



Early Partial Review of the Kent Minerals and Waste Local Plan 2013-30

Pre-Submission Draft

- Proposed modifications to certain policies relating to waste management:
 - Policies CSW 4, CSW 5, CSW 6, CSW 7, CSW 8 (Non-hazardous waste)
 - Policy CSW 12 (Hazardous waste)
 - Policy CSW 14 (Disposal of Dredgings)

- Proposed modifications to certain policies relating to landwon minerals and minerals and waste management infrastructure safeguarding:
 - Policy DM 7 (Safeguarding Mineral Resources)
 - Policy DM 8 (Safeguarding Minerals Management, Transportation, Production & Waste Management Facilities)

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1.0 Introduction

The County Council is partially reviewing the adopted Kent Minerals and Waste Local Plan 2013-30 (the Plan). The Plan sets out the strategy for the sustainable management of Kent's waste, the delivery of minerals where a need exists and is the primary element of the development plan against which planning applications and appeals for minerals and waste development in Kent will be determined.

Modifications are proposed in the following areas:

- Waste management:
 - o The strategy for provision of future waste management capacity
 - o The identification of site allocations for waste management facilities
- The approach to safeguarding mineral resources and waste management and minerals supply infrastructure.

The context to the proposed modifications is explained below and the proposed changes to the text of the Plan are also included.

2.0 Proposed modifications to certain policies relating to waste management

2.1 Background

The adopted Plan identifies a shortfall in capacity of the following types over the Plan period (to 2030):

- Waste recovery capacity - energy from waste and organic waste treatment;
- Hazardous waste (due to the identified need for additional capacity to allow for the continued landfilling of asbestos)
- Disposal of Dredgings.

As a consequence, policies CSW7, CSW8, CSW 12 and CSW 14 state that a Waste Sites Plan will be prepared that will identify sites suitable for accommodating facilities needed to address the identified capacity shortfalls.

A review¹ of the future needs for waste management facilities in Kent has been undertaken and this has concluded that there is now no need for the development of this additional capacity. This is for the following reasons:

- Energy recovery capacity: the additional capacity at Kemsley Sustainable Energy Plant (SEP) is now confirmed.
- Hazardous waste: Due to the lack of need for additional capacity to allow for the continued landfilling of projected arisings of asbestos from Kent within Kent.
- Disposal of Dredgings: No clear need identified by Port of London Authority (PLA) (the responsible navigation authority) for a specific site.

In addition, while there remains an identified need for organic waste treatment capacity, it is considered that adopted policy in the MWLP is sufficiently permissive and positive enough for applications to be encouraged to come forward without the allocation of specific sites. It should also be noted that when recycling and composting are considered together there is no predicted shortfall in capacity.

The review and modification of the policies mentioned above will ensure the development plan for Kent, insofar as policies relating to provision for waste management are concerned, is relevant and effective, reflecting changes in circumstances. This is consistent with paragraph 31 of the National Planning Policy Framework which states that:

“The preparation and review of all policies should be underpinned by relevant and up-to-date evidence. This should be adequate and proportionate, focused tightly on supporting and justifying the policies concerned, and take into account relevant market signals.”

An explanation of the proposed modifications is set out below.

2.1.1 Policy CSW 4: Strategy for Waste Management Capacity; Policy CSW 7: Waste Management for Non-hazardous Waste; and, Policy CSW 8 Other Recovery Facilities for Non-hazardous Waste

¹ BPP Consulting Kent Waste Needs Assessment 2018 Specifically: *Non Hazardous Waste Recovery Capacity Requirement, September 2018; Non Hazardous Waste Recycling/Composting Capacity Requirement, September 2018; and Hazardous Waste Needs Assessment, September 2018.*

Policy CSW 7 sets out the requirements for the provision of new waste management capacity for non-hazardous waste. The policy is intended to increase the provision of waste management capacity for recovery while recognising the need to drive waste up the hierarchy².

The original Needs Assessment for waste management facilities (originally prepared in 2011 and partially updated in January 2012: *Addendum to the Needs Assessment Modelling Technical Report*) showed that there was, at the time, no lack of capacity for the preparation of non-hazardous waste for reuse or recycling during the whole of the plan period. However, the Needs Assessment showed a capacity gap emerging in 2024 for treating green and kitchen wastes and in order to rectify a perceived imbalance of capacity between recycling and composting Policy CSW 7 seeks to address that particular gap in provision. The policy identified (as a minimum) 64,000 tonnes per annum (tpa) requirement by 2031.

In addition, the Needs Assessment identified a projected shortfall in "other" recovery capacity of 562,000tpa by the end of the Plan period.

Policy CSW 7 includes the following future capacity requirements based on the Needs Assessment mentioned above:

Year	Maximum Additional Capacity Required (tpa)	Indication of Number of New facilities for Recovery Needed	Minimum Additional Treatment Capacity for Green and Kitchen Wastes (tpa)	Indication of Number of New Facilities needed for Treating Green and Kitchen Waste
2011	0	0	0	0
2016	375,000	1-2	20,000	1
2021	125,000	1	0	0
2026	62,500	1	20,000	1

² The 'waste hierarchy' is both a guide to sustainable waste management and a legal requirement, enshrined in law through the Waste (England and Wales) Regulations 2011. The hierarchy gives top priority to waste prevention, followed by preparing for re- use, then recycling/composting, then other types of recovery (including energy recovery), and last of all disposal (e.g. landfill).

2031	0	0	24,000	1
Total	562,000	3-4	64,000	3

The recovery capacity requirement is expressed as a maximum, whereas the organic treatment capacity is a minimum; reflecting the relative positions of these methods of waste management in the Waste Hierarchy. That is to say it is preferable to process organic waste to produce compost, for example, than to burn it to produce heat/power. The use of organic waste to produce a gas via anaerobic digestion that may be used as a fuel is also considered preferable to its direct combustion.

In light of the position of recycling further up the Waste Hierarchy, the Plan does not restrict the amount of additional capacity for waste management for recycling or preparation of waste for reuse or recycling, nor does it suggest provision of the additional capacity of green and/or kitchen waste treatment facilities should occur in the later part of the Plan period 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.

The implementation of Policy CSW7 was intended to result in reducing the amount of non-hazardous waste from Kent going for disposal to landfill to less than 76,000 tpa by the end of the Plan period, and to also assist in husbanding existing non-hazardous landfill capacity in Kent to the end of the Plan period to provide management capacity for any non-hazardous waste that cannot be reused, recycled, composted or recovered.

On adoption of the Plan (in