 2013.

CEP) in England and Wales, and were made on 25 August 2020. These Regulations implement six amending EU Directives in the field of waste concerning:

1. The Waste Framework Directive;
2. packaging and packaging waste;
3. landfill of waste;
4. end-of life vehicles;
5. batteries and accumulators and waste batteries and accumulators; and,
6. waste electrical and electronic equipment.

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

**1.3.5** Other important EU Directives are:

1. ***Landfill Directive*** **(1999/31/EC)** which requires reductions in the quantity of biodegradable waste that is landfilled, and encourages diversion of non-recyclable and non-usable waste to other methods of treatment.

2. ***Water Framework Directive*** **(Water FD) (2000/60/EC)** which aims to improve the local water environment for people and wildlife, and promote the sustainable use of water. It applies to all surface water bodies, including lakes, streams and rivers as well as groundwater. The aim of the Water FD is for all water bodies to reach good status by 2027. This means improving their physical state, and preventing deterioration in water quality and ecology. The Water FD introduced the concept of integrated river basin management planning. Kent lies within the Thames River Basin District and South East River Basin District[9].

### National Planning Policy and Guidance

**1.3.6** The Government originally published the NPPF in March 2012. The NPPF has been amended several times and most recently in December 2023. The NPPF describes the Government's planning policies for England and how to apply them. It provides a framework for people and their councils to produce distinctive local and neighbourhood plans that reflect local needs and priorities. It includes policies on plan-making and planning for minerals.

**1.3.7** Specific policies on waste are described in the *Waste Management Plan for England*[10] and the *National Planning Policy for Waste 2014*[11]. Local authorities

[8] The Waste Hierarchy is defined in the Glossary in Appendix A and is shown diagrammatically in the text supporting Policy CSW 2.
[9] Environment Agency (December 2015) Thames River Basin Management Plan (RBMP) and the South East RBMP.
[10] DEFRA (January 2021) Waste Management Plan for England.
[11] National Planning Policy for Waste (October 2014).

preparing waste plans are also advised to consider relevant NPPF policies. The National Waste Management Plan for England (2021) notes that National Planning Policy for Waste will be updated to align with the changes to the National Planning Policy Framework and the Resources and Waste Strategy.

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

1. *Guidance for Local Planning Authorities on Implementing Planning Requirements of the EU WFD (2008/98/EC)*[12]

2. Planning Practice Guidance on Minerals to accompany the NPPF, including guidance on the Managed Aggregate Supply System and Planning Practice Guidance on Waste[13]

**1.3.9** The *Marine and Coastal Access Act 2009* introduced measures to enable the sustainable management and use of marine resources, including the requirement for a Marine Policy Statement (MPS). The UK MPS contains minerals policy relating to offshore mineral interests. All public authorities taking authorisation or enforcement decisions that affect, or might affect, the UK marine area must do so in accordance with the UK MPS, unless relevant considerations indicate otherwise. The MPS guides the development of Marine Plans across the UK. The South East Inshore Marine Plan provides guidance for sustainable development from Felixstowe in Suffolk to near Folkestone. The South Marine Plan covers an area of around 20,000 square kilometres of inshore and offshore waters across 1,000 kilometres of coast line from Folkestone to the River Dart. The County Council continues to work with the Marine Management Organisation (MMO) to aid the implementation of policies and ensure there is no conflict with the KMWLP and the Marine Plan.

**1.3.10** 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…".

**Local Plans and Strategies**

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

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[12] DLUHC (December 2012) Guidance for local planning authorities on implementing planning requirements of the EU Waste Framework Directive (2008/98/EC).
[13] Planning Practice Guidance: Web-based resource available from: http://planningguidance.planningportal.gov.uk/

### Kent Joint Municipal Waste Strategy

**1.3.12** As Waste Disposal Authority (WDA), in 2007 the County Council prepared the original Joint Municipal Waste Management Strategy (JMWMS) with the districts in Kent, which was adopted by the Kent Resource Partnership (KRP). The partnership, which comprises 12 district/borough councils and KCC, is a forum for WDA and Waste Collection Authorities (WCA) co-operation.

**1.3.13** The key objectives of the KRP are as follows:

1. Maximising the 'value' of resources that we manage from households, in terms of realising the social, environmental and economic opportunities;
2. Providing the best possible value for money service to the Kent taxpayer, taking into account whole service costs;
3. Realising opportunities to improve services now and in the future through engagement, collaboration and working in partnership with the supply chain; and
4. Supporting future thinking through ongoing research and evidence that will facilitate the transition to a circular economy for Kent.

**1.3.14** Since 2007 the following targets have been achieved:

1. 40% recycling and composting across Kent
2. KCC's Household Waste Recycling Centres (HWRCs) achieved a 60% recycling and composting rate

**1.3.15** In addition, the amount of waste sent to landfill reduced from around 72% in 2005/06 to 2.8% in 2016/17.

**1.3.16** The latest Kent JMWMS (2018/19 to 2020/21) was agreed by the KRP in 2018 which sets out 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. Up to date performance against these targets can be found in the AMR. The Kent JMWMS is due to be updated.

### Kent Waste Disposal Strategy

**1.3.17** The County Council as Waste Disposal Authority (WDA) is conducting a five-year review of its Waste Disposal Strategy (2017-35) originally adopted in July 2017. This strategy is the guiding document for the WDA's assessment of current and future infrastructure operational requirements in Kent for the ongoing management of local authority collected waste arising in Kent.

### Kent County Council Climate Emergency Statement

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

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

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

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

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

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

### Strategic Transport Plans

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

**1.3.21** The Freight Action Plan for Kent was adopted in 2017. It contains KCC's objectives to tackle key issues and find solutions to the following problems related to lorry movements in Kent:

1. overnight lorry parking
2. Operation Stack

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

3. managing the routing of Heavy Goods Vehicles to ensure that they remain on the Strategic Road Network for as much of their journey as possible
4. impacts of freight traffic on communities and the environment
5. encouraging sustainable distribution

### District Local Plans

**1.3.22** The Kent district local plans form part of the development plan and these have been considered in the preparation of the Kent MWLP.

## 1.4 The Evidence Base

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

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

**1.4.3** The Sustainability Appraisal (SA) identifies and evaluates the impacts that are expected to arise from the Plan's policies regarding social, environmental and economic factors. The SA process is *iterative*[16] and prepared in parallel with the Kent MWLP. The SA influences the production of the Plan and ensures that plan-making is carried out in accordance with the principles of sustainable development. The SA report for the Plan was prepared independently by Amey Consultants. Each stage of plan-making has been accompanied by an SA.

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

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

1. Strategic Flood Risk Assessment (SFRA) describing the impacts of the plan policies on flooding and identifying where mitigation measures could be needed

[15] Proportionate means being in due proportion, so that there is sufficient evidence (facts and figures) to justify the decisions made in the Plan.
[16] Iterative means that there is repetitive on-going discussion and resolution of issues.
[17] Ramsar sites are sites designated under The Ramsar Convention as Wetlands of International Importance Sites.
[18] The Conservation of Habitats & Species Regulations 2017.

2. *Strategic Landscape Assessment* describing the landscape impact of the Strategic Site for Minerals and the Strategic Site for Waste identified in the Plan
3. *Strategic Transport Assessment* describing the potential effects on Kent's transport network (see Figure 2) as a result of the Plan's policies

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

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

1. the KCC and Medway Council collaboration on a study of mineral imports into the county in 2010[19]
2. the Kent and Surrey County Council collaboration on an evidence base for their plans for silica sand[20]

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

## 1.5 Planning and Permitting Interface

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

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

[19] KCC and Medway Council (May 2011) MTR7: Kent and Medway Mineral Imports Study.
[20] GWP Consultants Ltd (2010) Silica Sand Report for KCC and Surrey County Council.
[21] See https://www.kent.gov.uk/about-the-council/strategies-and-policies/service-specific-policies/economic-regeneration-and-planning-policies/planning-policies/minerals-and-waste-planning-policy#null.

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

[22] National Planning Policy Framework (December 2023), para. 194.

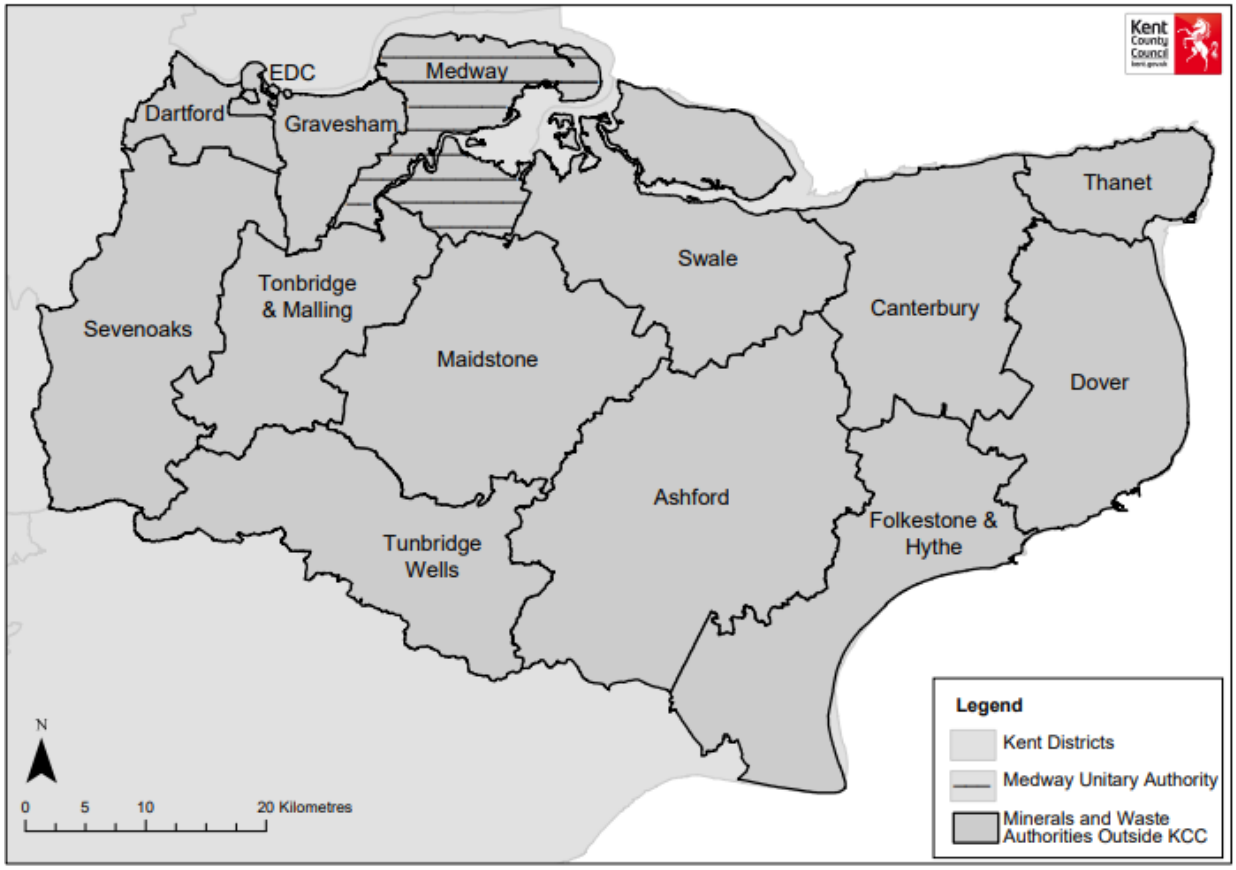
## 2. Minerals and Waste Development in Kent: A Spatial Portrait

### 2.1 Introduction

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

**2.1.2** With an estimated population of 1,578,000 people[23], Kent is the largest non-metropolitan local authority area by population in England. Projected population growth for Kent is a 7.5% increase between 2018 and 2028, with the total population of the county expected to be over 1.7 million people by 2028[24].

**Figure 1: Kent Districts**

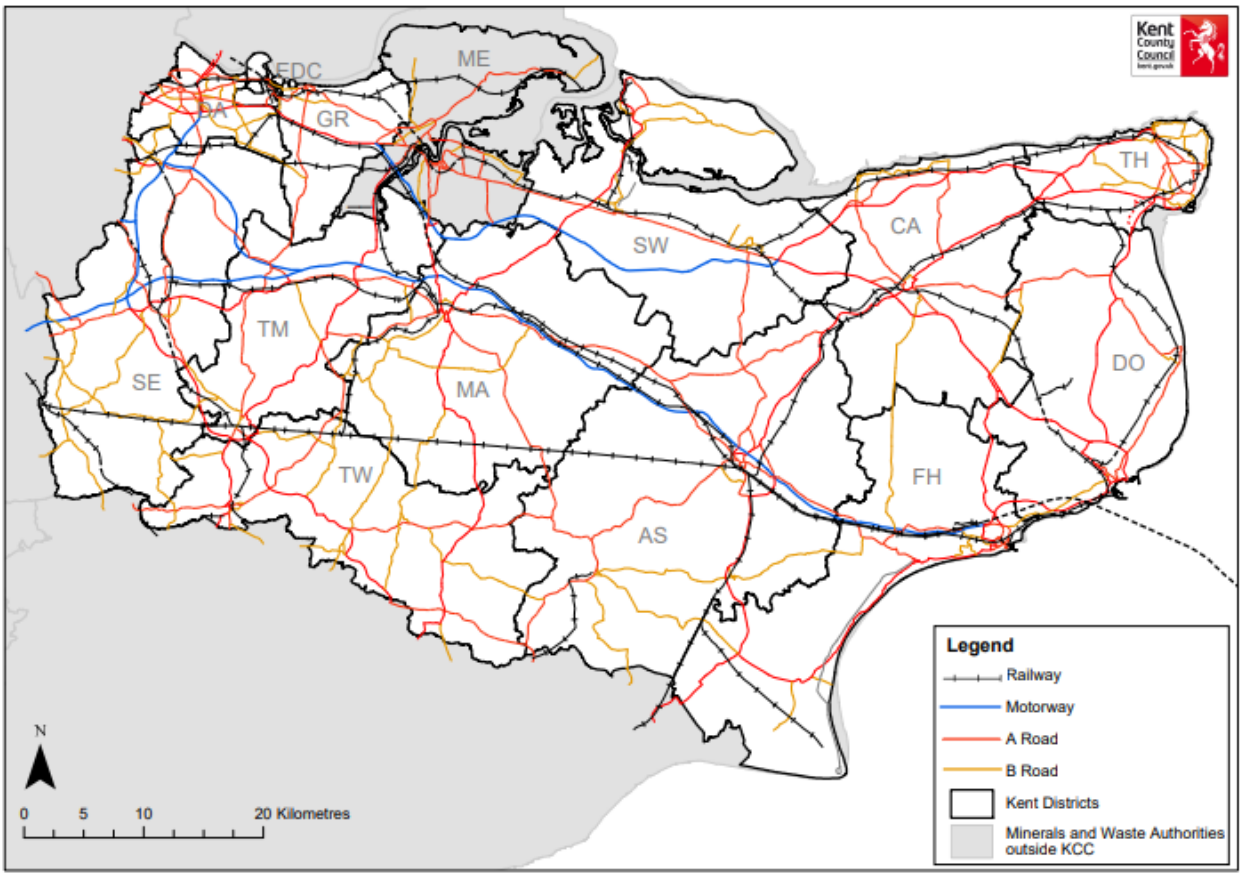



**2.1.3** The population of Kent is spread unevenly throughout the county. North-west Kent is the main urban area as part of the Thames Gateway area. The Thames Gateway stretches along the River Thames from Stratford and Lewisham in London

[23] Kent Statistical Bulletin, January 2023, 2021 Mid-year population estimates: Total population in Kent, Kent County Council.
[24] KCC (2020) Strategic Commissioning Statistical Bulletin 2018 – Based Subnational Population Projections.

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

**Figure 2: Transport Links**




2.1.4 Kent is 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 develop the economy to be more productive, sustainable and inclusive. The 5 ambitions are, to:

1. enable innovative, creative, and productive businesses
2. widen opportunities and unlock talent
3. secure resilient infrastructure for planned, sustainable growth
4. place economic opportunity at the centre of community wellbeing and prosperity
5. create diverse, distinctive and vibrant places.

Figure 3 Kent and Medway Economic Partnership Area

## 2.2 Kent's Environmental and Landscape Assets

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

**International Importance** (see Figure 4):

1. Ramsar sites
2. Special Protection Areas for Conservation (SPAs)
3. Special Areas for Conservation (SACs)
4. UNESCO World Heritage Sites: Canterbury Cathedral, St Augustine's Abbey and St Martin's Church in Canterbury

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

1. almost a third of Kent is protected by two National Landscapes (formerly known as Areas of Outstanding Natural Beauty (AONB)[25]): the Kent Downs National Landscape and High Weald National Landscape
2. Sites of Special Scientific Interest (SSSIs) and National Nature Reserves (NNRs)
3. nationally important archaeological sites (most of which are Scheduled Ancient Monuments), Registered Parks and Gardens of Historic Interest and Listed Buildings[26]
4. Kent areas of Heritage Coast including South Foreland and Dover to Folkestone
5. Green Belt
6. species and habitats listed as being of principal importance for the conservation of biodiversity in the UK (Section 41 of the *Natural Environment and* Rural Communities (NERC) Act 2006)[(27)]
7. Ancient Woodland (Figure 10)
8. Marine Conservation Zones

**Local Importance:**

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

1. Local Geological Sites and Local Wildlife Sites (LWSs) (see Figure 7)
2. Local Nature Reserves (LNRs) (see Figure 8) and Roadside Nature Reserves
3. Species and habitats identified in the Kent Nature Partnership Biodiversity Strategy 2020 to 2045

[25]The statutory designation remains an Area of Outstanding Natural Beauty (AONB) and is referred to as such in national policy and legislation.
[26] Listed Buildings in Kent are shown on The Historic England website.
[27] Countryside and Rights of Way Act (2000).

4. the setting of the World Heritage Site (Canterbury Cathedral, St Augustine's Abbey and St Martin's Church) and Locally Listed buildings, conservation areas and their settings, Historic Environment Records and archaeological assets
5. landscape features of importance for wildlife that are essential for migration and dispersal, and which enable the protection, conservation and expansion of native flora and fauna
6. Kent rivers and waterways and their settings (Figure 9)
7. Biodiversity Opportunity Areas (BOA) (Figure 11)
8. Groundwater in Kent (Flood Zones, Source Protection Zones) (Figure 15)

**Biodiversity Opportunity Areas and Local Nature Recovery Strategy**

**2.2.3** The identification of BOAs present opportunities to contribute to large-scale biodiversity conservation in Kent.

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

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

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

**Figure 4 International Designations**

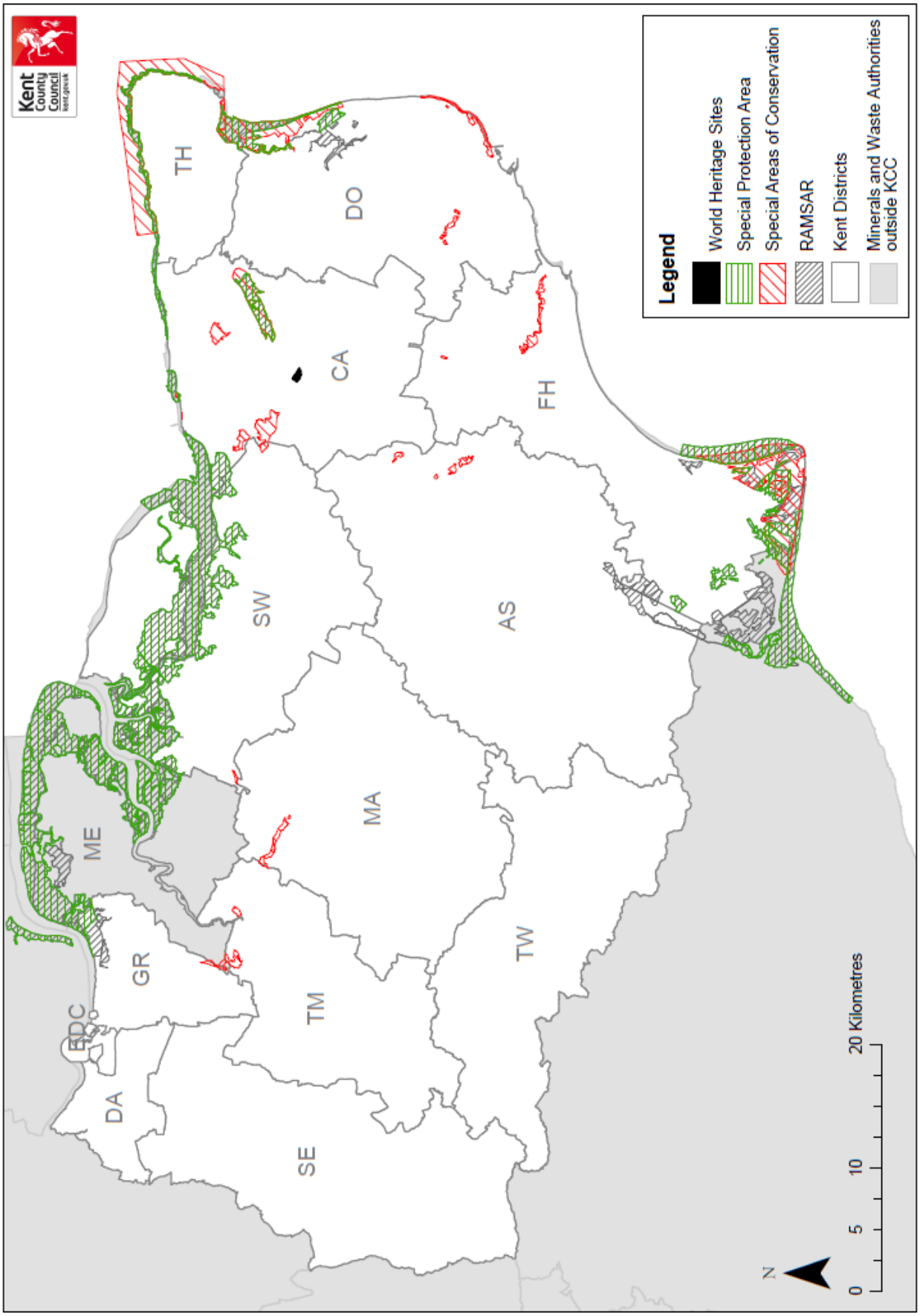


**Figure 5: Nationally Important Designations: Landscape**

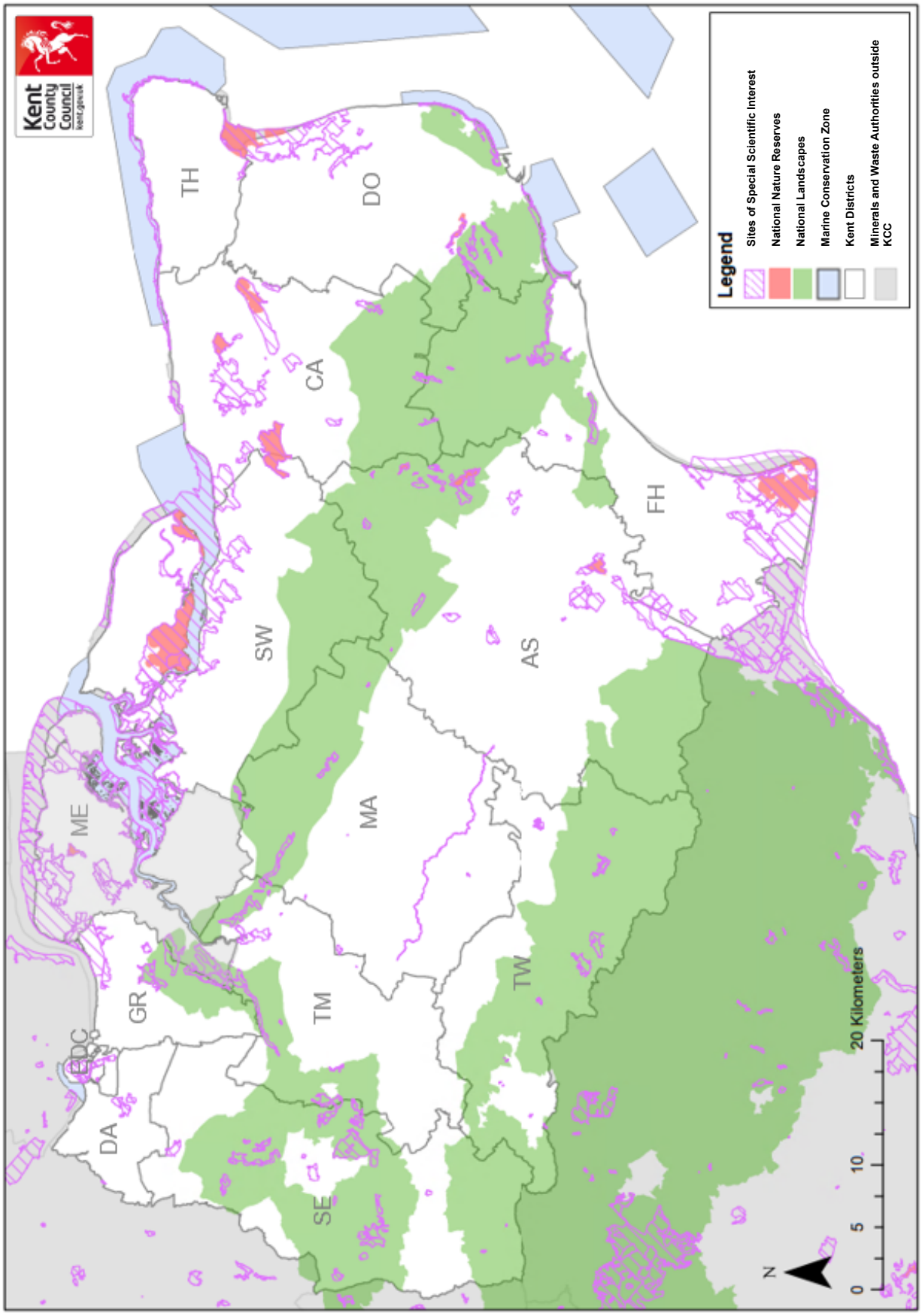


**Figure 6: Nationally Important Designations: Heritage and Green Belt**

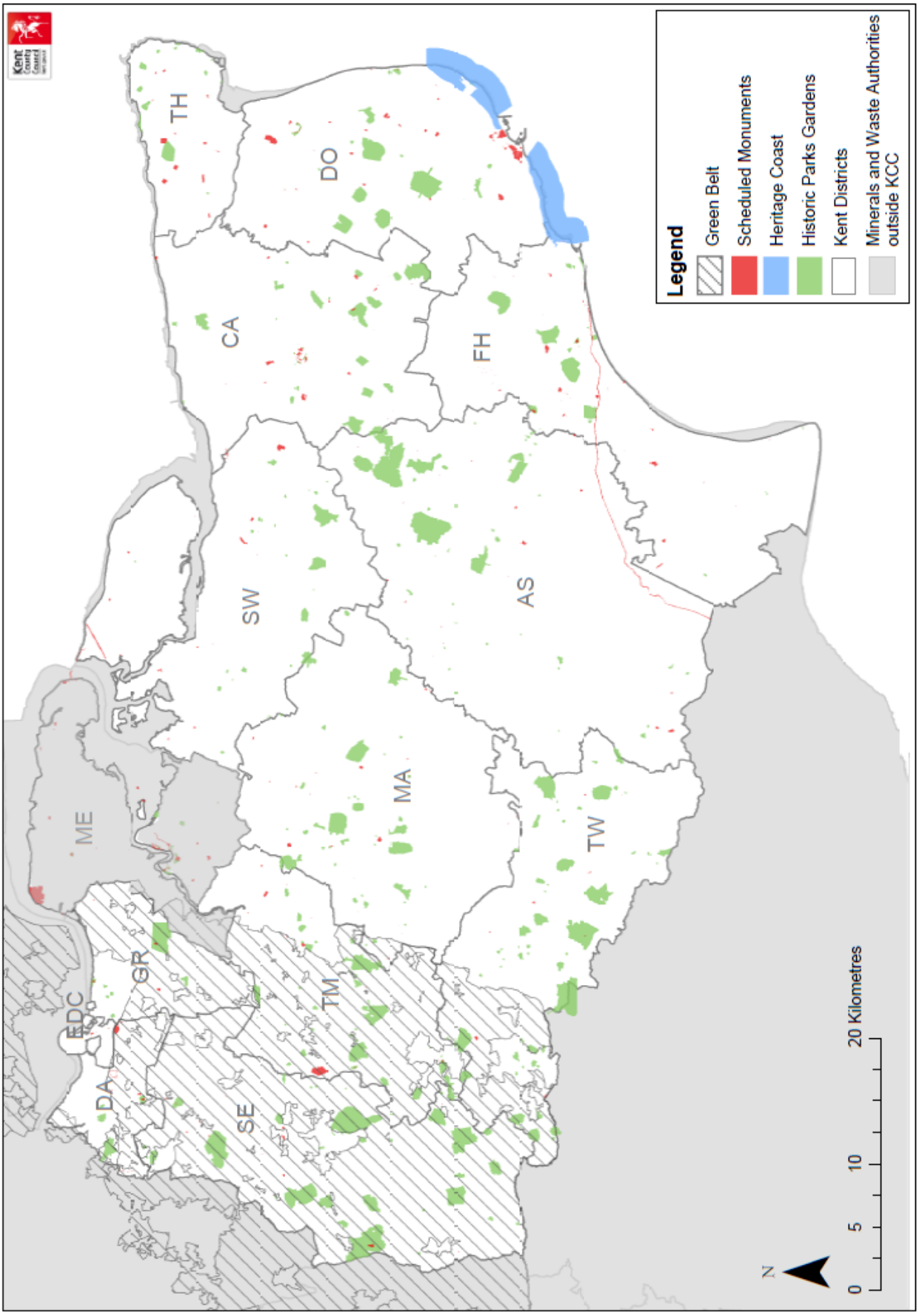


**Figure 7: Local Geological Sites and Local Wildlife Sites**

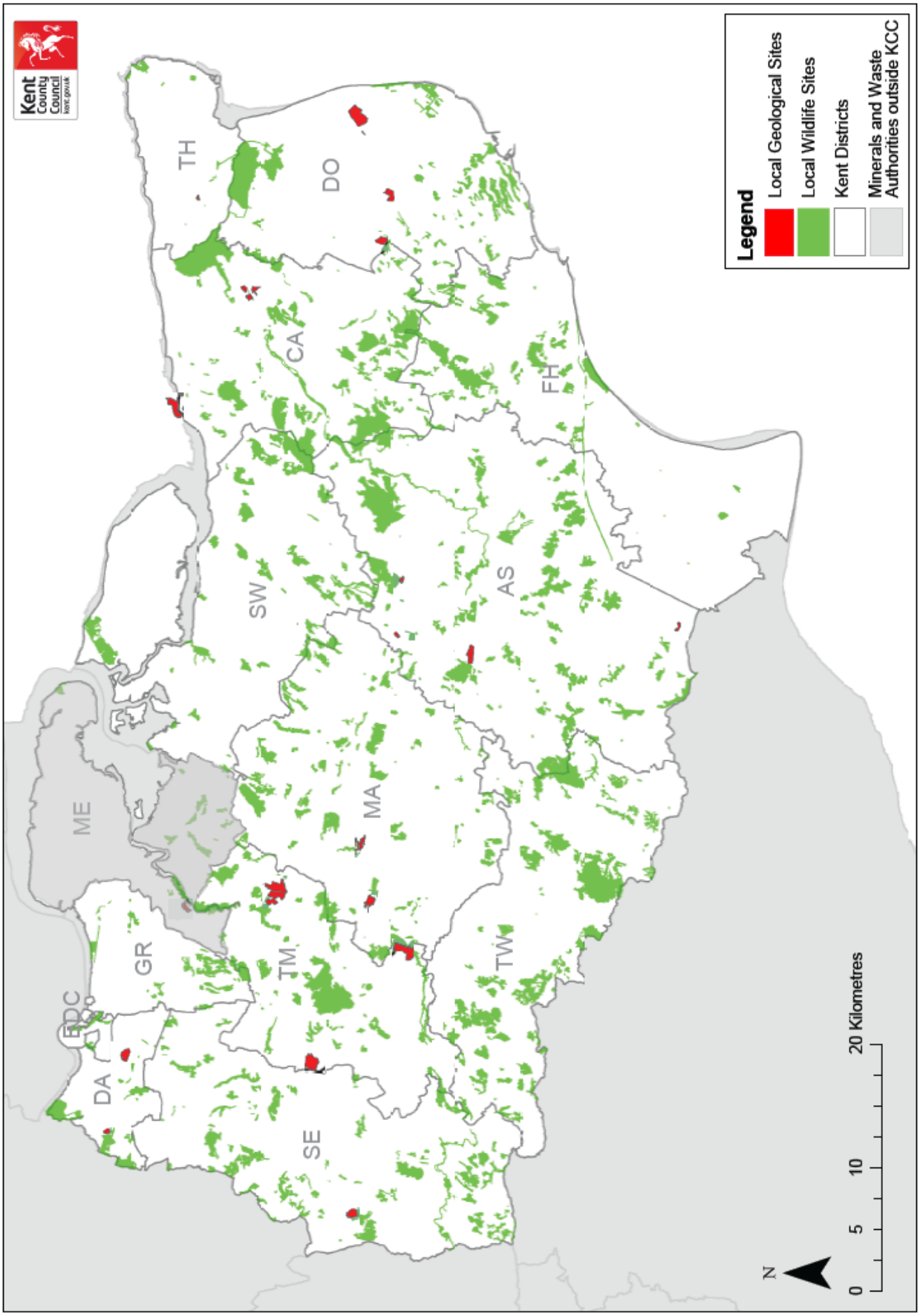


**Figure 8: Local Nature Reserves**

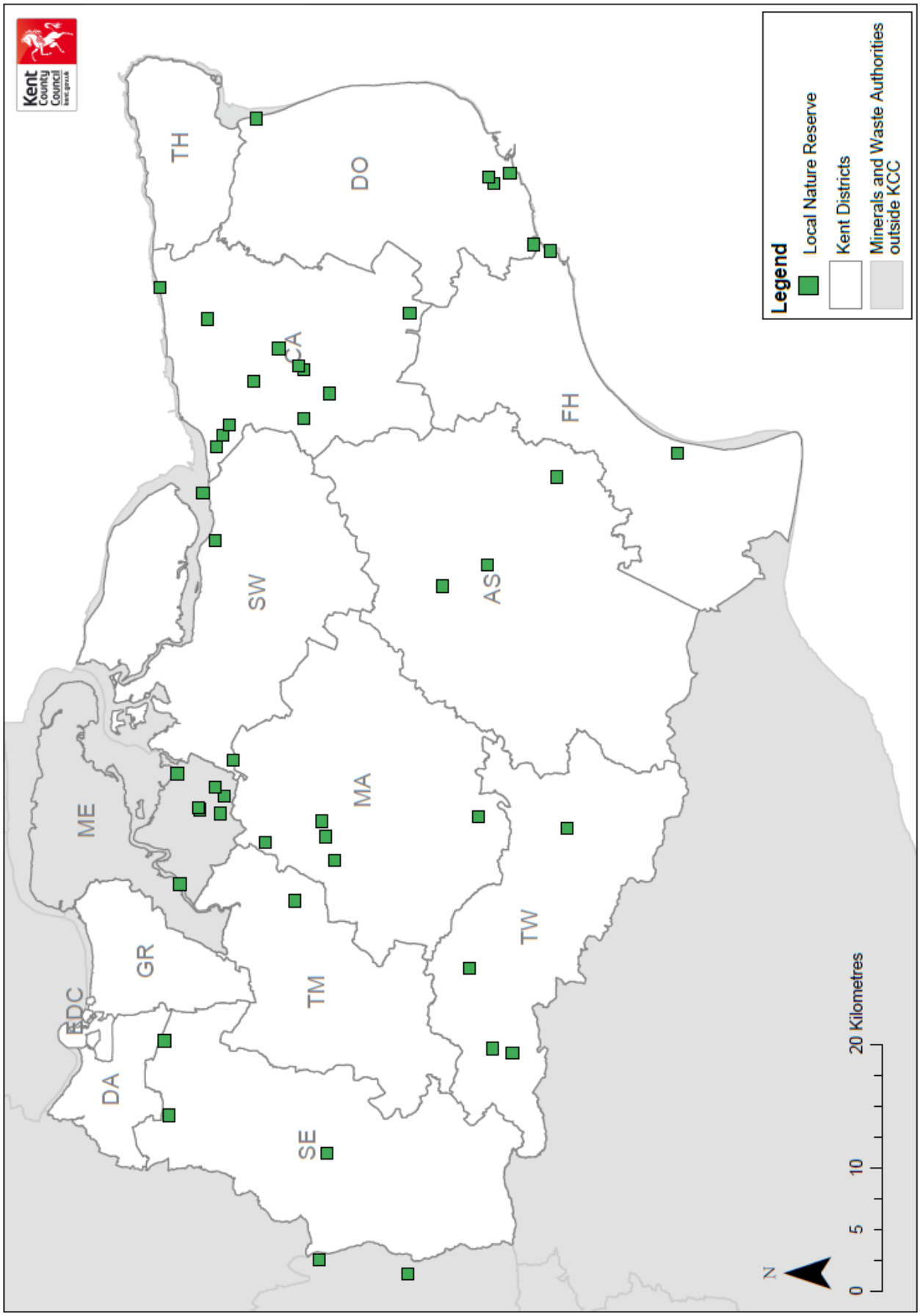


**Figure 9: Kent Main Rivers and Waterways**

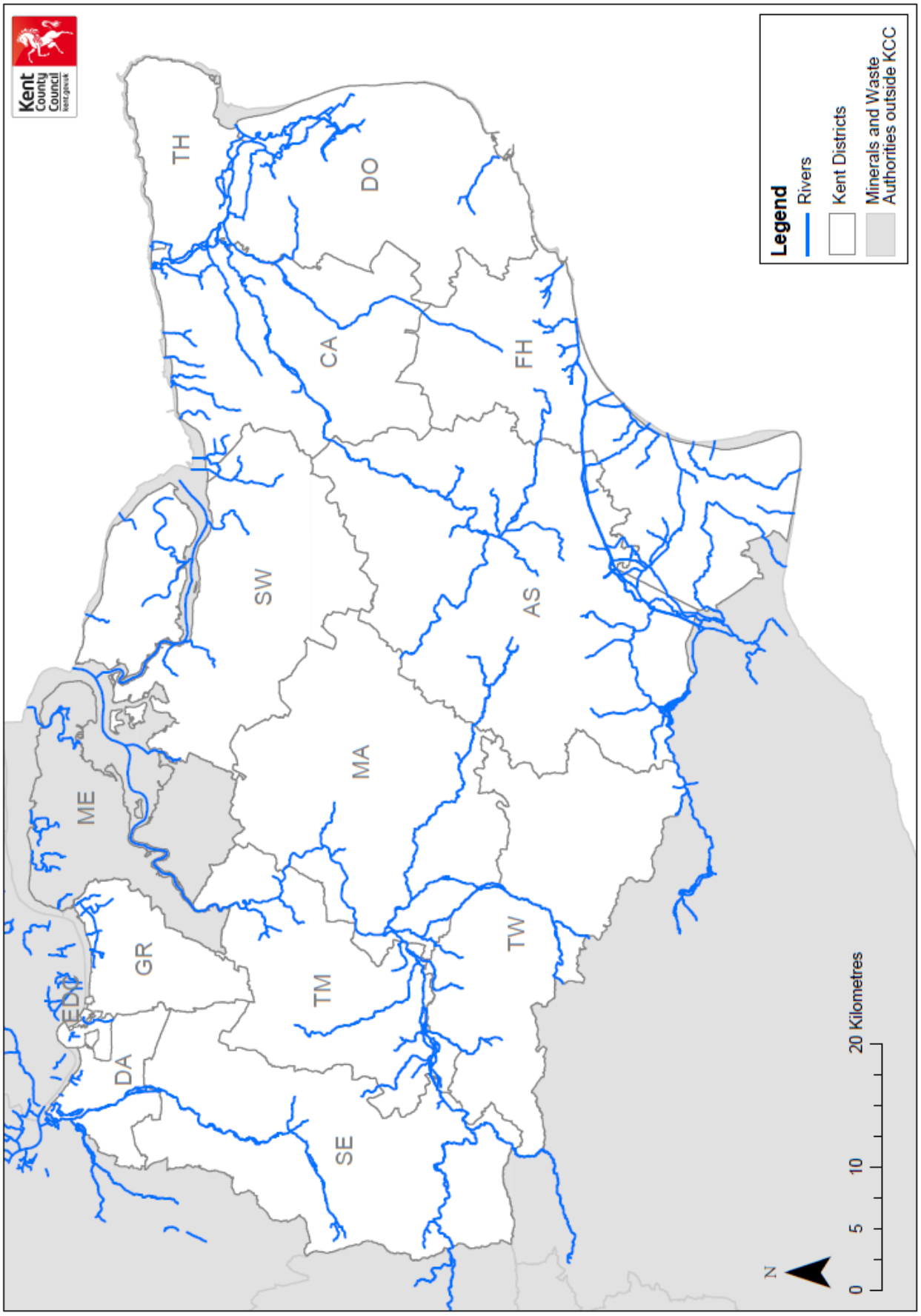


**Figure 10: Ancient Woodland**

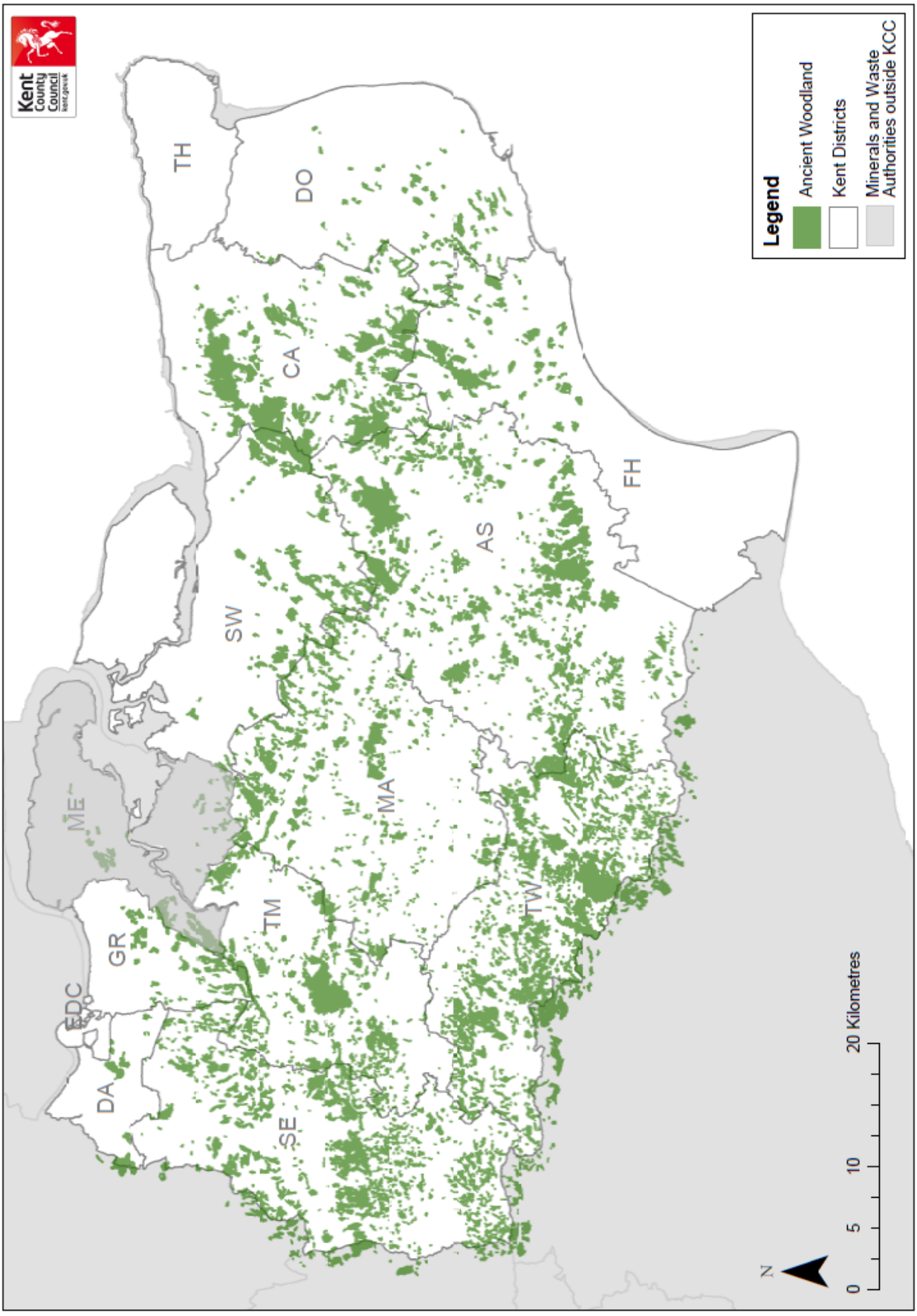


**Figure 10A: Priority Habitats**

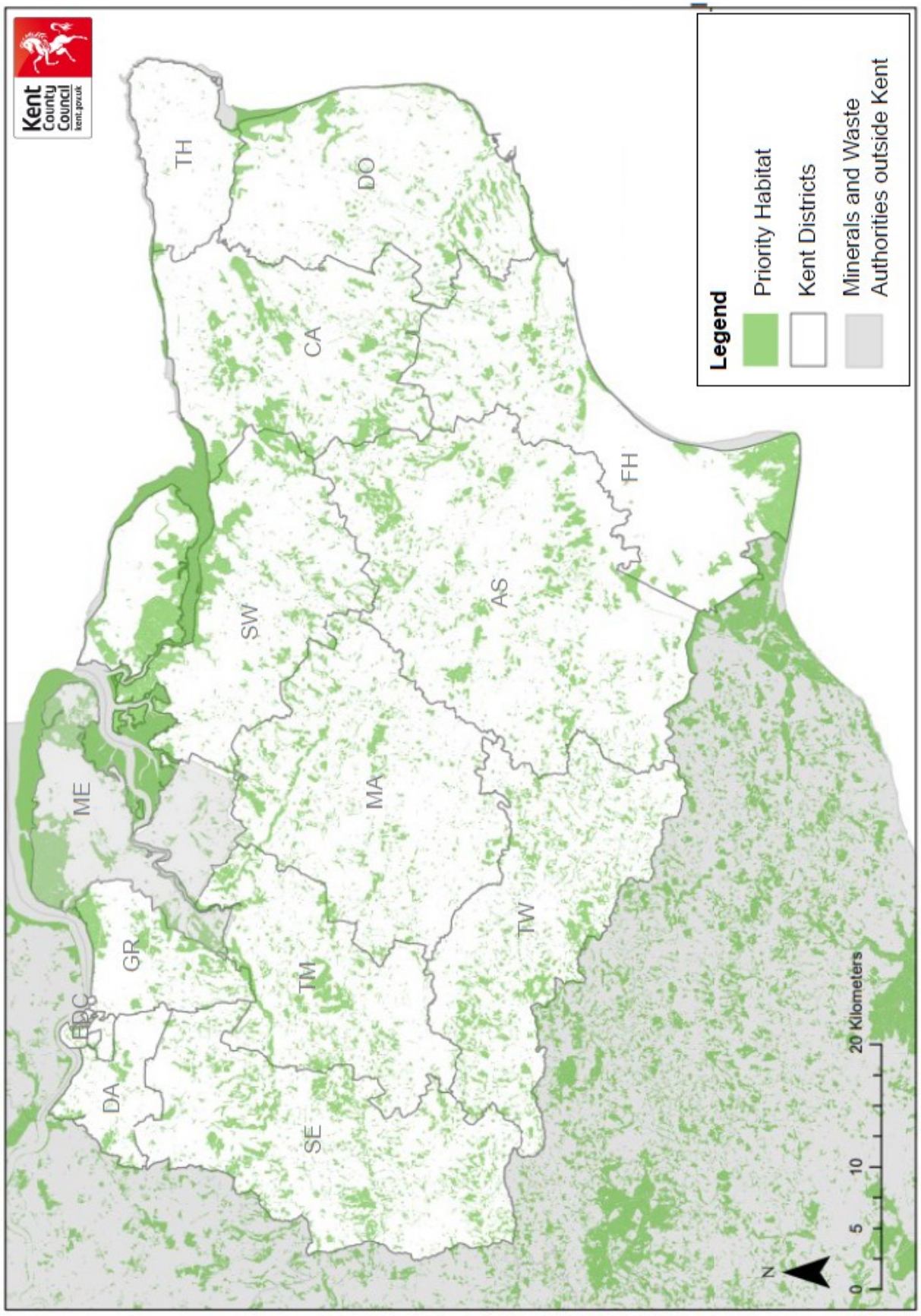
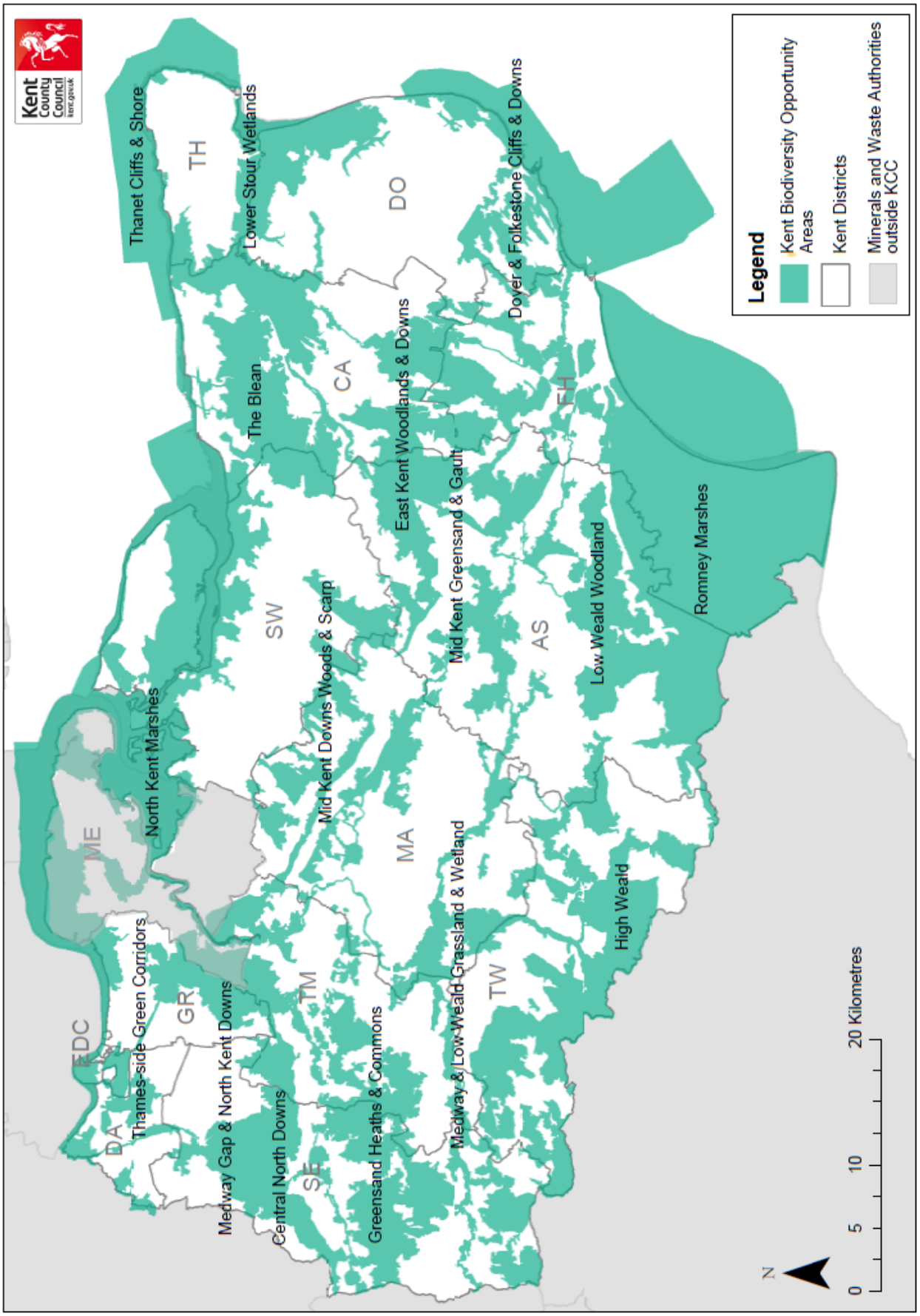


**Figure 11: Biodiversity Improvement Areas**



## 2.3 Kent's Economic Mineral Resources

**2.3.1** The economic mineral resources[28] of Kent reflect its complex geological, economic and social history. Historically, the Carboniferous Coal Measures were of major economic importance until the East Kent Coal mines ceased operations by 1989. Until 2010 Kent also had a thriving cement industry based on the chalk and clay deposits of the Medway Valley and north-west Kent. There are now no active cement works in Kent. Areas of Kent have also been licensed by the Government for petroleum exploration and development, though none have been developed.

**2.3.2** Economic minerals that are extracted from Kent quarries include sand and gravel, crushed rock (a limestone 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.

**2.3.3** Figure 12 shows the geology of Kent. Figures 13 and 14 shows all existing mineral extraction sites, wharves, rail depots and the areas licensed for petroleum exploration.

**2.3.4** Details of operational and inactive quarries, wharves, rail depots and secondary and recycled aggregate sites in Kent are reviewed annually and listed alongside the Kent Minerals and Waste Annual Monitoring Report (AMR)[29].

### Construction Aggregates

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

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

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

**2.3.8** The difference between sharp sand and soft sand is in the particulate shape, and the degree of variation of grain size. Soft sand particles are all similar in size and shape with a low angularity making soft sand suitable for mortar mixes. Sharp sands

[28] A resource is a concentration or occurrence of workable material of intrinsic economic interest.
[29] All Annual Monitoring Reports are available online from:-https://www.kent.gov.uk/about-the-council/strategies-and-policies/service-specific-policies/economic-regeneration-and-planning-policies/planning-policies/minerals-and-waste-planning-policy/monitoring-and-assessment.

are more angular and variable in size which provides a high structural strength (tensile and compressive) useful in concrete mixes.

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

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

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

**Other Minerals**

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

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

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

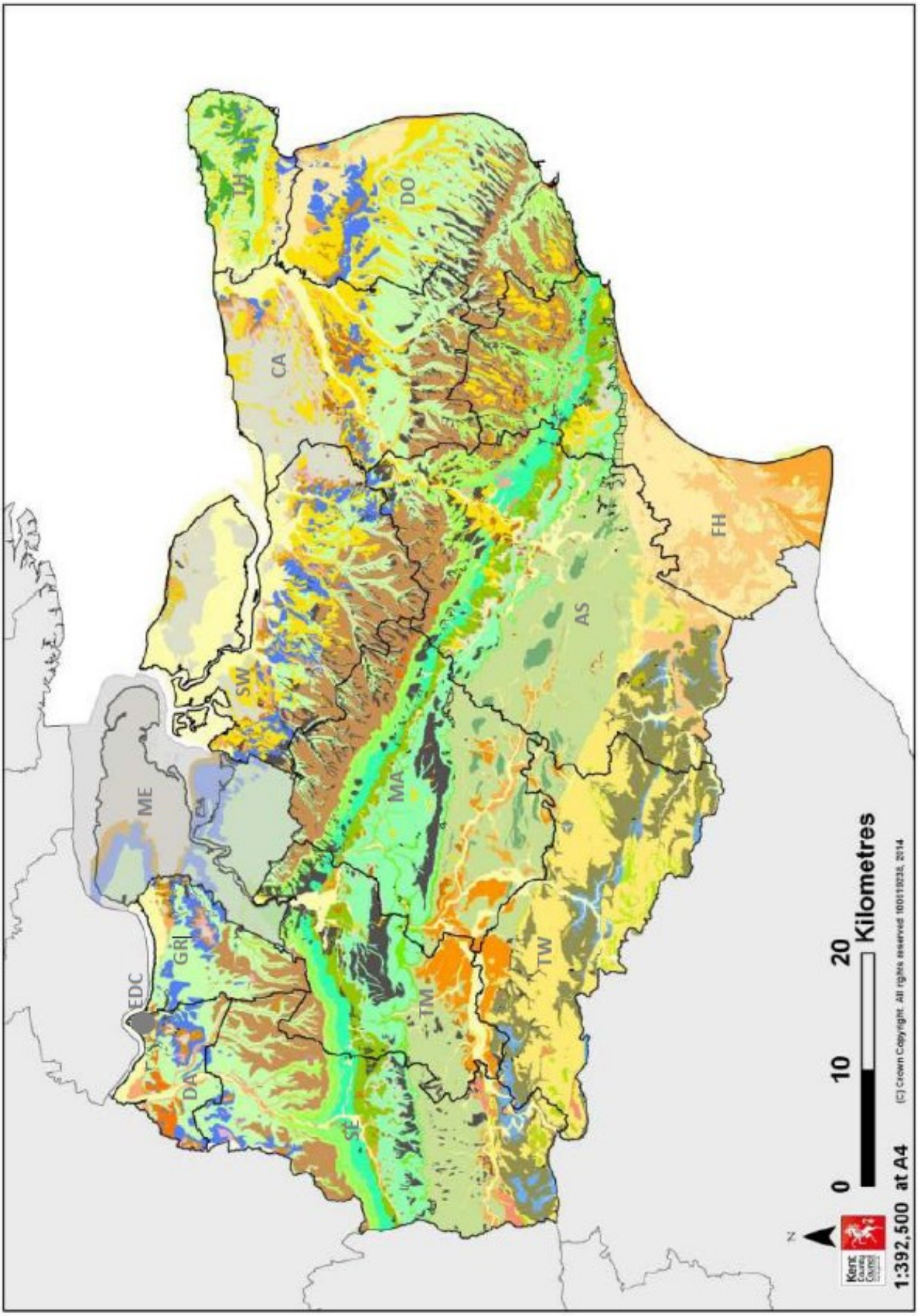
**2.3.15** Building stone, required for specialist or conservation work, is currently provided only from the Hythe Formation (a limestone that can provide crushed rock) quarries of mid Kent. Other types of building stone, including Tunbridge Wells Sandstone and Bethersden Paludina Limestone, have been worked for local building materials but there are currently no active quarries in Kent.

**2.3.16** The Kent silica sand (so called because of their high purity of silicon dioxide or quartz) deposits found within the Folkestone Formation, while not as pure as

those in Surrey, are used for industrial processes. These include: glass manufacture, production of foundry castings, horticulture and for sports surfaces such as horse menages and golf course bunker sand. There are no sites in Kent that provide only silica sand. All such sites also produce construction aggregate[30].

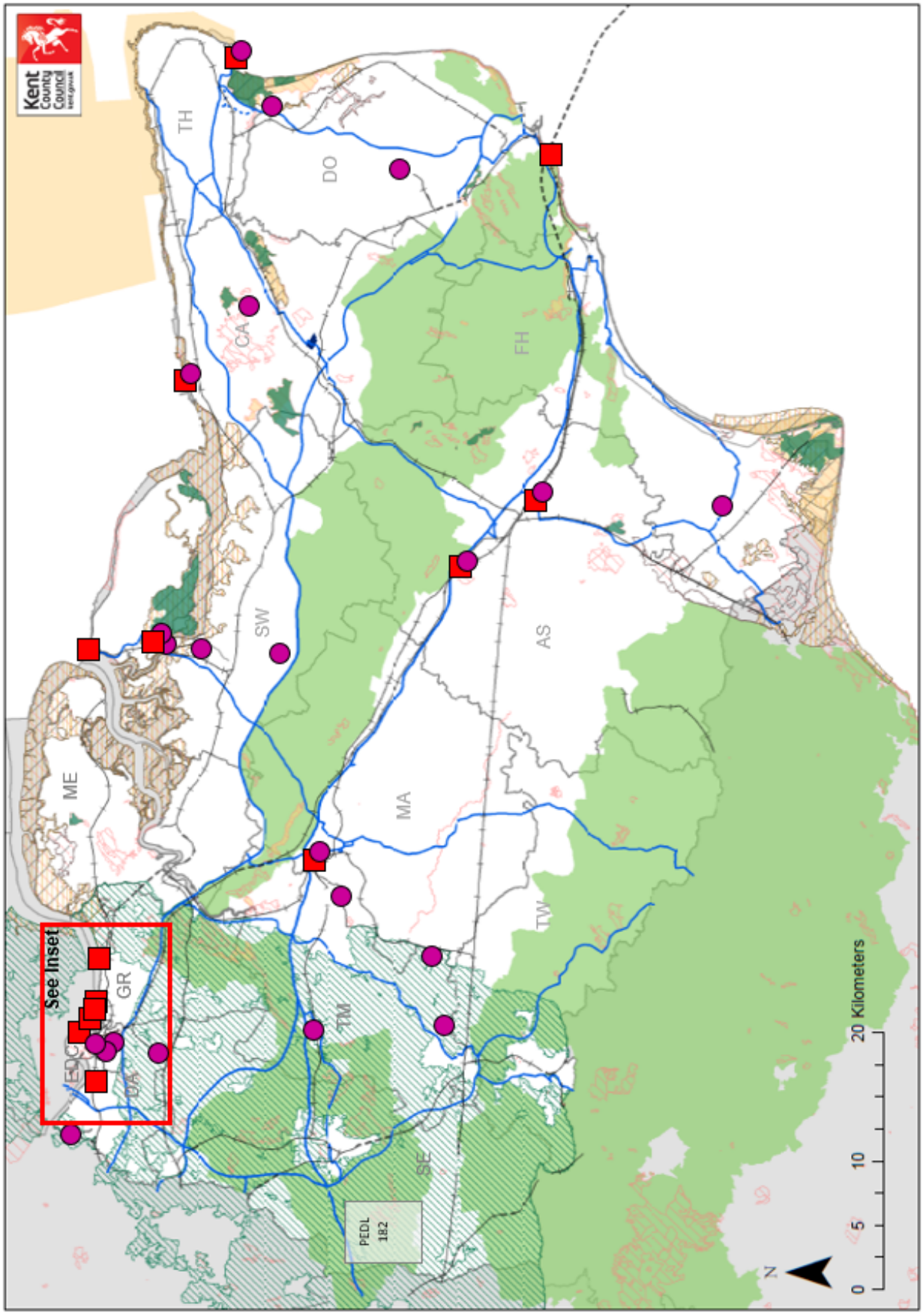
[30] GWP Consultants (March 2010). A study of Silica sand Quality and End Uses in Surrey and Kent. Final Report for KCC.

**Figure 12: Geology of Kent**



# Legend: Geology of Kent

**Figure 13: Minerals Key Diagram - Sustainable Mineral Supply**



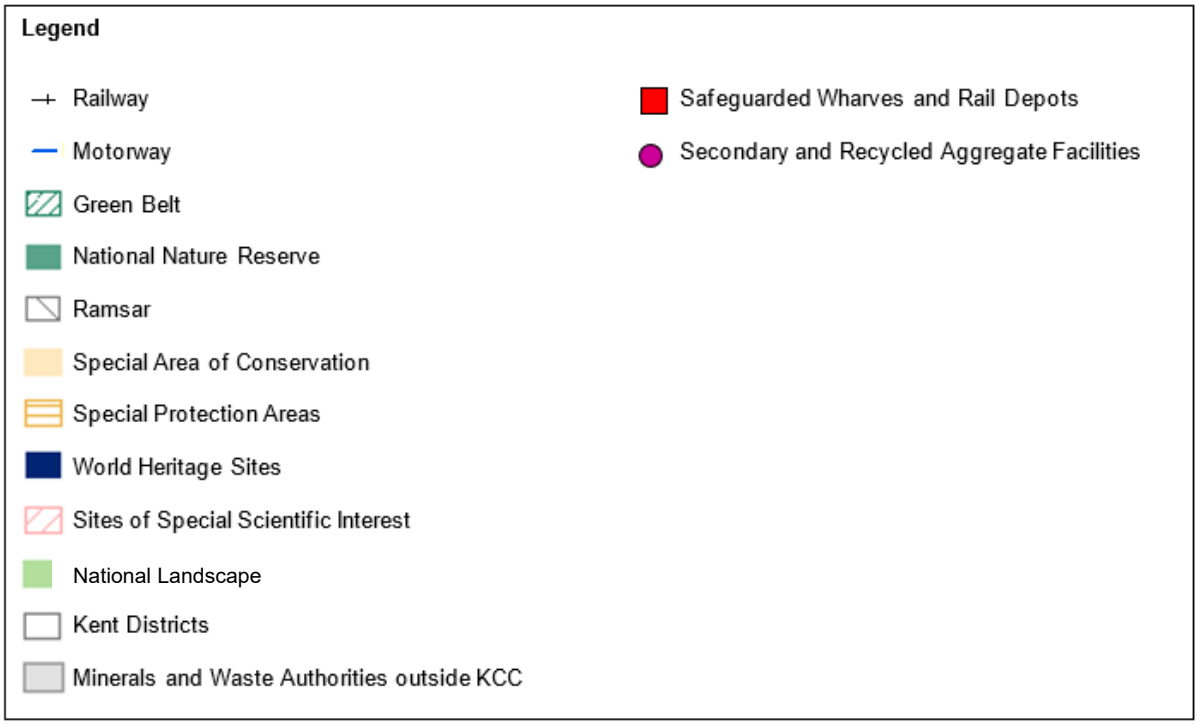
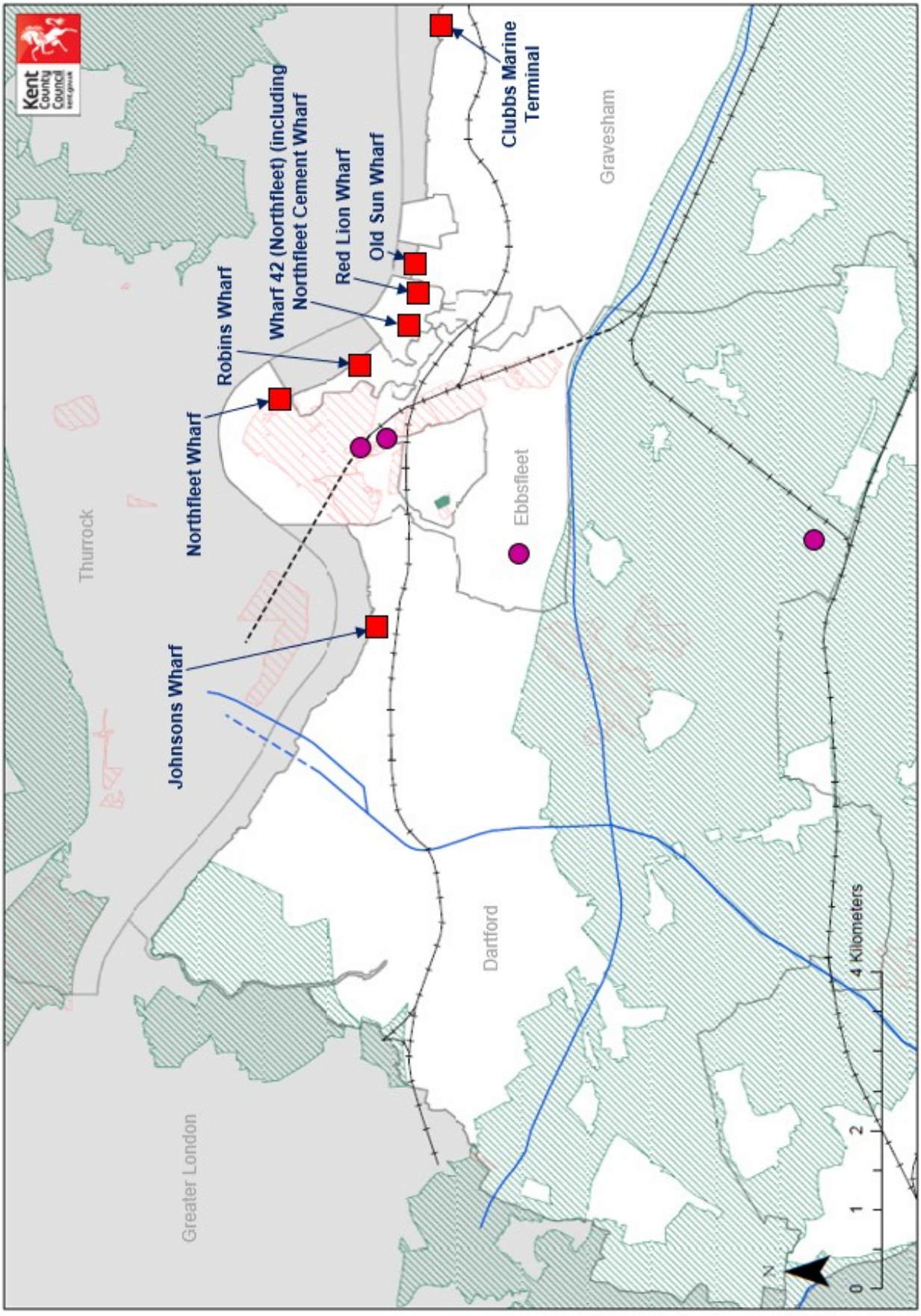

Legend
Railway
Motorway
Green Belt
National Nature Reserve
Ramsar
Special Area of Conservation
Special Protection Areas
World Heritage Sites
Sites of Special Scientific Interest
National Landscape
Kent Districts
Minerals and Waste Authorities outside KCC
Safeguarded Wharves and Rail Depots
Secondary and Recycled Aggregate Facilities

**Figure 13A: Minerals Key Diagram Inset Map - Sustainable Mineral Supply**



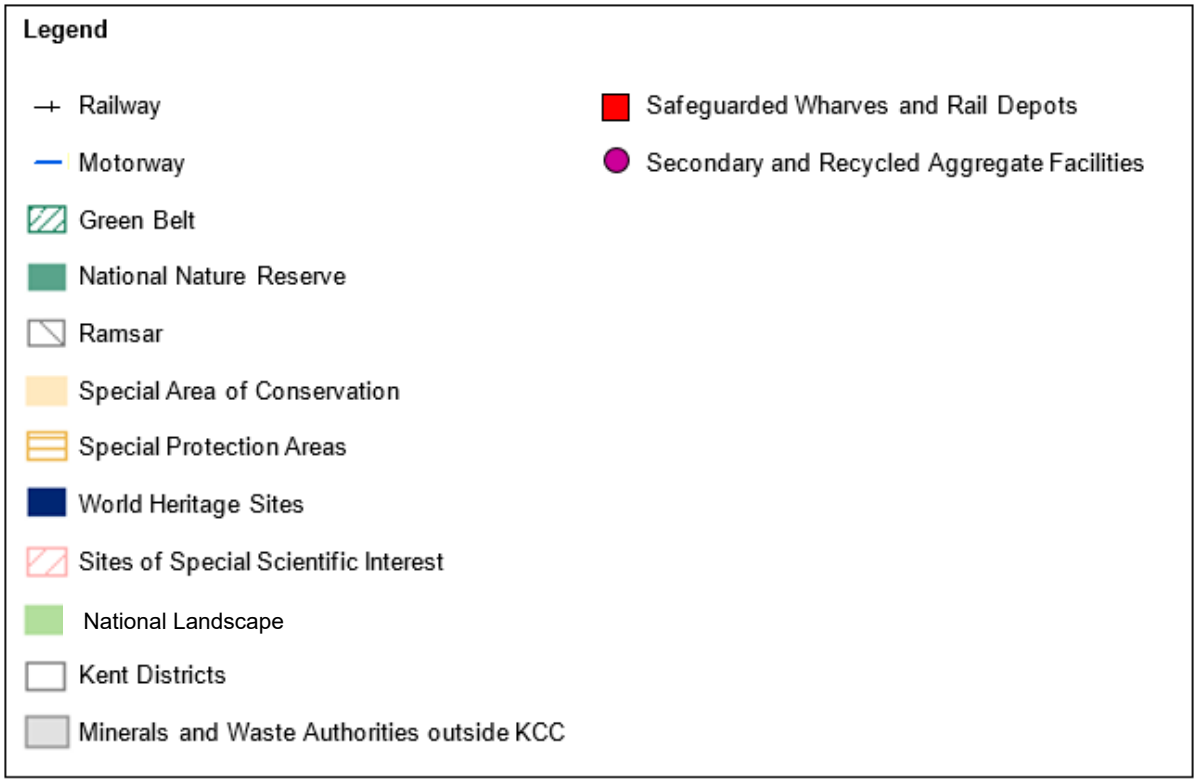
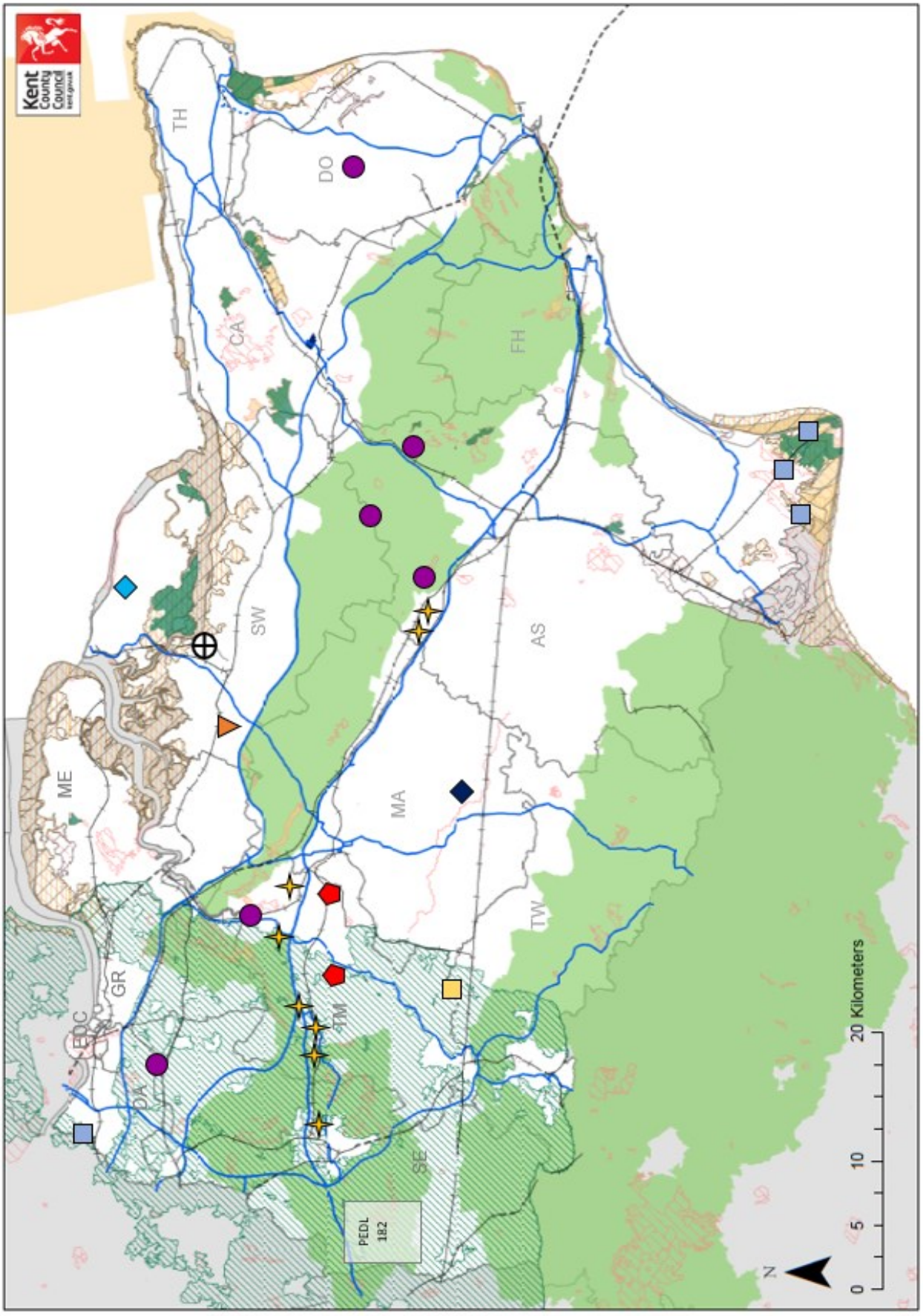
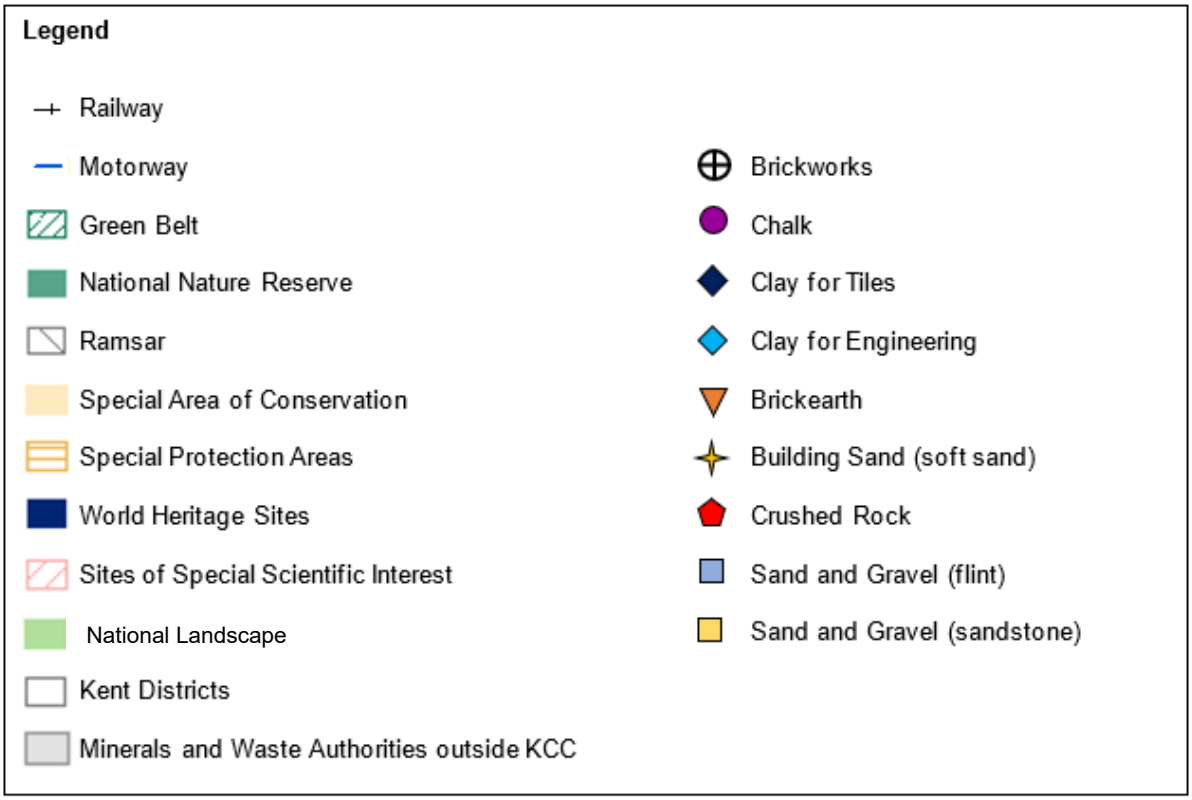

Legend
Railway
Motorway
Green Belt
National Nature Reserve
Ramsar
Special Area of Conservation
Special Protection Areas
World Heritage Sites
Sites of Special Scientific Interest
National Landscape
Kent Districts
Minerals and Waste Authorities outside KCC
Safeguarded Wharves and Rail Depots
Secondary and Recycled Aggregate Facilities

**Figure 14: Minerals Key Diagram - Land-won Supply**




Legend
Railway
Motorway
Green Belt
National Nature Reserve
Ramsar
Special Area of Conservation
Special Protection Areas
World Heritage Sites
Sites of Special Scientific Interest
National Landscape
Kent Districts
Minerals and Waste Authorities outside KCC
Brickworks
Chalk
Clay for Tiles
Clay for Engineering
Brickearth
Building Sand (soft sand)
Crushed Rock
Sand and Gravel (flint)
Sand and Gravel (sandstone)

## 2.4 Kent's Waste Infrastructure

**2.4.1** It is estimated that Kent has a population of 1,578,000[31] people with major urban areas in North Kent, Maidstone, Ashford and Thanet and smaller towns throughout the county. The county is an area of sustained growth for housing, employment and infrastructure, and retains important manufacturing industries in addition to the service employment that is prevalent in the South East. This infrastructure generates large volumes of household, Commercial and Industrial (C&I), and construction waste. To accommodate the forecast increase in population, local authority housing forecasts indicate that some 178,600 housing units are planned across Kent and Medway between 2011 and 2031[32].

**2.4.2** The district councils, as waste collection authorities (WCA), influence the rate of recycling of Local Authority Collected Waste (LACW) in their areas. However, the County Council, as the Waste Disposal Authority (WDA) and the Waste Planning Authority (WPA), must achieve targets and apply policies for the county as a whole. The JMWMS[33], which provides guidance for the future direction of household waste management in Kent, has informed the Kent Minerals and Waste Local Plan.

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

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

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

[31] Kent Statistical Bulletin, January 2023, 2021 Mid-year population estimates: Total population in Kent, Kent County Council
[32] Kent and Medway Growth and Infrastructure Framework 2018 Update
[33] KCC (2018) refreshed Joint Municipal Waste Management Strategy.

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

**2.4.7** Construction, demolition and excavation waste comes into the county from London for disposal in inert landfill sites.

**2.4.8** Figures 16A and 16B show the location of key existing minerals and waste facilities.

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

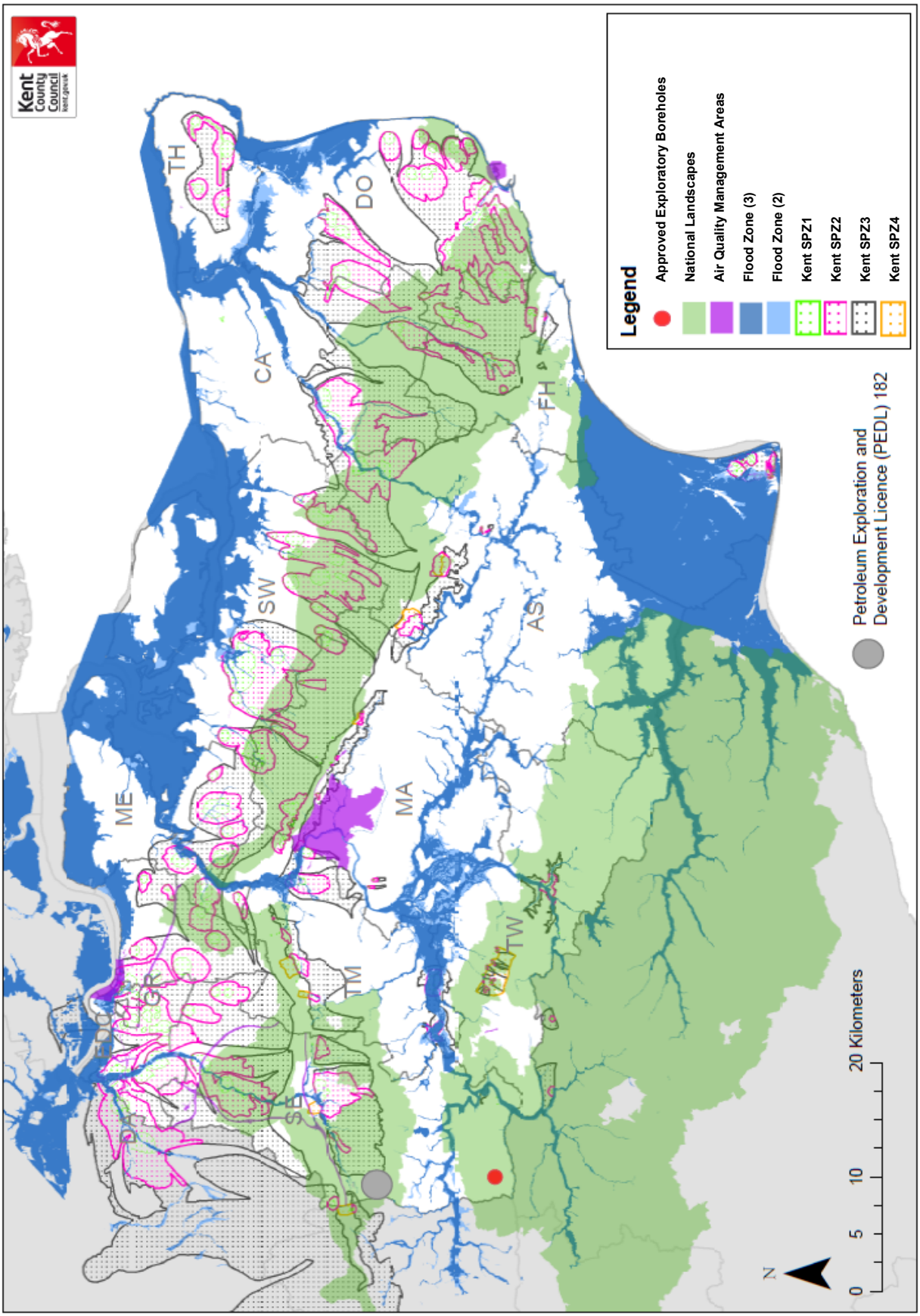
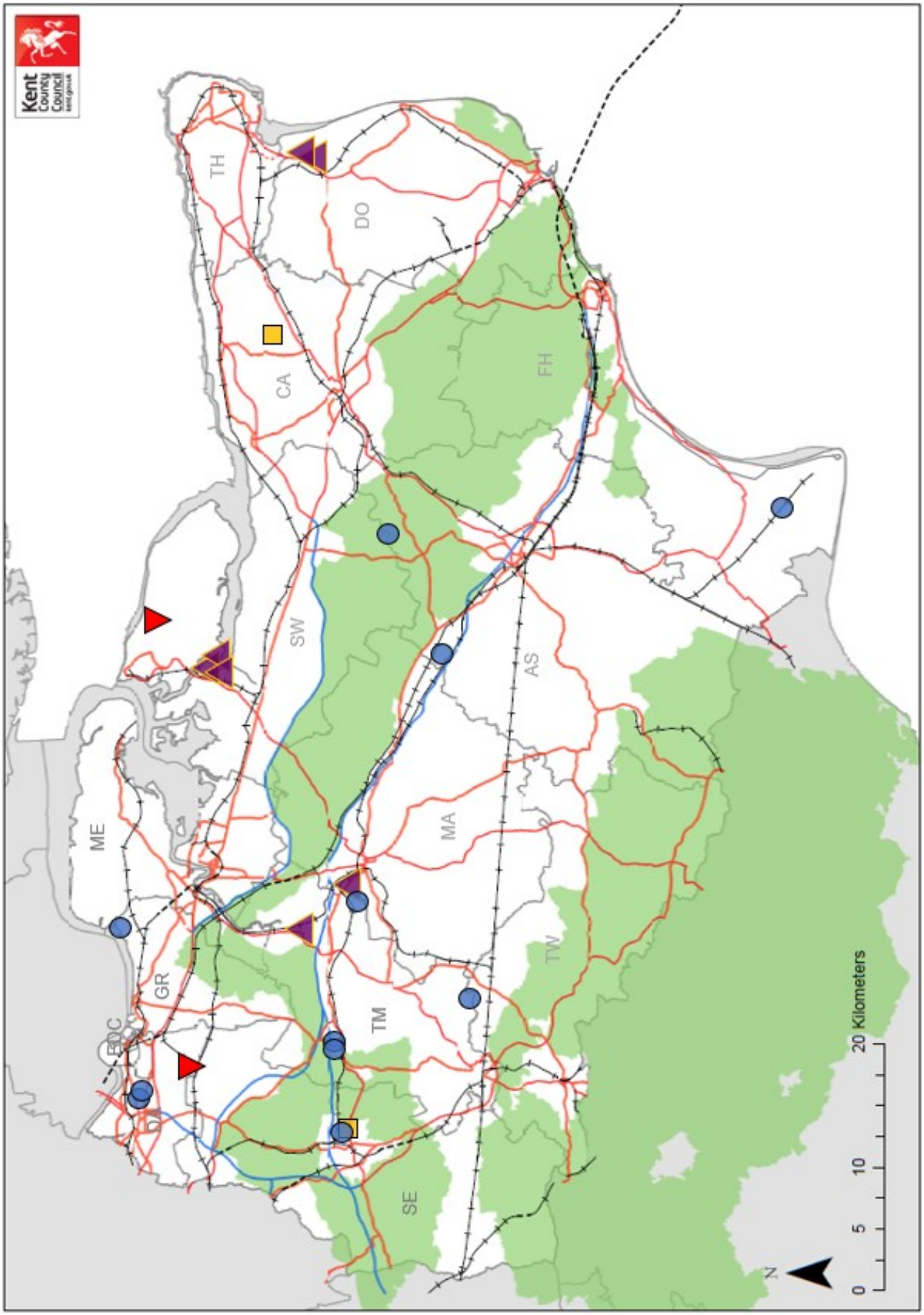


**Figure 16A: Waste Key Diagram - Residual Waste Management Capacity**



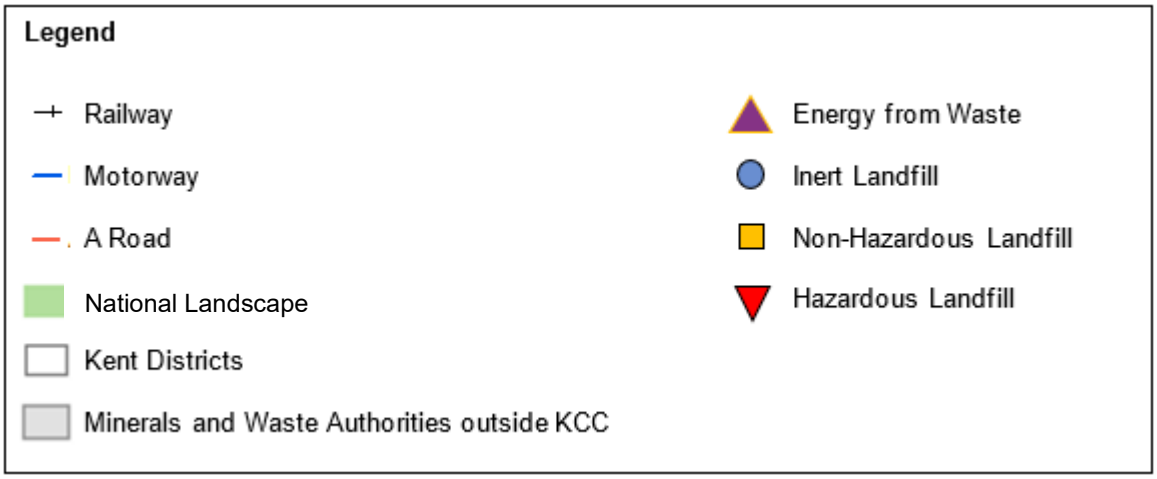
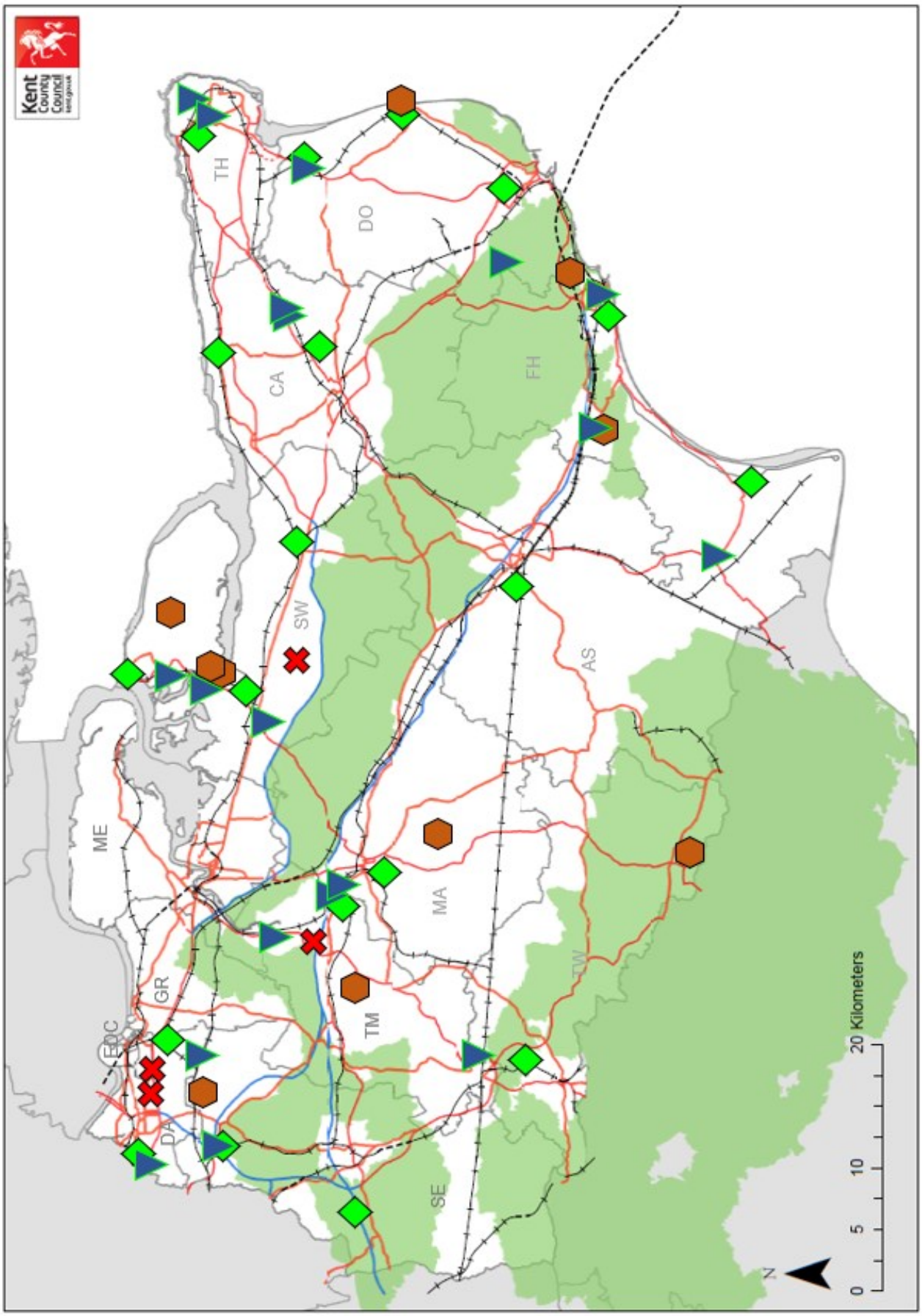
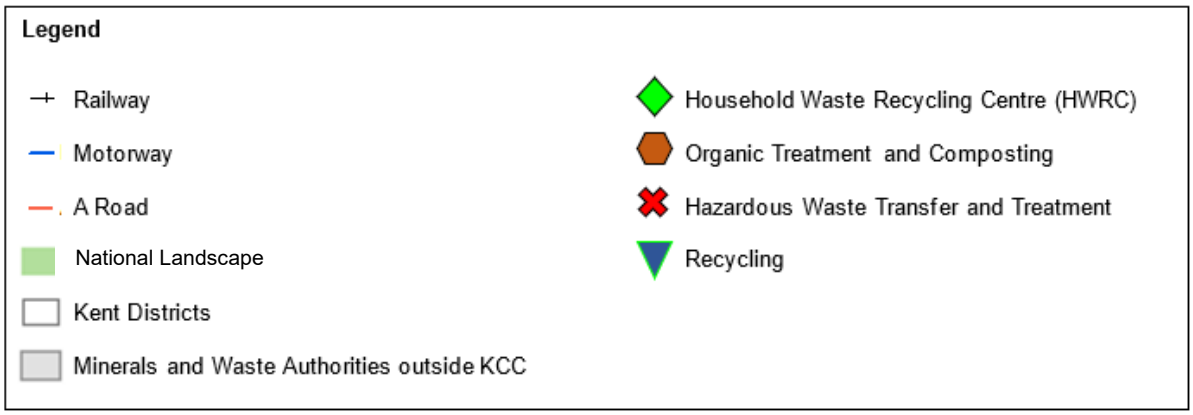

Legend
Railway
Motorway
A Road
National Landscape
Kent Districts
Minerals and Waste Authorities outside KCC
Energy from Waste
Inert Landfill
Non-Hazardous Landfill
Hazardous Landfill

**Figure 16B - Waste Key Diagram - Reuse/Recycling and Treatment Capacity**




Legend
Railway
Motorway
A Road
National Landscape
Kent Districts
Minerals and Waste Authorities outside KCC
Household Waste Recycling Centre (HWRC)
Organic Treatment and Composting
Hazardous Waste Transfer and Treatment
Recycling

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

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

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

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

**3.0.4** As the Kent MWLP will plan for minerals and waste in Kent up to the end of 2039, it is important to recognise that technology will change over the plan period. Therefore, the Plan has to be robust and flexible enough to enable improvements in technology to be incorporated into future mineral supply and waste management developments.

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

Throughout the Plan period 2024-39, minerals and waste development will:

1. Make a positive and sustainable contribution to the Kent area and beyond and ensure minerals and waste development contributes to the progression towards a low carbon economy.

2. Supports the needs arising from growth in Kent.

3. Deliver sustainable solutions to the minerals and waste needs of Kent and beyond through collaborative working with communities, landowners, the minerals and waste industries, the environmental and voluntary sector and local planning authorities.

4. Embrace the naturally and historically rich and sensitive environment of the plan area, and ensure that it is conserved and enhanced for future generations to enjoy.

**Planning for Minerals in Kent will:**

5. Seek to deliver a sustainable, steady and adequate supply of land-won minerals including aggregates, silica sand, crushed rock, brickearth, chalk and clay, building stone and minerals for cement manufacture.

6. Facilitate the processing and use of secondary and recycled aggregates to become less reliant on land-won construction aggregates.

7. Safeguard economic mineral resources for future generations and all existing, planned and potential mineral transportation and processing infrastructure (including wharves and rail depots and production facilities).

8. Restore minerals sites to a high standard that will deliver sustainable benefits to Kent communities.

**Planning for Waste in Kent will:**

9. Facilitate the achievement of a more circular economy in all forms of development, ensuring the maximum reuse of materials and goods, minimising waste and ensuring its management is sustainable and takes place as high up the Waste Hierarchy as possible.

10. Extract the maximum amount of renewable energy incorporating both heat and power, from waste that cannot be re-used or recycled (i.e. unavoidable residual waste) and minimise the amount of non-hazardous waste sent to landfill.

11. Ensure waste is managed close to its source of production.

12. Allow for the development of a variety of waste management facilities to ensure that Kent remains at the forefront of waste management with solutions for all major waste streams, while retaining flexibility to adapt to changes in technology and legislation.

13. Ensure sufficient capacity exists to meet the future needs for waste management.

14. Restore waste management sites to a high standard that will deliver sustainable benefits to Kent's environment and its communities.

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

**4.0.1** The Spatial Vision outlines our ambition for sustainable resource management for minerals and waste development in the plan area up to the end of 2039. While this vision describes what will be achieved, the objectives explain how the vision will be achieved.

**4.0.2** All of the Kent MWLP objectives that follow are underpinned by an ambition to manage waste and mineral extraction and supply according to the principles of sustainable development, and in support of the National Infrastructure Strategy[34] and the delivery of Kent's community strategies.

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

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

[34] National Infrastructure Strategy (November 2020) HM Treasury

**Strategic Objectives for the Minerals and Waste Local Plan**

**General**

1. Encourage the use of sustainable, low carbon modes of transport for moving minerals and waste long distances and minimise road miles.

2. Ensure minerals and waste developments contribute towards the minimisation of, and adaptation to, the effects of climate change. This includes helping to shape places to secure radical reductions in greenhouse gas emissions and supporting the delivery of renewable and low carbon energy and associated infrastructure.

3. Ensure minerals and waste sites are sensitive to both their surrounding environment[35] and communities, and minimise their impact on them.

4. Enable minerals and waste developments to contribute to the social and economic fabric of their communities through employment, educational and recreational opportunities where possible.

4a. Ensure that waste is managed and minerals are supplied in a manner which is consistent with the achievement of a more circular economy.

**Minerals**

5. 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, by maintaining a stock of permitted reserves and safeguarding mineral bearing land for future generations.

6. Promote and encourage the use of recycled and secondary aggregates in place of primary land and marine won minerals.

7. Safeguard existing, planned and potential sites for mineral infrastructure including wharves and rail depots across Kent to enable the on-going transportation of marine dredged aggregates, crushed rock and other minerals as well as other production facilities.

8. Enable the extraction of building stone minerals for heritage building products.

9. Restore minerals sites at the earliest opportunity to the highest possible standard to sustainable after-uses that benefit the Kent community economically, socially or environmentally. Where possible, after-uses should conserve and improve local landscape character, and provide opportunities for improvements in biodiversity which meet and, where relevant, exceed

[35] Surrounding environment: see the Glossary in Appendix A for details.

targets outlined in the Kent Nature Partnership Biodiversity Strategy 2020 to 2045, the Biodiversity Opportunity Areas, National Landscape (formerly known as Areas of Outstanding Natural Beauty (AONB)) Management Plans and Local Nature Recovery Strategies to help maximise overall net-gain in biodiversity on restoration

10. *Not in use.*

**Waste**

11. Minimise the production of waste and increase its reuse. Promote the movement of waste up the Waste Hierarchy by enabling the waste management industry to provide facilities that increase recycling, treatment and reprocessing to improve the management of resources and deliver further reductions in the amount of Kent's waste being disposed of in landfill and through waste to energy.

12. Promote the management of waste close to the source of production in a sustainable manner using appropriate technology and, where applicable, innovative technology, such that net self sufficiency is maintained throughout the plan period.

13. If it cannot be reduced, reused, recycled or composted, use waste as a fuel for the generation of renewable energy, in the form of both heat and electricity through energy from waste including technologies such as gasification and anaerobic digestion.

14. Ensure sufficient capacity exists to maintain a county-wide network for the sustainable management of Kent's waste.

15. Restore waste management sites at the earliest opportunity to the highest possible standard to sustainable after-uses that benefit the Kent community economically, socially and 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, National Landscape (formerly known as Area of Outstanding Natural Beauty) Management Plans and Local Nature Recovery Strategies to maximise overall net-gain in biodiversity on restoration.

## 5. Delivery Strategy for Minerals

**5.0.1** Minerals are essential to support sustainable economic growth and quality of life. It is important that there is a sufficient supply of minerals to provide the infrastructure and its maintenance, buildings, energy and goods that the country needs. However, since they are a finite natural resource, and can only be worked where they are found, it is important to make the best use of them to secure their long-term conservation[36].

### 5.1 Policy CSM 1: Sustainable Development

**5.1.1** The purpose of the planning system is to contribute to the achievement of sustainable development[37], there are three overarching interdependent objectives to the delivery of sustainable mineral development. These relate to economic, social and environmental considerations and are at the heart of planning decisions. The objectives are:

1. Economic - to ensure the economy is strong, responsive and competitive, such that land and resources are available in the right places and at the right time to support growth, innovation and improved productivity. Minerals provision is particularly important in identifying and coordinating the provision of infrastructure.

2. Social - to support strong, vibrant and healthy communities, by the appropriate siting, operation and restoration of mineral development including the contribution minerals makes to the delivery on new homes, buildings and infrastructure needed to support communities' health, social and cultural well-being

3. Environmental - to protect and enhance the natural, built and historic environment, making effective use of land, improving biodiversity, including contributions from net biodiversity gain, in addition to the prudent use of primary mineral and natural resources and mitigating and adapting to climate change as society moves to a low carbon economy.

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

**5.1.3** Planning law requires planning decisions to be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF

[36] National Planning Policy Framework (December 2023), paragraph 7
[37] National Planning Policy Framework (December 2023), paragraph 215

states that it does not change the statutory status of the development plan as the starting point for decision making.

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

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

## Policy CSM 1

**Sustainable Development**

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

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

**5.2.1** Economic minerals that are currently extracted from Kent quarries include aggregate minerals and industrial minerals. Aggregate minerals include: soft sand, sharp sand, gravel and crushed rock (ragstone); industrial minerals include: silica sand, brickearth, clay for tile-making, chalk for agricultural and industrial uses and building stone. In the recent past, shale from the coal measures in East Kent has been used for brick making, clay has been used for brick-making and raw materials have been extracted for cement manufacture within Kent. Up until the late 1980s, coal was extracted from underground coal mines in East Kent[38].

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

[38] More details of non-aggregate minerals in Kent are given in: KCC (May 2011) TRM3: Other Minerals

## Aggregate

### Sharp Sand and Gravel

### Flint Gravels

**5.2.3** High quality flint gravels (so called given their high compressive and tensile strength properties of their quartz mineral composition) in Kent are concentrated in the areas where flints derived from the eroded chalk have been deposited by river and marine action. These are sourced from the three main river valleys of the Darent, Medway and Stour, and the beach deposits along the coast (particularly at Dungeness). As far back as 1970, planning studies[39] identified concerns about the depletion of flint gravels in the river valleys and the constraints on availability of the coastal supply in the Dungeness area due to nature conservation and water resource protection. Flint dominant head gravel resources near Herne Bay, previously identified as Areas of Search (AoS)[40] have not proved to be sufficiently attractive for development.

### Sandstone Gravels

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

**5.2.5** Recent (2022) monitoring identifies two active (and three inactive) sharp sand and gravel sites within the County.

### Soft Sand

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

### Crushed Rock

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

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[39] Evidence prepared for the Kent Structure Plan in 1975.
[40] KCC (1993) Kent Minerals Local Plan Construction Aggregates Written Statement.

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

**5.2.8** Secondary and recycled aggregates can, in some circumstances, provide a replacement for sharp sand and gravel in many applications. The suitability of such materials to substitute for land-won supplies has been considered in detail[41]. Sales of secondary and recycled materials in 2022 were 0.802mt, although sales have been as high as 1.029mt in the last decade (2016). The importance of maintaining supply from this source is recognised in Policy CSM 8: Secondary and Recycled Aggregates which seeks to maintain and increase production capacity.

**5.2.9** With its coastal location, Kent fulfils an important role in the importation of minerals including a range of construction aggregates from mainland Europe, as well as marine dredged aggregates (MDA) and imported recycled and secondary materials. Kent benefits from a number of aggregate wharves, into which significant quantities of MDA and crushed rock are landed. Kent is understood to be the largest importer of MDA in the South East of England, with 1.9 million tonnes (mt) being imported into its wharves in 2022. Monitoring shows no significant change in the importance of Kent's wharves in the supply of this material. The 10-year sales average in 2022 was 1.65mt and in 2019 the Kent and Medway area consumed up to 70% of sales recorded in the combined area. Land-won sharp sand and gravel is also imported by rail and road from areas beyond Kent.

### Demand for Land-won Aggregates

**5.2.10** The NPPF[42] 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[43] and an assessment of all supply options (including marine dredged, secondary and recycled sources), and other relevant local information including the 3 year sales average. It also seeks for plans to make provision for the maintenance of landbanks of at least seven years for land-won sand and gravel and ten years for crushed rock. Landbanks of aggregate minerals reserves are used as the principal indicator of the future security of aggregate minerals supply, and to indicate the additional provision that needs to be made for new aggregate extraction and alternative supplies in mineral plans.

**5.2.11** The NPPF and planning practice guidance[44] also states that separate landbanks should be calculated and maintained for any aggregate materials of a specific type or quality which have a distinct and separate market.

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[41] See report: KCC (2013) Interchangeability of Construction Aggregates.
[42] National Planning Policy Framework (December 2023), para.219.
[43] Data collected annually by mineral planning authorities for their AMRs and the regional aggregate working parties. Details of how the rolling 10-year average sales data and how landbanks are calculated are given in the Local Aggregate Assessment.
[44] Planning Practice Guidance: Minerals.

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

### Land-won Aggregate Supply Considerations

**5.2.13** The starting point for identifying requirements for future land release for land-won aggregates is the expected need for materials over the Plan period and beyond. It takes into account the material which can be supplied from sites which already exist and have planning permission, allocations in the Kent Mineral Sites Plan and the contribution that substitute or secondary and recycled materials would make. The Plan provides separate policies for sharp sand & gravel, soft sand and crushed rock, all of which are won from the land within Kent.

**5.2.14** The sites included in the calculations of the supply of land-won aggregates are published in the LAA and/or AMR.

**5.2.15** The sharp sand and gravel sites allocated in the Kent Mineral Sites Plan 2020 are Stonecastle Farm Quarry Extensions, Hadlow and Land at Moat Farm, Five Oak Green. The soft sand site allocated in the Kent Minerals Sites Plan 2020 is Chapel Farm (West), Lenham.

**5.2.16** The criteria set out in Policy CSM 2 is used to select suitable sites for allocation in the Minerals Sites Plan.

**5.2.17** 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 building stone from aggregate development, Policy CSM 9 shall also be considered.

### Sharp Sand & Gravel

**5.2.18** The annual position on sharp sand and gravel in the County is reported in the Council's Local Aggregate Assessment (LAA). Between 2013 and 2022 sales of sharp sand and gravel from quarries in Kent dropped from around 376,250 tonnes in 2013 to around 124,200 tonnes in 2022. The average of 10 years' sales of sharp sand and gravel is 175,700 tonnes per annum (0.176mtpa) as of 2022. If demand were at this level for the rest of the Plan period (2024 to 2039 with a 7-year landbank of 1.232mt maintained at the end of the Plan period) the requirement (based on the 10-year sales average) would be 3.872mt.

**5.2.19** Permitted reserves at the end of 2022 were recorded at 2.230mt. Annual sales from this sector have been reducing for several years and this has had the effect of lengthening the life of the permitted reserves projected over the Plan period which is estimated using the 10-year rolling sales average. The available reserves at commencement of year 2024 are estimated at 2.054mt. The allocation (two sites) of 2.5mt of potentially replenishing resource are identified in the Kent Mineral Sites Plan 2020. Should these sites be granted planning permission this would provide a total surplus of 0.682mt over the Plan period. If the allocations do not come forward

during the Plan period, increased importation is anticipated to occur, thereby addressing the market need for this aggregate type. Managed decline is the anticipated pattern of supply of land-won resources in Kent in the longer term, as sustainable resources of sharp sand and gravel are becoming depleted.

**5.2.20** It is possible that other suitable sources of aggregates may be identified, for example, currently uneconomic deposits become economic, or constraints on the release of known aggregates sources (such as land ownership) may be overcome. This could lead to proposals coming forward to be judged against Policy CSM 4: Non-identified Land-won Mineral Sites or to further sites being proposed in a review of the Mineral Sites Plan. However, the Kent Minerals and Waste Local Plan 2016 accepted that land-won sharp sands and gravel were a physically depleting resource that are unlikely to be sustainably replenished in the long term.

**5.2.21** Therefore, it is anticipated that the diminishing land-won sharp sand and gravel supplies will increasingly be substituted over the plan period by supplies from production of alternative materials. This would include secondary and recycled aggregate[45] supplies gained from the blending of materials to generate a suitable supply to the construction aggregate market[46], together with landings of MDA and imports of land-won aggregates from elsewhere. Indeed, there is adequate existing capacity at wharves, railheads and recycling facilities for supplies from these sources to maintain adequate supply of sharp sand and gravel aggregate as land-won resources are exhausted. The Plan provides for flexibility in supply of aggregates as follows: Policy CSM 5 seeks to safeguard sharp sand and gravel resources that may become economic and to maximise the opportunities for the development of 'windfall' reserves which may come forward under Policy CSM 4. In addition, Policies CSM 7 and CSM 8 make provision for maintaining and developing further secondary and recycled aggregates supplies during the plan period, and Policies CSM 6, CSM 7 & CSM 12 seek to ensure that the necessary minerals importation and processing infrastructure is in place and safeguarded.

**5.2.22** In conclusion, based on 2022 aggregate monitoring data, the position for land-won sharp sand and gravel is as follows:

- Sharp sand and gravel: at least 4.554mt of actual and potential reserves (comprising currently permitted reserves estimated at the commencement of 2024 as 2.054mt plus 2.5mt of resources from allocated sites), and a 7-year landbank of at least 1.232mt as long as resources allow. Should the allocated sites come forward, this provides a surplus of 0.682mt over the Plan period.

**Soft Sand**

**5.2.23** The annual position of soft sand in the County is reported in the Council's Local Aggregate Assessment. Between 2013 and 2022 sales of soft (building) sand from Kent's quarries have increased from around 483,200 tonnes in 2013 to around 574,700 tonnes in 2022. The average 10 years sales of soft sand has also

[45] See the latest Local Aggregate Assessment for Kent
[46] This currently occurs at one site (Hermitage Quarry - rock and hassock)

increased slightly, and as of 2022 is 475,038 tonnes per annum (0.475mtpa). If demand were at this level for the rest of the Plan period (2024 to 2039 with a 7-year landbank of 3.325mt maintained at the end of the Plan period) the requirement (based on the 10-year sales average) would be 10.45mt.

**5.2.24** Permitted reserves at the end of 2022 were recorded at 5.574mt. The available reserves at commencement of year 2024 are estimated at 5.099mt. The allocation (one site) of 3.2mt of potentially replenishing resource is identified in the Kent Mineral Sites Plan 2020 and is expected to come forward during the Plan period. Should this site be granted planning permission this would provide a total of 8.299mt of reserves over the Plan period, excluding any windfall sites. This results in an estimated shortfall of 2.15mt in the maintained 7-year landbank to the end of 2039.

**5.2.25** Assuming the Chapel Farm allocation comes forward as expected without any windfall sites, this indicates a 7-year landbank (of 3.325mt) to be maintained until around 2036. The estimate of available reserves and sales rates will likely change over time and there is the potential for the maintained 7-year landbank requirement to increase or decrease over time. At no time over the Plan period will the supply of soft sand be exhausted (based on current sales rolling averages and permitted reserves plus potential reserves from the Chapel Farm allocation). In addition, following the Plan's adoption, there is a subsequent statutory requirement to review the Plan every five years which provides future staged opportunities to assess if further monitored supply requirements justify any allocation of additional sites in an updated Mineral Sites Plan. Any allocation would need to be acceptable in planning terms and subject to detailed examination.

**5.2.26** It should be noted that there can be a lack of clarity in geology between soft sand and silica sand as they occur in the ground as part of the same geological deposit. In light of this, it is necessary, in consultation with the operators, to determine the degree to which sites identified as supplying soft sand and/or silica sand may supply both materials. This can affect the aggregate monitoring data.

**5.2.27** In conclusion, based on 2022 aggregate monitoring data, the position for land-won soft sand is as follows:

- Soft sand: at least 8.299mt of actual and potential reserves (comprising currently permitted reserves estimated at the commencement of 2024 as 5.099mt plus 3.2mt of resources from the allocated site), and a 7-year landbank of at least 3.325mt. Should the allocated site come forward, this would result in a theoretical shortfall of 2.15mt over the Plan period, though no exhaustion of available reserves during the plan period to 2039 is indicated and no account is taken of windfall sites. In addition, following the Plan's adoption, there is a subsequent statutory requirement to review the Plan every five years which provides future staged opportunities to assess if further monitored supply requitements justify any allocation of additional sites.

### Hard (Crushed) Rock

**5.2.28** The annual position on crushed hard rock in the County is reported in the Council's Local Aggregate Assessment. Between 2013 and 2022 sales of hard (crushed) rock have increased from 722,985mt in 2013 to 1,242,839mt in 2022 (in 2020 they were as high as 1,508,859mt). Local circumstances support the use of an average 6-year sales figure. The average 6 years sales of crushed rock is, as of 2022, 1,240,913 tonnes per annum (1.24mtpa). If demand were at this level for the rest of the Plan period (2024 to 2039 with a 10-year landbank of 12.4mt maintained at the end of the Plan period) the requirement (based on the 6-year sales average) would be 31.0mt.

**5.2.29** Permitted reserves at the end of 2022 were recorded at 14.85mt. The available reserves at commencement of year 2024 are estimated at 13.62mt giving an estimated 17.38mt shortfall over the Plan period.

**5.2.30** The identified shortfall may be addressed by the allocation of new hard (crushed) rock potential reserves (in an updated Mineral Sites Plan) sufficient to ensure an adequate and steady supply of this type of aggregate is maintained over the Plan period 2024-2039. Any allocation would need to be acceptable in planning terms and subject to detailed examination.

**5.2.31** Currently the consented reserves of crushed rock are contained within two Kentish Ragstone sites. In conclusion, based on 2022 aggregate monitoring data, for land-won hard (crushed) rock the position is as follows:

- Crushed rock: at least 13.62mt of reserves (comprising currently permitted reserves estimated at the commencement of 2024), and a 10-year maintained landbank of at least 12.4mt, giving an estimated 17.38mt shortfall over the Plan period. Subject to detailed assessment, the shortfall is to be addressed by an allocation(s) of new hard (crushed) rock reserves in an updated Mineral Sites Plan sufficient to ensure an adequate and steady supply of this type of aggregate is maintained over the Plan period 2024-2039.

### Industrial Minerals

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

- at least 10 years for individual silica sand sites except where significant new capital is required in which case it is 15 years;

- at least 15 years for cement primary (chalk and limestone) and secondary (clay and shale) materials to maintain an existing plant; and

- at least 25 years for brick clay and for cement primary and secondary materials to support a new kiln.

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

### Brickearth and Clay for Brick and Tile Manufacture

**5.2.34** Kent has one operational brickworks near Sittingbourne, which is supplied by brickearth extracted from a site in the Sittingbourne area to make yellow London stock bricks. National planning policy requires the provision of a stock of permitted reserves of at least 25 years for brick clay[47]There is a need to ensure sufficient reserves are available to provide brickearth for the operational brickwork in Kent to ensure that the locally characteristic yellow London stock bricks can continue to be manufactured. Currently the permitted reserves come from Paradise Farm in the Sittingbourne area. Total permitted reserves have been reconsidered against anticipated extraction rates. Yearly production is highly variable, and can significantly reduce in any one year, the effect is to commensurately increase the landbank significantly. It is considered that available reserves sufficient for the Plan period remain; being up to 29 years.

**5.2.35** In the past in Kent, bricks have also been made at various locations from supplies of Weald Clay, Gault Clay, London Clay, Wadhurst Clay and colliery shale. No operational brickworks that use clay and/or colliery shale remain in Kent. The stock of planning permissions for clay and colliery shale for brick and tile making is sufficient for the plan period if any of the dormant or closed brickworks is re-opened or new brickworks are established[48]. Therefore, there is no need to identify further reserves of brick clay or colliery shale for brickmaking in a Mineral Sites Plan.

**5.2.36** A small-scale tile manufacturer that makes traditional 'Kent Peg' tiles is located in the Weald of Kent at Hawkenbury. This site has a consented clay pit with reserves consented through to 2026. Permitted reserves are however sufficient to supply the tile works well beyond this date.

### Silica Sand

**5.2.37** Silica sand (a form of sand such that it is almost pure quartz, or silicon dioxide) is considered to be a mineral of national importance due to its limited distribution. The Folkestone Beds, west of Maidstone, is the traditional extraction area for silica sand in Kent and is made up of distinct horizons of building sand and silica sand. While the quality of these silica sand deposits in Kent is not as pure as those found in the neighbouring county of Surrey, some of this material is used for industrial processes including glass manufacture and the production of foundry castings. Silica sand is also used in horticulture and for sports surfaces including horse maneges and golf course bunker sand. There are no sites in Kent that provide only silica sand. All of Kent's existing silica sand sites produce construction

[47] National Planning Policy Framework (December 2023), paragraph 220.
[48] KCC (May 2011) TRM3: Other Minerals

aggregates to some extent[49]. 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[50].

**5.2.38** An example of a potential local use would be in the manufacture of 'Aircrete' blocks (also known as aerated concrete blocks) where it may substitute for the current supply of Pulverised Fuel Ash (PFA). Currently the existing market need for silica sand is being met by extraction from three quarries Igtham Quarry, Wrotham Quarry (Addington Sand Pit) and Nepicar Sand Pit. In 2022, these quarries had an estimated permitted total reserve in the region of 1.58mt. These quarries are shown in Figure 13: Minerals Key Diagram and reported in the Annual Monitoring Report. Wrotham Quarry has a potential extension area that lies within the Kent Downs National Landscape (formerly AONB). While the Plan seeks to maintain a stock of permitted reserves, in line with national policy, it is recognised that this may not be possible if it would be inconsistent with policy to conserve the landscape and scenic beauty of the National Landscape. In light of national policy, the Plan does not seek allocation of sites within the National Landscape or in locations which would have an unacceptable adverse impact on the setting of, and implementation of, the statutory purposes of the National Landscape. Proposals will be considered on their merits against policy CSM 2.

### Chalk

**5.2.39** Chalk is abundant in Kent. It is used for agricultural and construction purposes (primarily as a bulk fill material) across the county[51]. Local sales data for agricultural and engineering use combined indicates that sales vary considerably from year to year. Total reserves are currently estimated at 0.532 million tonnes as of the end of 2022 (these figures are considered broad estimates). Based on the current rate of extraction there is a permitted reserve life of approximately only 13 years, compared to an excess of 100 years as previously monitored. However, the rate of extraction varies greatly from year to year. As the NPPF does not require specific chalk landbanks to be maintained at any particular level and taking account of the massive nature of the deposit in Kent, sites for Chalk extraction are not included in the Mineral Sites Plan.

**5.2.40** While Kent was once a major producer of cement, there are no operational cement works remaining within the county. A cement works and its associated mineral reserves (Medway Works, Holborough) has the benefit of an extant implemented planning permission with the permitted mineral resources that are required to supply the works being sufficient for at least 25 years. Policies CSM 5, DM 7 and DM 8 safeguard the permitted mineral use and, were an application to

[49] GWP Consultants (March 2010) A study of silica sand quality and end uses in Surrey and Kent. Final report for KCC and Surrey County Council.
[50] National Planning Policy Framework (December 2023), paragraph 220 footnote 78.
[51] KCC (May 2012) TRM3: Other Minerals.

come forward that proposed another form of use for this site, then these would need to be taken into account.

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

**5.2.42** Any proposals for new chalk extraction will be assessed against Policy CSM 4: Non-identified Land-won Mineral Sites.

### Clay for Engineering Purposes

**5.2.4** Clay is abundant in Kent. Other than uses in brick manufacture, the principal use for extracted clay is for land engineering purposes. Since there are no specific requirements for engineering clay for bulk fill, waterproof capping or flood defences there is no requirement to make specific provision. Local sales data indicates that sales vary significantly from year to year, however an average for the 11 years in which data was available indicates sales of approximately 27,000 tpa with a peak demand of 69,000 tonnes in 2002[52]. Sites which come forward for the extraction of clay for engineering purposes will be assessed against Policy CSM 4: Non-identified Land-won Mineral Sites for future extraction to maintain such supply.

## Policy CSM 2

**Supply of Land-won Minerals in Kent**

Mineral working will be granted planning permission at sites identified in the Minerals Sites Plan[53] subject to meeting the requirements set out in the relevant site schedule in the Mineral Sites Plan and the development plan.

**1. Aggregates**

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

- **Sharp sand and gravel:** A landbank of sharp sand and gravel at least equal to the 7-year landbank (as set out in the latest Local Aggregate Assessment) will be maintained throughout the Plan period for as long as reserves and potential resources allow.

- **Soft sand:** A landbank of soft sand at least equal to the 7-year landbank (as set out in the latest Local Aggregates Assessment) will be maintained throughout the Plan period.

[52] KCC (2012) TRM3 Other Minerals, Table 4B.
[53] Sites identified in the Minerals Sites Plan are generally where viable mineral resources are known to exist, where landowners are supportive of mineral development taking place and where it is considered that planning applications are likely to be acceptable in principle in planning terms.

- **Crushed rock:** A landbank of hard crushed rock at least equal to the 10-year landbank (as set out in the latest Local Aggregates Assessment) will be maintained throughout the Plan period.

Additional sites required to maintain landbanks of land-won aggregates at the levels stated above will be identified if possible, in the Mineral Sites Plan. A rolling average of ten years' sales data and other relevant information will be used to assess landbank requirements on an on-going basis, and this will be kept under review through the annual production of a Local Aggregates Assessment.

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

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

**3. Silica Sand**

In response to planning applications, the Mineral Planning Authority will seek to permit sites for silica sand production sufficient to provide a stock of permitted reserves of at least 10 years for individual sites 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[54]. Proposals will be considered on their own merits, having regard to the policies of the Development Plan as a whole subject to them demonstrating:

- how the mineral resources meet technical specifications required for silica sand (industrial sand) end uses; and

- how the mineral resources will be used efficiently so that high-grade sand deposits are reserved for industrial end uses.

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

The stock of existing planning permissions for chalk is sufficient to supply Kent's requirements for agricultural and engineering chalk over the plan period, although monitoring data is showing a wide variation in overall permitted reserves. Applications for sites supplying chalk for agriculture and engineering purposes will be dealt with in accordance with the policies of this Plan. The need for additional

[54] 'Plant and equipment' is taken to mean that used in the processing of minerals and its use in industrial and manufacturing processes.

supplies of chalk will be assessed based on the latest assessment of supply and demand set out in the Annual Monitoring Report.

**5. Clay for Engineering Purposes**

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

**6. Selection of Sites for Allocation**

The criteria that will be taken into account for selecting and screening the suitability of sites for allocation will include:

- the requirements for minerals set out above;
- relevant policies set out in Chapter 7: Development Management Policies
- relevant policies in district local plans and neighbourhood plans;
- strategic environmental information, including landscape assessment and Habitat Regulations Assessment (HRA) as appropriate;
- their deliverability; and
- other relevant national planning policy and guidance.

***5.3 Policy CSM 3: Not in use - This Policy, its supporting text and associated Figure 17 were deleted as changes resulting from the full review adopted in 2025.***

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

**5.4.1** Sites identified in the Mineral Sites Plan, help provide the framework that seeks to enable a stock of planning permissions for aggregates, chalk, brickearth, clay, silica sand and minerals for cement manufacture to be maintained at the required levels throughout the plan period.

**5.4.2** Allocated sites are subject to a detailed assessment that seeks to balance demand for the mineral and any other benefits against potential adverse impacts, with a view to securing a steady and adequate supply of aggregates and industrial minerals, having regard to national planning policy and the objectives and policies of this plan, including sustainability objectives. The presumption is that provision will be made by means of the allocated sites coming forward and providing the mineral required at the appropriate time. Planning applications for minerals development on non-allocated sites (other than with respect to silica sand, which is provided for under Policy CSM 2 where no allocations are proposed to be made) will be considered having regard to the relevant objectives and policies of the development

plan as a whole, in particular the need to plan for a steady and adequate supply of mineral.

**5.4.3** Where a proposal for minerals development on a non-allocated site fails to comply with the development plan or is otherwise shown to cause harm to its objectives, planning permission will be granted only if sustainable benefits are clearly demonstrated that are sufficient to outweigh the harm identified. Examples of criteria that may justify permission being granted include:

- the possibility of prior extraction of an economic mineral ahead of other development taking place within the safeguarded mineral resource[55]
- the possibility of borrow pit developments that can supply materials in a sustainable manner to major infrastructure developments including road, rail and ports
- locations of consented reserves and any alternative supply options[56] being remote from main market areas necessitating unduly long road journeys from the source to the market
- the nature and qualities of the mineral such as suitability for particular use
- known constraints on the availability of consented reserves that might limit output over the plan period
- the extent to which permitted reserves are within inactive sites that are unlikely to ever be worked
- the assurance that large landbanks bound up in very few sites do not stifle competition
- sites in the Mineral Sites Plan not coming forward as anticipated.

## Policy CSM 4

**Non-identified Land-won Mineral Sites**

With the exception of proposals on land allocated in the Mineral Sites Plan and for the extraction of silica sand provided for under Policy CSM 2, proposals for mineral extraction and additional sites assessed for allocation in the Minerals Sites Plan will be considered having regard to the policies of the development plan as a whole and in the context of the Vision and Objectives of this Plan, in particular the objective to plan for a steady and adequate supply of aggregates and industrial minerals. Where harm to the strategy of the development plan is shown, permission will be granted only where it has been demonstrated that there are overriding benefits that justify extraction at the exception site.

### 5.5 Policy CSM 5: Land-won Mineral Safeguarding

[55] Safeguarding of mineral resources is dealt with by Policies CSM 5, DM 7 and DM 8 and prior extraction principally by Policy DM 9.
[56] Alternative supply options include secondary or recycled materials and imports through wharves and rail depots.

**5.5.1** Protecting mineral resources from unnecessary sterilisation is a very important part of minerals planning policy, it is central to supporting sustainable development. Minerals are a finite natural resource which need to be used prudently. The purpose of safeguarding minerals is to ensure that sufficient economic minerals are available for future generations to use. The viability of extracting resources may change over time and is likely to increase as resources become more scarce. Mineral transportation infrastructure is also important because, as described in section 5.2, imported minerals make a major contribution to the County's requirements and production facilities convert materials into useable products. Such transportation infrastructure also allows for the export of minerals from Kent to other areas. The British Geological Society (BGS) Mineral Resource maps provide the best available geological data on the extent of mineral resources in Kent and so have been used as the starting point for safeguarding mineral resources in Kent.

**5.5.2** Policy CSM 5 describes how land-won minerals will be safeguarded and Policies CSM 6 and CSM 7 describe how mineral infrastructure will be safeguarded. Policy DM 7 describes the circumstances in which non-mineral developments that are incompatible with safeguarding a resource would be acceptable. Policies CSM 4 and DM 9 set out how applications for prior extraction of safeguarded mineral resources, that would otherwise be sterilised by non-minerals development, would be considered. Policy DM 8 describes the circumstances in which non-mineral developments that might be incompatible with safeguarding minerals (such as wharfs and rail depots) and/or waste infrastructure would be acceptable.

**5.5.3** Land-won mineral safeguarding is carried out through the designation of Mineral Safeguarding Areas (MSAs). Further explanation is provided below.

**5.5.4** MSAs cover areas of known mineral resources that are, or may in future be, of sufficient value to warrant protection for future generations. MSAs ensure that such resources are adequately and effectively considered in land-use planning decisions so that they are not needlessly sterilised. The level of information used to indicate the existence of a mineral resource can vary from geological mapping to more in-depth geological investigations. Defining MSAs carries no presumption for extraction and there is no presumption that any areas within MSAs will ultimately be acceptable for mineral extraction.

**5.5.5** National policy expects all MPAs, both unitary and two-tier authorities, to include policies and proposals in their local plans to safeguard mineral resources and to set out their extent on maps of MSAs. In two-tier authority areas, such as Kent, MSAs should be included on the Policies Maps of the Development Plan maintained by the District and Borough Councils. This is intended to alert prospective promoters of development and the local planning authority, to the existence of mineral resources and shows where local mineral safeguarding policies may apply.

**5.5.6** Geological mapping is indicative of the existence of a mineral resource. It is possible that the mineral has already been extracted and/or that some areas may not contain any of mineral resource being safeguarded. Nevertheless, the onus will be

on promoters of non-mineral development to demonstrate satisfactorily[57] at the time that the development is promoted that the indicated mineral resource does not actually exist in the location being promoted, or extraction would not be viable or practicable under the particular circumstances.

**5.5.7** Where an application is made for non-mineral development within a MSA identified in this Plan, then the determining authority will consult the MPA for its views on the application and take them into account in its determination. For non-minerals development determined by the County Council e.g. schools and waste management, the safeguarding policies will equally apply.

**5.5.8** Economic land-won minerals that are identified for safeguarding in Kent are sharp sand and gravel, soft sand, silica sand, crushed rock, building stone and brickearth. Chalk and clay (other than brickearth) are abundant across the county and so these resources are not being safeguarded. The mineral resource areas identified for safeguarding are shown in the MSAs in Chapter 9: Adopted Policies Maps. The MSAs are based on mapping of the mineral resource prepared by the BGS. Current guidance advises that mineral safeguarding should not be curtailed by any other planning designation, such as environmental designations without sound justification. The mineral resources within the Plan area are extensive and whilst they continue beneath urban areas they are already sterilised by non-mineral development with very little prospect of future working. Therefore in order for the safeguarding to be practical such areas have been excluded from the MSAs.

**5.5.9** The surface working area of the proposed East Kent Limestone Mine is not identified for safeguarding. This is because there has been no advancement in the mine's development since the identification of this resource as a possible area of mining in the 1993 Minerals Subject Plan[58]. There is no certainty where the built footprint for the surface aggregate processing facility is likely to be situated (if it is ever developed) and planning policies should avoid the long-term protection of sites identified for employment use where there is no reasonable prospect of a site being used for that purpose. Any proposals for prospecting the Carboniferous Limestone deposit will be considered under Policy CSM 11[59].

**5.5.10** Coal, oil, and deep pennant sandstone resources are also not being safeguarded, as they are located at considerable depth underground and may potentially form extensive resources. The safeguarding of these deep underground minerals would dilute the focus of safeguarding mineral resources, access to which is more likely to be lost to built development.

**5.5.11** MSAs will be reviewed and updated as necessary. Further reviews of the MSAs will take place at least every five years. Matters to be taken into account in these reviews are set out in a Supplementary Planning Document on minerals safeguarding. Such matters will include the following:

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[57] Non-minerals development will mainly be promoted through planning applications or through proposed allocations in Local Plans. Advice will be provided by Kent County Council (as the Minerals Planning Authority).
[58] KCC (1993) Mineral Subject Plan Construction Aggregates.
[59] National Planning Policy Framework (December 2023), para. 126.

1. Previously worked land (provided the mineral resource is exhausted)
2. Transport infrastructure
3. Land within urban areas
4. Proposed urban extensions and site allocations for non-minerals uses in adopted local plans
5. The importance of minerals resources
6. The accessibility of the minerals resource i.e. whether it can be practicably and viably worked

**5.5.12** At the same time, the need to safeguard sites hosting specific infrastructure (transportation and production) will also be reviewed.

**5.5.13** The process of allocating land for non-minerals uses in local plans will take into account the need to safeguard minerals resources and mineral infrastructure. The allocation of land within an MSA will only take place after consideration of the factors that would be considered if a non-minerals development were to be proposed in that location, or in proximity to it, as set out in Policies DM 7, DM 8, CSM 5 and CSM 6. The Minerals Planning Authority will support the District and Borough Councils in this process.

**Policy CSM 5**

**Land-won Mineral Safeguarding**

Economic mineral resources are safeguarded from being unnecessarily sterilised by other development by the identification of:

1. Mineral Safeguarding Areas for the areas of brickearth, sharp sand and gravel, soft sand (including silica sand), ragstone and building stone as defined on the Mineral Safeguarding Area Policies Maps in Chapter 9

2. Sites for mineral working within the plan period are identified in the Annual Monitoring Report and in the Mineral Sites Plan.

### 5.6 Policy CSM 6: Safeguarded Wharves and Rail Depots

**5.6.1** Kent has a range of mineral transportation facilities around its coast as well as inland. The importance of safeguarding these facilities to enable the on-going supply of essential minerals is identified in national planning policy. Development in proximity to a mineral transportation facility could prejudice or constrain current or future operations. It is important therefore, that the Plan ensures that wharves and rail depots are safeguarded, given their very probable irreplaceability, and are not put at risk by non-minerals developments. The revival of the Dover Western Docks to regenerate the dock infrastructure includes a safeguarded wharf (Dunkirk Jetty). At this time, the safeguarding status of this mineral importation and handling infrastructure is unchanged and the wharf remains listed in Policy CSM 6. The

locations of the safeguarded wharves and rail depots are shown in Figure 13: Minerals Key Diagram and in Chapter 9: Adopted Policies Maps.

**5.6.2** Policy DM 8 identifies situations where development at, or in proximity to, safeguarded infrastructure including wharves and rail depots, would be acceptable.

## Policy CSM 6

**Safeguarded Wharves and Rail Depots**

Planning permission will not be granted for non-minerals development that may unacceptably adversely affect the operation of existing[60] planned or potential sites, such that their capacity or viability for minerals transportation purposes may be compromised.

The following sites, and any allocated sites for wharves and rail depots included in the Minerals Sites Plan, are safeguarded:

1. Allington Rail Sidings
2. Sevington Rail Depot
3. Hothfield Work
4. East Peckham
5. Ridham Dock (both operational sites)
6. Johnson's Wharf, Greenhithe
7. Robins Wharf, Northfleet (both operational sites)
8. Clubbs Marine Terminal, Gravesend
9. East Quay, Whitstable
10. Red Lion Wharf, Gravesend
11. Ramsgate Port
12. Wharf 42, Northfleet (including Northfleet Cement Wharf)
13. Dunkirk Jetty (Dover Western Docks)
14. Sheerness
15. Northfleet Wharf
16. Old Sun Wharf, Gravesend

Their locations are shown in Figure 13: Minerals Key Diagram in Chapter 2 and their site boundaries are shown in Chapter 9: Adopted Policies Maps.

The Local Planning Authorities will consult the Minerals Planning Authority and take account of its views before making a planning decision (in terms of both a planning application and an allocation in a local plan) for non-mineral related development (other than that of the type listed in policy DM 8 (clause 1)) on all development proposed at, or within 250m of, safeguarded minerals transportation facilities.

[60] Existing sites are taken as sites that have permanent planning permission for minerals transportation purposes.

### 5.7 Policy CSM 7: Safeguarding Other Mineral Plant Infrastructure

**5.7.1** National policy requires other types of mineral infrastructure to be safeguarded. This includes existing, planned and potential sites for concrete batching, the manufacture of coated materials, other concrete products and the handling, processing and distribution of substitute, recycled and secondary aggregate materials.

**5.7.2** As there are many sites within the county, with considerable numbers being located on industrial estates identified in local plans for general industrial and commercial uses, a generic (non-site specific) policy for safeguarding these facilities and their ongoing, overall capacities is necessary. Policy CSM 7 addresses the need to safeguard mineral production infrastructure, while being flexible to the needs of the industry by enabling the loss of capacity (potentially required for the industry to remain competitive and viable) provided there is replacement capacity available elsewhere of a type that is at least equal to that provided by the original facility. Policy DM 8 identifies situations where development at, or in proximity to safeguarded mineral plant infrastructure would be acceptable.

## Policy CSM 7

**Safeguarding Other Mineral Plant Infrastructure**

Facilities for concrete batching, the manufacture of coated materials, other concrete products and the handling, processing and distribution of substitute, recycled and secondary aggregate material in Kent are safeguarded for their on-going use.

Where these facilities are situated within a host quarry, wharf or rail depot facility, they are safeguarded for the life of the host site.

Where other development is proposed at, or within 250m of, safeguarded minerals plant infrastructure, Local Planning Authorities will consult the Minerals Planning Authority and take account of its views before making a planning decision (in terms of both a planning application and an allocation in a local plan).

### 5.8 Policy CSM 8: Secondary and Recycled Aggregates

**5.8.1** The use of secondary and recycled aggregates is generally more sustainable than extracting primary land-won aggregates. It is for this reason that national policy expects MPAs to, 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 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. Inert Construction, Demolition and Excavation waste (CDEW) is the main source of recycled aggregate and Policy CSW 4 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.

**5.8.2** 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. Arisings of CDEW 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.

**5.8.3** Policy CSM 8 sets out criteria to be used in the consideration of additional secondary and recycled aggregate production capacity. Where permanent consent is being sought, to avoid adverse amenity impacts, the presumption will be that processing activities will be contained within a covered building or similar structure. While sites with permanent consent will be safeguarded under Policy CSM 7, to compensate for the loss of capacity located on temporary sites, sites may be identified in the Minerals Sites Plan to ensure processing capacity is maintained to allow the production of at least 2.7 million tonnes per annum of secondary and recycled aggregates, throughout the Plan period.

## Policy CSM 8

**Secondary and Recycled Aggregates**

Processing capacity will be maintained to allow the production of at least 2.7 million tonnes per annum or the productive capacity value in the latest Local Aggregate Assessment (whichever is the greater) of secondary and recycled aggregates, throughout the Plan period.

Proposals for additional capacity for secondary and recycled aggregate production including those relating to the expansion of capacity at existing facilities that increases the segregation and hence end product range/quality achieved, will be granted planning permission if they are well located in relation to the source of input materials or need for output materials, have good transport infrastructure links and accord with the other relevant policies in the development plan, at the following types of sites:

1. temporary demolition, construction, land reclamation and regeneration projects and highways developments where materials are either generated or to be used in the project or both for the duration of the project (as defined by the planning permission)
2. appropriate mineral operations (including wharves and rail depots) for the duration of the host site permission.
3. appropriate waste management operations for the duration of the host site permission.
4. industrial estates, where the proposals are compatible with other policies set

out in the development plan including those relating to employment and regeneration.
5. any other type of site that meets the requirements cited in the second paragraph of this policy above.

The term 'appropriate' in this policy is defined in terms of the proposal demonstrating that it will not give rise to unacceptable adverse impacts on communities or the environment as a whole over and above the levels that had been considered to be acceptable for the host site when originally permitted without the additional facility.

Planning permission will be granted to re-work old inert landfills and dredging disposal sites to produce replacement aggregate material where it is demonstrated that net gains in landscape, biodiversity or amenity can be achieved by the operation and environmental impacts can be mitigated to an acceptable level.

### 5.9 Policy CSM 9: Building Stone in Kent

**5.9.1** Only two ragstone quarries have consented reserves at the time of the preparation of this Plan: Hermitage Quarry and Blaise Farm in mid Kent. Although building stone has been produced from both quarries, only Hermitage Quarry has the ability to produce high-quality cut stone from the full sequence of ragstone beds in the Hythe Formation, and it continues to provide building stone for building conservation uses. However, in the past, small-scale quarries have provided locally distinctive stone including Paludina Limestone (found near Bethersden), Tunbridge Wells Sandstone and flint (from chalk strata). Calcareous tufa found in small outcrops near Ditton has also been used in a few buildings, including Leeds Castle in Kent. These have been popular building materials and supplies may be needed in the future to maintain and restore the buildings that use them. 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 quarry as part of the overall operations. Furthermore, this geological resource will be safeguarded as set out in Policy CSM 5.

**5.9.2** Quarries for building stone can play an important part in providing historically authentic building materials in the conservation and repair of historic and cultural buildings and structures. Policy CSM 9 addresses the potential need for granting planning permission for small-scale, local restoration building stone quarrying in Kent.

## Policy CSM 9

**Building Stone in Kent**

Planning permission will be granted for proposals that are needed to provide a supply of local building stone necessary for restoration work associated with the

maintenance of historic buildings and structures and new build projects, subject to:

1. Development taking place in appropriate locations where the proposals do not have unacceptable adverse impacts on the local environment and communities; and
2. There being no other suitable, sustainable sources of the stone available.

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

**5.10.1** All hydrocarbons are owned by the State, in the form of the Oil and Gas Authority, the Coal Authority and the Department for Business, Energy and Industrial Strategy. Companies who wish to exploit these minerals are invited to bid for licences by the Government. A conditional underground licence does not give an operator the power to exploit underground resources and is conditional upon planning permission (and other rights) being granted too.

**5.10.2** Where possible reserves have been identified there is a need to establish, through exploratory drilling, whether or not there are sufficient recoverable quantities of hydrocarbons present to facilitate economically viable full scale production. There are three phases of onshore hydrocarbon extraction: exploration, testing (appraisal) and production.

**5.10.3** 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, licences and assessments. When determining applications for subsequent phases, the fact that exploratory drilling has taken place on a particular site is only likely to be material in determining the suitability of continuing to use that site insofar as it establishes the presence of hydrocarbon resources. There is no presumption that because permission is granted for one phase, then permission will be granted for a subsequent one, i.e. permission granted for exploration should not be assumed to lead to permission for appraisal, nor for appraisal to production. Each application will be considered on its merits. Proposals associated with exploration, appraisal and production might reasonably include underground gas storage and associated infrastructure, for which encouragement is sought in the NPPF.

**5.10.4** The Mineral Planning Authority (MPA) is one of four key regulators for hydrocarbon extraction. Its role is to provide clear guidance and criteria for the local assessment of hydrocarbon extraction within Petroleum Licence Areas and to grant planning permission for the location of any wells and wellpads and impose conditions to ensure that the impact on the use of land is acceptable. There are clear roles and responsibilities for each of the regulators and an expectation that the Mineral Planning Authority should assume non-planning regimes will operate effectively and should not ordinarily need to carry out its own assessments where it can rely on the assessments of other regulatory bodies. However, before granting planning permission the MPA will need to be satisfied that these issues can or will be adequately addressed by taking and considering advice from the relevant regulatory body relating to the specific risks/concerns posed by particular proposals. For

example in the case of proposals involving hydraulic fracturing mitigation of seismic risks; well design and construction; well integrity during operation; operation of surface equipment on the well pad; mining waste; chemical content of hydraulic fracturing fluid flaring or venting; final off-site disposal of water and well decommissioning/abandonment.

**5.10.5** Where it is intended to utilise new or existing infrastructure, the MPA will need to be satisfied that any associated environmental and amenity impacts are mitigated to ensure that there is no unacceptable adverse impact on the local environment or communities.

**Resources and Potential**

**Oil**

**5.10.6** Kent is part of the Southern Permian Basin Area, an area of potential for oil resource that stretches across northern Europe from Dorset to Yorkshire in the west, across northern France, Belgium, Holland, Denmark, Germany and Poland. On-going exploration has established a series of oil and gas fields across the Basin Area. Notable commercial discoveries in the English sector of this basin, associated with the Weald and south coast, are Wytch Farm (Dorset) which is the largest onshore oil field in western Europe, Alvington (Hampshire), Storrington (West Sussex) and Palmers Wood (Surrey). The Department of Business, Energy and Industrial Strategy (BEIS) issues Petroleum Exploration and Development Licenses (PEDLs). In the past, parts of west and east Kent have been included. These licensing areas are subject to periodic revision by BEIS.

**5.10.7** A planning permission was granted in 2012 for exploratory drilling and subsequent oil and gas field testing at Bidborough in West Kent. This permission has not been implemented and has now lapsed. Exploratory drilling has also taken place in Cowden near Tunbridge Wells from August 1999 (planning permission SE/98/234). Subsequent extensions were granted to complete planned testing operations on the capped well at Cowden to establish the extent of productive capacity of the oil field, the last of which expired in 2012 (SE/11/1396).

**Gas**

**5.10.8** Minor reserves of natural gas have been exploited in the past in East Sussex; however only two resources have been detected following exploration undertaken more recently as a result of licences issued.

**Unconventional hydrocarbons**

**5.10.9** Unconventional hydrocarbons refers to oil and gas which comes from sources such as shale or coal seams which act as the reservoirs. Shale gas, shale oil and coal bed methane are often referred to as unconventional hydrocarbons as they are extracted using technologies that enable oil and gas locked into rock formations that were previously considered to be unsuitable or uneconomic to be exploited.

**5.10.10** Coal Bed Methane is methane that is trapped within the pore spaces of coal in coal seams, such as the East Kent Field. In coal, methane is held in an almost liquid state within the porous elements so that if pressure is reduced by human intervention such as mining or drilling into a coal seam, the gas is liberated. As the gas is combustible it is a potential resource. The East Kent Coalfield covers an area of 157,900 hectares beneath the Kent landmass. It was exploited for its coal reserves between 1912 and 1989. There is currently no information available on the potential of coal bed methane resources in Kent. However, interest has been shown in Kent and permission was granted to drill an exploratory borehole to test the in situ coals, Lower Limestone Shales and associated strata in 2011 at Woodnesborough, in East Kent. This permission was not implemented and has now lapsed. A further three planning applications for test drilling in East Kent were received by Kent CC in 2013 but were subsequently withdrawn.

**5.10.11** Underground coal gasification is a technique that gasifies coal underground and then brings the resultant gas to the surface for subsequent use in heating or power generation. It requires precision drilling of two boreholes: one to supply oxygen and water/steam and the other to bring the resulting gas back to the surface. Currently there are no commercial scale underground coal gasification processes present in the UK.

**5.10.12** Hydraulic fracturing (often called fracking) is a technique used to extract gas or oil from shale rock strata whereby water (and additives) is pumped under pressure into productive shale rocks via a drilled bore to open up pore spaces releasing the gas or oil for pumping to the surface for use[61].

**5.10.13** The BGS completed a resource study for the Weald Basin, which includes part of Kent. The study concluded that with the current level of geological data and information there is no significant shale gas potential within the Weald Basin. There is however potentially a significant volume of unconventional shale oil. The study estimates that the oil in place (OIP) across the whole Weald Basin, which is the resource estimate, ranges from 2.2 to 8.6 billion barrels (billion bbl). There is currently insufficient information and data to estimate how much of that oil resource is economically and technically viable to extract; further exploratory drilling, sampling and socio-economic and environmental studies would be required.

**5.10.14** Section 50 of the Infrastructure Act 2015 inserts section 4A of the Petroleum Act 1998, which sets out a number of safeguards for developments involving onshore hydraulic fracturing. This includes no hydraulic fracturing within protected groundwater source areas and within "other protected areas". "Other protected areas" are defined in the secondary legislation, Onshore Hydraulic Fracturing (Protected Areas) Regulations 2016. Section 3 of these Regulations define "other protected areas" in the following manner, as areas of land at a depth of less than 1,200 metres beneath a National Park, the Broads, National Landscapes (formerly known as Areas of Outstanding Natural Beauty) or a World Heritage site.

[61] Information on unconventional hydrocarbon extraction is available in the Planning Practice Guidance website at: http://planningguidance.planningportal.gov.uk/blog/guidance/minerals/planning-for-hydrocarbon-extraction/annex-a-shale-gas-and-coalbed-methane-coal-seam-gas

Decisions on planning applications will be made in accordance with the Infrastructure Act and the associated secondary legislation.

**5.10.15** The Act also places a duty on the Mineral Planning Authority to take account, where relevant, of the cumulative effects of an application for onshore hydraulic fracturing, and any other applications relating to exploitation of onshore oil and gas obtainable by hydraulic fracturing. It is important to examine how differences in context such as geological and environmental characteristics might lead to differing levels of risk, for example this may include consideration of the depth of shale exploration and mitigation measures such as restricting water use to wetter seasons or requiring recirculation. Each application will be considered on its merits.

**5.10.16** Provision has also been made in the Infrastructure Act (in section 49) for the Secretary of State to request the Committee on Climate Change to provide advice (in accordance with section 38 of the Climate Change Act 2008) on the impact which combustion of, and fugitive emissions from, petroleum produced through onshore activity, is likely to have. The way in which minerals produced in Kent are subsequently used is not within the control of the Plan. However, the Council will review any such advice to consider whether it raises any consideration that needs to be taken into account in determining an application for planning permission relating to hydraulic fracturing and whether any review of policy CSM 10 is required. Any such reviews will take into account any relevant national planning policy and guidance.

**5.10.17** There are several issues associated with the extraction of oil and gas and unconventional hydrocarbons which need careful attention at the planning application stage. The nature and significance of these issues will vary between the technology utilised and the phases of exploration, testing (appraisal) and production. These issues are set out below, together with the development management policies which ensure they are adequately addressed:

1. The discharge of artesian groundwater to the surface (Policy DM 10)
2. Impact on ground and surface waters (both quantity and quality) (Policy DM 10)
3. Visual and amenity (e.g. noise, lighting, PROW) impacts of surface operations (including those resulting from 24 hour operations) (Policies DM 2, DM 11, DM 12, DM 14)
4. Impacts of vehicles transporting staff and materials to and from the drill site (Policy DM 13)
5. Impacts on biodiversity (Policy DM 3)
6. Stability of land (Policy DM 18)
7. Restoration of the surface operations following their cessation (Policy DM 19)
8. Cumulative effects (Policy DM 12)

**5.10.18** Policy CSM 10 sets out the matters that need to be taken into account when considering proposals for the exploration, appraisal and development of oil, gas and unconventional hydrocarbons.

## Policy CSM 10

**Oil, Gas and Unconventional Hydrocarbons**

Planning permission will be granted for proposals associated with the exploration, appraisal and production of oil, gas and unconventional hydrocarbons subject to:

1. well sites and associated facilities being sited, so far as is practicable, to minimise impacts on the environment and communities
2. developments being located outside Protected Groundwater Source Areas[62]
3. there being no unacceptable adverse impacts (in terms of quantity and quality) upon sensitive water receptors including groundwater, water bodies and wetland habitats
4. all other environmental and amenity impacts being mitigated to ensure that there is no unacceptable adverse impact on the local environment or communities
5. exploration and appraisal operations being for an agreed, temporary length of time
6. the drilling site and any associated land being restored to a high-quality standard and appropriate after-use that reflects the local landscape character at the earliest practicable opportunity
7. it being demonstrated that greenhouse gases associated with fugitive emissions from the exploration, testing and production activities will not lead to unacceptable adverse environmental impacts

Particular consideration will be given to the location of hydrocarbon development involving hydraulic fracturing having regard to impacts on water resources, seismicity, local air quality, landscape, noise and lighting impacts. Such development will not be supported within protected groundwater source protection zones or where it might adversely affect or be affected by flood risk or within Air Quality Management Areas or protected areas for the purposes of the Infrastructure Act 2015, section 50.

### 5.11 Policy CSM 11: Prospecting for Carboniferous Limestone

**5.11.1** While the East Kent Limestone mine has not been progressed since it was included in the *Kent Minerals Local Plan Construction Aggregates Written Statement (1993)*[63] as a possible area of mining, it is still considered to be a possible long-term source of construction aggregates in Kent. The location of the underground limestone resource is in the vicinity of calcareous grassland which is an important habitat, being registered with both the national and Kent BAPs and as a Habitat of Principal Importance under the NERC Act 2006. There are also Habitat sites, SSSIs and LWSs throughout the area. If prospecting is proposed in the plan period, it will

[62] As designated by the Environment Agency.
[63] KCC (1993) Kent Minerals Local Plan Construction Aggregates Written Statement.

have to be undertaken sensitively with sufficient controls to avoid any impacts upon sensitive receptors.

**5.11.2** As any application may need to be accompanied by an Environmental Statement, details of the results of the survey following prospecting, and implications of such a development for the environment would need to be included in this Statement.

## Policy CSM 11

**Prospecting for Carboniferous Limestone**

Planning permission will be granted at suitable locations for the drilling operations associated with the prospecting for underground limestone resources in East Kent subject to exploration and appraisal operations being for an agreed, temporary length of time.

### 5.12 Policy CSM 12: Sustainable Transport of Minerals

**5.12.1** Whilst the Mineral Sites Plan does not allocate any sites for mineral wharves or rail depots, the Kent Minerals and Waste Local Plan acknowledges that minimising road transport where possible plays a significant role in promoting sustainable development, aspiring to carbon neutrality and reducing harmful emissions. Therefore, it is important to encourage the sustainable transportation of minerals by rail and water wherever possible and safeguard related infrastructure. Policy CSM 12 encourages an increase in sustainable transport modes for minerals and encourages the development of new mineral importation facilities or facilities that have fallen out of use.

## Policy CSM 12

**Sustainable Transport of Minerals**

Planning permission for any new wharf and/or rail depot importation operations, or for wharves and rail depots that have been operational in the past (having since fallen out of use), that includes the transport of minerals by sustainable means (i.e. sea, river or rail) as the dominant mode of transport will be granted planning permission where:

1. They are well located in relation to the Key Arterial Routes[64] across Kent; and

[64] These are made up of Motorways and Trunk Roads, County Primary Routes and County Principal Routes. County Primary Routes link major urban centres, including the A228/A26 between Medway and Tonbridge, the A229 between Medway and East Sussex, the A299 between Faversham and Thanet, the A28 between Thanet and East Sussex, the A256 between Dover and Thanet, the A26

2. The proposals are compatible with other local employment and regeneration policies set out in the development plan.

between Tonbridge and Tunbridge Wells and the A25 between Wrotham and Sevenoaks. County Principal routes are generally A class roads with relatively high traffic flows, including the A225 between Sevenoaks and Dartford and the A251 between Faversham and Ashford. These are shown on Figure 2.

## 6. Delivery Strategy for Waste

**6.0.1** The following policies give the delivery strategy for waste management development in Kent over the plan period.

### 6.1 Policy CSW 1: Sustainable Development

**6.1.1** As stated in paragraph 5.1.1, the purpose of the planning system is to contribute to the achievement of sustainable development[65] At the heart of the NPPF is a presumption in favour of sustainable development. The NPPF requires that policies in local plans should follow the approach of this presumption. The Kent MWLP is therefore based on the principle of sustainable development. This is demonstrated in the Spatial Vision, the Strategic Objectives and the policies that seek sustainable solutions.

**6.1.2** Planning law requires planning decisions to be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF states that it does not change the statutory status of the development plan as the starting point for decision making. Policy CSW 1 ensures the presumption in favour of sustainable development is taken into account in KCC's approach to waste development.

**Policy CSW 1**

**Sustainable Development**

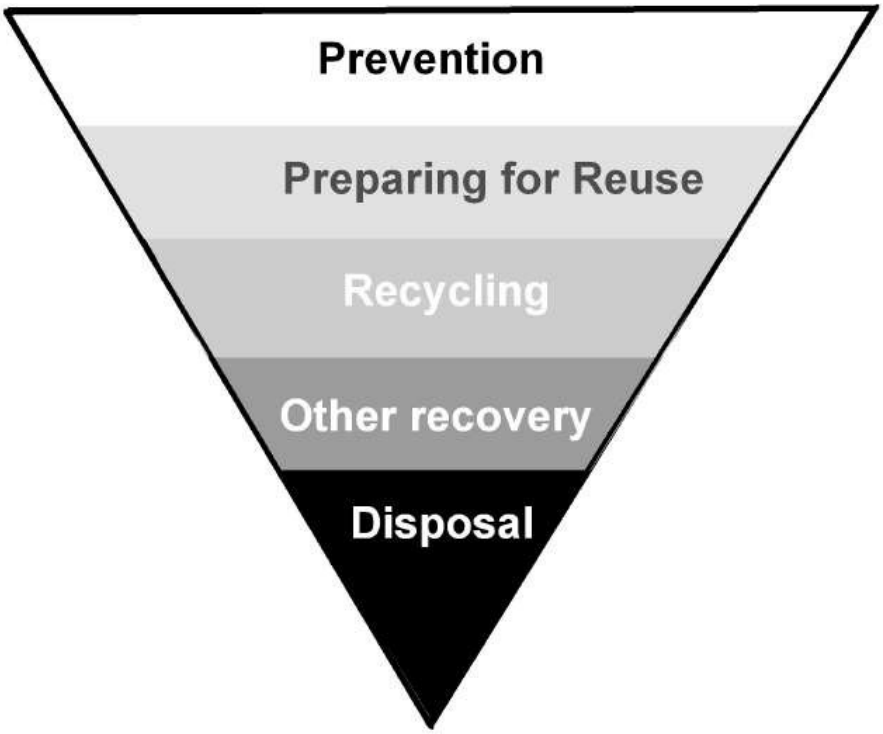
When considering waste development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.

### 6.2 Policy CSW 2: Waste Hierarchy and Policy CSW 3: Waste Reduction

**6.2.1** It is Government policy to break the link between economic growth and the environmental impact of waste by moving the management of waste up the Waste Hierarchy, as shown in Figure 18[66].

[65] National Planning Policy Framework (December 2023): Chapter 2.
[66] The Waste Hierarchy diagram is a copy of the version in Appendix A National Planning Policy for Waste (2014).

**Figure 18 Waste Hierarchy**




**6.2.2** The Government has also introduced legal requirements to drive waste up the hierarchy including the following:

- plans must be in place detailing measures to ensure 65 per cent of municipal waste, including household waste and household like waste from commercial and industrial sources, is recycled by 2035[67]
- the volume of residual waste per person which is not reused or recycled must be halved by 2042 from 2019 levels[68]
- by 2050, avoidable waste must be eliminated by recycling or reusing any waste which possibly can be reused or recycled[69].

**6.2.3** The Kent MWLP mainly implements this policy through influence over waste and minerals developments. However, the Plan also includes a policy (Policy CSW 3) seeking to influence/reduce waste arising from all forms of development. The Kent MWLP forms part of the development plan, along with the district local plans, and is therefore relevant to the determination of planning applications for all forms of development in Kent.

**6.2.4** 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[70] shows that, overall, Kent's current recycling and processing facilities have adequate capacity for

[67] HM Government (2020), The Waste (Circular Economy) (Amendment) Regulations 2020
[68] Environment Act 2021
[69] Department for Environment, Food and Rural Affairs (2023), Environmental Improvement Plan 2023
[70] BPP Consulting Waste Needs Assessment November 2022

the anticipated rate of usage. These calculations are based upon a rate of use that should only be regarded as a minimum, as the aspiration is to encourage more of the waste produced in Kent to be managed by methods at this tier of the hierarchy. Local needs may arise to enhance waste logistics on a case by case basis.

**6.2.5** Encouraging more waste to be managed via re-use or recycling will be achieved by enabling policies for the development of additional waste management capacity for recycling and processing for reuse including a policy presumption to grant planning permission for redevelopment or extensions to lawful existing waste management facilities to enable more waste to be recycled or processed for re-use providing the proposal is in accordance with the locational and development management policies in the Plan.

**6.2.6** The application of the Waste Hierarchy is a legal requirement under the Waste (England and Wales) Regulations 2011. The transition to forms of waste management at the higher end of the Waste Hierarchy is ongoing and the Kent MWLP addresses this transition by encouraging a more sustainable option for the mixed non-hazardous waste that is going to landfill by applying ambitious but achievable landfill diversion targets presented in Policy CSW 4. Ambitious targets for recycling have also been applied. Proposals for the management of residual waste by landfill or 'other recovery' will need to be accompanied by a waste hierarchy statement.

## Policy CSW 2

**Waste Hierarchy**

Proposals for waste management must demonstrate how the proposed capacity will ensure that waste to be managed at the facility will be managed at the highest level of the Waste Hierarchy practicable, unless life cycle assessment (LCA) demonstrates otherwise.

**6.2.7** In terms of the design of new buildings, application of circular economy thinking takes considerations beyond how waste is managed and places a greater emphasis on how buildings can be designed to ensure that they are less likely to result in waste being produced in the first place. Examples include using modular off site construction techniques and designing buildings in ways to make them adaptable to changes in their use. It is now widely recognised that while old buildings may be less energy efficient in their use phase, replacing them with a new energy efficient one may have a greater impact than the carbon savings that occur during the operational phase of the new buildings. This is because of the embodied energy associated with the manufacture of the materials used in the fabric of the new building. Another example is designing with a building's 'deconstruction' in mind such that structures and building elements can be reused in other buildings.

**6.2.8** Proposals for major development as set out in Policy CSW 3 should be submitted with a Circular Economy Statement that demonstrates how the above matters have been taken into account. This will include a waste management audit

setting out how waste is to be managed during construction (including any demolition and refurbishment) and during the occupation and use of the development. Guidance on the content of Circular Economy Statements will be prepared but in the meantime, developers should refer to related guidance published by the Greater London Authority in 2022.

**6.2.9** Financial contributions from applicants for development which will rely on the use of the Council's waste management service for the collection and management of waste (mainly that from households) will be sought to assist with the provision of related infrastructure.

**6.2.10** As Policy CSW 3 applies to all forms of development (not just minerals and waste), it should be read alongside other policies in the Development Plan which may require consideration of waste and resource use.

**6.2.11** The Environment Act 2021 requires the collection of five waste streams from premises producing household-like waste as follows: food waste; plastics; metal; glass; and paper/card, except where this is not practicable for technical or economic reasons or there is no significant environmental benefit. This will require business premises to be designed with sufficient space for the storage of materials to be separately collected.

**6.2.12** In order to maximise the opportunities for new residents to reuse and recycle their household waste, except for householder applications, planning applications involving additional residential development should include the following details:

- the measures to be taken to show compliance with this policy; and
- the details of the nature and quantity of any construction, demolition and excavation waste which will arise from the development and its subsequent management.

## Policy CSW 3

**Waste Reduction**

All new development must be designed in accordance with circular economy principles to:

1. Minimise the production of construction, demolition and excavation waste and manage any such waste arising during the development in accordance with Policy CSW 2;
2. retain and repurpose existing structures where possible;
3. allow for ease of redevelopment and refurbishment; and,
4. maxmise sustainable construction methods which include the use of recycled and recyclable materials and techniques which minimise waste and allow for ease of deconstruction and reuse of building components.

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.

All new development should include detailed consideration of waste arising from the occupation of the development including consideration of how waste will be stored, collected and managed.

In particular proposals should ensure that:

1. there is adequate temporary storage space for waste generated by that development allowing for the separate storage of recyclable materials;
2. as necessary, there is adequate communal storage for waste, including separate recyclables, pending its collection; and
3. storage and collection systems (e.g. any dedicated spaces, storage areas and chutes or underground waste collection systems), for waste are of high quality design and are incorporated in a manner which will ensure there is adequate and convenient access for users and waste collection operatives and will contribute to the achievement of waste management targets; and
4. adequate contingency measures are in place to manage any systems failures. All relevant proposals should be accompanied by a recycling and waste management strategy which considers the above matters and demonstrates the ability to meet local authority waste management targets.

### 6.3 Policy CSW 4: Strategy for Waste Management Capacity Net Self-sufficiency and Waste Movements

**6.3.1** Kent currently achieves net self-sufficiency in waste management capacity for all waste streams. I.e. the annual capacity of the waste management facilities (excluding transfer) in Kent is sufficient to manage the equivalent quantity of waste to that predicted to arise in Kent. The continued achievement of net self-sufficiency and the management of waste close to its source are key Strategic Objectives of the Kent MWLP, because it shows that Kent is not placing any unnecessary burden on other WPAs to manage its waste. Net self-sufficiency recognises that existing (and future) waste management capacity within Kent may not necessarily be for the exclusive management of Kent's waste. Moreover, proposals that would result in more waste being managed in Kent than is produced may be acceptable if they result in waste moving up the hierarchy. Achievement of net self-sufficiency is the baseline aspiration and can be monitored on an annual basis and will provide an indicator as to whether the policies in the Plan need to be reviewed. The purpose in adopting the principle of net self-sufficiency is not to restrict the movement of waste, as such restriction of waste catchment areas could have an adverse effect upon the viability of the development of new waste management facilities that may be needed to provide additional capacity for the management of Kent's waste arisings in accordance with the waste hierarchy.

**6.3.2** In reality, different types of waste are managed at different types of facilities. To assess the future needs for waste management capacity in Kent, net self-sufficiency has been studied for the individual waste streams of inert and non-inert (also called non-hazardous) wastes. While Kent currently achieves net self-

sufficiency in the management of each waste stream, this position will be monitored to ensure this remains the case throughout the plan period.

**6.3.3** Implementation of the Environment Act 2021 requirements will be crucial to achievement of the recycling/composting ambitions of the Kent Minerals and Waste Local Plan. These include recycling targets for the Kent Commercial & Industrial (C&I) waste stream of 55% by 2025/26 and 60% by 2030/31.

**6.3.4** Treatment capacity for food waste arising both from the Local Authority Collected Waste (LACW) and Commercial & Industrial (C&I) streams may be required. This pressure is additional to capacity required for the management of a growing quantity of additional household derived recyclable materials generated as a consequence of population growth and the imperative to achieve increasing recycling targets. Many of the existing facilities managing LACW have been identified as requiring upgrade, expansion or replacement by the County Council as Waste Disposal Authority (WDA).

**6.3.5** The spatial distribution of capacity for the management of LACW in the form of recycling facilities (e.g. MRFs) and other recovery facilities (i.e. EfW plants) has also been identified as an issue by the WDA. The current distribution of waste transfer facilities receiving household waste across the county results in excessive transport especially from Folkestone and Hythe district and the Ebbsfleet Garden City area. In light of this the WDA has identified a pressing need for the development of new waste transfer facilities to serve those particular areas where collected waste can be bulked up for onward management and is working with the local WCAs to secure this. Over the plan period it is possible that significant development elsewhere in Kent may require the provision of additional waste management facilities.

**6.3.6** An assessment has been made of the current profile of management of the principal waste streams. The targets applied reflect ambitious (but realistic) goals for moving waste up the hierarchy and seek to ensure that the maximum quantity of non-hazardous waste is diverted from landfill[71].

**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.

## Policy CSW 4

**Strategy for Waste Management Capacity**

The strategy for waste management capacity in Kent is to provide sufficient waste management capacity to manage at least the equivalent of the waste arising in Kent plus an amount of residual non-hazardous waste from London that takes account of

[71] For further details please see the Waste Needs Assessments November 2022

London Plan targets for net self sufficiency. 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 and with the management of waste proximate to where it is generated[72].

| **Local Authority Collected Waste** | **2020/21** | **2025/26** | **2030/31** | **2035/36** | **2040/41** |
|---|---|---|---|---|---|
| Recycling/Composting minima[73] | 50% | 55% | 60% | 65% | 70% |
| Landfill maxima | 2% | 2% | 2% | 2% | 2% |
| Remainder to Other Recovery maxima | 45% | 43% | 38% | 33% | 28% |
| **Commercial and Industrial Waste** | | | | | |
| Recycling/Composting minima[74] | 50% | 55% | 60% | 65% | 70% |
| Landfill maxima | 15% | 12.5% | 10% | 8.5% | 5% |
| Remainder to Other Recovery maxima | 35% | 32.5% | 30% | 26.5% | 25% |

| **Component** | **Management Method** | **2020/21** | **2025/26** | **2030/31** | **2035/36** | **2040/41** |
|---|---|---|---|---|---|---|
| Inert CDEW[75] Arisings | Proportion of Projected Arisings taken to be Inert* | 80% | 80% | 80% | 80% | 80% |
| | Inert waste recycling minima (as proportion of inert arisings) | 60% | 65% | 70% | 75 | 80 |
| | Permanent deposit of inert waste other than for disposal to landfill** (as proportion of inert arisings) | 25% | 25% | 25% | 20 | 17.5 |
| | Landfill maxima (as proportion of inert arisings)*** | 15% | 10% | 5% | 5% | 2.5% |
| | Total (inert CDEW arisings) | 100% | 100% | 100% | 100% | 100% |
| Non-Inert CDEW Arisings | Proportion of Projected Arisings taken to be Non-Inert* | 20% | 20% | 20% | 20% | 20% |
| | Non-hazardous waste recycling minima (as proportion of non-inert | 60% | 65% | 70% | 75% | 80% |

[72] It is recognised that different waste streams may have different catchments.
[73] This is taken to include organic waste (including green and kitchen waste) treatment by Anaerobic Digestion.
[74] This is taken to include organic waste (including green and kitchen waste) treatment by Anaerobic Digestion.
[75] Construction, Demolition and Excavation Waste.

| | | | | | | |
|---|---|---|---|---|---|---|
| | arisings) | | | | | |
| | Non-hazardous residual waste treatment maxima (as proportion of non-inert arisings) | 30% | 30% | 25% | 22.5% | 20% |
| | Landfill maxima (as proportion of non-inert arisings)*** | 10% | 5% | 5% | 2.5% | 0% |
| | Total (non-inert CDEW arisings) | 100% | 100% | 100% | 100% | 100% |

It is assumed that 20% of the CDEW stream comprises non-inert materials. The subsequent targets are proportions of the inert or non-inert elements of the CDEW stream.

**This includes the use of inert waste in backfilling of mineral workings & operational development such as noise bund construction and flood defence works.
***These percentages are limits rather than targets.

***6.4 Policy CSW 5: Not in use - This Policy its supporting text and associated Figure 19 were deleted as part of the changes made resulting from the full review which were adopted in 2025.***

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

**6.5.1** The preference identified in response to earlier consultations during the formulation of the Plan was for a mix of new small and large sites for waste management. This mix gives flexibility and assists in balancing the benefits of proximity to waste arisings while enabling developers of large facilities to exploit economies of scale. National policy recognises that new facilities will need to serve catchment areas large enough to secure economic viability and this is particularly relevant when considering the possible sizing and location of facilities required to satisfy any emerging need indicated by monitoring e.g. in the relevant AMR.

**6.5.2** The location of waste sites in appropriate industrial estates was also the preference identified from the consultation. This has the benefit of using previously developed land and enabling waste uses to be located proximate to waste arisings. Employment land availability is monitored by KCC and the district and borough councils. It should be appreciated that all industrial estate locations may not be suitable for some types of waste uses, because of their limited size or close proximity to sensitive receptors or high land and rent costs.

**6.5.3** Certain types of waste or waste management facilities, such as Construction, Demolition and Excavation Waste (CDEW) recycling facilities are often co-located on mineral sites for aggregates or landfills, which are usually found in rural areas. Also, in rural areas where either the non-processed waste arisings or the processed product can be of benefit to agricultural land (as is the case with compost and anaerobic digestion), the most proximate location for the waste management facility will likely be within the rural area.

**6.5.4** The development of waste management facilities on previously developed land will be given preference over the development of greenfield sites. In particular, the redevelopment of derelict or land that is contaminated may involve treatment of soil to facilitate the redevelopment. Also, redundant agricultural or forestry buildings may be suitable for waste uses where such uses are to be located within the rural areas of the county. Waste management facilities located in the Green Belt are generally regarded as inappropriate development. Developers proposing a waste management facility within the Green Belt shall demonstrate the proposed use complies with Green Belt policy (See Policy DM 4).

**6.5.5** The development of built waste management facilities on greenfield sites is not precluded. This is because the goal of achieving sustainable development will lead to new development which may incorporate facilities to recycle or process the waste produced on the site, or to generate energy for use on the site.

**6.5.6** Existing mineral and waste management sites may offer good locations for siting certain waste management facilities and for expansion to deliver further capacity to that which exists because of their infrastructure and location. In such cases, the developer will need to demonstrate the benefits of co-location such as connectivity with the existing use of the site while also demonstrating that any cumulative impact is acceptable. For example, the co-location of CDEW recycling (i.e. aggregate recycling) at an aggregate quarry that can enable the blending of recycled and virgin aggregates to increase the marketability of the product or the

addition of a facility that will move waste further up the hierarchy at an existing EfW site.

**6.5.7** Proposals for new waste management facilities (including changes to capacity at existing sites) should consider potential impacts on the water environment at the earliest stage of planning having regard to this policy and the requirements of Policy DM 10: Water Environment, so that the full implications of the location for waste resources and flood risk are fully assessed and satisfied.

**6.5.8** Policy CSW 6 applies to all proposals for built waste management facilities.

## Policy CSW 6

**Location of Built Waste Management Facilities**

Planning permission will be granted for proposals that:

1. do not give rise to unacceptable adverse impacts upon national and international designated sites, including National Landscapes (formerly known as 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 & 6).

2. do not give rise to unacceptable adverse impacts upon Local Wildlife Sites (LWS), Local Nature Reserves (LNR), Ancient Woodland, Air Quality Management Areas (AQMAs) and groundwater resources. (See Figures 7, 8, 10 & 15)

3. are well located in relation to the Strategic Road Network, and/or railheads and wharves avoiding proposals which would give rise to unacceptable adverse impacts on strategic and local roads and/or villages.

4. do not represent inappropriate development in the Green Belt.

5. avoid Groundwater Source Protection Zone.

6. avoid Flood Risk Zone 3b[76].

7. avoid sites on or in proximity to land where alternative development exists/has planning permission or is identified in an adopted Local Plan for alternate uses that may prove to be incompatible with the proposed waste management uses on the site.

8. for energy producing facilities - sites are in proximity to existing or planned heat users.

[76] Land that has a 3.3% or greater annual probability of flooding.

9. for facilities that may involve prominent structures (including chimney stacks) the ability of the landscape to accommodate the structure (including any associated emission plume) after mitigation.

10. for facilities involving operations that may give rise to bioaerosols (e.g. composting) to locate at least 250m away from any potentially sensitive receptors.

Where it is demonstrated that waste will be dealt with further up the hierarchy, or it is replacing capacity lost at existing sites, facilities that satisfy the relevant criteria above on land in the following locations will be granted consent, providing there is no unacceptable adverse impact on the environment and communities and where such uses are compatible with the development plan:

1. within or adjacent to an existing mineral development or waste management use

2. forming part of a new major development for B8 employment or mixed uses

3. within existing industrial estates

4. other previously developed, contaminated or derelict land not allocated for another use

5. redundant agricultural and forestry buildings and their curtilages

6. within farm units where the proposal is for composting or anaerobic digestion and the compost / digestate is to be used within that unit.

Proposals on greenfield land will only be permitted if it can be demonstrated that there are no suitable locations identifiable from categories 1 to 6 above within the intended catchment area of waste arisings. Particular regard will be given to whether the nature of the proposed waste management activity requires an isolated location.

## 6.6 Identifying Sites for Household Waste Recycling Centres

**6.6.1** The county has an existing well-established network of facilities for receiving household waste delivered by residents of Kent. These Household Waste Recycling Centres (HWRC) play an important role in meeting waste recovery and landfill diversion targets. The intention for the Plan period is to ensure facilities are provided to meet local population needs accounting for economic and projected housing growth. During the lifetime of the Plan, the need for HWRCs and other household waste management infrastructure will be reviewed by the WDA. Proposals for Household Waste Recycling Centres will be considered against Policy CSW 6: Location of Built Waste Management Facilities and relevant Development Management Policies.

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

**6.7.1** Policy CSW 7 provides a strategy for the provision of new waste management capacity for non-hazardous waste. The policy will allow the provision of new waste management capacity recognising the need to drive waste up the hierarchy.

**6.7.2** The term non-hazardous waste is regarded, for purposes of the Plan, as being synonymous with LACW and C&I[77] waste and the non-inert, non-hazardous, component of CDEW.

**6.7.3** There is no intention to restrict the amount of new capacity for waste management for recycling or preparation of waste for reuse or recycling[78], or for the provision of additional capacity for green and/or kitchen waste treatment since the sooner it is delivered, the greater the impact will be on reducing organic waste going to landfill, the most significant source of methane production.

**6.7.4** Implementing Policy CSW 7 will result in reducing the amount of Kent's non-hazardous waste going for disposal to landfill and by doing so conserve existing non-hazardous landfill capacity in Kent for any non-hazardous waste that cannot be reused, recycled, composted or recovered.

## Policy CSW 7

**Waste Management for Non-hazardous Waste**

Waste management capacity for non-hazardous waste that assists Kent in continuing to be net self-sufficient while providing for a reducing quantity of London's waste, will be granted planning permission provided that:

1. it moves waste up the hierarchy,
2. recovery of by-products and residues is maximised
3. energy recovery is maximised (utilising both heat and power); and
4. any residues produced can be managed or disposed of in accordance with the objectives of Policy CSW 2.

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

**6.8.1** One of the fundamental aims of the Plan is to reduce the amount of Local Authority Collected Waste (LACW) and Commercial and Industrial (C&I) waste being sent to non-hazardous landfill. Other recovery capacity, such as Energy from Waste, is that which diverts residual waste from landfill by means lower down the waste hierarchy than recycling and composting.

[77] C&I is Commercial and Industrial waste.
[78] A definition of recycling is included in the glossary. Recycling includes composting

**6.8.2** Given that the Waste Hierarchy is to be applied in priority order i.e. from the top down, waste that could be practicably managed by a means higher up the waste hierarchy should not be managed by other recovery (see Policy CSW 2). Therefore, proposals for other recovery need to be accompanied by a 'Waste Hierarchy Statement'. Waste Hierarchy Statements must set out the arrangements that will be put in place to ensure that only unavoidable residual waste is managed by other recovery. This must include listings of the types of waste that would be subject to recovery and the reason why they cannot be managed further up the hierarchy. To this end, the Waste Hierarchy Statement must include the following details:

a. the type of information that will be collected and retained on the sources of the residual waste after recyclable and reusable waste has been removed;
b. the arrangements to be put in place to ensure that as much reusable and recyclable waste as is reasonably possible is removed from waste to be managed by other recovery at the consented development, including contractual measures to encourage as much reusable and recyclable waste as possible to be removed prior to its use as a fuel/feedstock;
c. the arrangements to be put in place to ensure that suppliers of residual waste work to a written environmental management system which includes establishing a baseline for recyclable and reusable waste removed from residual waste and setting and working to specific targets for continuously improving and reporting on the percentage of such reusable and recyclable waste removed;
d. the arrangements to be put in place for suspending and/or discontinuing supply arrangements from suppliers who fail to work to and report on compliance with any environmental management systems relating to waste reporting;
e. the provision of an annual waste composition analysis of the fuel/feedstock taken at the point of management by the operator, with the findings submitted to Kent County Council within one month of sampling being undertaken; and,
f. the form of records to be kept for the purpose of demonstrating compliance with 'a' to 'e' above and the arrangements in place for provision of data Kent County Council and inspection of such records by Kent County Council.

**6.8.3** Other recovery capacity generally takes the form of energy from waste facilities (EfW plants) which involve the combustion of waste to produce energy in the form of heat and electricity. Whilst emissions of carbon usually result from this process, where waste with a low fossil fuel derived content (e.g. organic waste with plastics removed ('biogenic' waste) is managed, this can be considered a form of renewable energy production. To ensure maximum utilisation of the energy value of waste managed at such facilities, proposals for additional other recovery capacity need to be designed to harness the maximum practicable quantity of energy produced. This can only be achieved where the 'surplus' heat produced by the facility is utilised. This requires such facilities to be developed in locations where a demand for the heat already exists or it is known will exist in the near future. This type of facility is known as combined heat and power or 'CHP'. Proposals for developments designed only to be 'CHP ready', with no obvious use of the heat identified, will not be permitted.

**6.8.4** Where some element of the waste stream comprises non-organic material, non-biogenic carbon emissions will result and so consideration must be given to the

capture, utilisation and storage of these emissions. The waste management industry has a stated intention for all new EfW plants to be built with Carbon Capture Utilisation and Storage (CCUS) fitted or developed to be 'CCUS-ready' from 2025 onwards[79]. This is consistent with the Climate Change Committee's Sixth Carbon Budget recommendations to Government that all EfW facilities will need to have CCUS in place by 2040. Given the lead in time for the construction of such facilities it is expected that provision for CCUS be included in any proposals for additional EfW capacity in Kent.

**6.8.5** Such other recovery capacity might be developed in conjunction with waste processing facilities on the same site, or as standalone plants where the waste is processed to produce a fuel off-site. In order to avoid the risk of under provision by double counting both fuel preparation capacity and fuel use capacity, only one of the two facility contributions will be counted towards meeting any emerging need identified by annual monitoring in future. Where fuel preparation takes place as a stand-alone activity, e.g. Mechanical Biological Treatment, the recovery contribution will only be counted as the difference between the input quantity and the output quantity unless the output fuel has a proven market. Where that is the case, if the output fuel is to be used in a combustion plant beyond Kent, then this contribution will also be counted[80].

## Policy CSW 8

**Other Recovery Facilities for Non-hazardous Waste**

Facilities using waste as a fuel will only be permitted if:

1. they qualify as recovery operations as defined by the revised Waste Framework Directive[81].
2. the waste used to fuel the facility is that which cannot practically be reused, recycled or composted i.e. is unavoidable residual waste. This shall be demonstrated in the Waste Hierarchy Statement.**;
3. solid residues arising from the process will be utilised as a raw material;
4. the maximum amount of energy from the process will be utilised including the requirement for the use of any surplus heat; and,
5. the facility is designed to ensure that non-biogenic gaseous carbon emissions are minimised, and those produced are captured and

[79] Applicable to biogenic and non-biogenic waste materials.
[80] For example, if 100 tonnes is fed into the plant: 20 tonnes are lost as moisture; 30 tonnes are diverted as recyclate; 50 tonnes of waste is converted into material that may be suited for use as a fuel. Unless that fuel has a proven market then the contribution counted will be 50 tonnes as the remaining material may end up going to landfill. If the 50 tonnes of fuel goes to a plant built within Kent the recovery contribution will be counted at the combustion plant rather than the fuel preparation plant. If the 50 tonnes of fuel is exported beyond the county then the recovery contribution will be counted at the fuel preparation plant.
[81] As defined in the Waste (Circular Economy) (Amendment) Regulations 2020 or any subsequent amendment.

utilised, or, if utilisation is not possible, stored.

** This also applies to facilities that use waste to produce a fuel i.e. RDF

### 6.9 Policy CSW 9: Non-Inert Waste Landfill in Kent

**6.9.1** The fact that there have been no applications for new non-inert landfill sites in Kent since 2005 is indicative of a lack of demand by the waste industry to develop non-hazardous landfill. Nevertheless, a proposed development might come forward during the plan period and if so it will be granted permission providing it complies with both Policy CSW 9 and the DM policies in this Plan. In addition, proposed additional capacity for hazardous waste landfill will be assessed against this policy.

**6.9.2** Following the completion of a non-inert waste landfill site, the site will need to be restored and there will be a considerable period of aftercare during which such sites need to be managed in order to prevent unacceptable adverse impacts to the environment. Aftercare management can require new development in order to either prepare the site for re-use or to manage the landfill gas or leachate production. Policy DM 19 sets out the Plan's provisions with regard to restoration, aftercare and after-use.

**6.9.3** Additional landfill capacity will only be considered acceptable if it is demonstrated that suitable alternative management capacity is not available. This is intended to ensure that the availability of such capacity is kept to a minimum to discourage the management of waste by a means that sits at the bottom of the waste hierarchy.

**6.9.4** As detailed in section 6.8 above, a Waste Hierarchy Statement will also need to be submitted with any application to demonstrate that the waste to be received at the non-inert landfill could not be practically managed by a means further up the waste hierarchy.

## Policy CSW 9

**Non-Inert Waste Landfill in Kent**

Planning permission will only be granted for non-inert[82] waste landfill if:

1. it can be demonstrated, in a Waste Hierarchy Statement, that the waste stream that needs to be landfilled cannot be managed in accordance with

[82] Non inert waste landfill includes non hazardous waste landfill, separate cells within a non hazardous waste landfill provided to accept stable hazardous waste and dedicated hazardouswaste landfill.

the objectives of Policy CSW 2 and no alternative suitable capacity for its management exists; and

2. environmental or other benefits will result from the development; and
3. the site and any associated land are to be restored to a high quality standard and an appropriate after-use that accords with the local landscape character as required by Policy DM 19; and
4. at least 85% of any landfill gas produced will be captured and utilised using best practice techniques.

### 6.10 Policy CSW 10: Development at Closed Landfill Sites

**6.10.1** Following the completion of a landfill there needs to a considerable period of aftercare during which the site needs to be managed in order to prevent unacceptable adverse impacts to the environment and to bring the site into use. A 5-year aftercare programme following site restoration is normally required as part of the planning permission for the development of a landfill site. However, potential problems can occur after the 5-year aftercare period, such as differential settlement, which can have an adverse effect upon land drainage. In particular, any landfill sites that contain biodegradable wastes need to be managed in order to prevent unacceptable adverse impacts to the environment from leachate or gas for a period considerably longer than five years. While the management of closed landfill sites is regulated by the Environment Agency (EA), there may be a need for new development at the site to ensure that the protection of the environment is continued. Policy CSW 10: Development at Closed Landfill Sites should be read in conjunction with Policy CSW 11: Permanent Deposit of Inert Waste, and any development at a closed landfill that includes the bringing of additional waste on to the site will need to demonstrate that the amount of waste being used is kept to a minimum. Any new development at a closed landfill site should ensure that there are no unacceptable adverse impacts (e.g. on local amenity or emissions to air) from the development, or any other impacts that are not outweighed by the need for the non-waste development.

**6.10.2** As landfill gas is a potent greenhouse gas its maximum capture must be sought. The maximum use (e.g. by power production or compression for use as a vehicle fuel) of the energy potential of captured landfill gas should also be sought to achieve optimum displacement of fossil fuels.

## Policy CSW 10

**Development at Closed Landfill Sites**

Planning permission will be granted for development for any of the following purposes:

1. the improvement or restoration for an identified after use for the site;
2. the reduction of emissions of gases or leachate to the environment;
3. making maximum use of gases being emitted and reducing the emission of gases to the environment.

### 6.11 Policy CSW 11: Permanent Deposit of Inert Waste

**6.11.1** The most recent capacity assessment shows that there is currently permittedcapacity at permanent Construction and Demolition (CD) recycling sites of over 2 mtpa where recycled aggregate is produced. It is considered more sustainable to use recycled aggregates than to extract primary aggregates. The criteria for assessing further site proposals for such sites can be read in Policy CSM 8: Secondary and Recycled Aggregates in Chapter 5.

**6.11.2** The most recent capacity assessment shows consented capacity for the permanent deposit of inert waste in Kent may only be sufficient to meet Kent's need for the plan period. While sites in Kent currently receives a lot of inert waste originating out of the county, particularly from London, the continuation of this waste import throughout the plan period would likely require development of additional capacity to accommodate this waste. In light of this Policy CSW 11 provides support to operations involving the permanent deposit of inert waste.

**6.11.3** Another important issue is that without the import of inert waste the ability to restore existing permitted mineral workings would take a lot longer. Policy CSW 11: Permanent Deposit of Inert Waste seeks to ensure that a high priority is given to using inert waste that cannot be recycled in the restoration of existing permitted mineral workings, in preference to uses where inert waste is deposited on land (e.g. bund formation or raising land to improve drainage etc).

## Policy CSW 11

**Permanent Deposit of Inert Waste**

Planning permission for the permanent deposit of inert waste will be granted where:

1. the inert waste is being deposited for a beneficial use such as the restoration of landfill sites and mineral workings and not as part of a disposal operation;

2. the waste is to be used in an engineering operation, other than the restoration of landfill sites and mineral workings, where it is demonstrated that there is no local Kent demand for its use in such restoration operations; and,

3. The development involves the minimum quantity of waste necessary to achieve the benefit sought.

### 6.12 Policy CSW 12: Hazardous Waste Management

**6.12.1** Hazardous waste arising in Kent is one of the smaller streams of waste. The management of hazardous waste is typically characterised by the following: Hazardous waste is often produced in small quantities and hazardous waste management facilities are often highly specialised with regional or even national catchment areas involving movement of hazardous waste with both waste originating in Kent going outside the county for management and hazardous waste coming into the county for management.

**6.12.2** Net self-sufficiency in hazardous waste is not a practical aspiration however when viewed as a whole, net self-sufficiency in hazardous waste management is achieved in Kent. Pressures in the need for additional hazardous waste capacity in Kent might arise in future if changes in the production and management profile of hazardous waste occur as follows:

1. demand for disposal capacity for flue residues from Allington EfW facility

2. any increase in hazardous residues from air pollution control from additional EfW capacity requiring management

3. if the existing asbestos landfill closes then a significant amount of asbestos based hazardous waste will cease to be imported into the county.

**6.12.3** The need for additional hazardous waste management capacity can be addressed through Policy CSW 12 should it be required.

**6.12.4** Any proposals for future provision for landfill capacity for asbestos and/or hazardous residues from air pollution control will be considered against other policies of this Plan including Policy CSW 9.

## Policy CSW 12

**Hazardous Waste Management**

Development proposals for built hazardous waste management facilities will be granted planning permission in locations consistent with Policy CSW 6 and for landfill sites in accordance with Policy CSW 9, regardless of whether their catchment areas for waste extend beyond Kent.

### 6.13 Policy CSW 13: Remediation of Brownfield Land

**6.13.1** The environment permitting regime has enabled soil decontamination and the subsequent reuse in the redevelopment of the decontaminated soil within a site. Policy CSW 13 seeks to ensure that land that is contaminated is treated in situ or in combination with other land that is contaminated when those sites are to be

redeveloped.

## Policy CSW 13

**Remediation of Brownfield Land**

Planning permission will be granted for a temporary period for waste related developments on brownfield land that facilitate its redevelopment by reducing or removing contamination from previous development, where:

1. the site is identified in a local plan for redevelopment or has planning permission for redevelopment, or

2. the site is part of a network of brownfield sites that are identified in a local plan or local plans for redevelopment or that have planning permission for redevelopment and is to receive waste for treatment from those sites as well as treating the land within the site.

### 6.14 Policy CSW 14: Disposal of Dredgings

**6.14.1** Retaining the navigable channels within the estuaries within Kent is the statutory duty of the Port of London Authority (PLA) and the Medway Ports Authority. When the dredged materials do not consist of aggregates or cannot be accommodated within projects to enhance the biodiversity of the estuaries, then landfill is the only option currently available[83]. The PLA completed a review of its 'Vision for the Tidal Thames (The Thames Vision)' in 2022 which sets out future priorities for the Tidal Thames around three themes 'Trading', 'Destination' and 'Natural' Thames. Any sites that would require planning permission for the disposal of dredged materials to land will be considered against the policies of the Plan as a whole. Specifically, Policy CSW 14 should ensure that such waste development would be the most sustainable option for the management of this material and that it affords increased opportunities for enhanced biodiversity in the Kent estuaries.

**6.14.2** Currently the Plan makes no allocation for a site for the disposal of marine dredgings. This situation will be kept under review should the need for a specific site with river access arise.

[83] 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).

## Policy CSW 14

**Disposal of Dredgings**

Planning permission will be granted for new sites for the disposal of dredging materials where it can be demonstrated that:

1. the re-use of the material to be disposed of is not practicable
2. there are no opportunities to use the material to enhance the biodiversity of the Kent estuaries.

### 6.15 Policy CSW 15: Wastewater Development

**6.15.1** Water treatment undertakers have a range of rights to carry out development without the need to obtain planning permission under the *Town and Country (General Permitted Development) Order 1995* (GPDO). However, new proposals for wastewater treatment works, sludge treatment and disposal facilities as well as extensions and some modifications to existing facilities will invariably require planning permission.

**6.15.2** The means of ensuring that development does not add to existing nutrient burdens and provides certainty that the whole of the scheme is deliverable in line with the requirements of the Conservation of Habitats and Species Regulations 2017 (as amended). Advice regarding nutrient neutrality is likely to change throughout the plan period. Up to date guidance is available from Natural England, who should be consulted in understanding the current approach to nutrient neutrality. Such proposals may also need an Environmental Permit and developers are advised to contact the Environment Agency about this matter that the earliest opportunity.

## Policy CSW 15

**Wastewater Development**

Wastewater treatment works and sewage sludge treatment facilities (including extensions) will be granted planning permission, subject to:

1. there being a proven need for the proposed facility; and
2. biogas resulting from any anaerobic digestion of sewage sludge, being recovered effectively for use as an energy source using best practice techniques[84].
3. Works undertaken in water catchment areas[85] that are sensitive to nitrite and

[84] As set out by the Environment Agency and industry standards.
[85] The DEFRA Magic map service demarks the areas required to demonstrate nutrient neutrality.

phosphate concentration will be required to demonstrate at least nutrient neutrality.

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

**6.16.1** The current stock of waste management facilities are important to maintaining net self-sufficiency. The loss of annual capacity at an existing permitted waste site could have an adverse effect upon delivering the waste strategy and so the protection of the existing stock of sites with permanent waste permission is as important to achieving the aims of the Plan as identifying new sites. Existing permitted sites with permanent permission for waste facilities can be protected through refusing permission for the redevelopment of these sites to non-waste uses. A list of waste sites is updated and published each year in the Kent MWLP AMR[86] Policy DM 8 identifies situations where development at, or in proximity to safeguarded waste management facilities would be acceptable.

## Policy CSW 16

**Safeguarding of Existing Waste Management Facilities**

Capacity at sites with permanent planning permission for waste management is safeguarded from being developed for non-waste management uses[87]

Capacity at sites with temporary planning permissions tied to the life of the mineral working will be similarly safeguarded for no longer than the duration of that permission.

Where other development is proposed at, or within 250m of, sites hosting safeguarded waste management capacity Local Planning Authorities will consult the Waste Planning Authority and take account of its views on how the safeguarded capacity may be affected before making a planning decision (in terms of both a planning application and an allocation in a local plan).

### 6.17 Radioactive Waste Management

**6.17.1** The subject of radioactive waste is complex as it covers waste arisings from nuclear power stations as well as small quantities of radioactive waste that arise from hospitals and other medical activities and research establishments. Details of national policy on this subject, as well as the details of Kent arisings and current management routes are given in the evidence base topic paper on radioactive

[86] Available online from: https://www.kent.gov.uk/about-the-council/strategies-and-policies/service-specific-policies/economic-regeneration-and-planning-policies/planning-policies/minerals-and-waste-planning-policy#null.

[87] A list of sites hosting safeguarded capacity is maintained in the AMR.

wastes[88]. The following paragraphs define the various types of radioactive waste.

**6.17.2 High Level Wastes (HLW)** are defined as wastes in which the temperature may rise significantly as a result of their radioactivity, so that this factor has to be taken into account in designing storage or disposal facilities[89].

**6.17.3 Intermediate Level Wastes (ILW)** are wastes with radioactivity levels exceeding the upper boundaries for low level wastes, but which do not require heating to be taken into account in the design of storage or disposal facilities[90]. ILW is retrieved and processed to make it passively safe and then stored pending the availability of the Geological Disposal Facility (GDF).

**6.17.4 Low Level Wastes (LLW)** are radioactive wastes, other than those suitable for disposal with ordinary refuse, but not exceeding 4 gigabecquerels per tonne of alpha activity, or 12 gigabecquerels per tonne of beta or gamma activity[91]. LLW does not normally require shielding during handling or transport. LLW consists largely of paper, plastics and scrap metal items that have been used in hospitals, research establishments and the nuclear industry. Across the UK, large volumes of soil, concrete and steel will need to be managed as nuclear power plants are decommissioned. LLW makes up more than 90% by volume of UK radioactive wastes (but contains less than 0.1% of the radioactivity)[92]. Historically most of LLW from the nuclear industry was transferred to the Low Level Waste Repository (LLWR) in Cumbria. In recent years it has been recognised that the capacity of the LLWR is limited and that most types of LLW do not require the level of protection offered by such a highly engineered facility. Not all LLW needs to be transferred to the LLWR for subsequent disposal there. Some types of solid LLW arisings from nuclear power stations can be disposed of at suitably licensed landfill sites[93], or can be incinerated[94]. The Waste Hierarchy has to be considered in order to deal with LLW in the most effective way, so minimising the use of the capacity at the LLWR in order to extend its life. Some LLW arisings are incinerated and some metals are recycled, so there are a number of routes that these waste streams take.

**6.17.5** Very Low Level Waste (VLLW) is a subcategory of LLW that contains limited

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[88] KCC Radioactive Waste Topic Paper, January 2024 https://www.kent.gov.uk/__data/assets/pdf_file/0003/165009/EB03-Radioactive-Waste-Topic-Paper-KMWLP-2024-39-January-2024-a.pdf.

[89] Defra, BERR and the Devolved Administrations for Wales and Northern Ireland (June 2008) Managing Radioactive Waste Safely: A framework for Implementing Geological Disposal. HLW is largely a by-product from the reprocessing of spent fuel.

[90] Defra, BERR and the Devolved Administrations for Wales and Northern Ireland (June 2008). Managing Radioactive Waste Safely: A framework for Implementing Geological Disposal.

[91] A becquerel is the unit of radioactivity, representing one disintegration per second. A gigabecquerel is 1000 million becquerels.

[92] DECC, the Welsh Government, DOE and the Scottish Government (12 March 2012). Strategy for the management of solid low level radioactive waste from the non nuclear industry in the UK. Part1 - Anthropogenic radionuclide.

[93] There are no radioactive waste landfills in Kent at the time of plan update.

[94] Source: Note from the EA (October 2012) attached to KCC (January 2013) Update Note to Dungeness Site Stakeholder Group on the Kent Minerals and Waste Plan.

amounts of solid radioactive waste that can be disposed of conveniently and without causing unacceptable environmental impacts, provided that it is mixed with large quantities of non-radioactive wastes which are themselves being disposed of[95].

**6.17.6** The term higher activity waste embraces ILW and any LLW that requires disposal to a GDF. This waste stream has no disposal routes at the time of writing the Plan. Legacy waste refers to all of the radioactive waste streams that arise from the nuclear power stations across the UK.

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

**6.18.1** Kent has two nuclear power stations sites (Dungeness A and B) located on the Dungeness Peninsula (Figure 20 shows their location). Dungeness A (a twin reactor Nuclear Restoration Services power station) operated from 1965 to the end of 2006 and is undergoing decommissioning that will continue until around 2097. Dungeness B (an Advanced Gas Cooled twin reactor) started operation in 1983 and formally ended power generation in 2021 and is currently defueling prior to the commencement of decommissioning activities. The decommissioning of Dungeness B is likely to take up until 2111. 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.

**6.18.2** Both stations lie within an environmentally sensitive area adjacent to sites of international and national importance designated for their geology and biodiversity interests. Dungeness is the largest shingle structure (buried and exposed ridged cuspate foreland) in Europe comprising approximately 2000 hectares of vegetated shingle, approximately half the English shingle habitat resource. The extent and compositions of shingle ridge ‘desert’ habitats found at Dungeness is unique in the UK and rare in northwest Europe. Designated Habitat Sites which form part of the ‘National Site Network’ as defined by the Changes to the Habitats and Species Regulations 2017, cover large parts of the Dungeness Peninsula. To enable the competent authority under the Habitats Regulations to: i) Determine the need for appropriate assessment of applications for waste management and disposal at the Dungeness nuclear sites; and ii) undertake such assessment where it is deemed necessary, sufficient relevant information will be required to accompany each planning application, including baseline data and monitoring of, where relevant, vehicle movements, air quality and bird populations.

**6.18.3** There are currently no plans to build another nuclear power station at Dungeness. If a nuclear power station were ever proposed, it would be considered

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[95] NIEA, SEPA and EA. (September 2011) The Radioactive Substances Act 1993. The Environmental Permitting (England and Wales) (Amendment) Regulations 2011. VLLW Guidance Version 1.0.

as a ‘Nationally Significant Infrastructure Project’ (NSIP) and so its suitability would be considered by the Secretary of State.

**6.18.4** The Nuclear Decommissioning Authority (NDA) is required to produce a strategy for decommissioning nuclear legacy sites in the UK every five years. The 2016 Nuclear Decommissioning Authority Strategy[96] (which was subject to prior public consultation) included a commitment to prepare a single radioactive waste strategy for the NDA which was published in 2019 (“The Integrated Waste Management Radioactive Waste Strategy”). Each Nuclear Restoration Services site may have its own ILW store and be ‘self-sufficient’ but the best options for consideration in the future may be for movements of waste between sites for consolidation and storage. Options include co-locating waste from both Dungeness power stations (A and B) on one of those sites. The nuclear power operators are required to make best use of processing facilities nationwide to minimise the overall impact of radioactive waste processing and disposal subject to due process and Best Available Techniques (BAT) assessment. Policy CSW 17 does not foreclose possible future solutions for consolidation and waste movements between all Nuclear Restoration Services sites (for treatment and/or storage). However, at present the NDA and Nuclear Restoration Services do not anticipate any import of radioactive waste for disposal at Dungeness (though movement between Dungeness A and B may occur).

**6.18.5** On-site disposal related to the decommissioning of nuclear sites can take a number of forms, but chiefly concerns leaving sub-surface radioactively contaminated (mainly concrete) structures in place indefinitely and filling unwanted below-ground voids with site-derived radioactively contaminated demolition arisings (mainly concrete and masonry), under a radioactive substances regulation (RSR) environmental permit granted by the Environment Agency in accordance with the requirements of the ‘Guidance on the Requirements for Release from Radioactive Substances Regulation’ (known as the GRR)[97]. A permit would only be issued if it can be demonstrated that any on site disposal management option, when considered in combination with the management options for all other radioactive wastes and radioactive contamination at the site, ensures overall exposures of people are ‘As Low As Reasonably Achievable’ (ALARA). Also, where any disposal option has been demonstrated to be optimal, the Operator must consider how the design, construction and implementation of that disposal ensures exposures are ALARA.

**6.18.6** The GRR advises that operators must prepare and maintain a Waste Management Plan (WMP) and ‘Site Wide Environmental Safety Case’ (SWESC). The WMP is required to manage the programme of disposals of radioactive waste until work involving radioactive substances is completed and to demonstrate how

[96] The latest Nuclear Decommissioning Authority Strategy was published in March 2021

[97] Management of radioactive waste from decommissioning of nuclear sites: Guidance on Requirements for Release from Radioactive Substances Regulation, July 2018. Published by the UK environment agencies. See also ‘Near-Surface Disposal Facilities on Land for Solid Radioactive Waste Guidance on Requirements for Authorisation’, February 2009 and ‘UK Policy Framework for Managing Radioactive Substances and Nuclear De-Commissioning’, May 2024.

waste management has been optimised. The SWESC is required to demonstrate that the health of members of the public and the integrity of the environment will be adequately protected, both during and after radioactive substances regulation. The WMP and SWESC are closely aligned and a WMP and SWESC may need to be in place before any application for on-site disposal at site as it is a specific permit requirement to produce these documents by the dates outlined in the RSR permit.

**6.18.7** The Government has published UK Policy Framework for Managing Radioactive Substances and Nuclear De-Commissioning (May 2024) and is currently preparing Planning Guidance for on-site disposal of suitable 'low level' and 'very low level' radioactive waste on nuclear and decommissioned sites.

**6.18.8** In 2012, Shepway District Council (now Folkestone and Hythe District Council) considered whether to submit an expression of interest to host a Geological Disposal Facility (GDF) in the district. As part of this consideration, Shepway District Council held a public referendum and on 19th September 2012 decided to recommend not to submit an expression of interest for hosting the GDF. There are currently no plans to build a GDF at Dungeness and if one were ever proposed, it would be considered as a Nationally Significant Infrastructure Project (NSIP) and a decision would be made taking account of the National Policy Statement for Geological Disposal Infrastructure. Policy CSW 17 and other policies of this Plan would be taken into account in any decision on a proposal to develop a GDF at Dungeness.

## Policy CSW 17

**Waste Management at the Dungeness Nuclear Licensed Sites**

**Part A: General Requirements**

Facilities for the management (including storage, treatment or disposal (subject to Part B of this policy)) of radioactive waste will be acceptable within the Dungeness Nuclear Licensed Sites where:

1. this is consistent with the national strategy[98] for managing radioactive waste and discharges; and

2. the outcome of environmental assessments justify it being managed on Dungeness Nuclear Licensed Sites.

**Part B: Disposal of Waste at the Dungeness Nuclear Licensed Sites**

The only wastes that will be acceptable for disposal within the Dungeness Nuclear Licensed Sites are low-level and very low-level radioactive wastes, or other inert (non-radioactive) wastes. The types of disposal of such wastes that would be acceptable are:

[98] National strategy for radioactive wastes is the NDA Strategy at the time of any application

1. In situ disposal of inground structures and foundations (including contaminated below-ground structures, foundations and redundant drains);

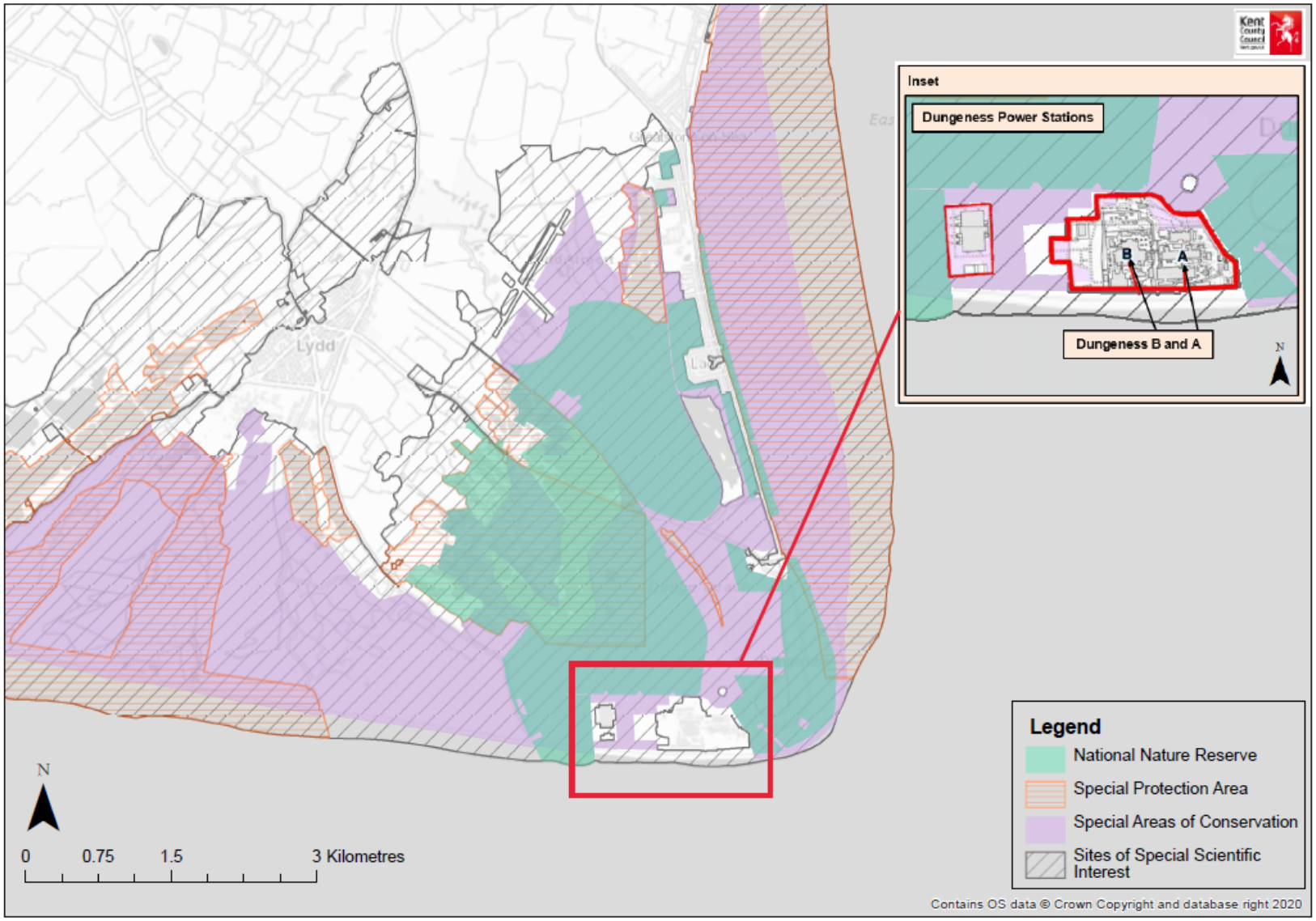
2. The back-filling of voids within the Dungeness Nuclear Licensed Sites using wastes generated by the demolition of existing buildings and structures; and

3. Purpose built landfill or land raise activities within the Dungeness Nuclear Licensed Sites using wastes generated by the demolition of existing buildings and structures.

Planning permission for the disposal of waste arisings as described above on the Dungeness Nuclear Licensed Sites will be granted only if it can be demonstrated that:

1. the development is the optimum waste management approach for the radioactive waste concerned;
2. impacts on the sustainability, including environment, of the area can be mitigated to an acceptable level as demonstrated with reference to baseline data; and,
3. for the disposal of imported low-level and very low-level radioactive demolition waste from other nuclear sites:
    *a.* there is an on-site land engineering need that can be met using these imported wastes, e.g. the in-filling of voids; and
    *b.* there is insufficient suitable radioactive waste and/or non-radioactive material that would be generated from the demolition of buildings and structures on the Dungeness sites themselves available on the required timescales that would meet the engineering need; and
    *c.* if importation of radioactive demolition wastes from other nuclear sites were not to be carried out then an approximately equivalent quantity of other materials would still be required to be imported to meet the identified engineering need; and
    *d.* the type and number of vehicle movements associated with the disposal of imported low-level and very low-level radioactive demolition waste to meet the identified engineering need, would be equivalent to, or would have a lesser impact than, those which would be associated with any import of engineering material that would be used to meet the identified engineering need.

**Figure 20: Dungeness Power Stations & Romney Marsh Nature Designations**



### 6.19 Policy CSW 18: Non-nuclear Radioactive Low Level Waste (LLW) Management Facilities

**6.19.1** There may also be a need for new facilities for the storage and/or treatment of non-nuclear sources of LLW (including VLLW) from institutions such as research establishments, universities and hospitals. At the time of plan preparation, there is no data on these waste arisings in Kent. They are likely to be in low volumes. However, to address the requirements of Government guidance on the EU WFD 2008/98/EC[99], an enabling policy for sites that will manage this waste stream is required.

## Policy CSW 18

**Non-nuclear Industry Radioactive Low Level Waste Management**

Planning permission will be granted for facilities that manage non-nuclear industry low level waste and very low-level waste arisings where they meet the requirements of all relevant development plan policies, in the following circumstances:

1. where there is a proven need for the facility, and

2. the source material to be managed arises from within Kent and from areas outside that would be consistent with the principle of proximity in terms of the management of non-nuclear industry low level waste and very low-level waste.

[99] DLUHC (December 2012) Guidance on the EU Waste Framework Directive.

## 7. Development Management Policies

**7.0.1** The Development Management (DM) policies in this chapter address a range of subjects relevant to minerals and waste developments in Kent. Together with the minerals and waste delivery strategy policies, and the Mineral Sites Plan, the policies form a robust DM framework for the determination of minerals and waste applications. These policies should also be considered in the context of the relevant local plan for the district or borough where the proposal is situated.

**7.0.2** The DM policies in the Plan avoid duplication with other regulatory functions, such as the environmental permitting regime carried out by the Environment Agency (EA).

### 7.1 Policy DM 1: Sustainable Design

**7.1.1** It is important that all minerals and waste developments are designed to minimise the impact upon the environment and Kent's communities. There is a need to reduce the amount of greenhouse gas emissions and other forms of emissions, minimise energy and water consumption, reduce waste production and reuse or recycle materials. Emissions arising from construction include those embedded in the materials used in the development, and low carbon materials should therefore be used.

**7.1.2** Sustainable design initiatives can be achieved by a variety of means such as the incorporation of renewable energy, energy management systems, grey water recycling systems, sustainable drainage systems, solar panels, electric vehicle charging points, energy efficient appliances and the use of recycled and recyclable building materials. Policy DM 1 supports some of the key priorities in the County Council's environmental strategy[100].

**7.1.3** Proposals for development above a certain size[101] will be expected to demonstrate, within a 'Circular Economy Statement', how the development will achieve a BREEAM 'Very Good' rating or equivalent standard.

**7.1.4** The importance placed on the biodiversity within soils, as well as its potential to store carbon, has significantly increased. Both waste and minerals development can result in a large amount of soil disturbance. Planning applications should therefore include details of how soil disturbance is to be minimised. Best practice examples are set out in the Defra publication 'Construction Code of Practice for the Sustainable Use of Soils on Construction Sites' 2009.

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[100] KCC (March 2016) Kent Environment Strategy

[101] 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.

## Policy DM 1

**Sustainable Design**

Proposals for minerals and waste development will be required to demonstrate that they have been designed in accordance with best practice to:

1. minimise greenhouse gas emissions which may arise from the construction and operation of the development;

2. minimise other emissions of pollutants which may arise from construction and operation;

3. minimise energy and water consumption during their construction and operation and incorporate measures for water recycling and utilisation of low carbon renewable energy;

4. minimise waste and maximise the re-use or recycling of materials during their construction and operation;

5. incorporate climate change adaptation measures including sustainable urban drainage systems, suitable shading of pedestrian routes and open spaces and drought resistant landscaping unless there is clear evidence that this would be inappropriate;

6. protect and enhance the character and quality of the site's setting or mitigate and if necessary compensate for any predicted loss;

7. maxmise opportunities to contribute to green and blue infrastructure, to include benefits to communities (including Public Rights of Way), and to contribute to biodiversity net gain;

8. minimise the loss of Best and Most Versatile Agricultural Land and protect soils more generally;

9. achieve a BREEAM 'Very Good' standard or equivalent where appropriate; and

10. where possible, utilise existing buildings and achieve an efficient re-use of land.

### 7.2 Policy DM 2: Environmental and Landscape Sites of International, National and Local Importance and Policy DM 3: Ecological Impact Assessment

**7.2.1** Minerals and waste developments can have adverse impacts on sites of international, national and local importance. Kent has a wide range of landscapes and habitats that play an important role in supporting a variety of flora and fauna.

**7.2.2** Significant weight in planning terms is given to conserving and enhancing landscape and scenic beauty of National Landscapes (formerly known as AONBs) in which the conservation and enhancement of wildlife and cultural heritage are important considerations. Development within the setting of National Landscapes should also be sensitively located and designed to avoid or minimise impacts on the designated areas. Policy DM 2 recognises that some sites are designated due to their importance in terms of geodiversity.

**7.2.3** Locally important sites are also designated in recognition of their significance at the local level[102], but do not normally carry the same level of protection as international or nationally designated sites. These sites include Local Wildlife Sites (LWSs), priority habitat identified in the Kent BAP, Local Geological Sites, Locally Listed Heritage Assets, Local Nature Reserves (LNRs), Country Parks, and aged or veteran trees, waterbodies and other green infrastructure features. Alongside other nature designations, these sites will play an important role in the success of the Local Nature Recovery Strategy.

**7.2.4** Policy DM 2 relates to these sites of international, national, and local environmental and landscape importance. The policy aims to ensure that there are no unacceptable adverse impacts on these important assets and sets out the circumstances where impacts upon them would be acceptable. In the case of a demonstrated overriding need for the development, any impacts would be required to be mitigated or compensated for in order to provide a net gain or improvement to their condition. Buffers[103] have a role to play in mitigation.

**7.2.5** In addition to Policy DM 2, Policy DM 3 seeks to protect Kent's important biodiversity assets, ensure that minerals and waste applications are supported by appropriate ecological assessments, and ensure that biodiversity net gain is maximised. While a statutory target of at least 10% biodiversity net gain for all development has been introduced, the Kent Nature Partnership expects at least 20% to be achieved. The restoration of mineral sites frequently provides excellent opportunities for the development of habitat and the expectation is that they should be maximised such that, where practicable, greater than 20% biodiversity net gain will be achieved. Separate guidance on the application of the biodiversity net gain requirements to minerals and waste developments as set out in Policy DM 3 will be published.

**7.2.6** In terms of selecting and screening the suitability of sites for identification in any Minerals and Waste Sites Plans, the following criteria will be taken into account:

- The requirements set out in Policy CSM 2: Supply of Land-won Minerals, Policy CSW 6: Location of Built Waste Management Facilities and Policy CSW 7: Waste management for Non-hazardous Waste
- all policies set out in Chapter 7: Development Management Policies

[102] As contained in the Kent State of the Environment Report 2015 and the Kent Environment Strategy 2016.
[103] A buffer is a piece of land that separates or manages incompatible land uses.

- relevant policies in district local plans
- strategic environmental information, including landscape assessment and HRA as appropriate.

The scope of the above information to be considered will be appropriate for a Strategic site selection process. More detailed information will be required for consideration at the planning applications stage.

## Policy DM 2

**Environmental and Landscape Sites of International, National and Local Importance**

Proposals for minerals and/or waste development will be required to ensure that they are not likely to cause significant harm to 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. 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.

**1. International Sites**

Minerals and/or waste proposals (for planning permission, or allocation within the Minerals Sites Plan and any Waste Sites Plan), that are considered to have a 'likely significant effect' (either alone or in combination with other plans or projects) on international designated sites, including Ramsar sites, 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 as part of an 'appropriate assessment' and be in accordance with established management objectives for the national sites network ('network objectives'[104]). Where an 'adverse effect on integrity' of an international designated site cannot be ruled out as a result of a proposal, it will need to be demonstrated that:

a. there are no alternatives;

b. there is a robust case established as to why there are imperative reasons of overriding public interest; and

c. there is sufficient provision for adequate timely compensation before permission can be granted, or the allocation can be included within the Minerals Sites Plan and any Waste Sites Plan.

**2. National Sites**

[104] As defined in the Conservation of Habitats and Species Regulations 2017 (as amended).

Designated National Landscapes have the highest status of protection in relation to landscape and scenic beauty. 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. For the purposes of this policy, such functions include the determination of planning applications and the allocationof sites in a development plan.

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.

Consideration of such applications will assess;

a. the need for the development, including in terms of any national considerations and the impact of granting, or refusing, the proposal upon the local economy;

b. the cost of, and scope for developing elsewhere outside the designated area,or meeting the need in some other way; and

c. any detrimental impact on the environment, the landscape and recreational opportunities, and the extent to which the impact could be moderated taking account of the relevant AONB Management Plan.

Sites put forward for allocation for minerals or waste development in updates to the Minerals Sites Plan or any 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.

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 an 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 impacts cannot be avoided in the first instance (through locating on an alternative site with less harmful impacts), or adequately mitigated, unless there is an overriding need for the development and any impacts can be compensated for, and:

a. the benefits of the development in the location proposed clearly outweigh any impacts that it is likely to have on the features of the site that make it of special scientific interest; and

b. the benefits of the development outweigh any impacts that it is likely to

have on the national network of Sites of Special Scientific Interest.

Minerals and/or waste proposals located within or considered likely to cause loss or deterioration of 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.

**3. Local Sites**

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 demonstrated that there is an overriding need for the development and any impacts can be mitigated or compensated for, such that there is a net planning benefit:

a. Local Wildlife Sites;

b. Local Nature Reserves;

c. Priority Habitats and Species;

d. land that is of regional or local importance as a wildlife corridor or for the conservation and enhancement of geodiversity and biodiversity;

e. habitats and species identified in the Kent Nature Partnership Biodiversity Strategy 2020 to 2045;

f. Local Geological Sites;

g. Country Parks, common land and village greens and other important areas of open space or green areas within built-up areas.

## Policy DM 3

**Ecological Impact Assessment**

Proposals that are likely to have unacceptable adverse impacts upon important geodiversity and biodiversity assets (as defined in Policy DM 2) will need to demonstrate that an adequate level of ecological assessment has been undertaken and should provide a positive contribution to the protection, enhancement, creation and management of biodiversity. Such proposals will only be granted planning permission following:

1. an ecological assessment of the site, including preliminary ecological appraisal and, where likely presence is identified, specific protected species surveys;

2. consideration of the exceptional circumstances that clearly demonstrate the need for, and benefits of, the development and the reasons for locating the development in its proposed location, that clearly outweigh its impacts;

3. where impacts cannot be avoided, then measures required to mitigate any adverse impacts (direct, indirect and cumulative) should be identified and appropriately secured; and,

4. finally, only as a last resort, where adverse impacts cannot be avoided or mitigated for, then compensatory measures should be identified and secured.

All development[105] 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 should be supported by a draft Biodiversity Gain Plan and relevant supporting reports that demonstrate net gain can be achieved, implemented, managed and maintained.

Restoration of mineral extraction sites for end uses that limit options to maximise biodiversity gain, may still be acceptable, provided the restoration achieves the minimum requirements and it can be demonstrated that the benefits of the restoration proposed would help achieve other objectives within the Development Plan that can be balanced against the need to maximise biodiversity net gain.

### 7.3 Policy DM 4: Green Belt

**7.3.1** The western area of Kent is situated within the Green Belt around London (see Figure 6 in Chapter 2.2). The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

**7.3.2** Proposals for minerals and waste development within the Green Belt will be considered in light of their potential impacts, national policy and the National Planning Policy Framework.

**7.3.3** There is a presumption against inappropriate development within the Green Belt. Inappropriate development is, by definition harmful to the Green Belt and

[105] 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.

should not be approved except in very special circumstances. When considering any planning application, the planning authority will ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

**7.3.4** The National Planning Policy Framework provides guidance on the purposes of the Green Belt and what constitutes inappropriate development. It states that minerals extraction, engineering operations and the re-use of buildings provided that the buildings are of permanent and substantial construction are not inappropriate development in the Green Belt provided that they preserve the openness of the Green Belt and proposals do not conflict with the purpose of including land in the Green Belt. Processing plants, although commonly associated with mineral extraction, are unlikely to preserve openness, owing to their size, height and industrial appearance and would therefore be inappropriate development. Elements of many renewable energy projects will also comprise inappropriate developments. In such cases developers will need to demonstrate very special circumstances if projects are to proceed. Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources.

**7.3.5** Within the Green Belt, the planning authority will plan positively to enhance the beneficial use of the Green Belt, such as looking for opportunities to provide access; to provide opportunities for outdoor sport and recreation; to retain and enhance landscapes, visual amenity and biodiversity; or to improve damaged and derelict land.

## Policy DM 4

**Green Belt**

Proposals for minerals and waste development within the Green Belt shall comply with national policy.

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

**7.4.1** Kent's historic environment requires protection for the enjoyment and benefit of future generations. The historic environment covers all aspects of the environment resulting from the interaction between people and places through time, including all surviving physical remains of past human activity, whether visible, buried or submerged as well as landscaped and planted or managed flora[106]. The NPPF identifies the conservation of such heritage assets as one of the core land-use

[106] As defined by National Planning Policy Framework (December 2023).

planning principles that underpin both plan-making and decision-taking; it states that heritage assets shouldbe conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life by today's and future generations[107].

**7.4.2** The 'Historic England (2015) Historic Environment Good Practice Advice in Planning Notes 1 to 3' provide information on the implementation of historic environment policy, and emphasises that all information requirements and assessment work, in support of heritage protection, needs to be proportionate to the significance of the heritage assets affected and the impact on the significance of those heritage assets. The Historic England Advice Note 13 on Mineral Extraction and Archaeology also provides advice about archaeology as part of mineral development.

**7.4.3** Consideration should be given to the NPPG and NPPF on the Historic Environment in that applications should describe the significance of any heritage assets affected by development, including any contribution made by their setting and should include analysis of the significance of the asset and its setting. The level of detail should be proportionate to the asset's importance and no more than is sufficient to understand the potential impact of any development on its significance.

## Policy DM 5

**Heritage Assets**

Proposals for minerals and waste developments will be required to ensure that Kent's heritage assets and their settings, including non-designated heritage assets, registered historic parks and gardens, Listed Buildings, conservation areas, World Heritage Sites, Scheduled Ancient Monuments, archaeological sites and features and defined heritage coastline[108], are conserved in a manner appropriate to their significance.

Proposals should result in no unacceptable adverse impact on Kent's historic environment and, wherever possible, opportunities should be sought to enhance historic assets affected by the proposals. Minerals and/or waste proposals that would harm the significance of a heritage asset will not be granted planning permission unless it can be demonstrated that there is an overriding need for development and any impacts can be mitigated or compensated for, such that there is a net planning benefit, as set out in national policy for the historic environment.

## Policy DM 6

**Historic Environment Assessment**

[107] As defined by National Planning Policy Framework (December 2023), Chapter 16.
[108] Currently two sites in Kent: (1.) South Foreland and (2.) Dover – Folkestone.

Proposals for minerals and waste development that are likely to affect important heritage assets and non-designated heritage assets will only be granted planning permission following:

1. preliminary historic environment assessment, including field archaeological investigation and assessment of contribution towards setting where appropriate, to determine the nature and significance of the heritage assets

2. appropriate provision has been secured for preservation in situ, and/or archaeological excavation and recording and/or other historic environment recording as appropriate, including post-excavation analysis and reporting, archive deposition and access, and interpretation of the results for the local community, in accordance with the significance of the finds

3. agreement of mitigation of the impacts on the significance of the heritage assets, including their fabric, their setting, their amenity value and arrangements for reinstatement.

## 7.5 Policy DM 7: Safeguarding Mineral Resources

**7.5.1** As set out in section 5.5, it is important that certain mineral resources in Kent are safeguarded for potential use by future generations. However, from time to time, proposals to develop areas overlying safeguarded minerals resources for non-minerals purposes will come forward where for genuine planning reasons it would not be practicable to extract the otherwise economic underlying reserves before surface development is carried out.

**7.5.2** In such circumstances, when determining proposals, a judgement will be required which weighs up the need for such development against the need to avoid sterilisation of the underlying mineral taking account of the objectives and policies of the development plans as a whole.

**7.5.3** Policy DM 7 sets out the circumstances when non-minerals development maybe acceptable at a location within a Minerals Safeguarding Area. This policy recognises that the aim of safeguarding is to avoid unnecessary sterilisation of resources and encourage prior extraction of the mineral where practicable and viable before non-mineral development occurs.

**7.5.4** The process of Local Plan formulation, including consultation, independent examination and subsequent adoption provides the opportunity to take account of, and address, the need for the safeguarding of mineral resources. In doing so, it can make a clear judgement that where land is allocated in a Local Plan for surface development,such as housing, the presence of a mineral resource, and the need for its safeguarding,has been factored into the consideration of whether the allocation is appropriate. For sites allocated for non-mineral development it will therefore

usually be the case that anassessment of the relevant considerations (criteria 1 to 6 in Policy DM 7) has already taken place. In some cases, the assessment will conclude that an allocated site should be exempt from mineral safeguarding. The approach to be taken to mineral assessmentduring the plan-making stage is set out in the Safeguarding SPD[109].

**7.5.5** However, applications for non-mineral development located in MSAs, which are promoted as a 'windfall site' (sites not allocated in a development plan) or which are being promoted on allocated sites that have not been the subject of a 'Minerals Assessment', will usually need to be accompanied by such an assessment. This assessment will be prepared by the promoter and will include information concerningthe availability of the mineral, its scarcity, the timescale for the development, the practicability and the viability of the prior extraction of the mineral. Guidance on undertaking Minerals Assessments is included in the British Geological Society's (BGS) Good Practice Advice on Safeguarding

**7.5.6** In certain cases, it is possible that the need for a particular type of development in a particular location is so important that it overrides the need to avoid sterilisation of the safeguarded mineral resource. Such cases will be exceptional, and it will be necessary to demonstrate, amongst other things, why the identified need cannot practically be met elsewhere.

**7.5.7** Criterion 7 of Policy DM 7 recognises that the allocation of land in adopted Local Plans for non-mineral development, such as housing, should have considered the presence of an economic mineral resource and the need for its safeguarding at this time, and, where that is shown to be the case to the satisfaction of the Mineral Planning Authority, there is no need to revisit mineral safeguarding considerations at the planning application stage. The Mineral Planning Authority and the district/borough planning authority will consider mineral safeguarding during the preparation of Local Plans including during preparation of Strategic Housing Land Availability Assessments.

**7.5.8** Where proposals are determined by a district/borough planning authority, the Mineral Planning Authority will work with the relevant authority and/or the promoter to assess the viability and practicability of prior extraction of the minerals resource. As necessary the Minerals Planning Authority will provide information that helps determine the economic viability of the resource.

**7.5.9** In the case of the Sandstone-Sandgate Formation and the Limestone Hythe Formation (Kentish Ragstone) the low probability of utility of the Sandgate Beds and the significant available reserves (in 2019) of the Kentish Ragstone, it is anticipated that any future allocations in local plans for non-mineral development that are coincident with these safeguarded minerals will be unlikely to be found to be in conflict with the presumption to safeguard these minerals. This will need to be

[109] The Supplementary Planning Document or associated guidance will be maintained by the County Council and updated as required.

evidenced by a Minerals Assessment prepared to a proportionate level of detail. Further guidance is available in the Safeguarding SPD[110].

## Policy DM 7

**Safeguarding Mineral Resources**

Planning permission will only be granted for non-mineral development that is incompatible with minerals safeguarding where it is demonstrated that either:

1. the mineral is not of economic value or does not exist; or
2. that extraction of the mineral would not be viable or practicable; or
3. the mineral can be extracted satisfactorily, having regard to Policy DM 9, prior to the non-minerals development taking place without adversely affecting the viability or deliverability of the non-minerals development; or
4. the incompatible development is of a temporary nature that can be completed, and the site returned to a condition that does not prevent mineral extraction within the timescale that the mineral is likely to be needed; or
5. material considerations indicate that the need for the development overrides the presumption for mineral safeguarding such that sterilisation of the mineral can be permitted following the exploration of opportunities for prior extraction; or
6. it constitutes development that is exempt from mineral safeguarding policy, namely householder applications, infill development of a minor nature in existing built-up areas, advertisement applications, reserved matters applications, minor extensions and changes of use of buildings, minor works, non-material amendments to current planning permissions; or
7. it constitutes development on a site allocated in the adopted development plan where consideration of the above factors (1-6) concluded that mineral resources will not be needlessly sterilised.

Further guidance on the application of this policy is included in the Kent Minerals and Waste Local Plan Safeguarding Supplementary Planning Document (March 2021).

### 7.6 Policy DM 8: Safeguarding Minerals Management, Transportation, Production & Waste Management Facilities

**7.6.1** It is essential to the delivery of this Plan's minerals and waste strategy that existing facilities[111] used for the management of minerals (including wharves and rail depots) and waste are safeguarded for the future, in order to enable them to continue to be used to produce and transport the minerals needed by society and manage its waste. Policy DM 8 sets out the circumstances when safeguarded

[110] The Supplementary Planning Document or associated guidance will be maintained by the County Council and updated as required.
[111] 'Existing facilities' are taken as those that have permanent planning permission for minerals and waste uses.

minerals and waste development may be replaced by non-waste and minerals uses. This includes ensuring that any replacement facility is at least equivalent to that which it is replacing and it specifies how this should be assessed.

**7.6.2** In the case of mineral wharves the factors to be considered include the depths of water at the berth, accessibility of the wharf at various states of the tide, length of the berth, the size and suitability of adjacent land for processing plant, weighbridges and stockpiles, and existing, planned or proposed development that may constrain operations at the replacement site at the required capacity.

**7.6.3** There also are circumstances when development proposals in the vicinity of safeguarded facilities will come forward. The need for such development will be weighed against the need to retain the facility and the objectives and policies of the development plan as a whole will need to be considered when determining proposals. Policy DM 8 sets out the circumstances when development may be acceptable in a location proximate to such facilities. The policy recognises that the aim of safeguarding is to avoid both the unnecessary direct loss of facilities due to development and from those which may impair the effectiveness and acceptability of the infrastructure, given the probable irreplaceability of such facilities.

**7.6.4** Certain types of development which require a high quality amenity environment (e.g. residential) may not always be compatible with minerals production or waste management activities which are industrial in nature. Policy DM 8 therefore expects the presence of waste and minerals infrastructure to be taken into account in decisions on proposals for non-waste and minerals development (known as 'agents of change') made in the vicinity of such infrastructure.

**7.6.5** Criterion 2 of Policy DM 8 recognises that the allocation of land in adopted Local Plans for development, such as housing, should have considered the presence of waste management and minerals supply infrastructure and the need for its safeguarding at that time, and, where this has been shown to be the case to the satisfaction of the Mineral Planning Authority, there is no need to revisit the safeguarding considerations at planning application stage.

**7.6.6** It should be recognised that early engagement with the mineral planning authority regarding development that may potentially pose a safeguarding risk to safeguarded facilities is advantageous in ensuring that development can occur without compromising the presumption to safeguard. Further guidance on the implementation of this policy is included in a Supplementary Planning Document and any of its future revisions.

## Policy DM 8

**Safeguarding Minerals Management, Transportation Production & Waste Management Facilities**

Planning permission will only be granted for development that is incompatible with safeguarded minerals management, transportation or waste management facilities,

where it is demonstrated that either:

1. it constitutes development of the following nature: advertisement applications;reserved matters applications; minor extensions and changes of use and buildings; minor works; and non-material amendments to current planning permissions; or

2. it constitutes development on the site that has been allocated in the adopted development plan where consideration of the other criteria (1, 3-7) can be demonstrated to have taken place in formulation of the plan and allocation of the site which concluded that the safeguarding of minerals management, transportation, production and waste management facilities has been fully considered and it was concluded that certain types non-mineral and waste development in those locations would be acceptable; or

3. replacement capacity, of the similar type, is available at a suitable alternative site, which is at least equivalent or better than to that offered by the facility that it is replacing; or

4. it is for a temporary period and will not compromise its potential in the future for minerals transportation; or

5. the facility is not viable or capable of being made viable; or

6. material considerations indicate that the need for development overrides the presumption for safeguarding; or

7. It has been demonstrated that the capacity of the facility to be lost is not required.

Replacement capacity must be at least equivalent in terms of tonnage, accessibility, location in relation to the market, suitability, availability of land for processing and stockpiling of waste (and materials/residues resulting from waste management processes) and minerals, and:

- in the case of wharves, the size of the berth for dredgers, barges or ships

- in the case of waste facilities, replacement capacity must be at least at an equivalent level of the waste hierarchy and capacity may be less if the development is at a higher level of the hierarchy

There must also be no existing, planning or proposed developments that could constrain the operation of the replacement site at the required capacity.

Planning application for development within 250m of safeguarded facilities need to demonstrate that impacts, e.g. noise, dust, light and air emissions, that may legitimately arise from the activities taking place at the safeguarded sites would not be experienced to an unacceptable level by occupants of the proposed

development and that vehicle access to and from the facility would not be constrained by the development proposed.

Further guidance on the application of this policy will be included in a Supplementary Planning document.

### 7.7 Policy DM 9: Prior Extraction of Minerals in Advance of Surface Development

**7.7.1** When development is proposed within a Mineral Safeguarding Area (MSA), promoters will be encouraged to extract the mineral in advance of the main development. Policy DM 9 aims to manage situations where built development located on a safeguarded mineral resource is to be permitted, so as to avoid the needless sterilisation of economic mineral resources (in accordance with Policy DM 7).

## Policy DM 9

**Prior Extraction of Minerals in Advance of Surface Development**

Planning permission for, or incorporating, mineral extraction in advance of development will be granted where the resources would otherwise be permanently sterilised provided that:

the mineral extraction operations are only for a temporary period linked to the timing of the associated surface development; and, the proposal will not cause unacceptable adverse impacts to the environment or communities

Where planning permission is granted for the prior extraction of minerals, conditions will be imposed, and if appropriate, legal agreements will be entered into to ensure that the site can be adequately restored to a satisfactory after-use should the main development be delayed or not implemented.

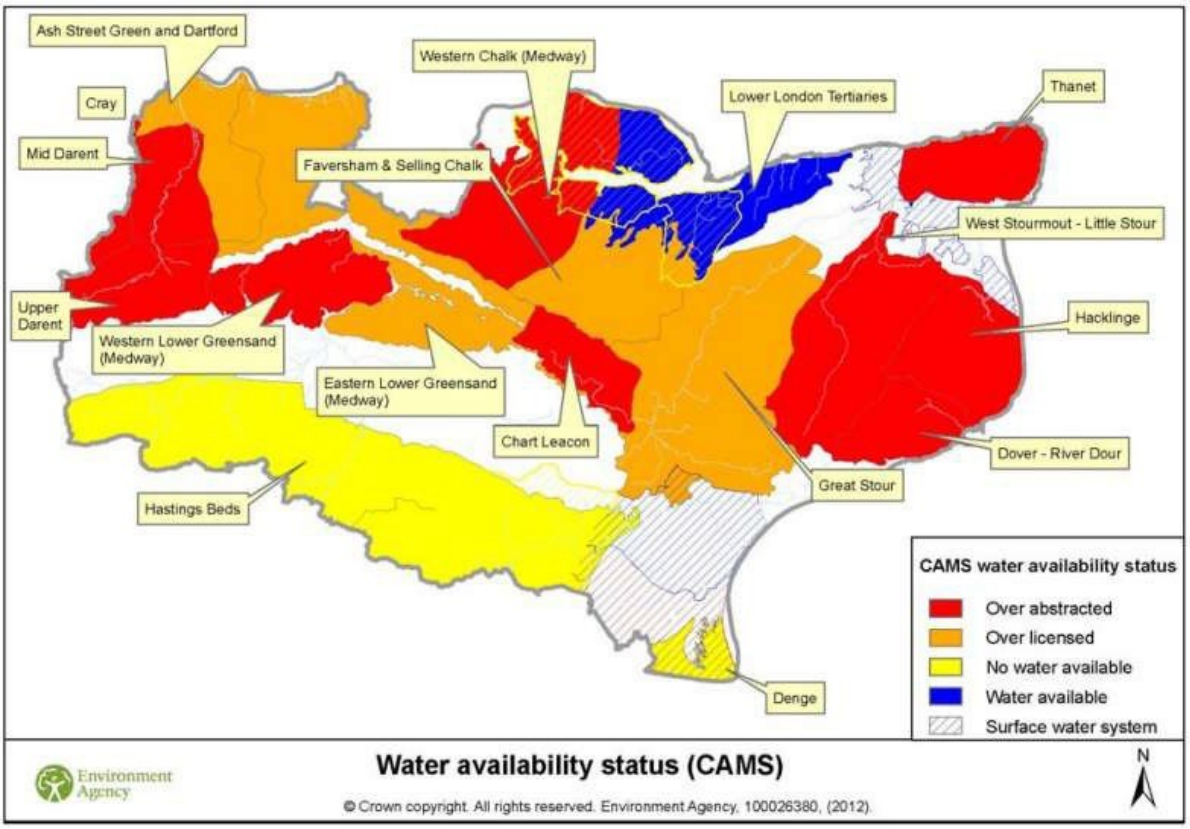
### 7.8 Policy DM 10: Water Environment

**7.8.1** Minerals and waste development can have significant impacts on flooding and water quantity and water quality. In Kent there are many catchments where there is little or no water available for abstraction during dry periods. Pressures are particularlynotable in Kent as it is one of the driest parts of England and Wales, coupled with highpopulation density and household water use (see Figure 21). Areas of mineral can often provide opportunities for water storage at times of flood and therefore

mitigate against the effects of flooding. There are five sources of flooding that are considered in the SFRA[112]:

1. flooding from rivers
2. flooding from the sea
3. flooding from rainfall
4. flooding from groundwater
5. flooding from sewers

**Figure 21 Water Availability Status (Source: Environment Agency, State of Water in Kent, 2012)**




**7.8.1** Flood zones are used to determine the probability of land experiencing flooding from a river or the sea. The aim of national flood policy is to steer development towards areas with the lowest probability of flooding. The Environment Agency (EA) has identified four flood zones:

- **Flood Zone 1:** Land within this zone has been assessed as having a low probability of experiencing flooding from the rivers and sea (less than a 1 in 1000 annual probability of river or sea flooding (<0.1%). Any land-use is appropriate in this zone. Flood Zone 1 is normally shown as unshaded on flood maps

[112] Barton Willmore (June 2013) Mineral and Waste Plan 2013-2030 Strategic Flood Risk Assessment (on Behalf of KCC).

- **Flood Zone 2:** Land within this flood zone has been assessed as having a medium probability of experiencing flooding from rivers and the sea (i.e. having between a1 in 100 and 1 in 1000 annual probability of river flooding (1%-0.1%), or between a 1 in 200 and 1 in 1,000 annual probability of sea flooding (0.5%-0.1%) in any year). Sand and gravel workings, wharves, mineral workings and processing, waste treatment and landfill sites are appropriate developments for land within this floodzone.

- **Flood Zone 3:** Land within this zone has been assessed as having a high probability of experiencing flooding from rivers and the sea (between a 1 in 100 or greater annual probability of river flooding (>1%), or between a 1 in 200 or greater annual probability of sea flooding (>0.5%) in any year). Development within this flood zone should seek opportunities to reduce the overall level of flood risk through layout and form and appropriate use of sustainable drainage systems, relocating existing development to land in zones with lower risks of flooding and creating space for flooding to occur by restoring functional floodplain and flood flow pathways and by identifying and safeguarding open space for flood storage. Sand and gravel workings, wharves, mineral workings and the processing and treatment of waste (except landfill and hazardous waste facilities) are considered suitable for land-use in this zone.

- **Flood Zone 3b (The Functional Floodplain):** Land within this zone has been assessed as land where water has to flow or be stored in times of flood. Development within this zone should seek opportunities to reduce the overall level of flood risk in the area through the layout and form of the development and the appropriate application of sustainable drainage systems, or to relocate existing development to land with a lower probability of flooding. Sand and gravel workings and wharves are considered appropriate land-uses within this zone.

**7.8.2** Both flood water and groundwater may become contaminated if it comes into contact with certain types of wastes. It is therefore necessary for waste sites to be managed to ensure that the risk of water contamination from waste is minimised. Planning applications for sites located in areas prone to flooding must be accompanied by a suitable Flood Risk Assessment which demonstrates the flood risk of the site can be safely managed without increasing flood risk elsewhere.

**7.8.3** Groundwater Source Protection Zones (SPZ) for Kent are set out in Figure 15.Groundwater accounts for over 70% of public water supply in Kent. This reliance on groundwater resources makes it important that mineral and waste developments do not adversely affect groundwater supplies in any way.

1. **SPZ 1** is the inner zone which is within the 50-day travel time from any point below the water table to the source. This zone around the groundwater supply abstraction point has a minimum radius of 50 metres.
2. **SPZ 2** is the outer protection zone and refers to the 400-day travel time from a point below the water table.
3. **SPZ 3** is the Source Protection Catchment Zone and refers to the area

around a source within which all groundwater recharge is presumed to be discharged at the source.

4. **SPZ 4** is a surface water catchment which drains into the aquifer feeding groundwater supply

**7.8.4** To ensure compliance with the Water FD[113] minerals and waste developments must not cause any unacceptable adverse impact on local water bodies. Waste operations are not usually considered compatible within SPZ1. Confirmation from the Operator of the SPZ (the local water company) that the proposed measures adequately mitigate any risks should be sought.

**7.8.5** The County Council, as Lead Local Flood Authority and statutory consultee, has prepared a Drainage and Planning Policy Statement. This statement sets out the drainage strategies and surface water management provisions that are required in association with applications for major development.

**7.8.6** Policy DM 10 embraces issues of flood, groundwater, SPZs and the protection of waterbodies.

## Policy DM 10

**Water Environment**

Planning permission will be granted for minerals or waste development where it does not:

1. result in the deterioration of physical state, water quality or ecological status of any water resource and waterbody, including aquifers, rivers, streams, lakes and ponds;

2. have an unacceptable impact on groundwater Source Protection Zones (as shown in Figure 15) or threaten the development of future groundwater abstraction and associated source protection zones overlying principal or secondary aquifers; and

3. exacerbate flood risk, both now and in the future (taking account of climate change recommended uplifts). Measures to reduce flood risk where possible are encouraged.

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. Applications for minerals and waste proposals within Source Protection Zones (SPZ) and Groundwater Vulnerability and Aquifer Designation areas must be accompanied by a

[113] EU Water Framework Directive 2000/60/EC and equivalent legislation following exit from the European Union.

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, hydrogeological and/or hydrological assessment(s) may be required to demonstrate the effects of the proposed development on the water environment and how these may be mitigated to an acceptable level.

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.

## 7.9 Policy DM 11: Health and Amenity

**7.9.1** Minerals and waste development can have unacceptable adverse impacts on the environment and local communities. The use of machinery and lighting can result in noise, light and air pollution and also affect the amenity of nearby communities and businesses and other land uses such as sport, recreation or tourism. It is important that the minerals and waste industry in Kent does not result in unacceptable adverse impacts upon the health and amenity of surrounding environment and communities, and where appropriate suitable mitigation measures are used to reduce the risk of unacceptable adverse impacts occurring.

**7.9.2** This may include production of an air quality assessment of the impact of the proposed development and its associated traffic movements and necessary mitigation measures required through planning condition and/or planning obligation. This will be a particular requirement where a proposal might adversely affect the air quality in an AQMA (See Figure 15). It may also include the preparation of a Health Impact Assessment[114](HIA). The need for a HIA to accompany a planning application will take into account the likelihood of emissions occurring due to the operation of the site, the proximity to sensitive land uses and the scale of risk to health.

### Policy DM 11

**Health and Amenity**

Minerals and waste development will be permitted where it can be demonstrated that the development is unlikely to generate unacceptable adverse impacts from noise, dust, litter, vermin, vibration (including vibration from blasting), odour, emissions (including emissions from vehicle movements associated with the development), bioaerosols, external lighting, visual intrusion, traffic or associated

[114] Guidance on Health Impact Assessments has been issued by Public Health England https://www.gov.uk/government/publications/health-impact-assessment-in-spatial-planning.

risks to quality of life, the health and wellbeing of local communities and the environment.

Proposals for minerals and waste development will also be required to ensure that there is no unacceptable adverse impact on other permitted land uses on surrounding land (including waterbodies).

### 7.10 Policy DM 12: Cumulative Impact

**7.10.1** Impacts from one development in any particular area may give rise to impactsthat, when controlled by mitigation are acceptable and do not give rise to any unacceptable adverse impacts. However, two or more developments of a similar nature within close proximity to each other may act together to cause impacts that are not acceptable, even with mitigation incorporated into the design for each development.

**7.10.2** Proposals likely to have a significant effect on internationally important interestfeatures or internationally important wildlife sites, will need to be assessed through consideration of the possible effects of any other plans and projects, as well as the minerals and/or waste development proposed.

**7.10.3** The following policy requires cumulative impacts to be considered when two or more developments are potentially capable of causing significant effects on the environment (including climate change), biodiversity interests or on the amenity of the local community. This includes cumulative impacts by way of vehicle movements and associated emissions, particularly if the development is within or near to an AQMA. It is also relevant where a new development may affect communities or the environment cumulatively with existing developments.

## Policy DM 12

**Cumulative Impact**

Planning permission will be granted for minerals and waste development where it does not result in an unacceptable adverse, cumulative impact on the environment or communities. This is in relation to the collective effect of different impacts of an individual proposal, or in relation to the effects of a number of developments occurring concurrently and/or successively.

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

**7.11.1** It is recognised that some 12% of harmful particulates in the atmosphere are as a result of road transportation (Clean Air Strategy, 2019). One of the roles of the Kent MWLP is to encourage the use of sustainable transportation methods

including rail and water. However, in view of the limited opportunities that are available within the county to increase the use of sustainable transportation methods, it is acknowledged that most minerals and waste movements across Kent will continue to be made by road.

**7.11.2** The Plan recognises the importance of reducing vehicle movements and facilitating more sustainable technologies (such as electric vehicles) in achieving the objectives of sustainable development. This has benefits in terms of reducing greenhouse emissions and improving air quality.

**7.11.3** Any minerals or waste developments that are likely to result in an increase of more than 200 Heavy Duty Vehicles (HDVs)/day[115] (400 movements) on any road that lies within 200m of a designated Habitat Site will need to be subject to Habitats Regulation Assessment (HRA) screening to evaluate air quality impacts. It will be necessary for the applicant to demonstrate that either:

1. the increased traffic either alone or in combination with other existing and committed projects, will not lead to an increase in nitrogen or acid deposition that constitutes more than 1% of the critical load for the designated features within the site, or
2. If the increase in deposition will be greater than 1% of the critical load it be demonstrated that no adverse effect on the interest features and integrity of the Habitat Site will result

**7.11.4** The aim of Policy DM 13 is to minimise road miles and harmful emissions in relation to the transportation of minerals and waste across Kent. Road miles may also be reduced by providing a network of facilities including sites such as transfer stations where waste can be bulked up for onward transport.

## Policy DM 13

**Transportation of Minerals and Waste**

Minerals and waste development will be required to demonstrate that emissions (including carbon) associated with road transport movements are minimised as far as practicable andby preference being given to non-road modes of transport. Where development
requires road transport, proposals will be required to demonstrate that:

1 the proposed access arrangements are safe and appropriate to the scale and nature of movements associated with the proposed development such that the impact of traffic generated is not detrimental to road safety;

[115] Department for Transport (May 2007) The design manual for Roads and Bridges, Volume 11, Section 3, Part 1; regarding air quality Environmental Impact Assessment from roads indicates that if the increase in traffic will amount to less than 200 HDVs per day the development can be scoped out of further assessment. A Heavy Goods Vehicles is a vehicle with over 3.5 tonnes maximum permissible gross weight (mgw).

2 the highway network is able to safely 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

3 emission control and reduction measures, such as deployment of low emission vehicles and environmentally sustainable vehicle technologies, installation of electric vehicle charging points (where appropriate) and vehicle scheduling to avoid movements in peak hours. Particular emphasis will be given to such measures where development is proposed within an AQMA or in a location where impacts on an AQMA will result. (Figure 15).

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

**7.12.1** Green Infrastructure, including Public Rights of Way (PROW) play an important role in enabling access to the countryside and can benefit the County socially, environmentally and economically and where possible development should improve the PROW network[116]. Minerals and waste sites can often be located close to a PROW or a PROW may cross an area of mineral bearing land. It is important that PROWs remain accessible to users throughout the lifetime of the minerals and waste operations and that users' safety is not compromised by any activity on site. New sites or extended sites should not have an adverse impact on the network of PROWs. In some circumstances it will be necessary for a PROW to be diverted during operations. Temporary diversions will only be acceptable if the restoration scheme provides routes to the same standard of surface level as the original PROW. If this is not possible, it may be preferable to divert the route permanently.

## Policy DM 14

**Public Rights of Way**

Planning permission will only be granted for minerals and waste development that adversely affect a Public Right of Way, if:

1. satisfactory prior provisions, by means of relevant legal event, for its diversion or stopping up are made which are both convenient and safe for users of the Public Rights of Way

2. provision is created for an acceptable alternative route both during operations and following restoration of the site

3. opportunities are taken wherever possible to secure appropriate, improved access into and within the countryside in accordance with the Rights of Way

[116] In line with the County Council's Right of Way Improvement Plan 2018-2028.

Improvement Plan 2018-28.

### 7.13 Policy DM 15: Safeguarding of Transportation Infrastructure

**7.13.1** Non-hazardous landfill and water-filled mineral operations attract birds which may give rise to the possibility of increased hazard to air traffic due to bird strike. EfW plants can cause air turbulence in the vicinity of the site which together with the physical structures necessary for these operations can cause obstruction to air safety, in particular to light aircraft. Local planning authorities are required to consult local aerodromes before granting planning permission for development that might endanger the safety of aircraft. Such developments include buildings and structures that exceed certain heights and development that is likely to attract birds within the relevant radius of aerodromes as identified on safeguarding maps provided by the Civil Aviation Authority or Ministry of Defence.

**7.13.2** The Port of London Authority has a network of navigational equipment that needs to be maintained to ensure the continued safety of vessels navigating on the River Thames, in addition to the existing, varied operations that currently take place. It is important that this network of equipment is not compromised by other developments.

**7.13.3** If, following consultation with relevant organisations, the nature of the mineral extraction or waste management development is considered to give rise to new or increased risks to aerodromes and their associated uses, or increased hazards to rail, river, sea, waterways or road transport then planning permission will not be granted.

## Policy DM 15

**Safeguarding of Transport Infrastructure**

Minerals and waste proposals will be granted planning permission where development would not give rise to unacceptable impacts on aviation, rail, river,sea, other waterways or road transport or where these impacts are mitigated.

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

**7.14.1** The minerals and waste planning authority is entitled to request appropriate information from applicants when the required information is a material consideration in the determination of the planning application. If the additional information is not supplied, the application may be refused planning permission on the grounds of insufficient information.

**7.14.2** The planning authority carefully considers all aspects of a planning application to establish whether planning permission should be granted. It involves using the available information to consider the merits of proposals against any potential impacts; a judgement is made regarding the need for the development weighed against any residual impacts after mitigation is taken into consideration. A system of planning controls can be established through the imposition of conditions or planning obligations to further ensure that the development proposals do not have an unacceptable adverse impact on local communities or the environment.

**7.14.3** The details of the information required within a planning application can be determined through pre-application discussions and meetings with the Minerals and Waste Planning Authority, which applicants are strongly encouraged to undertake. Applications that are not supported by suitable, sufficient material information will invariably take longer to determine and are at risk of being refused.

**7.14.4** Certain types of minerals and waste developments may require an Environmental Statement (ES) to accompany the planning application[117]. The information contained within the ES will be taken into account in determining the application. If applicants consider that their proposals are likely to require an ES, they should seek guidance at an early stage on the need for and scope of the ES. All submitted applications will be screened and applicants advised if an ES is required, if one has not already been submitted.

**7.14.5** Habitat Sites (including SPAs, Ramsar sites, SACs and SSSIs that are sensitive to air quality) are protected by legislation. Habitat Regulations Assessments (HRAs) are required to be carried out where proposals may have a significant impact upon the Habitat Site. To assess whether a proposal will have likely significant effects upon a designated site, the criteria in the following paragraphs 7.14.6 - 7.14.8 are used to determine when a HRA will be required for a development project.

**7.14.6** Any proposal for an EfW facility should undertake HRA screening with regard to all Habitat Sites within 10 km. It will be necessary for the applicant to demonstrate that either:

1. increases in nitrogen or acid deposition from the proposed development along and in combination with other projects within all Habitat Sites that lie within 10 km constitute less than 1% of the critical load for the most sensitive habitat within the site or
2. if the increase in deposition will be greater than 1% of the critical load, it can be demonstrated that no adverse effect on the designated interest features and integrity of the Habitat Site will result.

**7.14.7** Any minerals or waste development that is likely to result in an increase of HDVs on any road that lies within 200m of a Habitat Site should also be subject to

[117] Required under the *Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011 (as amended).*

HRA screening in order to evaluate air quality impacts within the context of the critical load, and the 1% criterion cited above, in any air quality assessment.

**Table 2 Indicative screening distances for considering whether a Habitat Regulations Assessment is required for a development.**

| **Pathway** | **Screening Distance from a Habitat Site[118]** |
|---|---|
| Air Quality - Energy from Waste | 10 km |
| Air Quality - Landfill Gas Flares | 1 km |
| Air Quality - Biopathogens | 1 km |
| Air Quality - Dust | 500 m |
| Air Quality - Vehicle Exhaust Emissions | 200 m |
| Water Quality and Flow | No standard distance (use source/pathway/receptor approach) |
| Disturbance (noise/visual) | 1 km from a Habitat Site supporting disturbance sensitive species/populations |
| Gull/Corvid (rooks and crows) predation | 5 km from a Habitat site supporting sensitive ground nesting breeding species |
| Coastal Squeeze | No standard distance - evaluate on a case-by-case basis |

**7.14.8** Table 2 identifies the screening distances from Habitat Sites associated with particular impact pathways. Development projects that will lead to the pathways and fall within these zones will require HRA. The table does not preclude HRA being required in other circumstances.

## Policy DM 16

### Information Required In Support of an Application

Planning applications for minerals or waste management development must be supported by sufficient, relevant drawings, plans and information, including the

[118] International Designated Sites, Special Areas of Conservation, Special Protection Areas and Ramsar sites.

information specified in the County Council's guidance notes for minerals and waste applications[119].

### 7.15 Policy DM 17: Planning Obligations

**7.15.1** Where the use of planning conditions is not possible, in some circumstances, development proposals could be considered to be acceptable if planning obligations are used. These can either take the form of legal agreements entered into by planning authorities or a unilateral undertaking made by the developer and any person with an interest in the development and the relevant land. The types of matters that may need to be covered in planning obligations are listed in Policy DM 17, which is neither exhaustive nor are the listed matters relevant to every development.

## Policy DM 17

**Planning Obligations**

Planning obligations will be sought where appropriate, to achieve suitable control over, and to mitigate and/or compensate for, the effects of minerals and waste development where such objectives cannot be achieved by planning conditions. Matters to be covered by such planning obligations may include those listed below as appropriate to the proposed development:

1. revocation and consolidation of planning permissions
2. highways and access improvements
3. traffic management measures including the regulation of lorry traffic
4. provision and management of off-site or advance tree planting and screening
5. extraction in advance of future development
6. environmental enhancement and the delivery of targets in the Kent Nature Partnership Biodiversity Strategy 2020 to 2045 and the Local Nature Recovery Strategies, as well as securing the implementation and long-term management of biodiversity net gain
7. protection and enhancement of internationally, nationally and locally important sites
8. landscape enhancement

[119] Applicants should refer to Kent County Council's website for the most recent guidance on local information requirements for validation of applications.

9. protection, conservation and enhancement of notable and protected species, and habitats

10. long term management and monitoring of mitigation or compensation sites and their protection from further development

11. provision and long term maintenance of an alternative water supply should existing supplies be affected

12. archaeological investigation, analysis, reporting, publication and archive deposition

13. establishment of a liaison committee

14. long-term site management provision to establish and/or maintain beneficial after-use

15. Improvement to the public rights of way network in accordance with Actions identified within the KCC Public Rights of Way Improvement Plan 2018-2028

16. financial guarantees to ensure restoration and long term maintenance is undertaken

17. measures for environmental, recreational, economic and community gain in mitigation or compensation for the effects of minerals and waste development

18. codes of construction practice for large waste developments with a capacity of over 100,000 tpa that incorporate the requirement for the majority of the construction workforce to be recruited locally. Opportunities for modern apprenticeships to be made available for a proportion of the construction workforce

19. the majority of the operational staff at large waste developments to be sourced from the local area and opportunities for modern apprenticeships and other nationally recognised training schemes to be available for a proportion of the workforce.

20. measures to reduce flood risk where practicable

21. measures to protect and enhance other heritage assets and avoidance of light pollution

22. measures to encourage use of non-road modes of transport where practicable

23. measures to protect and improve water quality and levels

### 7.16 Policy DM 18: Land Stability

**7.16.1** Land instability can be an issue resulting from both minerals and waste development leading to landslides, subsidence and ground heave. Such situations can be a result of unsafe ground conditions caused by water movement including changes in groundwater levels through dewatering. Proposals should demonstrate measures to ensure that quarry faces and slopes are stable and will not result in landslip, either within the site or on adjoining land, both during and after the lifetime of the development and during restoration and aftercare. All minerals and waste proposals that could give rise to land instability, especially quarries and landfill, must include a stability report and measures to ensure land stability.

**7.16.2** Land instability needs to be considered and satisfactorily addressed when planning applications are determined. Where there is the possibility of land instability, applications for minerals and waste development should be accompanied by a stability report to ensure that adequate and environmentally acceptable mitigation measures are identified. Such a report should assess the physical capability of the land, possible adverse impacts of any instability, possible adverse impacts on adjacent land, possible impacts on local amenity and conservation interests and any proposed remedial or precautionary measures.

**7.16.3** The aim of Policy DM 18 is to ensure that land stability is properly addressed during the operational phase(s) of minerals and waste development. Policy DM 19 addresses the issue in so far as it relates to restoration, aftercare and after-use.

**Policy DM 18**

**Land Stability**

Planning permission will be granted for minerals or waste development where it is demonstrated that it will not result in land instability.

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

**7.17.1** The nature of restoration activity depends on the choice of after-use, which is influenced by a variety of factors including the aspirations of the landowner(s) and the local community, the present characteristics of the site and its environs, any strategies for the area (e.g. biodiversity priorities), the nature, scale and duration of the proposed development and the availability and quality of soil resources. Where the proposal is to restore the site to agricultural use at existing ground levels, ensuring the availability of clean inert fill material is important to the deliverability of the scheme as is the availability of suitable topsoil (Policy CSW 10: Development at Closed Landfill Sites seeks to address this). Quarries have been restored through importation of non-hazardous and/or hazardous waste and the acceptability of this in principle would be considered against Policy CSW 9: Non Inert Landfill in Kent. It may be appropriate to retain some industrial archaeological features, geological

exposures or landscapes within a quarry.

**7.17.2** Where new development is proposed, restoration, aftercare and after-use will usually seek to assure that the land is restored back to a quality that is at least equivalent to that which it was prior to development commencing and wherever possible provide for the enhancement of the quality of the landscape, local environment, biodiversity or the setting of historic assets to the benefit of the local or wider community. Restoration plans should have regard to priorities for landscape enhancements identified in the Landscape Characterisation Assessments and for green space in the Kent Growth and Infrastructure Strategy. Restoration of mineral sites to a water body may be appropriate and provide opportunity for biodiversity and habitat enhancement or recreational uses. Notwithstanding the statutory requirement for all development to achieve biodiversity net gain, there is an expectation that all proposals for restoration, aftercare and after-use shall demonstrate how the maximum on site practicable biodiversity net gain can be achieved by the development. In developing restoration plans, regard shall be had to Kent County Council's Plan Bee Pollinator Action Plan July 2021. This seeks to assist in the recovery of pollinator populations which will support biodiversity and the agricultural needs of the county. Where appropriate, provision shall be made for additional tree cover to support climate change and biodiversity objectives in accordance with the Government's England Trees Action Plan 2021-2024 (May 2021) and the County Council's emerging Plan Tree - Kent County Council's Tree Establishment Strategy 2022-2032[120].

**7.17.3** Restoration of mineral extraction sites for end uses that limit options to maximise biodiversity gain, may still be acceptable, provided the restoration achieves the minimum requirements and it is demonstrated that the benefits of the restoration proposed would help achieve other objectives within the Development Plan that can be balanced against the need to maximise biodiversity net gain.

**7.17.4** To achieve high-quality restoration to an agricultural use or certain leisure uses (e.g. to parkland), a supply of suitable soils is normally required. In such cases all soil resources should be retained and managed on site for use in restoration. The way that soils are handled is also a key element for successful restoration to these uses. Details of the management and storage of soils, including timing and means of soil movements and types of machinery to be used will be required.

**7.17.5** In cases where insufficient soils exist on site the applicant will need to make provision for the supply of soils or soil making materials within an agreed timescale to ensure the timely restoration of the site. Planning consent will only be granted for the importation and processing of such materials (where soil making materials require prior processing) if proven necessary to ensure timely restoration. Stockpiles will need to be controlled such that soil quality is not adversely affected and there are no unintended adverse impacts resulting from, for example, visual appearance and drainage. No subsequent export of material will be allowed.

[120] Adopted October 2022

**7.17.6** For the initial years following restoration (usually a 5-year period but this may be extended e.g. when restoration is to a particular wildlife habitat) site aftercare measures are required to ensure that the reinstatement of soils and the planting or seeding carried out to meet restoration requirements is being managed so that the site will return to its intended after-use in a timely manner. These measures involve improving the structure, stability and nutrient value of soils, ensuring adequate drainage is available and securing the establishment and management of the grass sward, crop or planting areas, together with any other maintenance as may be required. The aftercare scheme normally requires two levels of details to be provided, these are:

1. the outline strategy for the whole of the aftercare period
2. a detailed strategy for the forthcoming year

**7.17.7** Restoration involving infilling may impact groundwater, both in terms of its quality, levels and flow paths. Restoration and aftercare plans should therefore carefully consider the local groundwater regime to avoid unacceptable impacts on its quantity, quality and on flood risk.

**7.17.8** Restoration and aftercare plans should take into consideration community needs and aspirations. Local interest groups and community representatives should be consulted and their viewpoints incorporated into the proposals wherever possible and appropriate. Restoration and aftercare plans for mineral development need to be reviewed and updated periodically, in accordance with legislation[121] Policy DM 19 identifies the issues that need to be addressed in relation to the restoration, aftercare and after-use of minerals extraction and temporary waste management development.

## Policy DM 19

**Restoration, Aftercare and After-use**

Planning permission for minerals extraction and temporary waste management development will be granted where satisfactory provision has been made for the highest possible standard of restoration and aftercare such that the intended after-use of the site is achieved in a timely manner, including where necessary for its long-term management.

Restoration plans should be submitted with the planning application which reflect the proposed after-use, be carried out to a standard that reflects best practice and provides for restoration and aftercare at the earliest opportunity, Restoration

[121] The Environment Act (1995) introduced a requirement for an initial review and updating of all old mineral planning permissions (known as the 'Review of Mineral Permissions' or 'ROMP' process). There is no fixed period when periodic reviews should take place so long as the first review is no earlier than 15 years after planning permission is granted or, in the case of an old permission, 15 years of the date of the initial review. Any further reviews should be at least 15 years after the date of the last review.

proposals must deliver sustainable afteruses that benefit the Kent community, economically, socially or environmentally. All development should achieve at least 10% biodiversity net gain and demonstrate how maximum practicable on site biodiversity net gain shall result from the development.

Restoration of mineral extraction sites for end uses that do not maximise biodiversity gain, but still achieve the mandatory minimum, may be acceptable if it is demonstrated that the benefits of the restoration would help achieve other objectives of the Development Plan that in the view of the planning authority outweigh the achievement of maximum biodiversity net gain.

Where appropriate, restoration plans should address the following issues in relation to the restoration, aftercare and after-use of minerals extraction and temporary waste management development:

1. a site-based landscape strategy for the restoration scheme;

2. the key landscape and biodiversity opportunities and constraints ensuring connectivity with surrounding landscape and habitats;

3. the geological, archaeological and historic heritage and landscape features and their settings;

4. the site boundaries and areas identified for soil and overburden storage;

5. an assessment of soil resources and their removal, handling and storage;

6. an assessment of the overburden to be removed and stored;

7. the type and depth of workings and information relating to the water table;

8. storage locations and quantities of waste/fill materials and quantities and types of waste/fill involved;

9. proposed infilling operations, sources and types of fill material;

10. the arrangements for monitoring and the control and management of landfill gas;

11. consideration of land stability after restoration;

12. directions and phasing of working and restoration and how they are integrated into the working scheme;

13. the need for and provision of additional screening taking account of degrees of visual exposure;

14. details of the proposed final landform including pre and post settlement levels

15. types, quantities and source of soils or soil making materials to be used;

16. a methodology for management of soils to ensure that the pre-development soil quality is maintained;

17. proposals for meeting and where relevant exceeding, biodiversity net gain targets, including those outlined in the Kent Nature Partnership Biodiversity Strategy 2020-45, Biodiversity Opportunity Areas, National Landscapes (formerly known as Areas of Outstanding Natural Beauty) Management Plans and the Local Nature Recovery Strategy;

18. removal of all buildings, plant, structures, accesses and hardstanding not required for long term management of the site;

19. planting of new native woodlands;

20. installation of drainage to enable high quality restoration and after-use;

21. measures to incorporate flood risk mitigation opportunities and avoid unacceptable impacts on groundwater;

22. details of the seeding of grass or other crops and planting of trees, shrubs and hedges;

23. a programme for the long-term management and aftercare of the restored sites to include details of vegetation establishment, vegetation management, biodiversity habitat management, field drainage, irrigation and watering facilities;

24. the restoration of the majority of the site back to agriculture, if the site consists of the best and most versatile agricultural land;

25. the potential for financial guarantees such as bonds in exceptional circumstances where their use can be justified to secure restoration objectives.

Aftercare schemes concerned with Biodiversity Net Gain should be for at least 30 years. Schemes related to other forms of aftercare should incorporate an aftercare period of at least five years. Where appropriate, voluntary longer periods for certain uses will be sought throughagreement between the applicant and minerals planning authority.

## 7.18 Policy DM 20: Ancillary Development

**7.18.1** Policy DM 20 seeks to provide certainty that proposals for ancillary development within or close to minerals and waste development will be permitted, even when there may be an adverse environmental impact, so long as it is possible

to demonstrate that there are environmental benefits in providing the close link with the existing site that outweighs the likely environmental impacts.

## Policy DM 20

**Ancillary Development**

Proposals for ancillary development[122] within or in close proximity to mineral and waste development will be granted planning permission provided that:

1. the proposal is necessary to enable the main development to proceed or operate successfully;

2. it has been demonstrated that there are environmental benefits in providing a close link between the ancillary development and the existing permitted uses at the site that outweigh any environmental and community impacts from the proposed development.

Where permission is granted, the operation and retention of the ancillary development will be limited to the life of the main mineral or waste facility and shall be removed to enable the agreed site restoration.

### 7.19 Policy DM 21: Incidental Mineral Extraction

**7.19.1** Policy DM 21 seeks to provide certainty that proposals for incidental mineral extraction will be permitted provided that operations do not cause unacceptable adverse impacts to the environment or communities. Such proposals will typically be a matter for District and Borough Council's to determine.

## Policy DM 21

**Incidental Mineral Extraction**

Planning permission for mineral extraction that forms a subordinate and ancillary element of other development will be granted provided that operations are only for a temporary period. Where planning permission is granted, conditions will be imposed to ensure that the site can be restored to an alternative after-use in accordance with Policy DM 19 should the main development be delayed or not implemented.

[122] As defined in s. 90 of the Town and Country Planning Act 1990. In relation to minerals and waste developments "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 isdirectly related to the minerals or waste development proposed.

### 7.20 Policy DM 22: Enforcement

**7.20.1** The Plan seeks to promote sustainable development within Kent. Positive and balanced policies have been designed to help support and encourage this principle. Hand-in-hand with this objective is the need to ensure a general upholding of planning law. Within this context, informal and negotiated solutions to planning control problems are sought, acting with discretion and in a proportionate way. However, there will be occasions when determined planning breaches cause significant environmental and amenity issues and may threaten the integrity of the planning system. To fully meet such challenges requires the actions of a local control and management regime and the support of a recognised policy base and working with other stakeholders including the Environment Agency.

## Policy DM 22

**Enforcement**

The County Council will carry out its planning enforcement functions within the terms of its own Enforcement Plan/Protocols (and any subsequent variations) and specifically for waste-related matters, in light of the European Union policies subsumed into UK law.

# 8. Managing and Monitoring the Delivery of the Strategy

**8.0.1** Monitoring is an important part of evidence-based policy making. The NPPF states that local planning authorities should ensure that the local plan is based on adequate, up-to-date and relevant evidence[123]. The Kent MWLP therefore includes a monitoring schedule to ensure it remains based on up-to-date evidence and to measure the effectiveness of it's vision and objectives.

**8.0.2** The monitoring and implementation framework set out in this section shows how the Strategic Objectives of the Kent MWLP will be achieved by monitoring data indicators relevant to each of the Plan's policies. The framework includes targets against which the performance of the policies can be monitored, plus associated 'trigger points' to indicate when corrective action may be required. The monitoring of each indicator will be carried out as part of the production of the Kent Annual Monitoring Report. Policies may be subject to review if annual monitoring indicates that significant, adverse trends are likely to continue.

**8.0.3** It is the responsibility of each local authority to decide what to include in its monitoring reports, while satisfying the information requirements of relevant UK and retained EU legislation. KCC still attaches importance to the former core national output indicators, used as the basis for monitoring in previous years, and will continue to report on these indicators. These are:

1. production of primary land-won aggregates
2. production of secondary and recycled aggregates
3. capacity of waste management facilities by type
4. amount of municipal waste arising and managed, by management type and the percentage each management type represents of the total waste managed.

**8.0.4** In addition, KCC also monitors local output indicators as follows:

1. new mineral reserves granted permission
2. construction aggregate landbanks
3. other minerals landbanks
4. safeguarding of wharves and rail depots
5. sales of construction aggregates at wharves and rail depots
6. waste growth rate
7. exports and imports of waste
8. capacity for managing waste in Kent

**8.0.5** Data for many of the mineral related indicators is supplied by the South East England Aggregate Working Party (SEEAWP). KCC intends to include these local output indicators in the AMR and/or the Local Aggregate Assessment (LAA) for as long as the data remains available. In accordance with the agreements with industry and their trade

[123] National Planning Policy Framework (December 2023), para. 158

associations, this information is only available in a collated form,so individual site information cannot be easily identified. This can cause problems for planning for minerals, especially where there is a limited number of suppliers of particular types of mineral such as brickearth or crushed rock. The SEEAWP reports also provide a limited amount of information on secondary and recycled aggregates. The potential problem with this source of material is that some operators are reluctant to provide survey returns and so the values obtained are considered likely to be an under-representation of the actual amount ofsecondary and recycled aggregates produced in Kent in any one year.

**8.0.6** The National Planning Policy for Waste[124] also refers to specific parameters being monitored to inform the determination of planning applications. In particular:

1. take-up in allocated sites and areas;
2. existing stock and changes in the stock of waste management facilities, and their capacity (including changes to capacity); and
3. the amounts of waste recycled, recovered or going for disposal.

**8.0.7** The supporting Planning Practice Guidance[125] also refers to the need to monitor annual arisings to allow for review of the forecasts that underpin the strategy.

**8.0.8** Data on Local Authority Collected Waste is readily available and reported to central Government on an annual basis. Data on C&I waste arisings is less readily available. The following local output indicators are also used to monitor the effectiveness of the Kent MWLP policies regarding C&I and hazardous waste management:

1. C&I waste generated in Kent that is landfilled within Kent and outside Kent
2. hazardous waste arising in Kent that is managed within Kent and outside Kent

**8.0.9** The following monitoring schedule considers how each of the Plan's Strategic Objectives will be implemented through the Plan's policies and how their achievement will be monitored.

[124] National Planning Policy for Waste (October 2014), para.9.
[125] National Planning Policy Framework Planning Practice Guidance on Waste (October 2014), para. 054.

## Monitoring Schedule: Sustainable Development Policies

| Policy | Indicator(s) | Who? | How? | When? | Target | Trigger | Link to Strategic Objective |
|---|---|---|---|---|---|---|---|
| CSM 1 & CSW 1: Sustainable Development | 1. Mineral and waste applications granted contrary to national policy and guidance. | KCC | DM decisions | On-going (annual monitoring) | No application granted planning permission contrary to national policy and guidance | One application permitted contrary to national policy and guidance | SO1; SO2 |
| | 2. Minerals and waste applications determined within 13 / 16 weeks.[126] | KCC | DM decisions | On-going (annual monitoring) | 100% within the target/ agreed timescale | One application determined beyond the agreed timescale | SO1; SO2 |
| DM 1: Sustainable Design | 1. Minerals and waste applications granted that accord with the Kent Design Guide and/or KCC's environmental strategy. | KCC District authorities | District authority local plan adoption | On-going (annual monitoring) | 100% of major applications granted planning permission | One application permitted contrary to the cited guidance | SO1; SO2; SO3; SO5; SO10; SO11 |
| | 2. Adoption of the Kent Design Guide by district authorities | KCC District authorities | District authority local plan adoption | On-going (annual monitoring) | 100% adoption as supplementary planning guidance | One authority without the adopted supplementary guidance | |

[126] For applications without an extension of time agreed with the applicant. 16 weeks for applications accompanied by an Environmental Statement

## Monitoring Schedule: Delivery Strategy for Minerals

| Policy | Indicator(s) | Who? | How? | When? | Target | Trigger | Link to Strategic Objective |
|---|---|---|---|---|---|---|---|
| CSM 2: Supplyof Land-won Minerals in Kent | Reserve data for sharp sand and gravel | KCC Minerals operators | Aggregates Monitoring Survey | Annual data collection from the previous calendar year | Maintain supply equal to at least a 7 year landbank as set out in the LAA while resources allow | Permitted reserves equivalent to 10% above supply target | SO5; |
| | Reserve data for soft sand | KCC Minerals operators | Aggregates Monitoring Survey | Annual data collection from the previous calendar year | Maintain a rolling landbank of at least 7 years supply as set out in the LAA | Permitted reserves equivalent to 10% above landbank target | SO5; |
| | Reserve data for crushed rock (confidential)[127] | KCC Minerals operators | Aggregates Monitoring Survey | Annual data collection from the previous calendar year | Maintain a rolling landbank of at least 10years supply as set out in the LAA | Permitted reserves equivalent to 10% above landbank target | SO5; |
| | Reserve data for brickearth and clay for brick and tile manufacture | KCC Minerals operators | KCC Survey | Annual data collection from the previous calendar year | Stock of permitted reserves of at least 25 years for brickearth<br><br>Maintenance of sufficient reserves of clay based on past sales and market demand | Permitted reserves equivalent to less than three years above the minimum stock of permitted reserves target | SO5; |

[127] The sales and reserves of land-won crushed rock are not published as there are only two sites currently producing crushed rock in Kent; the total sales data from three or more sites are required in order to protect commercial confidentiality

| Policy | Indicator(s) | Who? | How? | When? | Target | Trigger | Link to Strategic Objective |
|---|---|---|---|---|---|---|---|
| | Reserve data for silica sand | KCC Minerals operators | KCC Survey | Annual data collection from the previous calendar year | Stock of permitted reserves for individual sites of at least 10 years and 15 years for sites where significant new capital is required | Permitted reserves equivalent to less than three years above the minimum stock of permitted reserves target | SO5; |
| | Reserve data for chalk for agricultural and engineering purposes | KCC Minerals operators | KCC Survey | Annual data collection from the previous calendar year | Maintenance of sufficient reserves to meet supply requirements for the plan period | Permitted reserves equivalent to less than three years of reserves at current (annual) rates | SO5; |
| | Reserve data for clay engineering purposes | KCC Minerals operators | KCC Survey | Annual data collection from the previous calendar year | Maintenance of sufficient reserves to meet supply requirements for the plan period | Permitted reserves equivalent to less than three years of reserves at current (annual) rates | SO5; |

| Policy | Indicator(s) | Who? | How? | When? | Target | Trigger | Link to Strategic Objective |
|---|---|---|---|---|---|---|---|
| CSM 4: Non-identified Land-won Mineral Sites | Planning applications granted for mineral extractionat alternative sites outside allocated sites | KCC | DM decisions | On-going (annual monitoring) | 100% of applications meeting all policy criteria granted planning permission | One application permitted that does not meet all policy criteria | SO5; |
| CSM 8: Secondary and Recycled Aggregates | Identification of secondary and recycled aggregate capacity in the Minerals Sites Plan. | KCC Secondary and recycled aggregate operators | Mineral Sites Plan | Adoption of the Mineral Sites Plan On-going (annual monitoring) | To maintain at least 2.7mtpa (or the productive capacity value in the latest LAA) of processing capacity throughout the plan period | Processing capacity falls by the equivalent to 10% below the target capacity | SO2; SO6; |
| | Planning applications granted for secondary and recycled aggregate production. | KCC | DM decisions | On-going (annual monitoring) | 100% of applications meeting all policy criteria granted planning permission | One application permitted that does not meet all policy criteria | |

| Policy | Indicator(s) | Who? | How? | When? | Target | Trigger | Link to Strategic Objective |
|---|---|---|---|---|---|---|---|
| CSM 9: Building Stone in Kent | Planning applications granted for building stone extraction. | KCC | DM decisions | On-going (annual monitoring) | 100% of applications meeting all policy criteria granted planning permission | One application permitted that does not meet all policy criteria | SO5; SO8; |
| CSM 10: Oil, Gas and Unconventional Hydrocarbons | Planning applications granted associated with the exploration, appraisal and development of oil, gas and unconventional hydrocarbons. | KCC | DM decisions | On-going (annual monitoring) | 100% of applications meeting all policy criteria granted planning permission | One application permitted that does not meet all policy criteria | SO1; SO2; SO3; SO9 |
| CSM 11: Prospecting for Carboniferous Limestone | Planning applications granted for underground limestone prospecting. | KCC | DM decisions | On-going (annual monitoring) | 100% of applications meeting all policy criteria granted planning permission | One application permitted that does not meet all policy criteria | SO5; |
| CSM 12: Sustainable Transport of Minerals | Planning applications granted for the sustainable transport of minerals (e.g.water or rail). | KCC | DM decisions | On-going (annual monitoring) | 100% of applications meeting all policy criteria granted planning permission | One application permitted that does not meet all policy criteria | SO1; SO2; SO3; SO5; SO7; SO11; SO13; |

## Monitoring Schedule: Delivery Strategy for Waste

| Policy | Indicator(s) | Who? | How? | When? | Target | Trigger | Link to Strategic Objective |
|---|---|---|---|---|---|---|---|
| CSW 2: Waste Hierarchy | Existing waste capacity by facility type and Waste Hierarchy category. | KCCEA | EA waste management facility data<br><br>DM information | On-going (annual monitoring, when data is made public) | Increasing the proportions of waste management capacity further up the waste hierarchy | Relative and total fall in the proportion of waste capacity provided further up the waste hierarchy | SO2; SO3; SO10; SO11; SO12 |
| | Planning applications for waste management to include information on how the proposal will help drive waste to ascend the Waste Hierarchy wherever possible and practicable | KCC<br><br>Waste operators | DM decisions and information | On-going (annual monitoring) | 100% of proposals granted planning permission providing the required information where relevant | One application permitted without the required information | |

| Policy | Indicator(s) | Who? | How? | When? | Target | Trigger | Link to Strategic Objective |
|---|---|---|---|---|---|---|---|
| CSW 3: Waste Reduction | All development applications[128] submitted with details of the compliance to policy CSW 3 as applicable | KCC<br><br>District authorities | DM decisions | On-going (annual monitoring) | 100% of applications granted planning permission providing the required information where relevant | One application permitted without the required information | SO2; SO3; SO6; SO10; SO12 |
| CSW 3: Waste Reduction | Annual waste arisings | KCC | EA waste management data | On-going (annual monitoring) | Declining trend year on year | Increasing trend | SO2; SO3; SO6; SO10; SO12 |
| CSW 4: Strategy for Waste Management Capacity | Annual capacity of waste management facilities. | KCC<br><br>EA | Planning permission data<br><br>Data on flows to and from permitted waste management facilities of waste arising from Kent | On-going (annual monitoring) | LACW:<br><br>Recycling/ composting rates: at least 50% by 2020/21, 55% by 2025/26, 60% by 2030/31, 65% by 2056/36, and 70% by 2040/41;<br><br>Landfilling no more than 2% by 2020/21,2% in 2025/26 2% in 2030/31, 2% in 2035/36, and 2% in 2040/41<br><br>C&I Waste:<br><br>Recycling/ composting rates at least | Capacity fallen to 10% above the target capacity beyond the years stated | SO1; SO6; SO10; SO12 |

[128] Except householder applications.

| Policy | Indicator(s) | Who? | How? | When? | Target | Trigger | Link to Strategic Objective |
|---|---|---|---|---|---|---|---|
| | | | | | 55% by 2025/26 60% by 2030/31, 65% by 2035/36, and 70% by 3040/41;<br><br>Landfilling no more than 12.5% in 2025/26 10% in 2030/31, 8.5% in 2035/36, and 5% in 2040/41<br><br>C&D Waste(Non-inert):<br><br>Recycling rates at least 65% by 2025/26 70% by 2030/31, 75% by 2035/36 and 80% by 2040/41.<br><br>Landfilling no more than 15% in 2025/26 5% in 2030/31, 5% in 2035/36 and 2.5 in 2040/41.<br><br>C&D waste (inert):<br><br>Inert waste recycling minima (as proportion of inert arisings): 65% by 2025/26, 70% by 2030/31, 75% by 2035/36, 80% by 2040/41<br><br>Permanent deposit of inert waste other than for disposal of landfill (as proportion of inert risings): 25% by 2025/26, 25% by 2030/31, 20% by 2035/36, 17.5% by | | |

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| | | | | | 2040/41<br><br>Landfill maxima (as proportion of inert arisings) 10% by 2025/26, 5% by 2030/31, 5% by 2035/36, 2.5% by 2040/41 | | |

| Policy | Indicator(s) | Who? | How? | When? | Target | Trigger | Link to Strategic Objective |
|---|---|---|---|---|---|---|---|
| | Net self-sufficiency | KCC<br><br>EA | Data on flows to and from permitted waste management facilities in Kent | On-going (annual monitoring) | Tonnages of waste arisings from Kent equivalent to the tonnages of waste managed within Kent<br><br>Capacity for residual waste from London | More than -10% difference in the annual levels of imports and exports<br><br>Spare consented capacity falls below forecast need for Kent by 10% | |
| CSW 6: Location of Built Waste Management Facilities | Planning applications granted for built waste management facilities. | KCC | DM decisions and conditions | On-going (annual monitoring) | 100% of applications meeting criteria a to j and 1 to 6 (as appropriate) granted planning permission | One application permitted that does not meet all policy criteria | SO2; SO3; SO11; SO12; SO13 |

| Policy | Indicator(s) | Who? | How? | When? | Target | Trigger | Link to Strategic Objective |
|---|---|---|---|---|---|---|---|
| CSW 7: Waste Management for Non-Hazardous Waste | Planning applications granted for non-hazardous waste developments | KCC | DM Decisions and conditions | On-going (annual monitoring) | 100% of applications meeting all policy criteria granted planning permission | One application permitted that does not meet all policy criteria | SO2; SO3; SO10; SO12; SO13 |
| CSW 8: Recovery Facilities for Non-hazardous Waste | Percentage of waste managed in Kent diverted from landfill. | KCC WMU<br><br>KCCEA | EA waste management facility data<br><br>National survey data | On-going (annual monitoring- when national data is made public) | Landfilling of no more than-2% of LACW by 2030/31 | Within 10% of the target maximum for the Local Authority Collection Waste landfill diversion target at or beyond the dates stated in Policy CSW 4 | SO2; SO3; SO10 SO11; SO12; SO13 |
| | Remaining capacity of non-hazardous landfill.<br><br>Planning applications granted for EfW Facilities and their capacity. | KCC WMU<br><br>KCCEA | EA waste management facility data<br><br>DM informationand decisions | On-going (annual monitoring | Maintain sufficient void space for residual waste to the end of the plan period | Sufficient capacity for net self-sufficiency (import and export levels) for non-inert management capacity plus 10%<br><br>Insufficient capacity for non-hazardous landfill tomanage predicted level of non-hazardous waste | |

| Policy | Indicator(s) | Who? | How? | When? | Target | Trigger | Link to Strategic Objective |
|---|---|---|---|---|---|---|---|
| | | | | | 100% of applications meeting all policy criteria granted planning permission | requiring final disposal plus 10% at end of the plan period<br><br>One application permitted that does not meet all policy criteria | |
| CSW 9: Non-Inert Waste Landfill in Kent | Planning decisions resulting in non-inert waste landfilling | KCC<br><br>District authorities | KCC &<br><br>District authority DM decisions | On-going (annual monitoring) | 100% of applications meeting all policy criteria granted planning permission | One application permitted that does not meet all policy criteria | SO3; SO10; SO13; SO14 |
| CSW 10: Development at Closed Landfill Sites | Planning applications granted on closed Biodegradable Landfill Sites for the developments listed in Policy CSW 10 | KCC | DM decisions | On-going (annual monitoring) | 100% of applications meeting all policy criteria granted planning permission | One application permitted that does not meet all policy criteria | SO2; SO3; SO10; SO14 |

| Policy | Indicator(s) | Who? | How? | When? | Target | Trigger | Link to Strategic Objective |
|---|---|---|---|---|---|---|---|
| CSW 11: Permanent Deposit of Inert Waste | Annual volume of CDEW arisings. | KCC | National survey data<br><br>DM decisions and information | On-going (annual monitoring -when national data available) | Timely restoration of landfills and mineral working where their restoration requires fill material | Delay in restoration timetable of landfills and mineral workings due to lack of available suitable fill material<br><br>Delay in development of mineral extraction sites where phasing requires progressive restoration. | SO3<br>SO10;<br>SO13;<br>SO14 |
| | Annual CDEW recycling capacity. | KCC | National survey data<br><br>DM decisions and information | On-going (annual monitoring -when national data available) | Minimum capacities maintained to enable recycling rates stated in CSW 4 throughout the Plan period | More than 10% deficit inthe actual capacity provided at or beyond the dates stated in CSW 4 | |
| | Planning applications granted for permanent deposit of inert waste. | KCC | DM decisions | On-going (annual monitoring) | 100% of applications meeting all policy criteria granted planning permission | One application permitted that does not meet all policy criteria | |

| Policy | Indicator(s) | Who? | How? | When? | Target | Trigger | Link to Strategic Objective |
|---|---|---|---|---|---|---|---|
| CSW 12: Identifying Sites for Hazardous Waste | Capacity of hazardous waste management facilities. | KCCEA | DM information<br><br>EA data on hazardous waste movements | On-going (annual monitoring) | Annual net self-sufficiency in hazardous waste | Capacity fallen to 90% of capacity for net self sufficiency | SO3; SO13; |
| | Planning decisions resulting inpermitted built hazardous waste management facilities | KCC<br><br>District authorities | KCC &<br><br>District authorityDM decisions | On-going (annual monitoring) | 100% of applications meeting all relevant policy criteria in CSW 6, and for landfill sites in accordance with Policy CSW 9, granted planning permission | One application permitted that does not meet all policy criteria | |
| CSW 13: Remediation of Brownfield Land | Temporary waste related planning applications granted on brownfield land that facilitate its redevelopment | KCC<br><br>District authorities | DM decisions<br><br>Sites identified in an adopted district localplan | On-going (annual monitoring) | 100% of applications meeting all policy criteria granted planning permission | One application permitted that does not meet all policy criteria | SO2; SO3; SO4; SO13; SO14 |
| CSW 14: Disposal of Dredgings | Planning applications granted for the disposal of dredgings. | KCC | DM decisions | On-going (annual monitoring | 100% of applications meeting all policy criteria granted planning permission | One application permitted that does not meet all policy criteria | SO3;SO13 |

| Policy | Indicator(s) | Who? | How? | When? | Target | Trigger | Link to Strategic Objective |
|---|---|---|---|---|---|---|---|
| CSW 15: Wastewater Development | Wastewater treatment works, sewage sludge treatment and disposal facilities granted planning permission. | KCC | Sites identified in the Waste Sites Plan | Adoption of the Waste Sites Plan | 100% of applications meeting all policy criteria granted planning permission | One application permitted that does not meet all policy criteria | SO1; SO3; SO11; SO13; |
| CSW 17: Nuclear Waste Treatment and Storage at Dungeness | Planning applications granted for storage and/or management of radioactive waste in the licensed area at Dungeness. | KCC | DM decisions | On-going (annual monitoring) | 100% of applications meeting all policy criteria granted planning permission | One application permitted that does not meet all policy criteria | SO2; SO3; SO11; SO13; |
| CSW 18: Non-nuclear Industry Radioactive Low Level (LLW) Waste Management | Planning applications granted for facilities managing non-nuclear LLW and VLLW waste. | KCC | DM decisions | On-going (annual monitoring) | 100% of applications meeting all policy criteria granted planning permission | One application permitted that does not meet all policy criteria | SO3; SO11; SO13; |
| | Monitoring of waste material source. | KCC | Planning application information | On-going (annual monitoring) | 100% of applications granted planning permission providing the required information | One application permitted without the required information | |

## Monitoring Schedule: Minerals and Waste Safeguarding Strategy

| Policy | Indicator(s) | Who? | How? | When? | Target | Trigger | Relevant Strategic Objective |
|---|---|---|---|---|---|---|---|
| CSM 5: Land-won Mineral Safeguarding | Decisions resulting in non-mineral development permitted within Kent MSAs. | KCC<br><br>District authorities | District/ Borough Council DM decisions | On-going (annual monitoring) | 100% refusal for applications with an objection from the County Council | One application permitted with an objection from the County Council | SO3; SO5 |
| | Decisions resulting in non-mineral developmentpermitted within the separate MCA adjacent to the Strategic Site for Minerals at Medway Works, Holborough. | KCC<br><br>District authorities | District/ Borough Council<br><br>DM decisions | On-going (annual monitoring) | 100% refusal for applications with an objection from the County Council | One application permitted with an objection from the County Council | |
| | Decisions resulting in non-mineral development permitted on sites for mineral working within the **P**lan period identified in the AMR and/or LAA, and in the Minerals Sites Plan. | KCC<br><br>District authorities | District/ Borough Council<br><br>DM decisions<br><br>Mineral SitesPlan | On-going (annual monitoring)<br><br>Adoption of the Mineral Sites Plan | 100% refusal for applications with an objection from the County Council | One application permitted with an objection from the County Council | |
| | Review of Minerals Safeguarding Areas (MSAs) | KCC | KCC | On-going (annual monitoring) | The need to revise the boundaries of the MSAs has been reviewed at least once each year | MSAs not reviewed in any one year | |

| Policy | Indicator(s) | Who? | How? | When? | Target | Trigger | Relevant Strategic Objective |
|---|---|---|---|---|---|---|---|
| CSM 6: Safeguarded Wharves andRail Depots | Decisions resulting in non-mineral development permitted within 250m of safeguarded minerals transportation facilities listed in Policy CSM 6[129] and allocated sites in the Mineral Sites Plan (other than the developments listed in Policy DM 8 criteria 1) | KCC<br><br>District authorities | District authority DM decisions | On-going (annual monitoring)<br><br>Adoption of the Minerals Sites Plan | 100% refusal for applications with an objection from the County Council | One application permitted with an objection from the County Council | SO1; SO2; SO7 |
| CSM 7: Safeguarding Other Mineral Plant Infrastructure | Decisions resulting in other development permitted on,or within 250m of, sites safeguarding for other mineral plant infrastructure | KCC<br><br>District authorities | KCC &<br><br>District authority DM decisions | On-going (annual monitoring) | 100% refusal for proposals with an objection from theCounty Council | One application permitted with an objection from the County Council | SO1; SO2; SO6; SO7 |
| CSW 16: Safeguardingof Existing Waste Facilities | Decisions resulting in non-waste management uses permitted on, or within 250m of, sites with permanent planning permission for waste management uses and sites allocated in the Waste Sites Plan | KCC<br><br>District authorities | District DM decisions | On-going (annual monitoring)<br><br>Adoption of the Waste Sites Plan | 100% refusal for applications with an objection from the County Council | One application permitted with an objection from the County Council | SO1;SO4; SO12 |

[129] Boundaries of the safeguarding facilities are shown in Chapter 9.1 Adopted Policies Maps - Safeguarded Wharves and Rail Importation Depot.

| Policy | Indicator(s) | Who? | How? | When? | Target | Trigger | Relevant Strategic Objective |
|---|---|---|---|---|---|---|---|
| DM 7: Safeguarding Mineral Resources | Decisions resulting in incompatible non-mineral development permitted in mineral safeguarded areas (as defined in Policy CSM5). | District authorities<br><br>KCC | District authority DM decisions | On-going (annual monitoring) | 100% of applications meeting all policy criteria granted planning permission | One application permitted that does not meet all policy criteria with an objection from the County Council | SO3; SO5 |
| | Adoption of a Supplementary Planning Document (SPD) or associated guidance setting out further information about the approach to Minerals Safeguarding | KCC | KCC | 2015 - 2017 | SPD adopted by of end of 2016 | Failure to adopt SPD by of end 2016 | SO3; SO5 |
| | Allocations in adopted Local Plans for development incompatible with the presumption to safeguard minerals within mineral safeguarded areas (as defined by CSM 5). | District Authorities and KCC | District authority planning policy decisions | No Change | 100% of local plan allocations meeting all policy criteria (except criterion 7) | An allocation in a local Plan that does not meet all policy criteria (except criterion 7) with an objection from the County Council | SO3 |

| Policy | Indicator(s) | Who? | How? | When? | Target | Trigger | Relevant Strategic Objective |
|---|---|---|---|---|---|---|---|
| DM 8: Safeguarding Minerals Management, Transportation & Waste Management Facilities | Decisions resulting in incompatible non-minerals or waste development permitted within, or in the vicinity of, existing safeguarded minerals management, transportation or waste management facilities. | District authorities<br><br>KCC | District authority DM decisions | On-going (annual monitoring) | 100% of applications meeting all policy criteria granted planning permission | One application permitted that does not meet all policy criteria with an objection from the County Council | SO1; SO2; SO4; SO7; SO11 |
| | Allocations in adopted Local Plans considered incompatible with the presumption to safeguard minerals and waste facilities from direct loss and/or within 250m of a safeguarded facility where there will be the high probability of incompatibility that may lead to the lawful operation of the safeguarded facility to cease or be compromised such that will affect its lawful operational viability | District Authorities and KCC | District Authority planning policy decisions | On-going (annual monitoring) | 100% of local plan allocations meeting all policy criteria (except criterion 2) | An allocation in a local Plan that does not meet all policy criteria (except criterion 2) with an objection from the County Council | SO1; SO2; SO4; SO7; SO11 |
| DM 9: Prior Extraction of Minerals in Advance of Surface Development | Planning applications granted / decisions resulting in, or incorporating, mineral extraction in advance of built development where the resources would otherwise be permanently sterilised. | KCC<br><br>District authorities | KCC and/or District authority DM decisions | On-going (annual monitoring) | 100% of applications meeting all policy criteria granted planning permission | One application permitted that does not meet all policy criteria (with an objection from the County Council in the case of District decisions) | SO3; SO5 |

**Approach to the Monitoring of Development Management Policies**

**8.0.10** The Plan's Development Management policies will be monitored using the relevant planning applications data as an indicator. The performance of each policy will be monitored on an annual basis and recorded in the AMR in accordance with the following strategy:

1. **Target:** 100% of applications meeting all applicable policy criteria granted planning permission. To include the submission of the required information where relevant.

2. **Trigger:** One application permitted that does not meet all relevant policy criteria and requirements, unless clearly justified.

**8.0.11** Policy DM 2 applies to both proposals for minerals and waste development and the identification of sites in any Kent Minerals and Waste Sites Plans:

1. **Target:** 100% of applications/ proposed site allocations meeting all applicable policy criteria granted planning permission / allocated in any Minerals or Waste Sites Plan. To include the submission of the required policy information where relevant.

2. **Trigger:** One application permitted / adopted site allocation that does not meet all policy criteria, unless clearly justified.

| **Policy** | **Who?** | **How?** | **Link to Strategic Objective** |
|---|---|---|---|
| DM 2: Environmental and Landscape Sites of International, National and Local Importance | KCC | DM decisions<br><br>Adoption of Mineral and Waste Sites Plans | SO2; SO3; SO9; SO14 |
| DM 3: Ecological Impact Assessment | KCC | DM decisions | SO2; SO3; SO9; SO14 |
| DM 4: Green Belt | KCC | DM decisions | SO1; SO2; SO3; SO9; SO14 |
| DM 5: Heritage Assets | KCC | DM decisions | SO3; |

| | | | |
|---|---|---|---|
| DM 6: Historic Environment Assessment | KCC | DM decisions | SO3; |
| DM 10: Water Environment | KCC | DM decisions | SO2; SO3; |
| DM 11: Health and Amenity | KCC | DM decisions | SO1; SO2; SO3; SO4; SO9; SO14 |
| DM 12: Cumulative Impact | KCC | DM decisions | SO1; SO2; SO3; SO11; SO13 |
| DM 13: Transportation of Minerals and Waste | KCC | DM decisions | SO1; SO2; SO3; SO6; SO7; SO11; SO13 |
| DM 14: Public Rights of Way | KCC<br>Minerals/ waste operators | DM decisions | SO3; SO9; SO14 |
| DM 15: Safeguarding of Transport Infrastructure | KCC | DM decisions | SO1; SO2; SO3; SO7; |
| DM 16: Information Required In Support of an Application | KCC<br>Minerals/ waste operators | DM decisions | SO2; SO3; SO4; SO9; SO10; SO12; SO14 |
| DM 18: Land Stability | KCC<br>Minerals/ waste operators | DM decisions | SO3; |
| DM 19: Restoration, Aftercare and After-use | KCC<br>Minerals/ waste operators | DM decisions | SO2; SO3; SO4; SO9; SO14 |
| DM 20: Ancillary Development | KCC | DM decisions | SO1; SO2; SO3; SO6; SO9; SO10; SO11; SO14 |

| | | | |
|---|---|---|---|
| DM 21: Incidental Mineral Extraction | KCC<br><br>District authorities | KCC and district authority DM decisions | SO3; SO4; SO5; SO9 |

**8.0.12** The performance of Development Management policies DM 17 and DM 22 will be monitored as follows:

| **Policy** | **Who?** | **How?** | **When?** | **Target** | **Trigger** | **Link to Strategic Objective** |
|---|---|---|---|---|---|---|
| DM 17: Planning Obligations | KCC | DM decisions | On-going (annual Monitoring) | 100% of Planning Obligations agreed and implemented on a case by case basis | One unimplemented legal agreement within 3 years of consent being implemented | SO2; SO3; SO4 |
| DM 22: Enforcement | KCC | DM decisions | On-going (annual monitoring) | 100% of cases reported to the Regulation Committee on a quarterly basis | Any alleged breaches being resolved within 6 months of detection | SO2; SO3; SO4 |

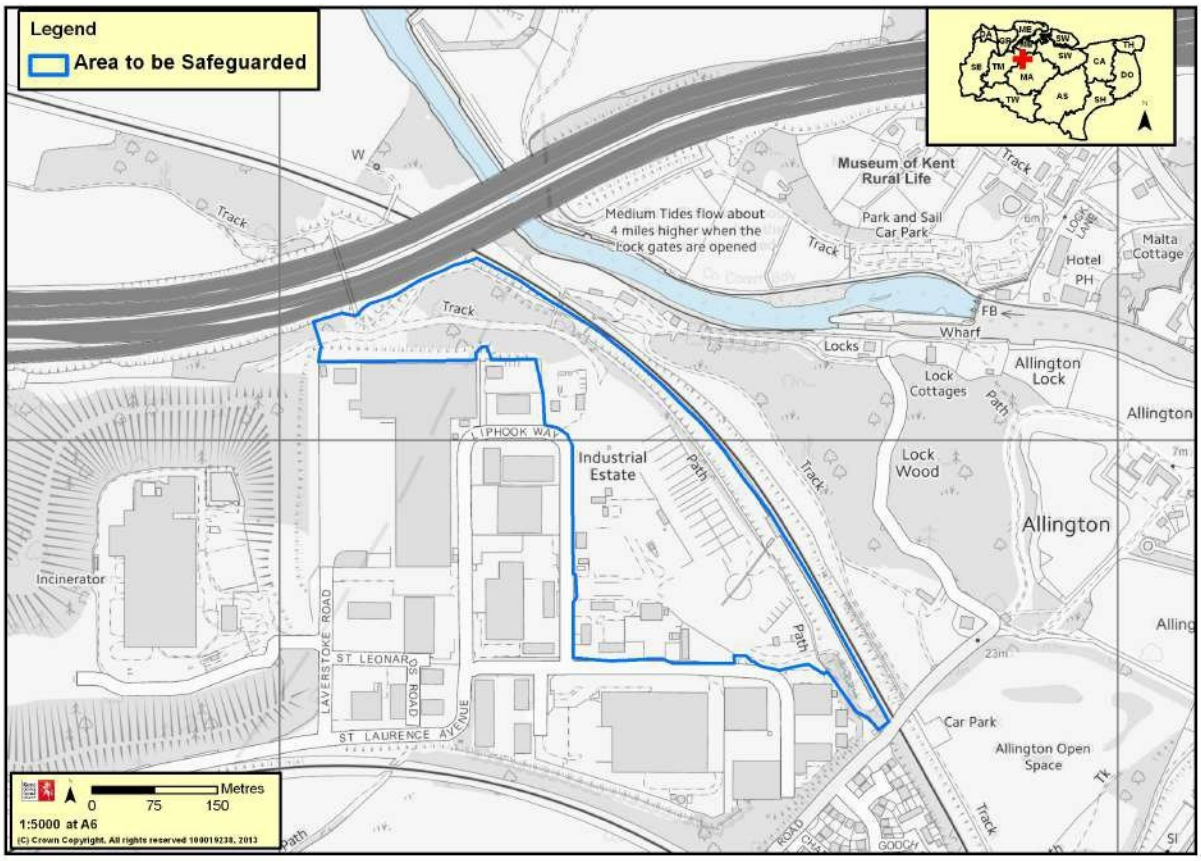
## 9. Adopted Policies Maps

### 9.1 Safeguarded Wharves and Rail Transportation Depots

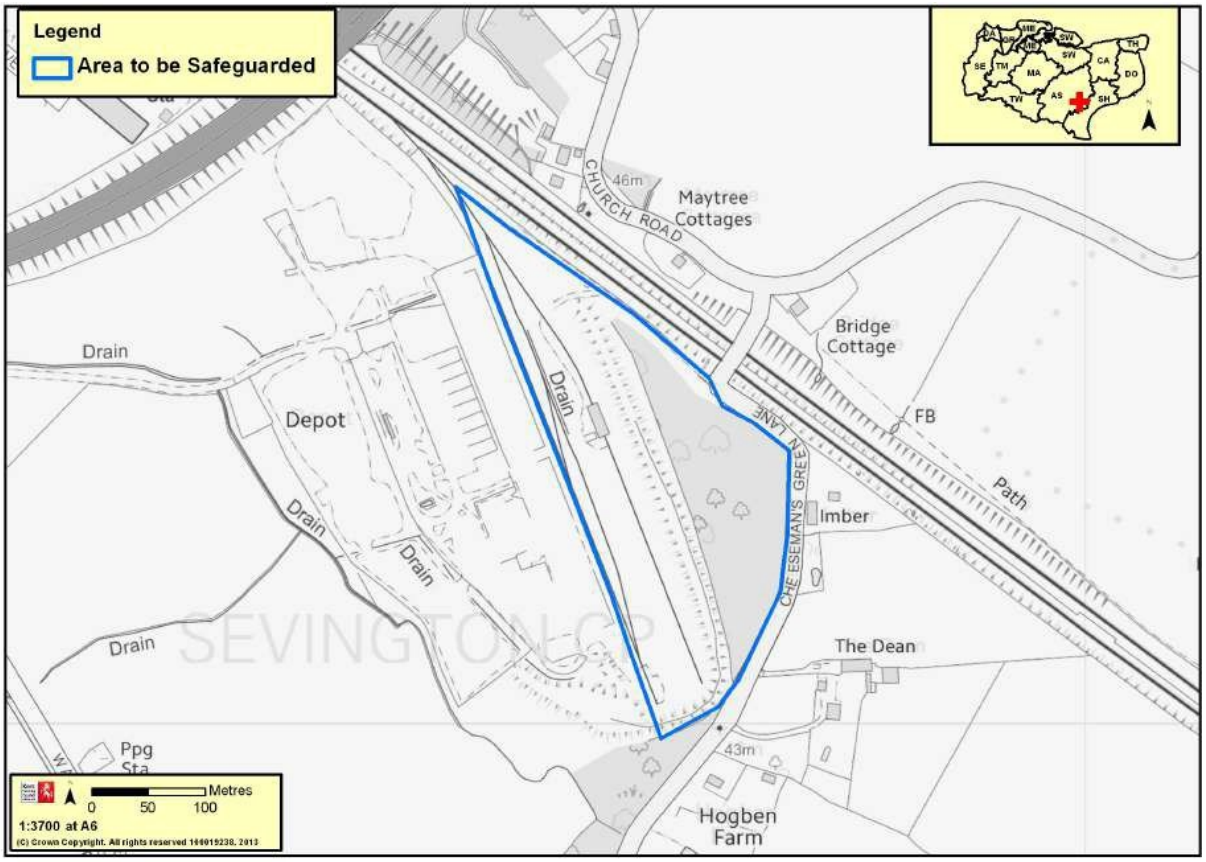
**Safeguarded Wharves and Rail Transportation Adopted Policies Maps**

| Site Name | Operator | Site Code |
|---|---|---|
| Allington Rail Depot | Hanson | A |
| Sevington Rail Depot | Brett | B |
| Hothfield Works Rail Depot | Tarmac | C |
| East Peckham Rail Depot | Clubb | D |
| Ridham Dock | Brett & Tarmac | E |
| Johnsons Wharf | Tarmac | F |
| Robin's Wharf, Northfleet | Aggregate Industries & Brett | G |
| Clubbs Marine Terminal | Clubb | H |
| East Quay, Whitstable | Brett | J |
| Red Lion Wharf | Stema Shipping Ltd | K |
| Ramsgate Port | Brett | L |
| Dunkirk Jetty, Dover Western Docks | Brett | M |
| Wharf 42, Northfleet (including Northfleet Cement Wharf) | Tarmac | N |
| Sheerness | Aggregate Industries | O |
| Northfleet Wharf | Cemex | P |
| Old Sun Wharf | Fleetmix Ltd | Q |

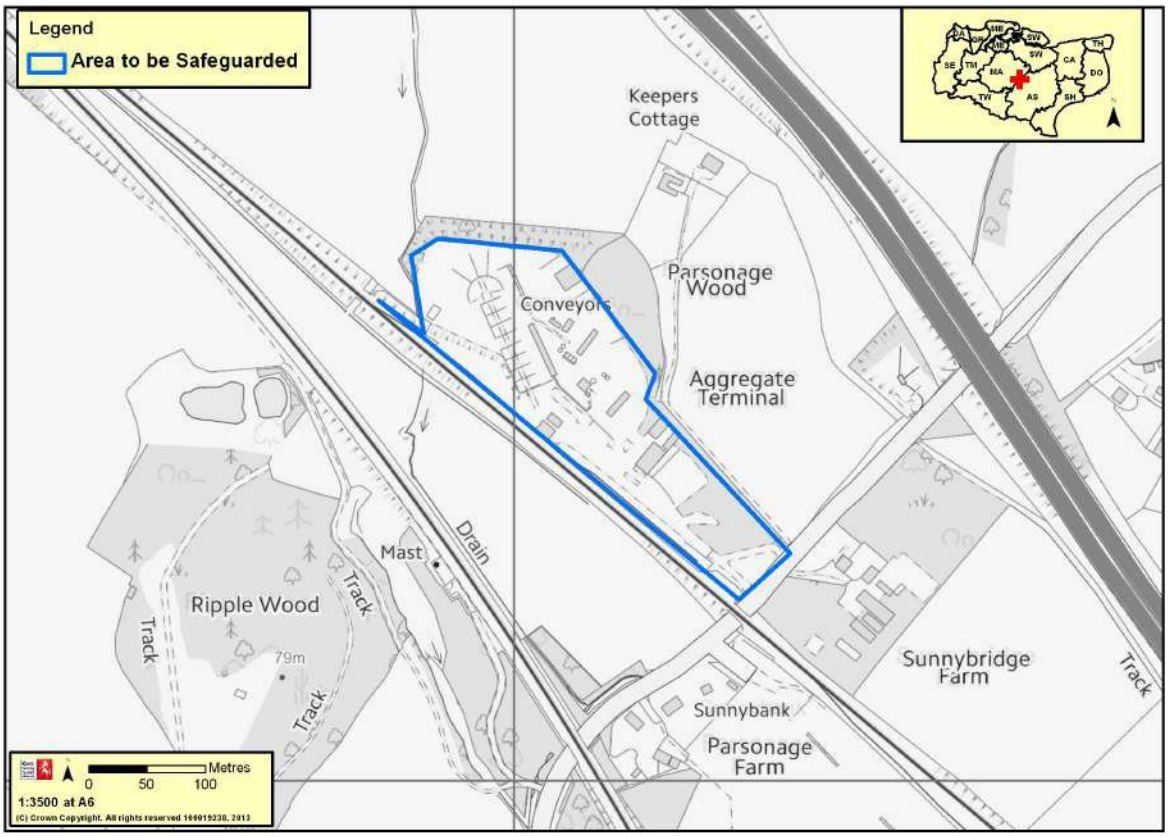
## Site A: Allington Rail Depot



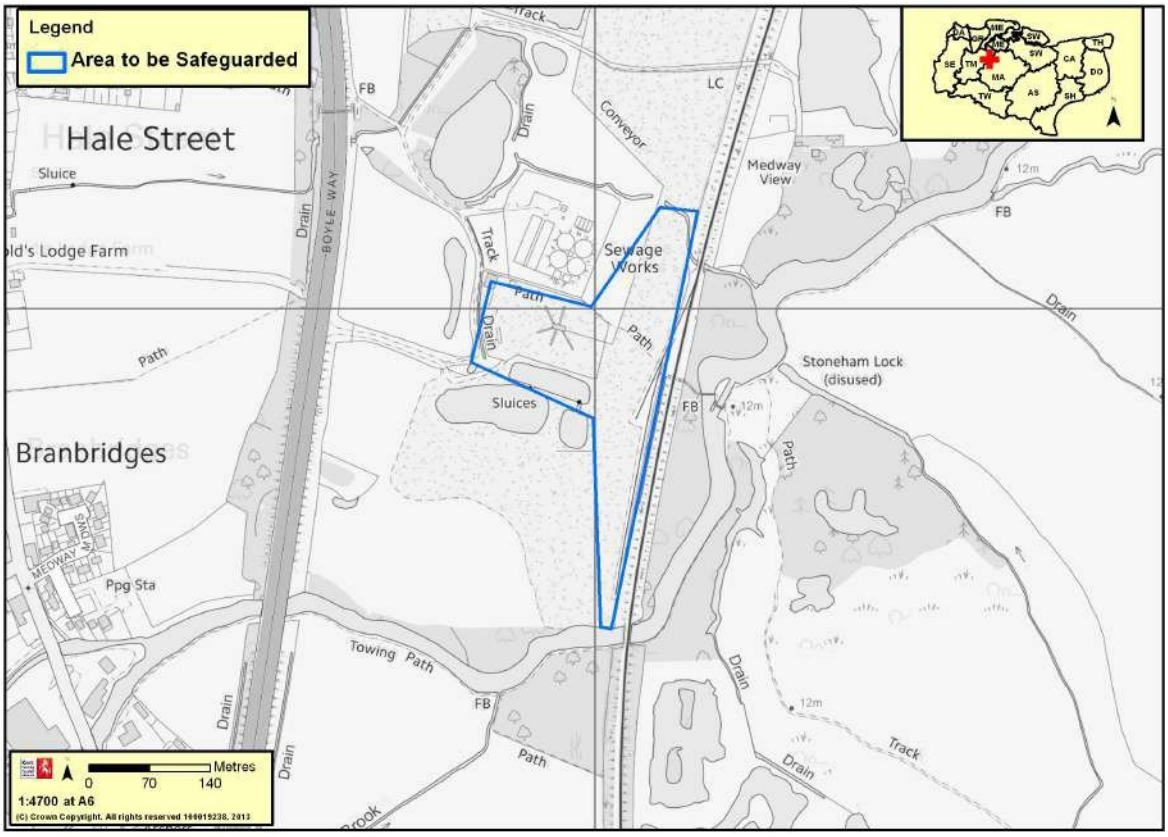

## Site B: Sevington Rail Depot



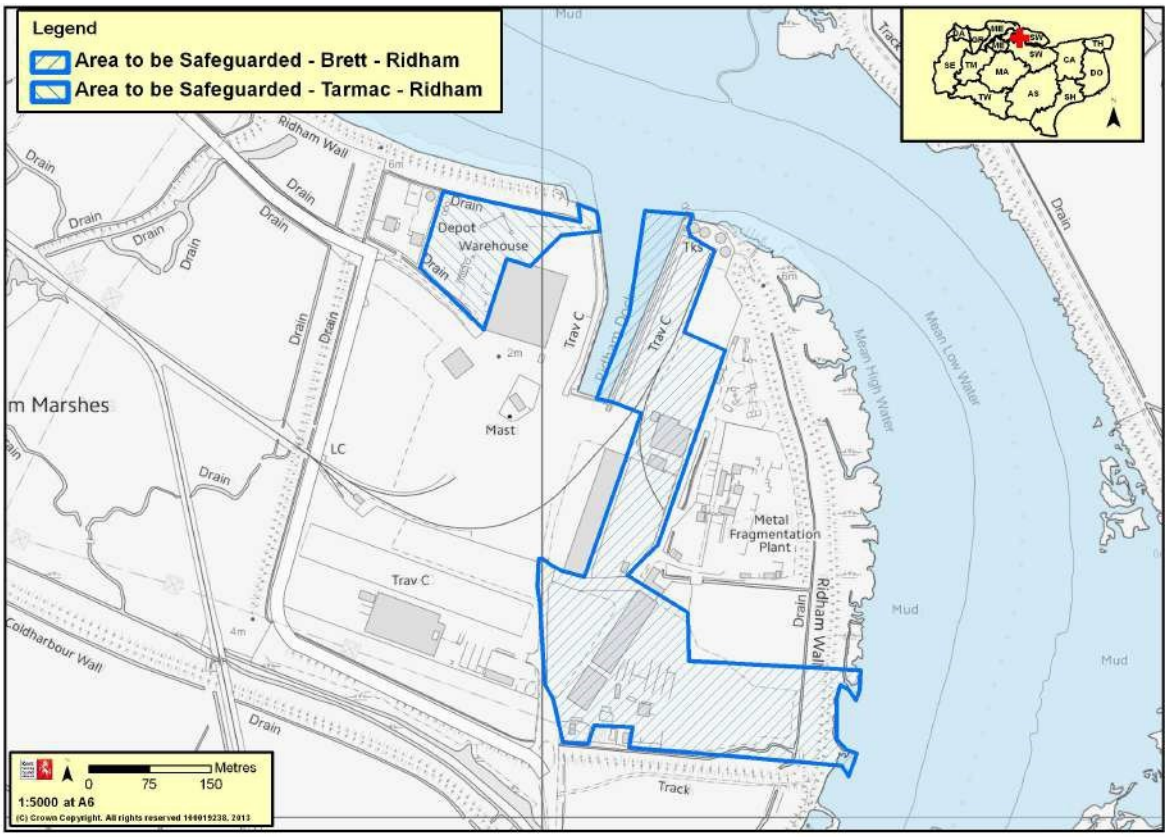
## Site C: Hothfield Works



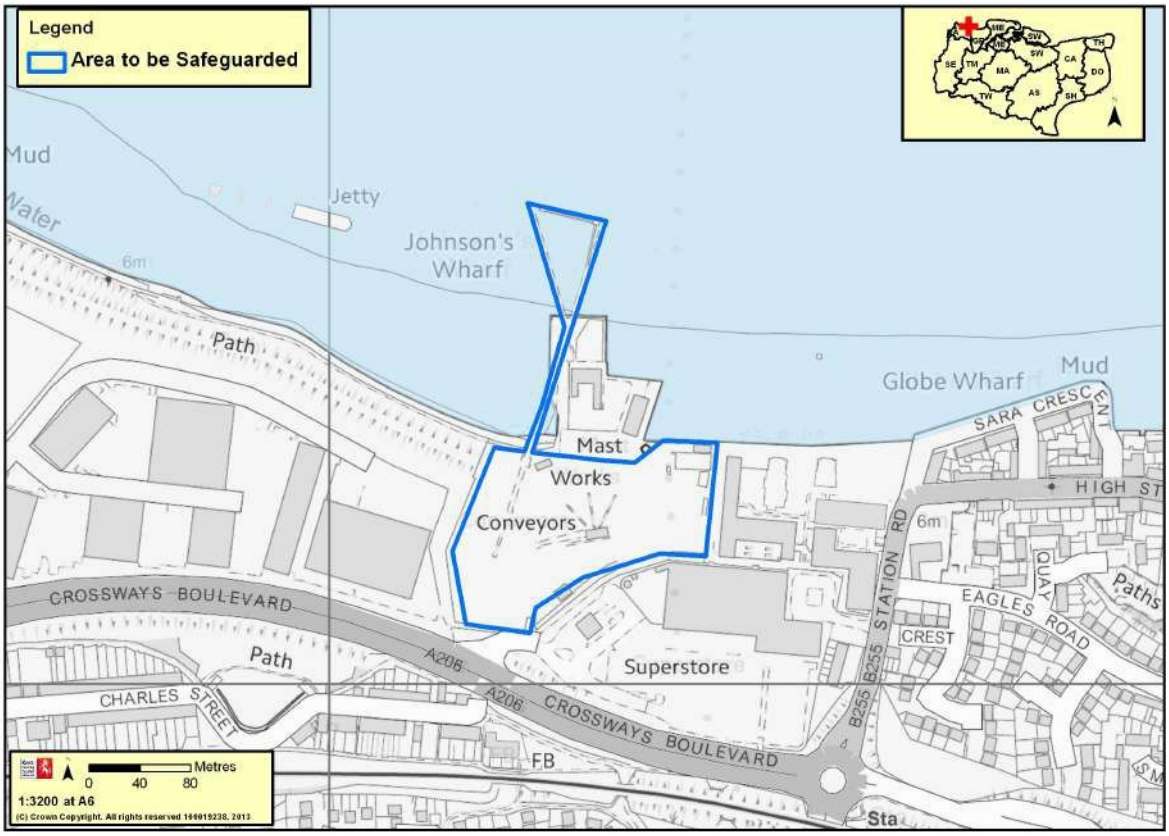

## Site D: East Peckham



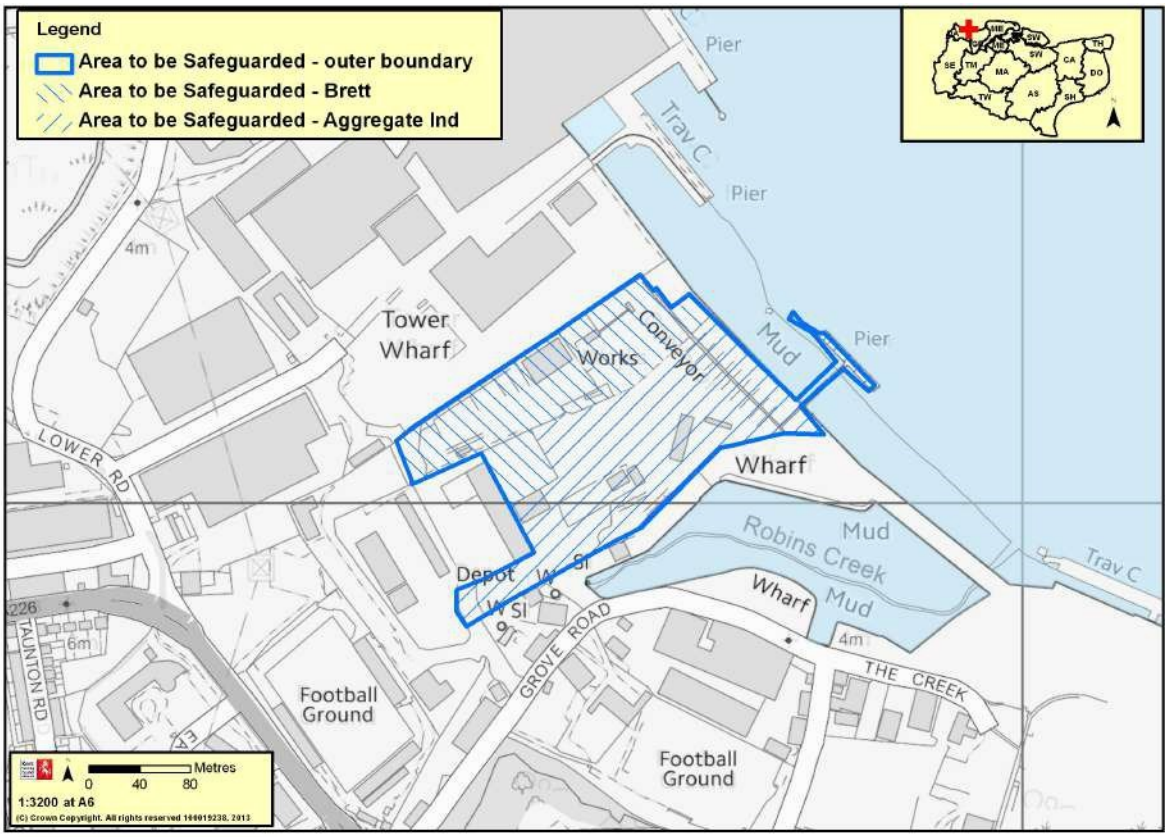
## Site E: Ridham Dock



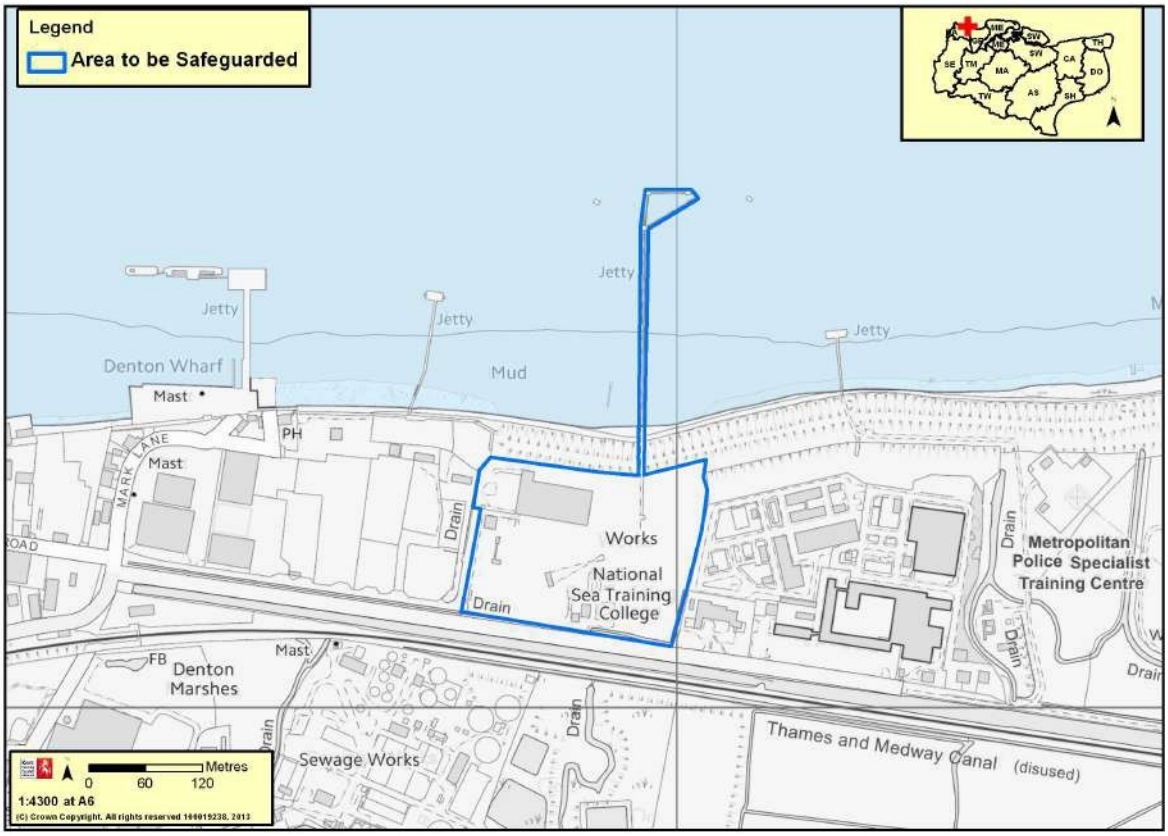

## Site F: Johnsons Wharf



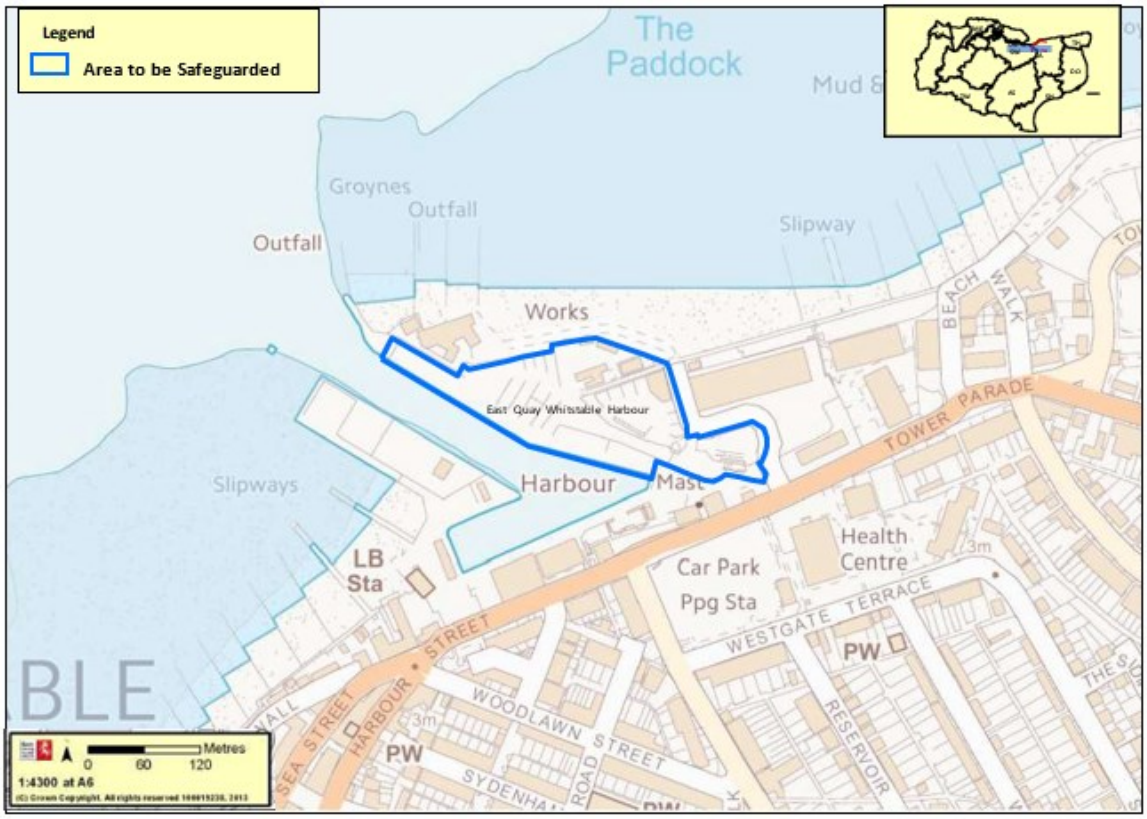
## Site G: Robins Wharf, Northfleet



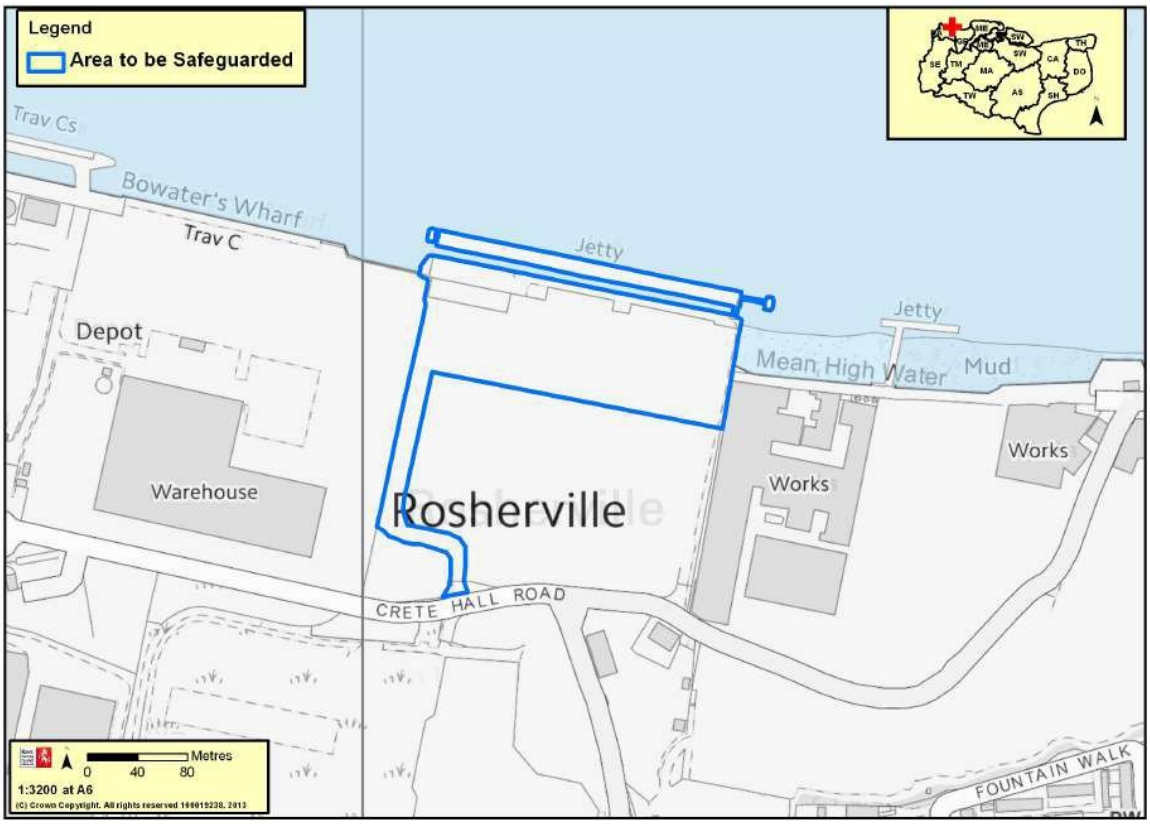

## Site H: Clubbs Marine Terminal



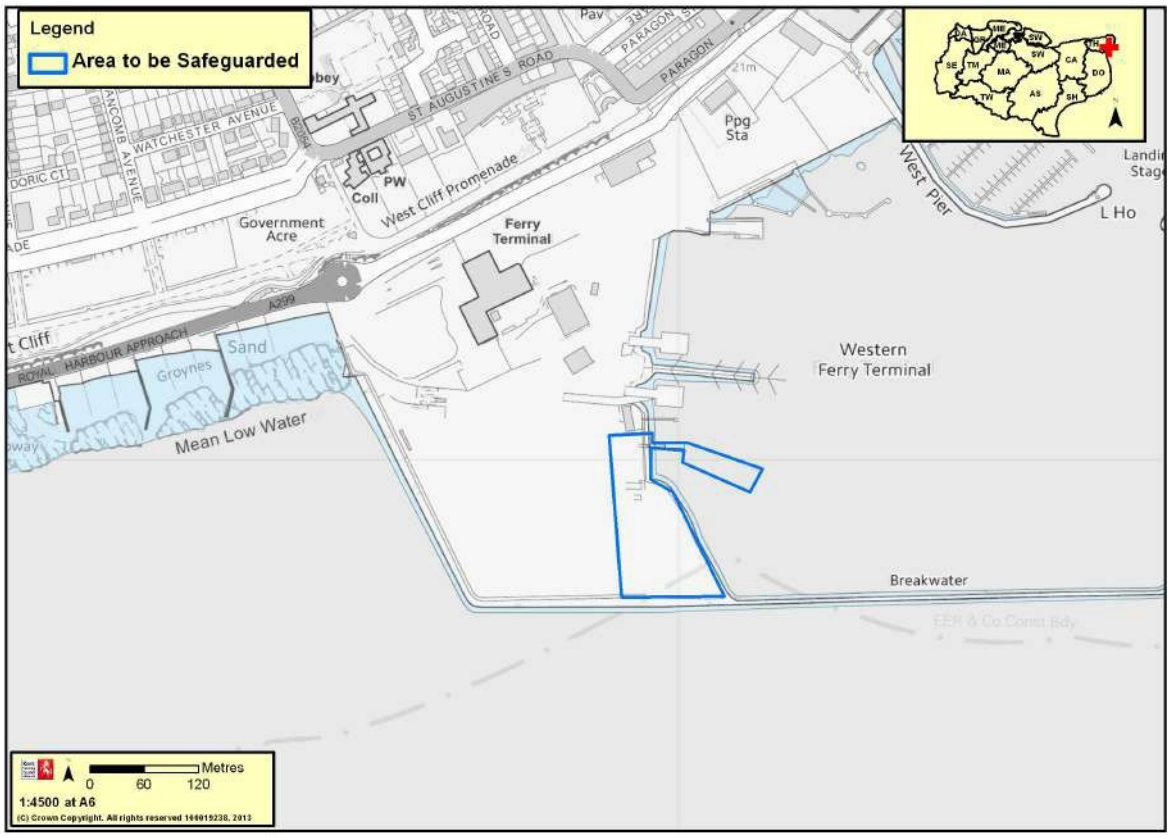
## Site J: East Quay, Whitstable



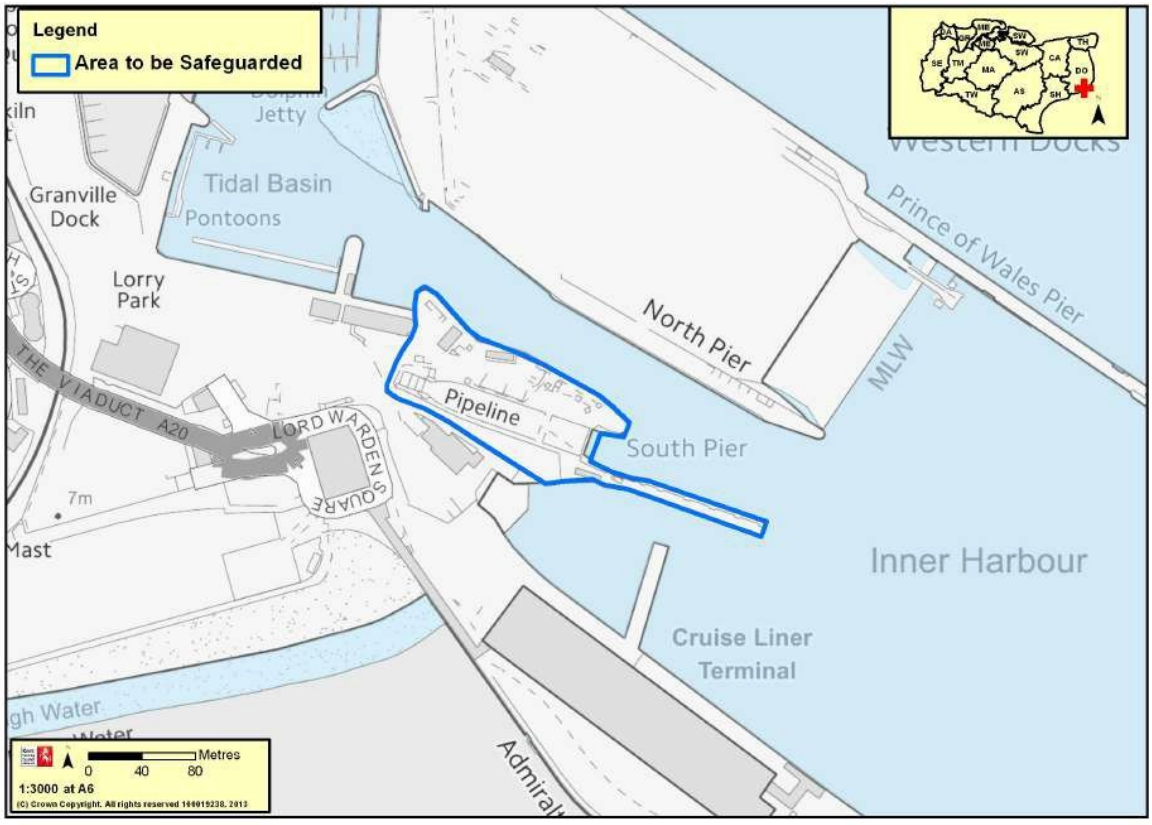

## Site K: Red Lion Wharf



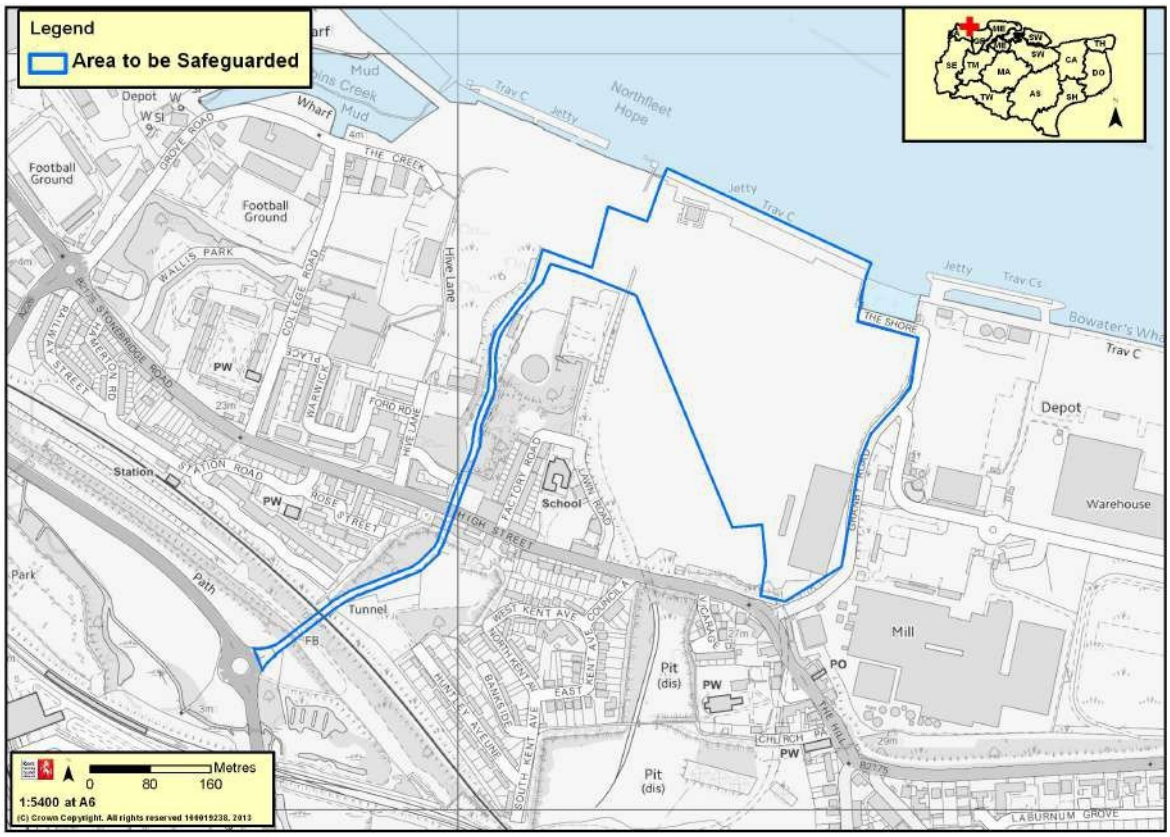
## Site L: Ramsgate Port



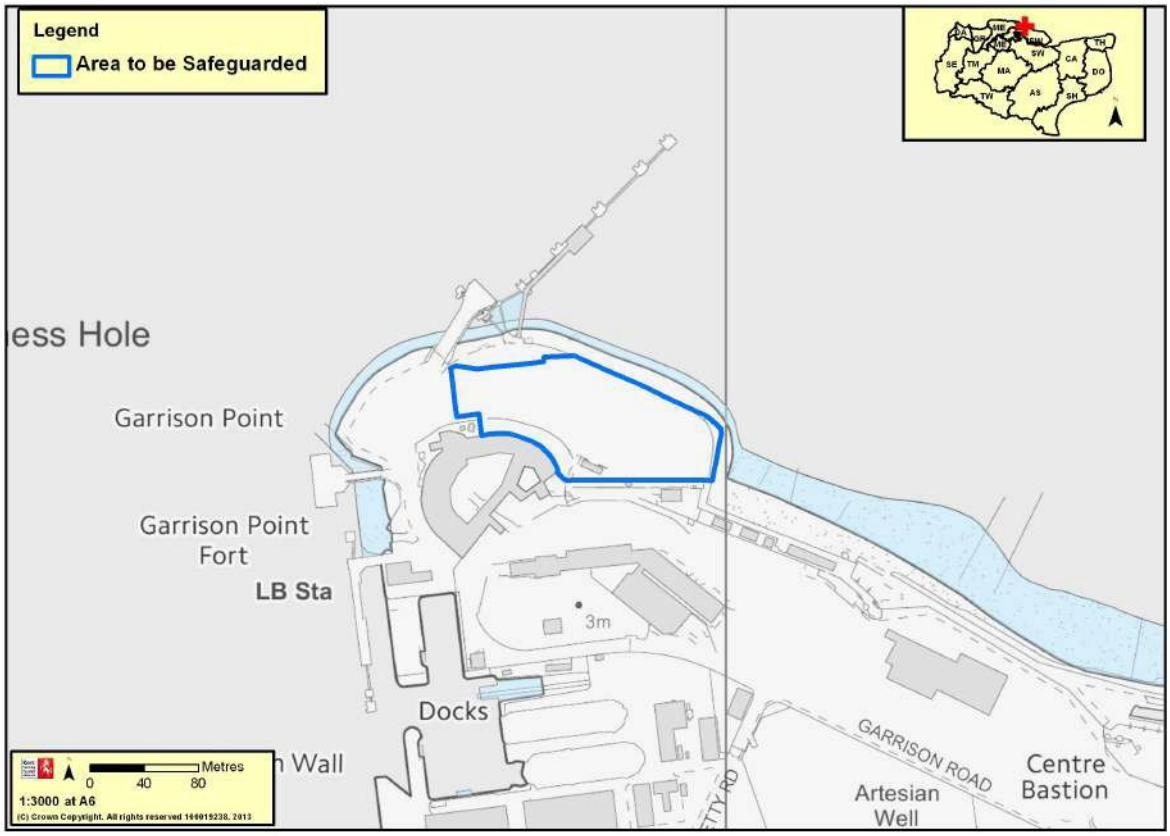

## Site M: Dunkirk Jetty, Dover Western Docks



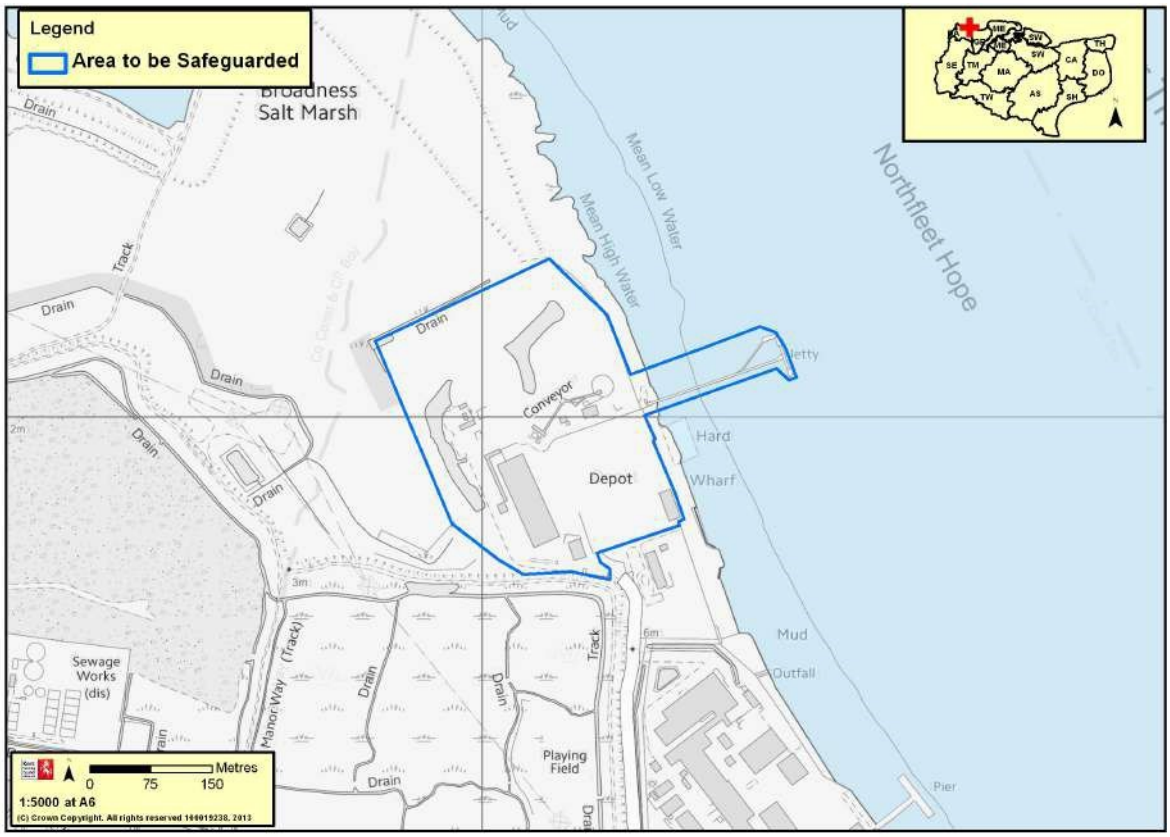
## Site N: Wharf 42, Northfleet



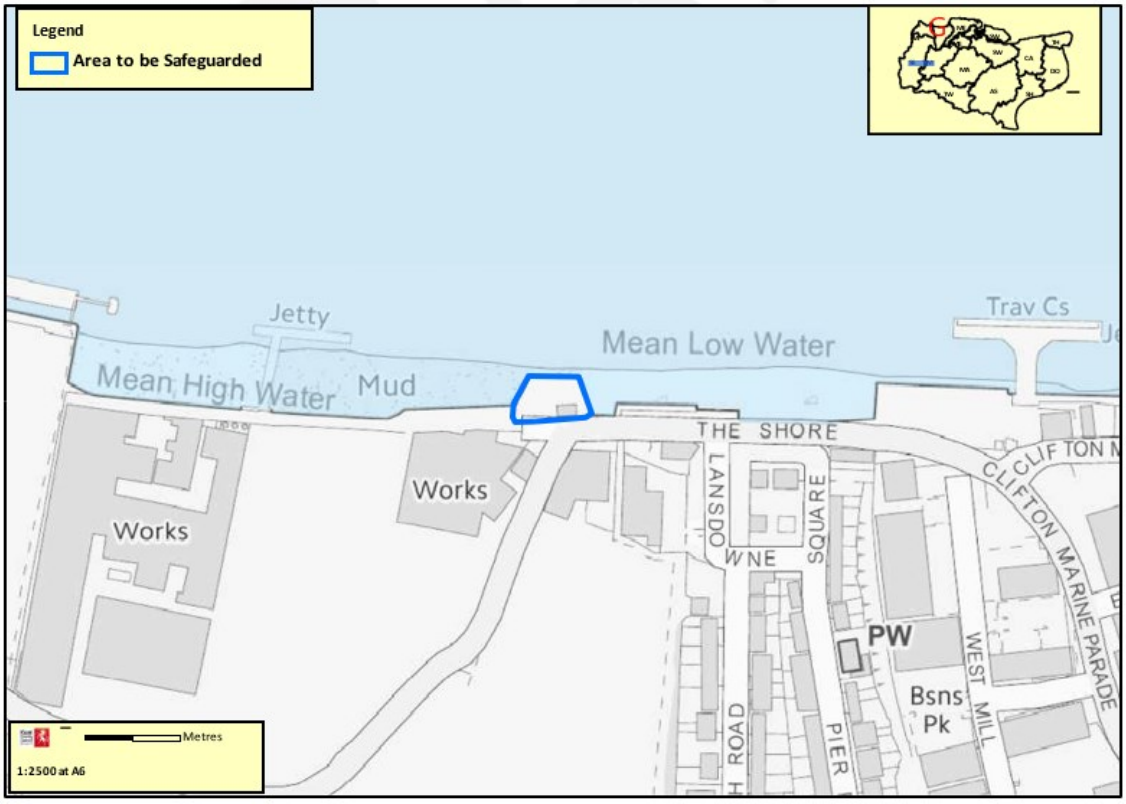

## Site O: Sheerness



## Site P: Northfleet Wharf




## Site Q: Old Sun Wharf

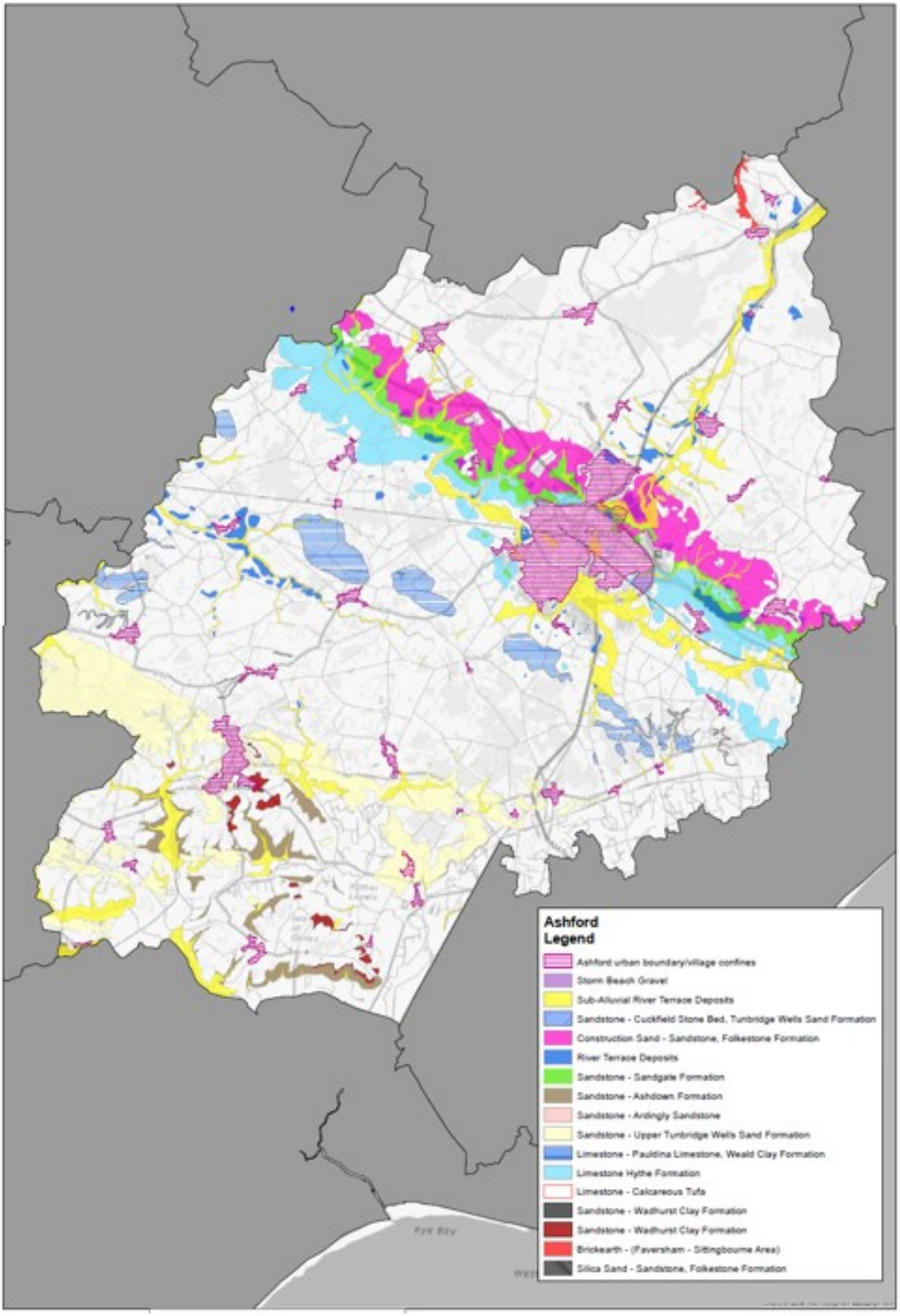


## 9.2 Mineral Safeguarding Areas

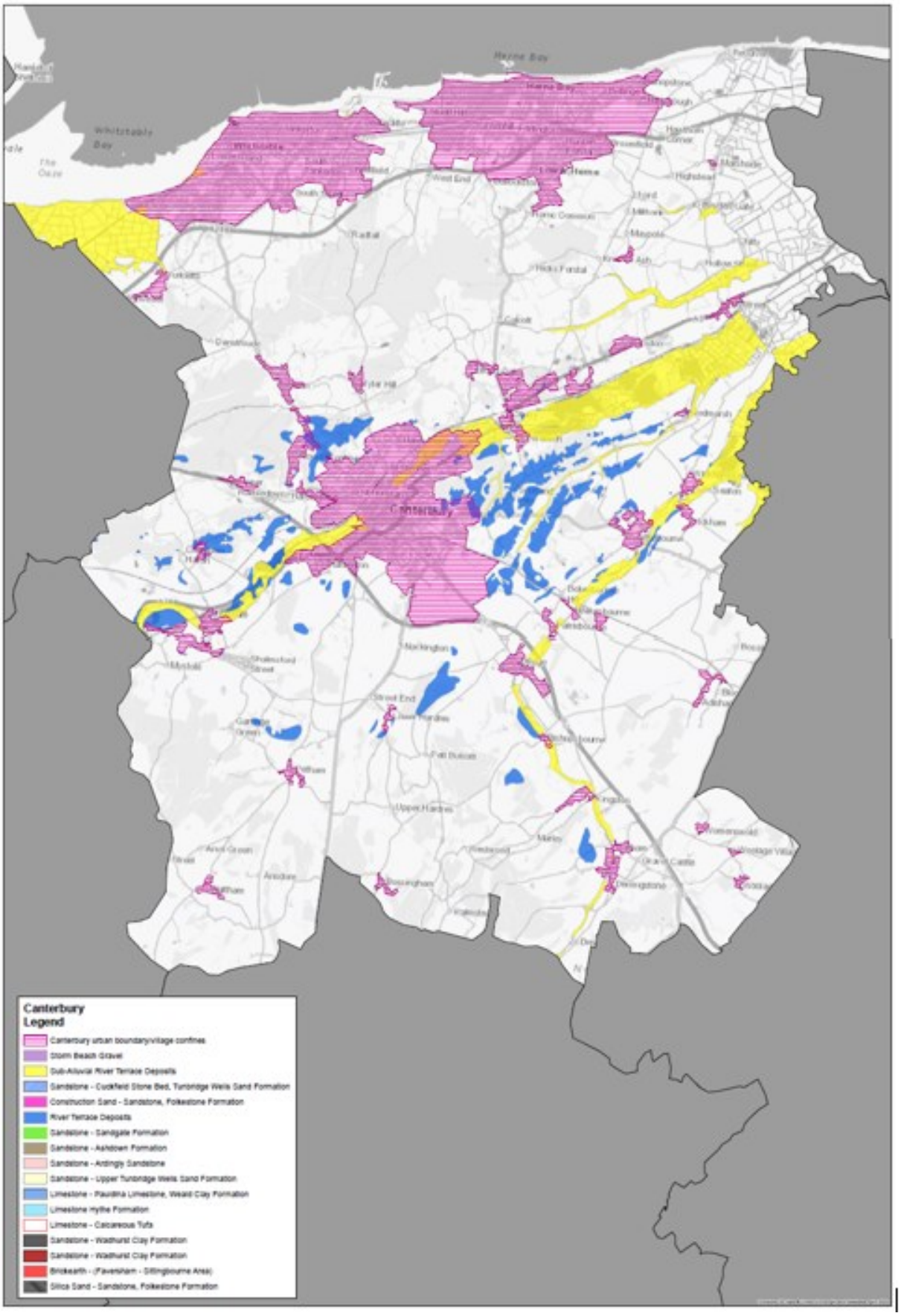
**9.2.1** The following Policies Maps display the Mineral Safeguarding Areas (MSAs) in Kent. The MSAs within Kent cover the same areas as the Mineral Consultation Areas (MCAs). The maps cover the following authority's areas in Kent:

1. Ashford Borough Council
2. Canterbury City Council
3. Dartford Borough Council
4. Dover District Council
5. Ebbsfleet Development Corporation
6. Gravesham Borough Council
7. Maidstone Borough Council
8. Sevenoaks District Council
9. Shepway District Council (now Folkstone and Hythe District Council)
10. Swale Borough Council
11. Thanet District Council
12. Tonbridge & Malling Borough Council
13. Tunbridge Wells Borough Council

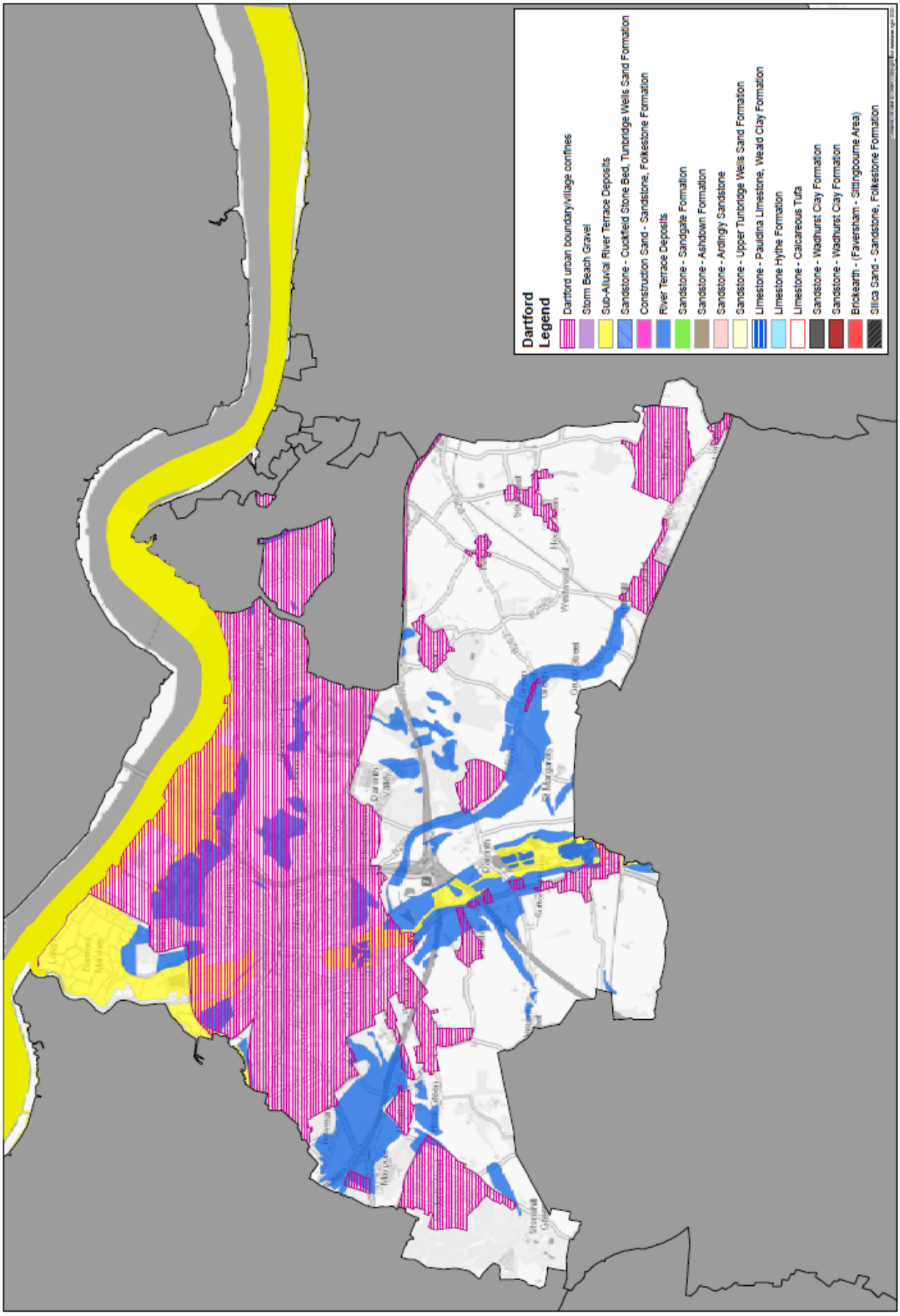
# Ashford Mineral Safeguarding Areas



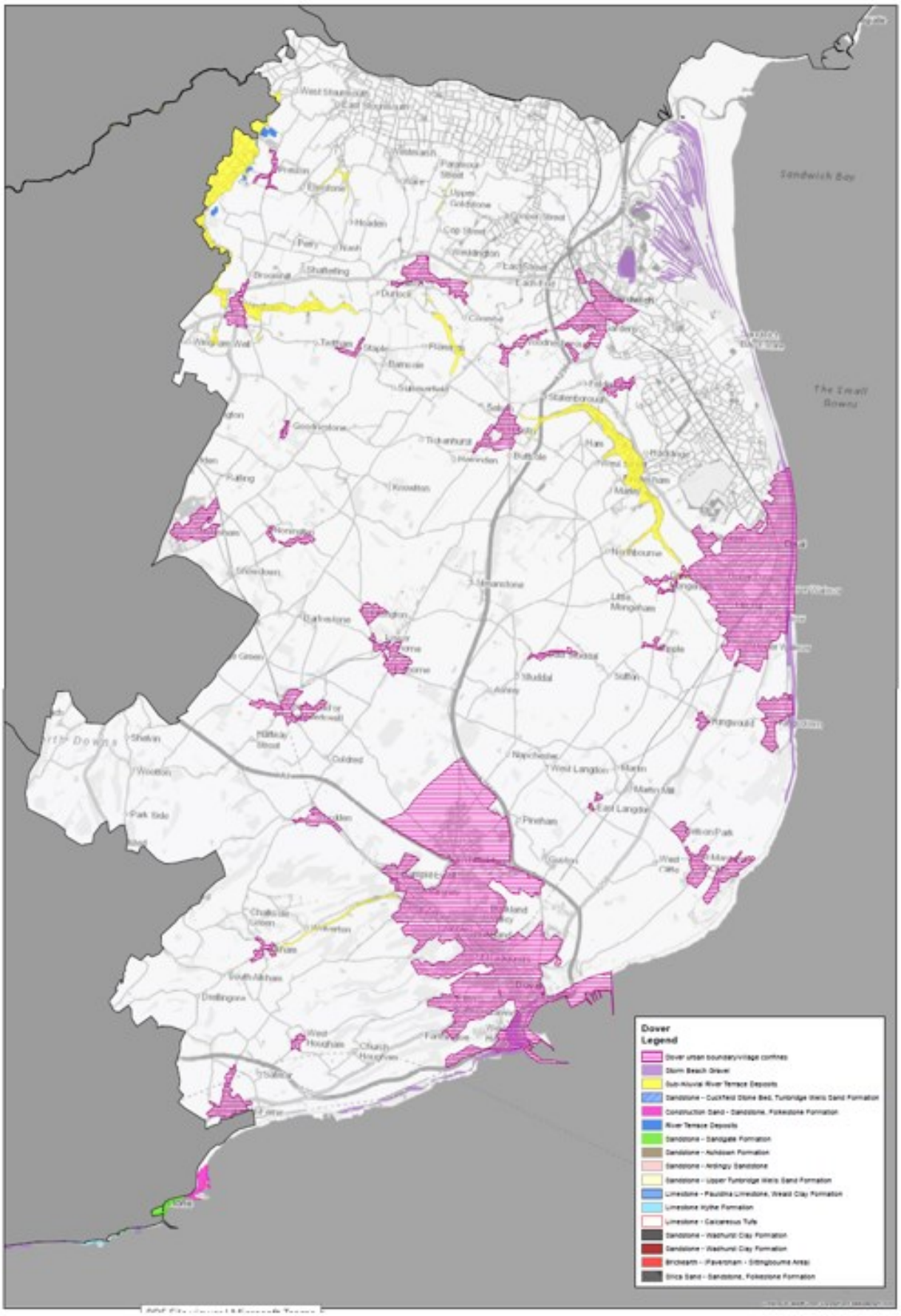
# Canterbury Mineral Safeguarding Areas



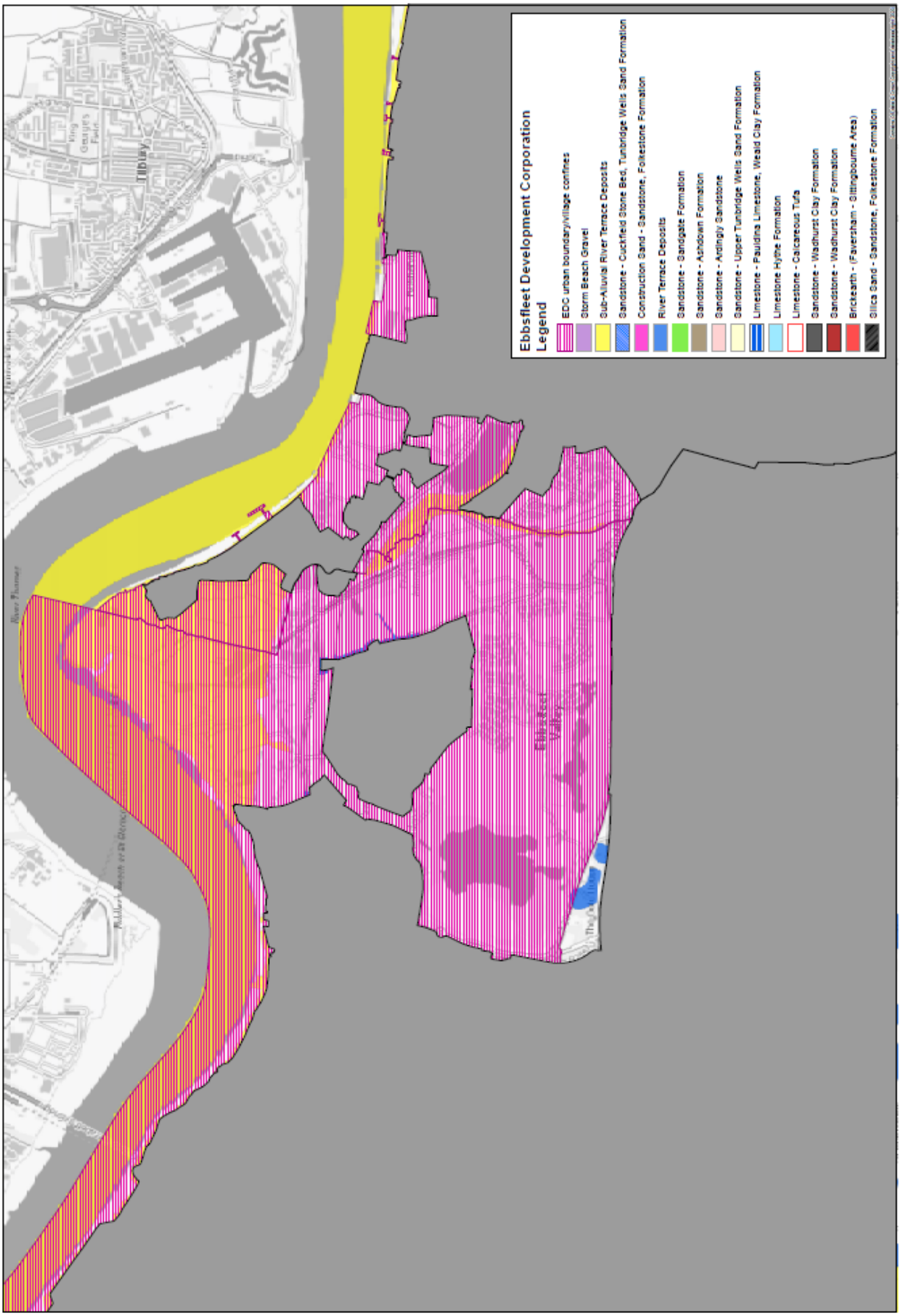
# Dartford Mineral Safeguarding Areas



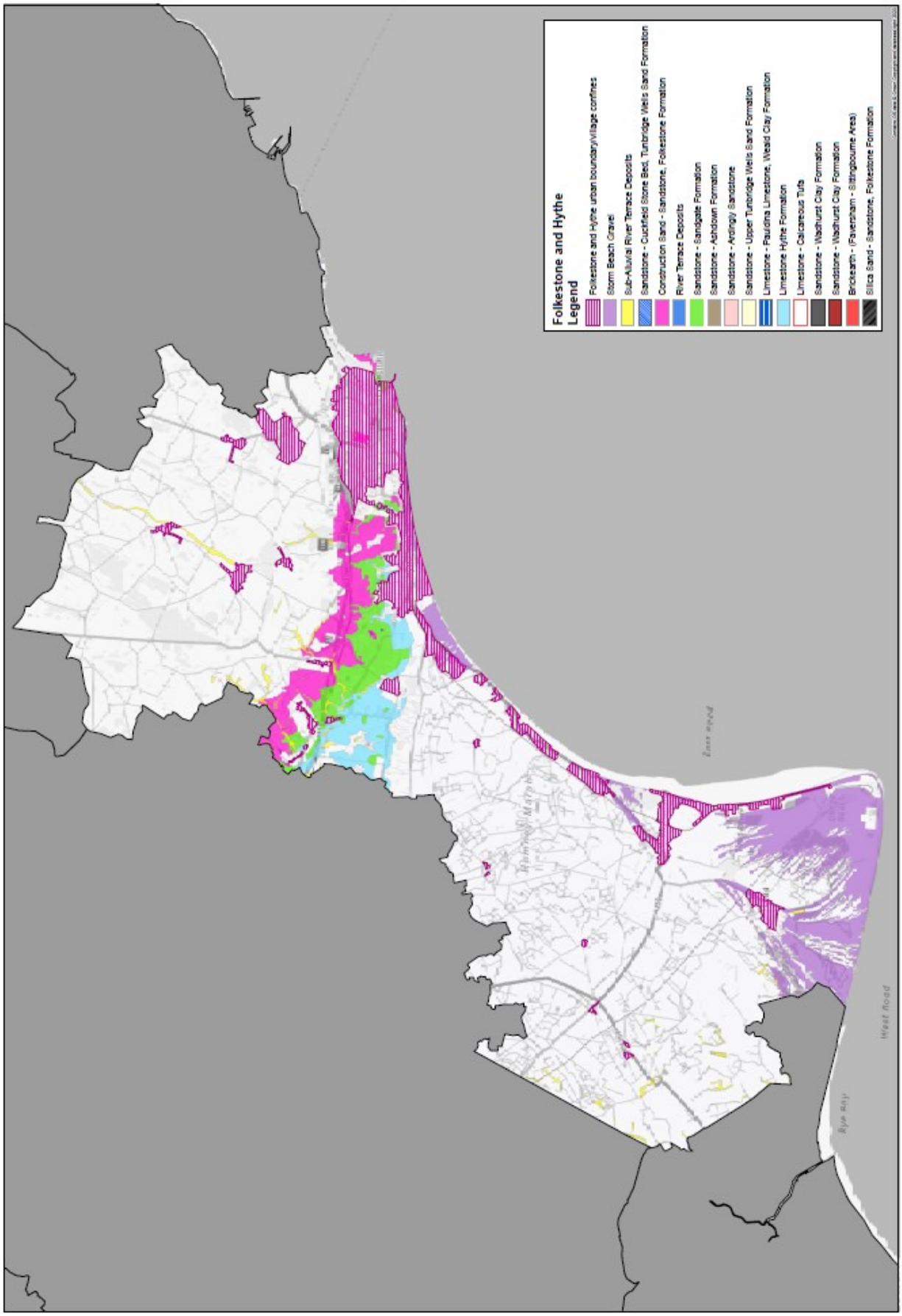
# Dover Mineral Safeguarding Areas



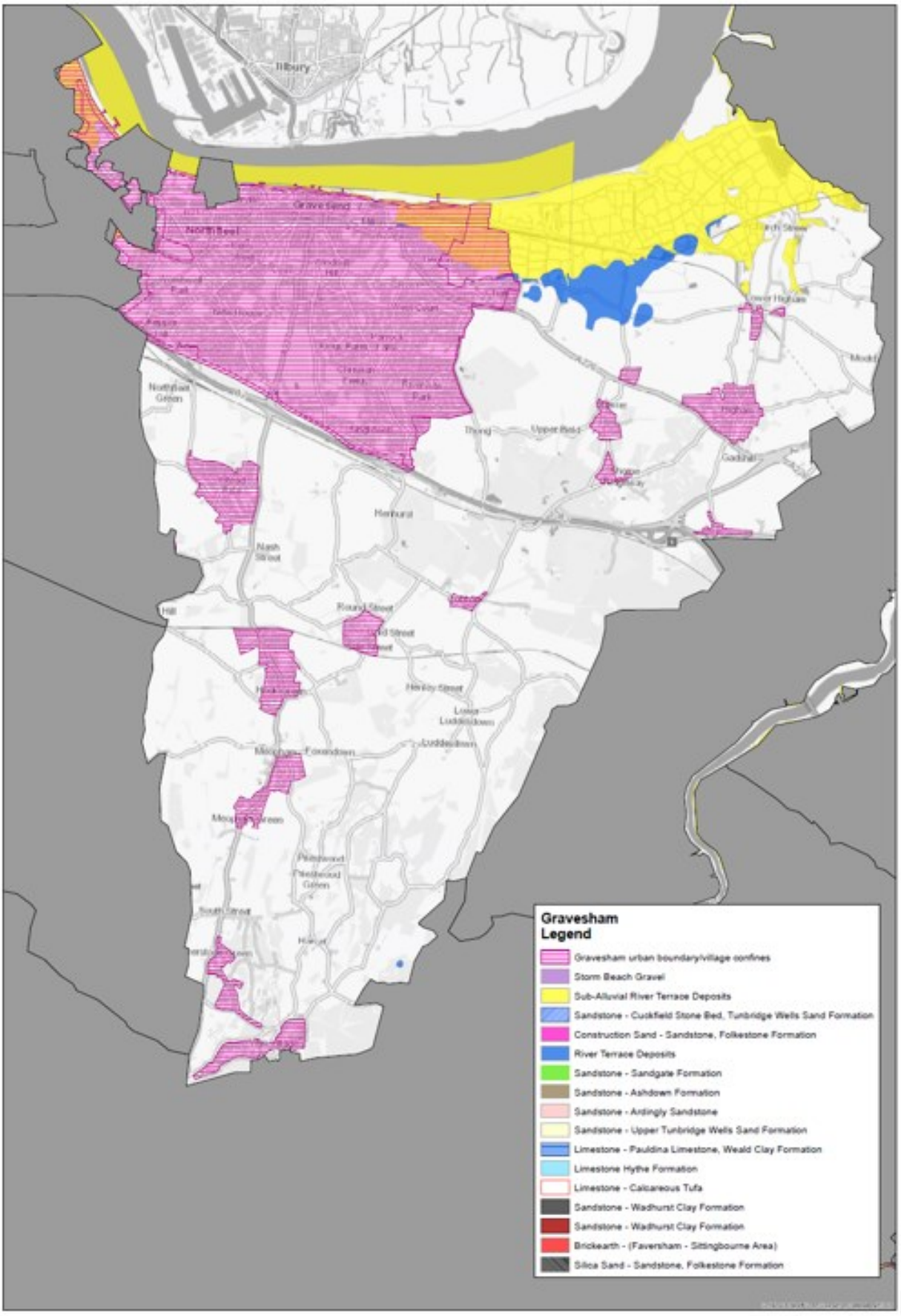
# Ebbsfleet Development Corporation Mineral Safeguarding Areas



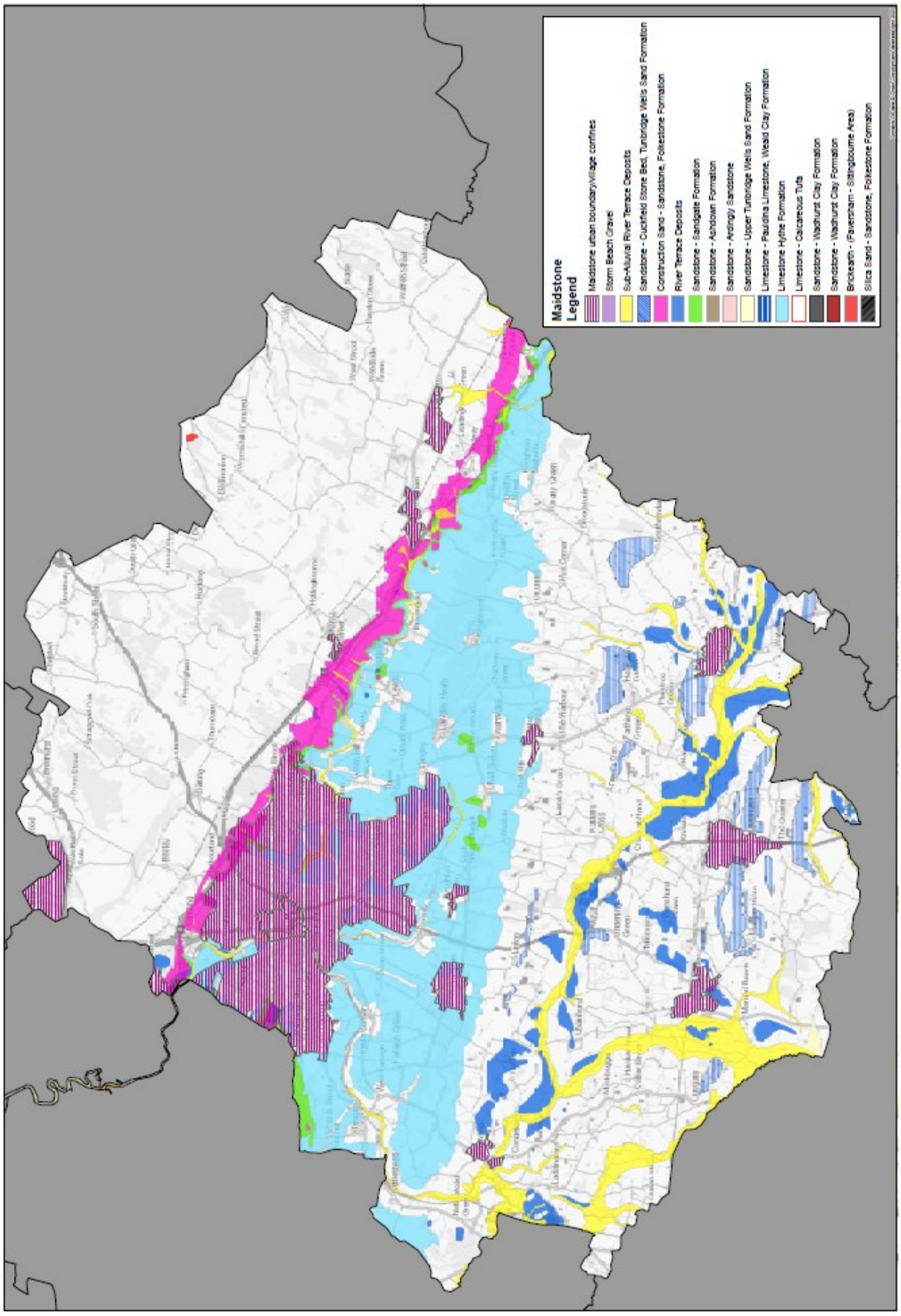
# Folkestone and Hythe Mineral Safeguarding Areas



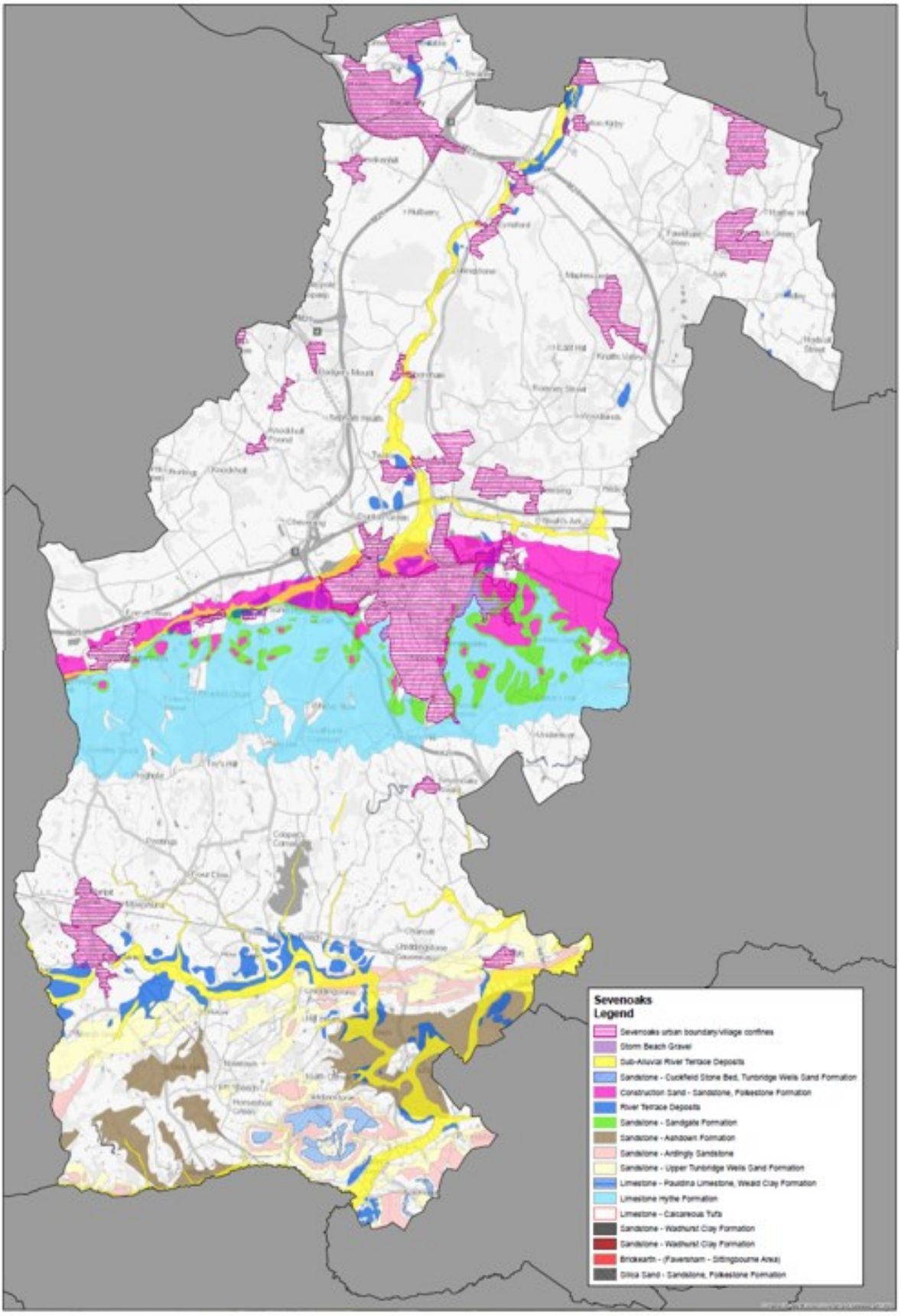
# Gravesham Mineral Safeguarding Areas



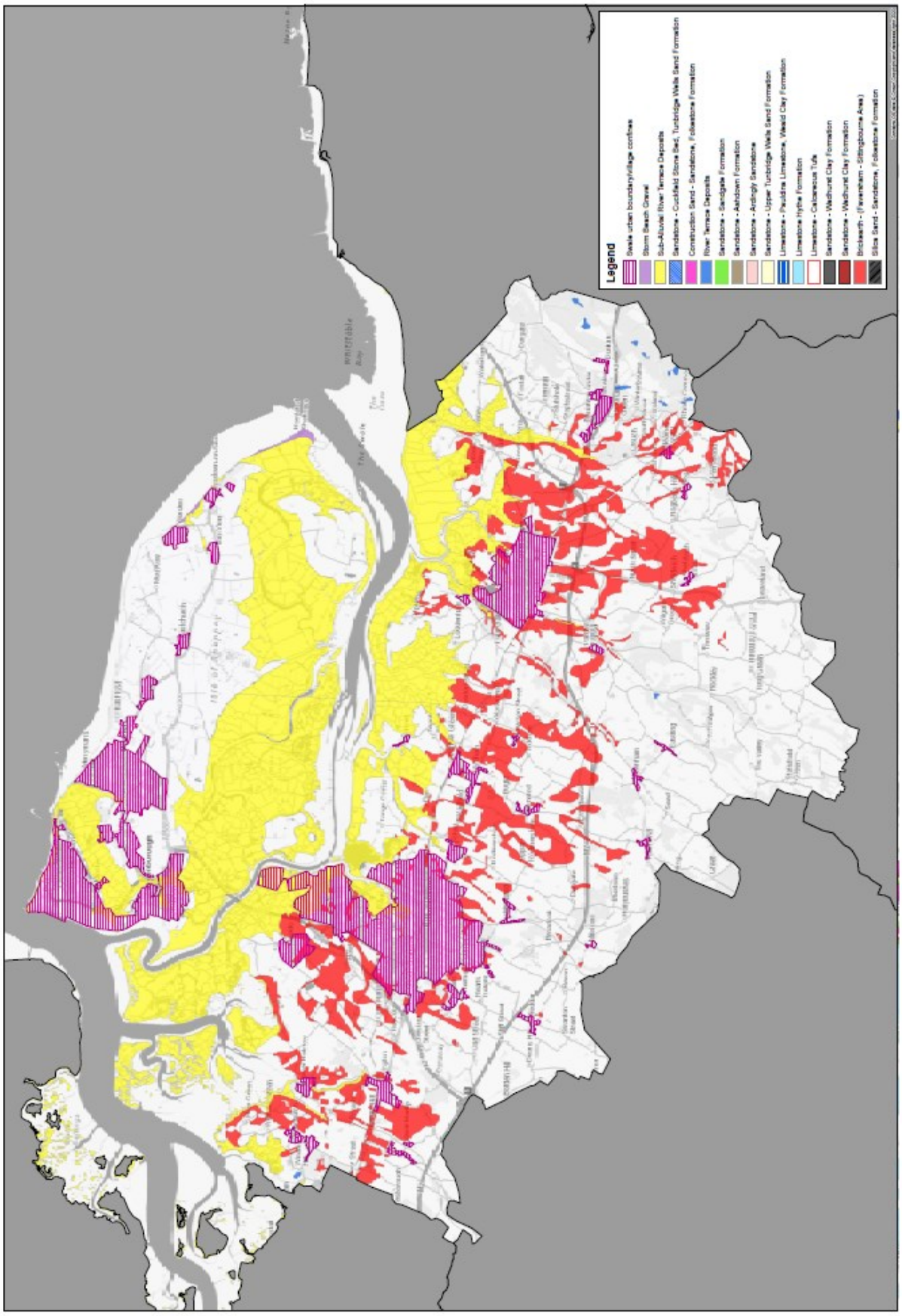
## Maidstone Mineral Safeguarding Areas



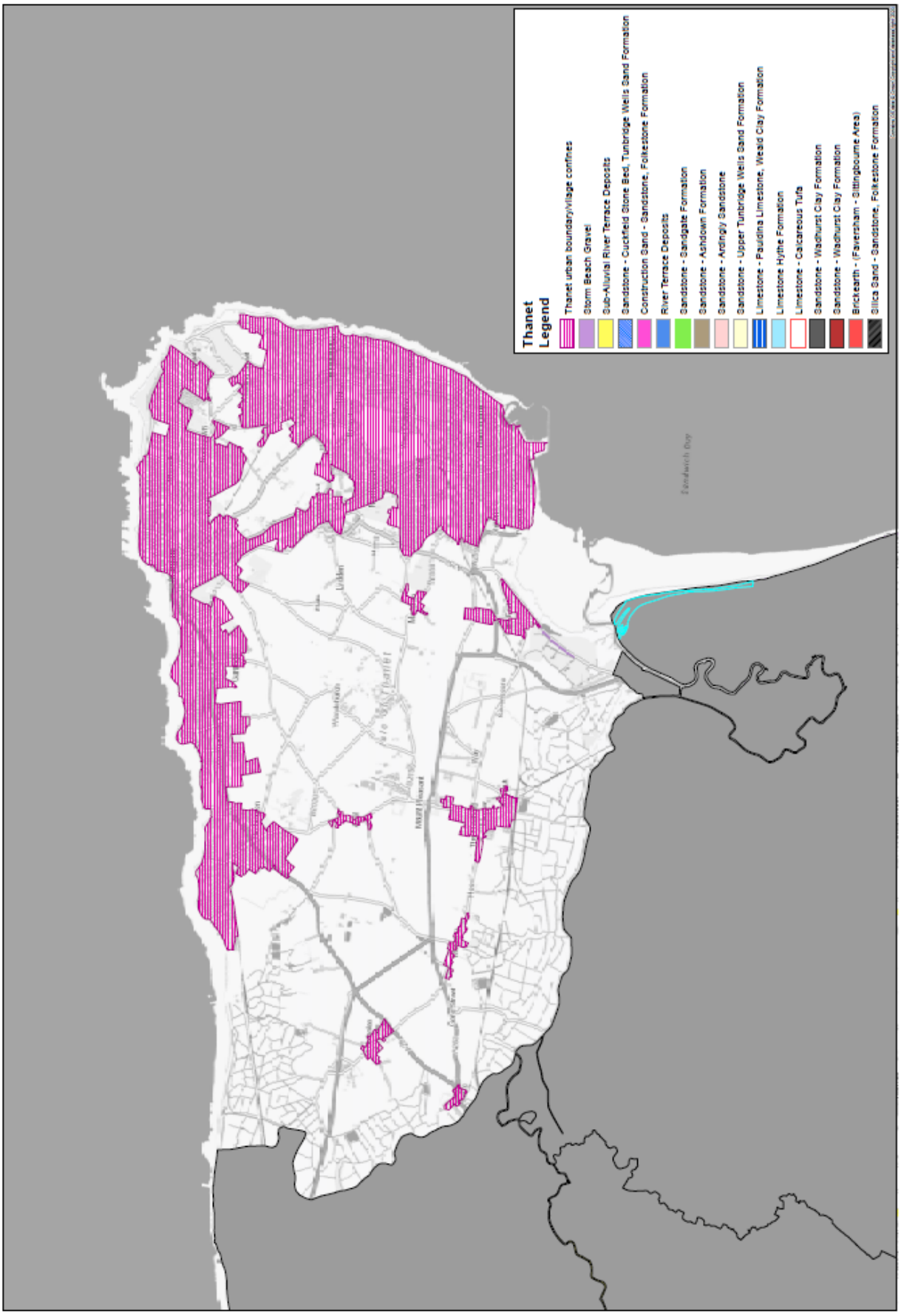
## Sevenoaks Mineral Safeguarding Areas



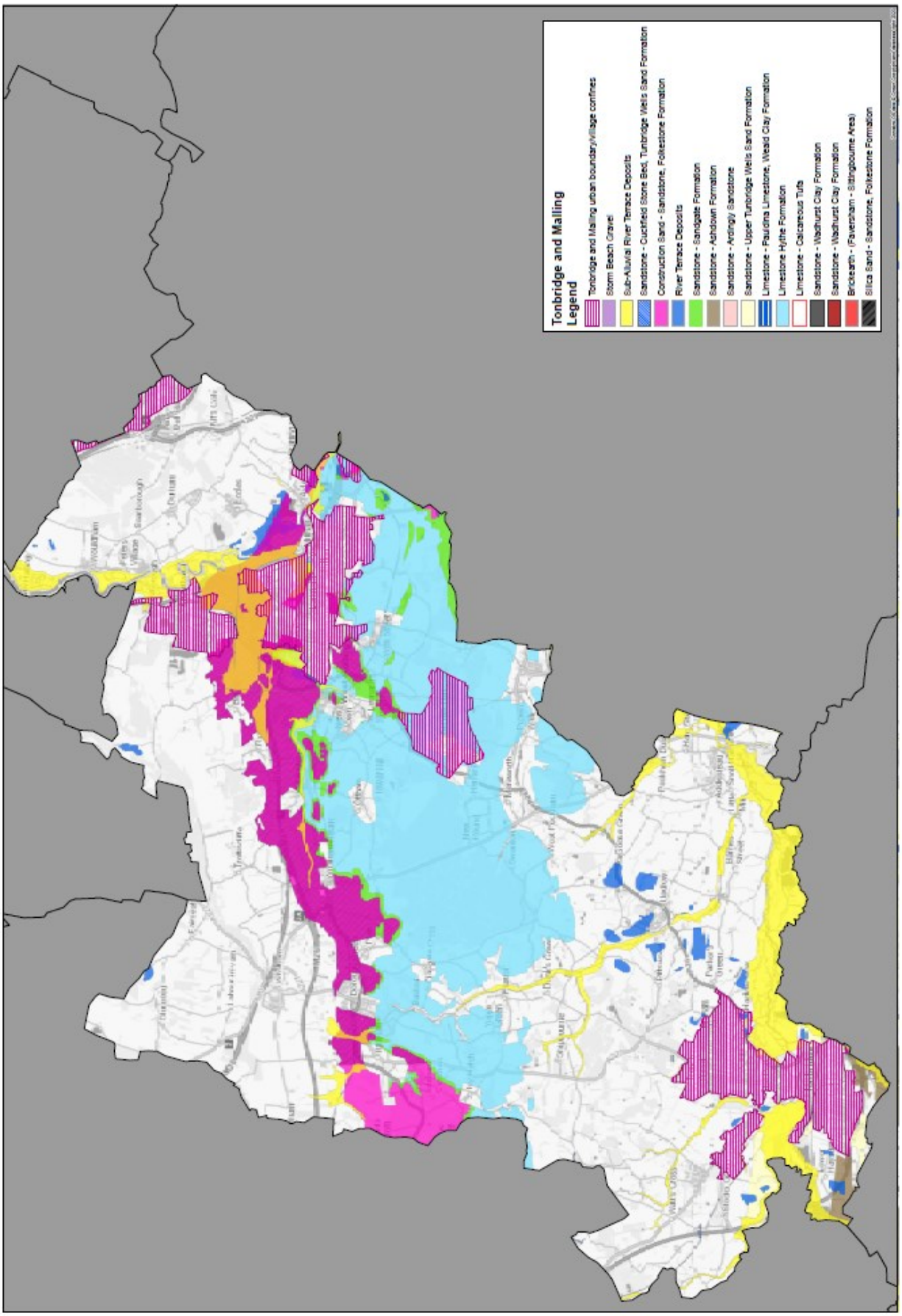
## Swale Mineral Safeguarding Areas



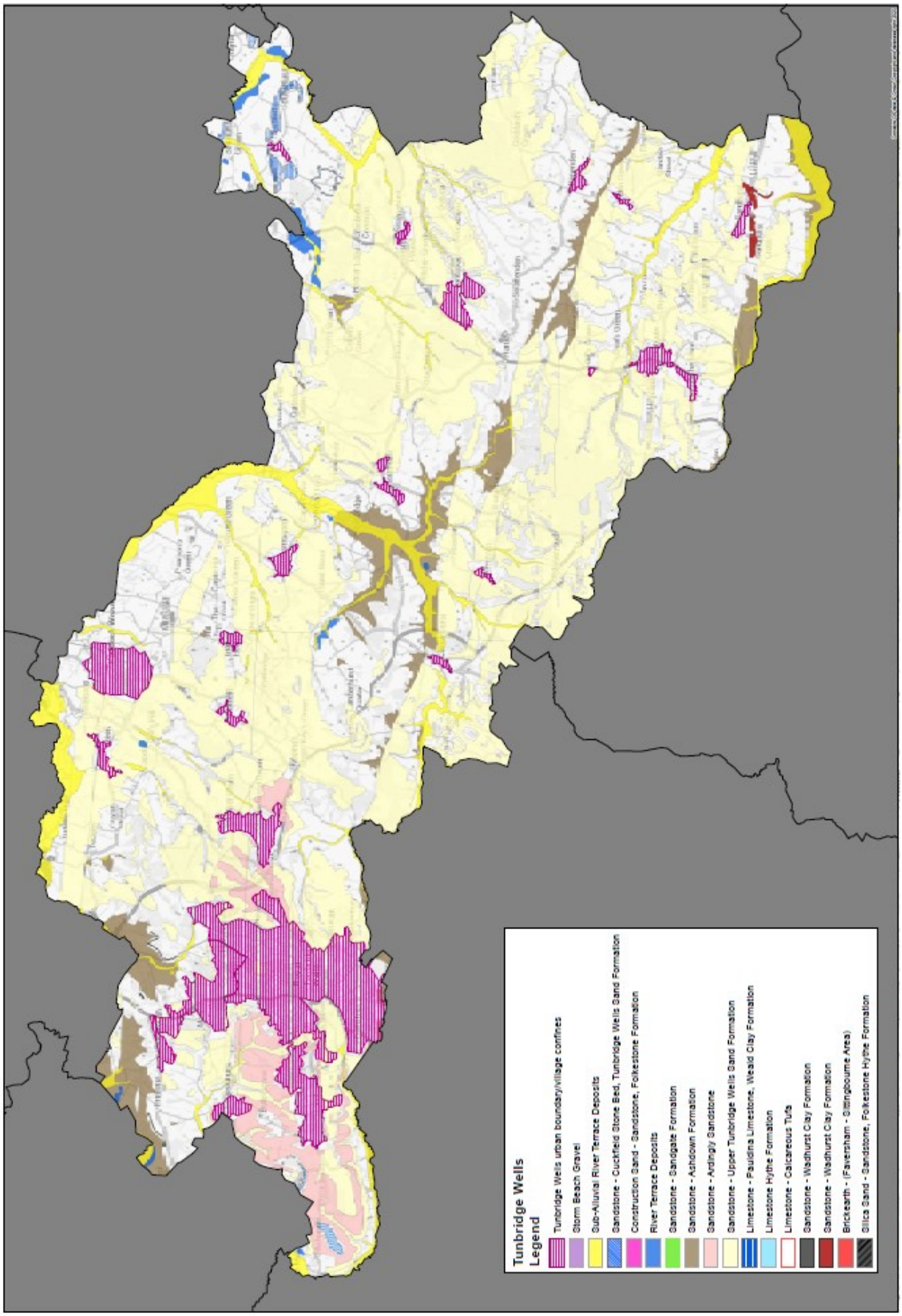
# Thanet Mineral Safeguarding Areas



## Tonbridge & Malling Mineral Safeguarding Areas



# Tunbridge Wells Mineral Safeguarding Areas



## Appendix A: Glossary

| A | |
|---|---|
| Aftercare | Measures to bring land up to the required standard following restoration which enables it to be used for the intended after-use.The aftercare period normally extends for 5 years following compliance with restoration conditions but may be extended where agreed between the applicant and the minerals planning authority. |
| After-use | The use to which a quarry or landfill site is put following its restoration, such as forestry, agriculture, recreation or biodiversity. |
| Agent of change | 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, in accordance with the requirements of the NPPF. |
| Aggregate | Inert particulate matter that is suitable for use (on its own or with the addition of cement or bituminous material) in construction as concrete, mortar, finishes, road stone, asphalt, or drainage course, or for use as constructional fill or railway ballast. |
| Aggregate Monitoring Survey | An annual survey undertaken by the MPAs in England to gather data on aggregate sales and reserves on behalf of the regional aggregate working parties. Each regional aggregate working party prepares an annual report which includes the results of the aggregate monitoring survey and which is submitted to the Government. The data from the aggregate monitoring survey is also used by the MPAs in their AMRs and their LAAs. |
| Aggregates and soils recycling | Rubble, hardcore and soil from construction and demolition projects can often be re-used on-site. Alternatively, it can be taken to purpose-built facilities for crushing, screening and re-sale.<br>There are also temporary facilities at some quarries and landfill sites where material can be recovered for re-sale or use on-site. |
| Agricultural waste | This mostly covers animal slurry/by products and organic waste, but also scrap metals, plastics, batteries, oils, tyres, etc. The regulations for this waste stream have been altered meaning farmers can no longer manage all of their own waste within the farm. The agricultural waste regulations affect whether or not waste can be burnt, buried, stored, used on the farm or sent elsewhere. |

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| Amenity | Amenity is a broad concept and is not specifically defined in Planning legislation. It is a matter of interpretation by the local planning authority and is usually understood to be the pleasant or normally satisfactory aspects of a location which contribute to its overall character and the enjoyment of residents, business users and visitors. A land-use that is not productive agriculture, forestry or industrial development. This can include formal and informal recreation and nature conservation. |
| Anaerobic Digestion (AD) | A natural process comprising the breakdown of organic material in the absence of air. It is carried out in an enclosed vessel and produces methane that powers an engine used to produce electricity. The useful outcomes of AD are electricity, heat, and the solid material left over called the digestate. Both the heat and the electricity can be sold if there is a market and the digestate can either be sold or used for agricultural purposes (land spread). Its use is currently small-scale and it can only be used for part of the waste stream e.g. sewage sludge, agricultural waste and some organic municipal and industrial waste. |
| 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). |
| Annual Monitoring Report (AMR) | The AMR documents progress in meeting the milestones of the adopted Minerals and Waste Development Scheme and will monitor the impact of policies when the plans are adopted. The AMR is formally known in legislation as the 'Authority Monitoring Report'. |
| Appraisal of hydrocarbon extraction | This phase follows exploration when the existence of oil or gas has been proven, and the operator needs further information about the extent of the deposit or its production characteristics to establish whether it can be economically exploited. |
| Areas at risk of flooding | Areas at risk of flooding are defined as land within<br>- in flood zones 2, 3 or 3b<br>- within flood zone 1 with a site area of 1 hectare or more<br>- in areas with critical drainage problems<br>- within flood zone 1 where the LPA's strategic flood risk assessment (SFRA) shows it will be at increased risk of flooding during its lifetime that increases the vulnerability classification and may be subject to sources of flooding other than rivers or sea.<br>Such sites will require a Flood Risk Assessment to accompany a planning application |
| Area of Outstanding Natural Beauty (AONB) | An area with statutory national landscape designation, the statutory purpose of which is to conserve and enhance natural beauty. Together with National Parks, AONB represent the nation's finest landscapes and are afforded the same protection in national policy. On 22 November 2023, all designated Areas of Outstanding Natural Beauty (AONBs) in England and Wales were renamed 'National Landscapes' (NLs). |

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| Area of Search (AoS) | Broad areas where certainty of knowledge of mineral resources may be less than in other types of site allocations. Within these areas, planning permissions could be granted to meet any shortfall in mineral supply, if suitable applications are made. AoS are no longer being used in strategic planning in Kent. |
| **B** | |
| Becquerel | A Becquerel is a unit of radioactivity, representing one disintegration per second. |
| Biodegradable waste | Any waste that is capable of undergoing natural decomposition, such as food and garden waste, paper and cardboard. |
| Biodiversity | The variety of all life on earth (mammals, birds, fish, invertebrates, plants, etc). |
| Biodiversity Action Plan (BAP) | A plan that sets objectives and actions for the conservation of biodiversity, with measurable targets. |
| Biodiversity Net Gain (BNG) | Biodiversity net gain is an approach to development, and/or land management, that aims to leave the natural environment in a measurably better state than it was beforehand. |
| Biodiversity Opportunity Areas (BOAs) | The BOAs show where the greatest gains can be made from habitat enhancement, restoration and recreation, as these areas offer the best opportunities for establishing or contributing to large habitat areas and/or networks of wildlife habitats. |
| Blue Infrastructure | Urban water infrastructure such as ponds, lakes, streams, rivers and storm water provision. |
| Brownfield site | Site previously used for or affected by development. It may be abandoned or in a derelict condition. |
| Building sand or soft sand | A naturally formed deposit where the sand grains are rounded in shape. The individual grains tend towards being equidimensional and the particle size variation is low. When soft sands are mixed with cement the mixture (called mortar) can be easily smoothed by hand to facilitate brick and block laying in construction. |
| **C** | |
| Call for sites | The call for sites is an early opportunity for individuals and organisations to suggest sites within the administrative area of a local planning authority which could be identified for development in a local plan. The call for sites exercise does not in itself determine whether a site should be allocated for development. This is determined by the local planning authority and the sites promoted in the call for sites exercise have no status until they are identified in an adopted local plan. |

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| Certificate of Lawful Use | This is also known as a Lawful Development Certificate. These certificates exist in two forms:<br>1. a determination by a local planning authority as to whether an unauthorised development or use has become lawful through the passage of time, and can be continued without the need for planning permission<br>2. a determination by a local planning authority as to whether a proposed use or building can occur or be built without the need for planning permission |
| Circular Economy | The circular economy is a model of production and consumption, which involves sharing, leasing, reusing, repairing, refurbishing and recycling existing materials and products for as long as possible. In this way, the lifecycle of products is extended. In practice, it implies reducing waste to a minimum. In a circular economy, when a product reaches the end of its life, its materials are kept within the economy wherever possible. These can be productively used again and again, thereby creating further value. |
| Combined Heat and Power | A technology producing power (electricity) while capturing the usable heat produced in the process. |
| Commercial waste | Waste from premises used mainly for trade, business, sport, recreation or entertainment, as defined under Section 5.75(7) of the *Environmental Protection Act 1990*. For example, it is likely to include timber, metal, paints, textiles, chemicals, oils and food waste, as well as paper, card, plastic and glass. |
| Composting | The breakdown of plant matter by the action of micro-organisms and other organisms into usable end-products. It is an important method of processing organic waste because it reduces the amount of potentially polluting waste going to landfill or incineration. |
| Conformity | In conformity means being in compliance. |
| Construction, demolition and excavation waste (CDEW) | Unwanted material arising from construction and demolition projects. It includes vegetation and soils from land clearance and excavation, discarded materials and off-cuts from building sites, road schemes and landscaping projects. It is mostly made up of inert materials such as stone, concrete, rubble and soils but may include timber, metal and glass. |
| Critical load or level | Critical load or level as the threshold below which emissions from a facility or changes in road emissions can be considered to be sufficiently small as to be essentially trivial whether alone or in combination with other projects and plans. |
| **D** | |
| Degradable or putrescible waste | This is also called non-hazardous waste. This is a waste that will biodegrade or decompose, releasing environmental pollutants. For example this includes wood and wood products, paper, plasterboard, cardboard, vegetable matter, food processing wastes and vegetation. |
| Development Plan | The Kent MWLP forms part of the statutory Development Plan for Kent together with the adopted local plans prepared |

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| | by the Kent district planning authorities. The development plan has statutory status as the starting point for decision making. Section38(6) of the *Planning and Compulsory Purchase Act 2004* and Section 70(2) of the TCPA 1990 require that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. |
| **E** | |
| Energy from Waste (EfW) | The use of waste to generate energy (power and/or heat) or produce a gas that can be used as a fuel including the processing of waste to produce a fuel suitable for use in such plants. |
| Environmental Impact Assessment (EIA) | The process by which the impact on the environment of a proposed development can be assessed. Certain types and scale of waste proposals will require an Environmental Statement (ES)to be prepared. *The Town and Country Planning (Environmental Impact Assessment) Regulations 2011* (as amended) and the *Planning Practice Guidance* on Environmental Impact Assessment set out the circumstances when planning applications will be required to be accompanied by an EIA. The information contained in the EIA will be taken into account when local planning authorities determine such proposals. |
| Examination in Public | The process in which all local plans are subject to an independent examination by a planning inspector before they can be adopted. |
| Exempt sites | Sites of small-scale waste management activities that do not require a licence or permit from the Environment Agency. They still require planning permission before they can operate and are subject to general rules (e.g. types and quantities of waste). |
| Exploratory phase of hydrocarbon extraction | The exploratory phase seeks to acquire geological data to establish whether hydrocarbons are present. It may involve seismic surveys, exploratory drilling and in the case of shale gas, (possibly) hydraulic fracturing. |
| **F** | |
| Flood Risk Zone 3b | Land that has a 3.3% or greater annual probability of flooding. |
| **G** | |
| Gasification | A technology that converts carbon containing material into gas (mostly methane). The gas can either be used as a substitute for natural gas or used to power electricity generation. |
| Geodiversity | The variety of rocks, minerals, fossils, soils and landforms, together with the natural processes that shape the landscape. |
| Geological Disposal Facility (GDF) | This is a secure facility which the Government is working towards finding a location for and which will be used for either the long-term storage or disposal of higher-activity radioactive wastes. Site selection is a process to determine sites where the geological conditions are suitable to contain the wastes and to find a site where the local community are in agreement with the development of a GDF. |

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| Geomorphological | The scientific study of landforms and the processes that shape them. |
| Gigabecquerel | A becquerel is a unit of radioactivity, representing one disintegration per second. A gigabecquerel is 1,000 becquerels. |
| Green Infrastructure | Green infrastructure assets include open spaces such as parks and gardens, allotments, woodlands, fields, hedges, lakes, ponds, playing fields, coastal habitats, as well as footpaths, cycleways or rivers. |
| Greenhouse gas | Gases such as carbon dioxide and methane which when their atmospheric concentrations exceed certain levels can contribute to climate change by forming a barrier in the earth's atmosphere that traps the sun's heat. |
| Gross Value Added (GVA) | A measure of output i.e. the value of the goods and services produced in the economy. It is primarily used to monitor the performance of the national economy and is now the measure preferred by the Office for National Statistics to measure the overall economic wellbeing of an area. While the Gross Domestic Product and the GVA are both measures of value, the GVA excludes taxes and subsidies. |
| Groundwater | Water contained within underground strata (aquifers) of various types across the country. Groundwater is usually of high quality and often requires little treatment prior to use. It is however vulnerable to contamination from pollutants. Aquifer remediation is difficult, prolonged and expensive and therefore the prevention of pollution is important. |
| **H** | |
| Habitats Site | Any site which would be included within the definition at regulation 8 of the Conservation of Habitats and Species Regulations 2017 for the purpose of those regulations, including candidate Special Areas of Conservation, Sites of Community Importance, Special Areas of Conservation, Special Protection Areas and any relevant Marine Sites. |
| Hazardous waste | Controlled waste that is dangerous or difficult to treat, keep, store or dispose of, so that special provision is required for dealing with it. Hazardous wastes are the more dangerous wastes and include toxic wastes, acids, alkaline solutions, asbestos, fluorescent tubes, batteries, oil, fly ash (flue ash), industrial solvents, oily sludges, pesticides, pharmaceutical compounds, photographic chemicals, waste oils, wood preservatives. If improperly handled, treated or disposed of, a waste that, by virtue of its composition, carries the risk of death, injury or impairment of health, to humans or animals, the pollution of waters, or could have an unacceptable environmental impact. It should be used only to describe wastes that contain sufficient of these materials to render the waste as a whole hazardous within the definition given above. |
| Heritage assets | A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. Heritage assets includes designated heritage assets and assets identified by the local planning authority (including local listing). |

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| Heritage Coast | Areas of undeveloped coastline that are managed to conserve their natural beauty and, where appropriate, to improve accessibility for visitors. |
| High Level Wastes (HLW) | One of four broad categories of radioactive waste, HLW are wastes in which the temperature may rise significantly as a result of their radioactivity, so that this factor has to be considered in designing storage and disposal facilities. |
| Household waste | This falls within the category of Municipal Solid Waste (MSW). This is a waste from a domestic property, caravan, residential home or from premises forming part of a university or school or other educational establishment and premises forming part of a hospital or nursing home. Household waste collected by a local authority is known as 'Local Authority Collected Waste'. |
| **I** | |
| Impact pathways | In carrying out a Habitat Regulations Assessment it is important to determine the various ways in which land-use plans can impacton Habitat Sites by following the pathways along which development can be connected with Habitat Sites. Impact pathways are routes by which a change in activity associated with a development can lead to an effect upon a Habitat Site. |
| Imported minerals | Minerals imported through wharves and rail depots. In Kent this includes Marine Dredged Aggregates, crushed rock, sand and gravel, secondary aggregates and cement. |
| Industrial waste | Waste from any of the following premises: factory, provision of transport services (land, water and air), purpose of connection of the supply of gas, water, electricity, provision of sewerage services, provision of postal or telecommunication services. |
| Inert waste | Waste that will not biodegrade or decompose (or will only do so at a very slow rate). Types of materials include uncontaminated topsoil, subsoil, clay, sand, brickwork, stone, silica and glass. |
| Intermediate Level Wastes (ILW) | One of four broad categories of radioactive waste, ILW are wastes with radioactivity levels exceeding the upper boundaries of LLW that are retrieved and processed to make them passively safe and then stored pending the availability of the GDF. |
| **L** | |
| Landbank | A stock of mineral reserves with planning permission for their winning and working. |
| Landfill | The deposition of waste onto hollow or void space in the land, usually below the level of the surrounding land or original ground level in such a way that pollution or harm to the environment is prevented. Former mineral workings have historically been used for this purpose. |
| Landfill gas | A by-product from the digestion by anaerobic bacteria (rotting) of biodegradable matter present in waste deposited on landfilled sites. The gas is predominantly methane together with carbon dioxide and trace concentrations of a range of other vapours and gases. |
| Land-won minerals | Mineral extracted from a quarry situated on the mainland, as |

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| | opposed to off-shore mineral supplies such as MDAs. |
| Life Cycle Assessment (LCA) | A methodology for assessing environmental impacts associated with all the stages of the life cycle of a commercial product, process, or service. |
| Local Aggregate Assessment (LAA) | A public report prepared annually by MPAs to gather together up-to-date information on aggregate sales and reserves from land-won sources together with data on secondary and recycled aggregates and mineral imports. |
| Local Development Scheme | The timetable for the preparation of the local plans. |
| Local Geological Sites | Any geological or geomophological sites, excluding SSSIs, that are considered worthy of protection for their educational, research, historical or aesthetic importance. They are broadly analogous to non-statutory wildlife sites and are often referred to locally by the same name. They can include important teaching sites, wildlife trust reserves, LNRs and a wide range of other sites. They are not regarded as inferior to SSSIs but as sites of regional importance in their own right. |
| Local Nature Recovery Strategy | The Local Nature Recovery Strategy (LNRS) are a requirement of the Environment Act and are expected to supersede Biodiversity Opportunity Areas (BOAs). They will establish priorities and map proposals for specific actions to drive nature's recovery and provide wider environmental benefits. At the time of writing (August 2022), the secondary legislation and statutory guidance relating to LNRS that will provide the detail and instruct the commencement of their development is awaited. |
| Local Plan | A Local Plan is a Development Plan Document that includes planning policies for a local area. A Local Plan forms part of the Development Plan for an Area. |
| Low-carbon Economy (LCE) or low-fossil-fuel economy | An economy that has a minimal output of greenhouse gas emissions into the biosphere, but specifically refers to the greenhouse gas carbon dioxide. |
| Low Level Radioactive Waste (LLW) | One of four broad categories of radioactive waste that reflect the degree of radioactivity and hazard. LLW does not normally require shielding during handling or transport. It consists largely of paper, plastics and scrap metal items that have been used in hospitals,research establishments and the nuclear industry. |
| **M** | |
| Major development | The Town and Country Planning (Development Management Procedure) (England) Order 2010 defines minerals and waste development as "major development". Specifically, it includes the winning and working of minerals or the use of land for mineral-working deposits, as well as waste development. |
| Marine Conservation Zone (MCZ) | Marine Conservation Zones are areas that protect a range of nationally important, rare or threatened habitats and species. |
| Marine Dredged | Aggregates excavated from the seabed, as opposed to aggregate minerals extracted from the earth on the mainland. |

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| Aggregates (MDA) | |
| Materials Recovery Facility | A facility where waste can be taken in bulk for separation, recycling or recovery of waste materials. This is usually Municipal Solid Waste, but some sites take Commercial & Industrial waste. Some may also take Construction and Demolition waste to be crushed and screened. |
| Methane | A colourless, odourless, flammable gas, formed during the decomposition of biodegradable waste. |
| Mineral Consultation Area (MCA) | An area identified in order to ensure consultation between the relevant local planning authority and the MPA before certain non-mineral planning applications made within the area are determined. |
| Mineral resources | Natural concentrations of minerals or bodies of rock that are, or may become, of potential economic interest due to their inherent properties. |
| Mineral Safeguarded Area (MSA) | Known areas of mineral resources that are of sufficient economic value to warrant protection for generations to come. There is no presumption that any areas within an MSA will ultimately be environmentally acceptable for mineral extraction. The purpose of MSAs is not to automatically preclude other forms of development, but to make sure that mineral reserves are considered in land-use planning decisions. |
| Municipal Solid Waste (MSW) | Waste collected and disposed of by or on behalf of a local authority. It will generally consist of household waste, some commercial waste, and waste taken to Household Waste Recycling Centres (HWRCs) by the general public. In addition, it may include road and pavement sweepings, gully emptying wastes, and some construction and demolition waste arising from local authority activities. It is typically made up of card, paper, plastic, glass, kitchen and garden waste. In this Plan the term Municipal Solid Waste has largely been replaced by the term Local Authority Collected Waste. |

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| **N** | |
| National Landscape (NL) | A designated landscape area formerly known as an Area of Outstanding Natural Beauty. On 22 November 2023, all designated Areas of Outstanding Beauty (AONBs) in England and Wales were renamed 'National Landscapes' (NLs). Their legal designation and policy status remain the same. |
| Natura 2000 Sites | All EU member states are required to create a network of protected wildlife areas, known as Natura 2000 Sites, consisting of SACs and SPAs, established to protect wild birds under the European Birds Directive. These sites are part of a range of measures aimed at conserving important or threatened habitats and species. In the UK SACs and Special Protection Areas (SPAs) no longer form part of the EU's Natura 2000 ecological network. |
| Natural Improvement Areas (NIAs) | Areas designated for creating more and better-connected habitats, recreational opportunities, flood protection, cleaner water and carbon storage as well as uniting local stakeholders. |
| Net planning benefit | The genuine improvement of a site or area, for example, because adverse effects are limited in scope and scale, and the development includes measures to improve the physical state or management of landscapes or habitats, or new landscape features or habitats, which are better than they are at present. |
| Non-hazardous Waste<br><br>(Non-inert Waste) | This is also called non-inert waste. This is a waste that will biodegrade or decompose, releasing environmental pollutants. Examples include wood and wood products, paper and cardboard, vegetation and vegetable matter, leather, rubber and food processing wastes. |
| **O** | |
| Operation Stack | The process used to park lorries on a part of the M20 when cross channel services from the Port of Dover or through the Channel Tunnel are disrupted. |
| Other Recovery | Recovery of value (materials or energy) from waste by means other than reuse, recycling and composting, and often by Energy from Waste. 'Other recovery' sits above disposal but below recycling and composting in the waste hierarchy. |
| **P** | |
| Permitted reserves | Saleable minerals in the ground with planning permission for winning and working. Usually expressed in million tonnes. |

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| Planning conditions | Conditions attached to a planning permission for the purpose of regulating and controlling the development. |
| Primary aggregates | Naturally occurring sand, gravel and crushed rock used for construction purposes, which have either been extracted from the sea bed or the earth's crust. |
| Production phase of Hydrocarbon Extraction | This normally involves the drilling of a number of wells. This may be wells used at the sites at the exploratory and/or appraisal phases of hydrocarbon development, or from a new site.<br>Associated equipment such as pipelines, processing facilities and temporary storage tanks are also likely to be required. |
| Prospecting | Prospecting is the first stage of the geological analysis of a territory or area. It includes the physical search for minerals, fossils, precious metals or mineral specimens. Prospecting can be a small-scale form of mineral exploration that can extend to an organised, large scale effort undertaken by commercial mineral companies to find economically viable materials such as ores, gas, oil, coal and aggregates. |
| Protected Groundwater Source Areas | Any land at a depth of less than 1,200 metres beneath a relevant surface area. I.e. and land at the surface that is within 50 metres of a point at the surface at which water is abstracted from underground strata and is used to supply water for domestic or food production purposes, or within or above a zone defined by a 50-day travel time for groundwater to reach a groundwater abstraction point that is used to supply water for domestic or food production purposes. |
| Public Right of Way (PROW) | The generic term for Public Footpaths, Public Bridleways, Restricted Byways, and Byways open to all traffic. |
| Putrescible waste | Waste readily able to be decomposed by bacterial action. Landfill gas and leachate can occur as by-products of decomposition. |
| Pyrolysis and Gasification | Both systems involve heating the waste in varying amounts of oxygen to produce a gas. The gas could either be used as a substitute for natural gas or used to power electricity generation. |
| **R** | |
| Ramsar sites | Sites of international importance to birds that inhabit wetlands. Ramsar is the name of the place where the Wetlands Convention was signed. |
| Reclamation of mineral workings | The combined processes of restoration and aftercare following completion of mineral working. |
| Recovery | The collection, reclamation and separation of materials from the waste stream. |

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| Recovery facilities | A facility that recovers value, such as resources and energy, from waste prior to disposal, includes recycling, thermal treatment, biological treatment and composting facilities. |
| Recycled aggregates | Aggregates produced from recycled CD waste such as crushed concrete and planings from road surfacing. |
| Recycling | The collection and separation of materials from waste and subsequent processing to produce new marketable products. |
| Reduction | The use of technology requiring less waste generation from production, or the production of longer lasting products with lower pollution potential, or the removal of material from the waste stream, e.g. paper being taken straight from a waste producer to a paper re-processing facility, avoiding it being handled at any waste management operation. |
| Reserve | The remaining concentration or occurrence of workable material of intrinsic economic interest. Generally used for those economic mineral deposits that have the benefit of planning permission. |
| Resource | A concentration or occurrence of material of intrinsic economic interest in or on the Earth's crust in such a form, quality and quantity that they are reasonable prospects for eventual economic extraction. |
| Residual waste | The elements of the waste streams that remain following recovery, recycling or composting operations. |
| Resource recovery | The extraction of useful materials or energy from solid waste. |
| Restoration | Operations designed to return an area to an acceptable environmental state, whether for the resumption of the former land-use or for a new use following mineral working. Involves the reinstatement of land by contouring, the spreading of soils or soil making materials, etc. |
| Reuse | Reuse of waste is encouraged by the Government's national waste policy requirements. Typically it involves re-using materials so that they can be used again without further processing. |
| **S** | |
| Safeguarding | The process of protecting sites and areas that have potential for relevant development (minerals and waste) from other forms of development. |
| Saved policies | Retaining a local plan (or policies from it) until replacement by a new local plan. Normally lasts for three years only, but extended saving can occur if policies need to stay in place for a longer period. |
| Scheduled Ancient Monument | Nationally important monuments and archaeological areas that are protected under the Ancient Monuments and Archaeological Areas Act 1979. |

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| Secondary aggregates | Construction materials that are produced as by-products of other processes and used instead of primary aggregates. Secondary aggregates include boiler ashes, colliery shale, burned clay, pulverised fuel ash, chalk and shale. |
| Self-sufficiency | A key aim of sustainable waste management is self-sufficiency in waste disposal, i.e. the waste generated within the region can be disposed or managed within the same region. |
| Sensitive receptors | Habitable residential accommodation including, but not limited to, hospitals, schools, childcare facilities, elderly housing, churches and convalescent facilities. |
| Shale gas | Mostly methane ($CH_4$) and is found in the pore spaces of shale,a fine grained sedimentary rock, that contains hydrocarbon materials. Methane, often referred to as natural gas has an occurrence that is geologically variable in that it can be found in a reservoir as well as held within the source rock such as shale.It is combustible and is used to generate electricity and for domestic heating and cooking. Shale gas is often referred to as an unconventional hydrocarbon as it is extracted using technologies developed since the 1940s that has enabled gas to be recovered from shale (a fine grained sedimentary rock mainly of marine origin) that were previously considered to be unsuitable or uneconomic for the extraction of natural gas. One process, hydraulic fracturing (often called fracking) is a technique where water (and additives) is pumped under pressure into productive shale rocks via a drilled bore to open up pore spaces and allow the shale gas to be pumped to the surface for collection[130]. |
| Sharp sand and gravel | A naturally occurring mineral deposit found in Kent and elsewhere. When extracted it is mainly used in the production of concrete products. |
| Silica sand or industrial sand | A naturally occurring mineral deposit that is extracted and used in industrial processes including glass manufacture and the production of foundry castings. It is also used in horticulture and for sports surfaces including horse menages and golf course bunker sand. It is also known as industrial sand. It is a mineral of national importance. |
| Sites of Special Scientific Interest (SSSIs) | These sites are notified under Section 28 of the *Wildlife and Countryside Act 1981* by English Nature (now Natural England) whose responsibility is to protect these areas. These are important areas for nature conservation i.e. valuable flora, fauna or geological strata. Natural England needs to be notified of planning proposals in or adjacent to the designated areas. |

[130] Information on unconventional hydrocarbon extraction is on the following DECC website at: https://www.gov.uk/government/publications/about-shale-gas-and-hydraulic-fracturing-fracking

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| | National Nature Reserves, terrestrial Ramsar sites, SPAs and SACs are also SSSIs under national legislation. |
| Soft sand | See Building sand. |
| Source Protection Zone (SPZ) | Indicate those areas where groundwater supplies are at risk from potentially polluting activities and accidental releases of pollutants. SPZs are primarily a policy tool used to control activities close to water supplies intended for human consumption. SPZs are not statutory and are mainly for guidance but they do relate to distances and zones defined in legislation where certain activities are restricted. |
| Statement of Community Involvement | A document setting out how a local authority is to ensure that suitable sufficient consultation occurs for different elements of the planning process. This is a requirement as amended under the *Planning and Compulsory Purchase Act 2004.* |
| Sterilisation | When a change of use or the development of land on or near a minerals or waste facility prevents possible mineral extraction or continued use of a wharf, rail depot or other facility in the foreseeable future. |
| Strategic Environmental Assessment | An evaluation process for assessing the environmental impacts of plans and programmes. This is a statutory requirement of the Kent MWLP system. |
| Submission | A stage of the plan preparation process where the document is submitted to the Secretary of State for independent examination by a planning inspector. The document is published for public consultation prior to submission. |
| Surrounding environment | Aspects of the surrounding environment include such features as water resources including surface water, groundwater and rivers and their settings, heritage interests including listed buildings, conservation areas and their settings, and World Heritage Sites, nature reserves, local sites designated for biodiversity and geodiversity, species and habitats of importance for conservation and biodiversity, nationally designated areas including SSSIs and National Landscapes (formerly AONBs) and their setting, internationally designated sites including SPAs, SACs, Ramsar sites, Heritage Coast and NIAs. The surrounding environment also includes those areas that are non designated but contribute to the whole environment. |
| Sustainability Appraisal (SA) | An evaluation process for assessing the environmental, social, economic and other sustainability effects of plans and programmes from the outset of the preparation process. This is a statutory requirement. |
| Sustainable development | Development that meets the needs of the present without compromising the ability of future generations to meet their own needs. The definition also encompasses the efficient use of natural resources. |

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| **T** | |
| Transfer stations | Facilities that receive waste (normally from a local area), where the waste is bulked up and transported further afield in larger lorries for disposal or recovery. Some transfer stations sort out the recoverable wastes, such as CD waste and scrap metal prior to onward transportation for disposal or processing. |
| **V** | |
| Very Low Level Radioactive Waste(VLLW) | One of four broad categories of radioactive waste that reflect the degree of radioactivity and hazard. The radioactive concentration of VLLW is similar to the natural activity of soils and is well within the normal range of natural radioactivity in the Earth's crust. |
| Void space | A hole created by mineral working or nature that may have potential for landfilling with waste. |
| **W** | |
| Waste | The TCPA 1990 has been amended so there is no dispute over whether waste, in terms of the planning regime, is defined in accordance with European law. It states that: Waste includes anything that is waste for the purposes of Directive 2006/12/ECof the European Parliament and of the Council on waste, and that is not excluded from the scope of that Directive by Article 2(1) of that Directive. Waste is therefore defined as any substance or object that the holder or the possessor either discards or intends or is required to discard[131]. |
| Waste arisings | The amount of waste generated in a given locality over a given period of time. |
| Waste Collection Authority (WCA) | A local authority with a statutory responsibility to provide a waste collection service to each household in its area, and on request, to local businesses. |
| Waste Disposal Authority | A local authority that is legally responsible for the safe disposal of household waste collected by the WCAs. Long-term contracts are let to private sector companies who provide the facilities to handle this waste. These contracts are awarded on the basis of detailed cost and environmental criteria as well specific targets for recycling and reducing landfill. |

[131] This definition is inserted into s.336(1) of the TCPA 1990, as part of the consequential amendments made by the Environmental Permitting (England and Wales) Regulations 2007 SI 2007/3528 (theEPR 2007), as from 6 April 2008. See Schedule 21, para 19 of the EPR 2007 (and its commencement- see reg.1)

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| Waste electrical and electronic equipment | Discarded electrical or electronic equipment, including all components, sub-assemblies and consumables that are part of the product at the time of discarding. |
| Waste hierarchy | A concept devised by EUWFD (2008/98/EC) conveying waste management options in order of preference; waste prevention (most preferred) followed by reduction, recycling, recovery and disposal (least preferred). Figure 18 shows the Waste Hierarchy in Chapter 6. |
| Waste Hierarchy Statement | A statement to be submitted with a planning application for other recovery and waste disposal activity that demonstrates how only unavoidable residual waste will be managed at such facilities. |
| Waste management permit | A permit granted by the Environment Agency (EA) authorising treatment, keeping or disposal of any specified description of controlled waste in or on specified land by means of specified plant. |
| Waste Management Unit (WMU) | A KCC department that manages all aspects of LACW (household waste) arisings in Kent. |
| Waste minimisation | The reduction of unwanted outputs from the manufacturing and construction processes that are likely to result in less waste being produced. |
| Waste Planning Authority (WPA) | A local authority with responsibility for waste planning, including the determination of waste related planning applications. In areas with two tiers of local government (counties and districts), the county councils are the WPAs. National Parks are also WPAs. Unitary authorities, such as Medway Council, deal with waste planning and all other planning issues within their areas. |
| Waste reduction | To make waste production and waste management practices more sustainable. Key national objectives are to reduce the amount of waste that is produced, make the best use of waste produced and choose practices which minimise the risks of pollution and harm to human health. Waste reduction is concerned with reducing the quantity of solid waste that is produced and reducing the degree of hazard represented by such waste. |
| Wastewater | Water emanating from the internal drainage of dwellings and business that is discharged to the sewers in addition to surface water run off. This raw wastewater is collected in sewers and transferred to wastewater treatment works where it is treated in such a way that it produces largely reusable sewage sludge and effluent that is discharged to watercourses. |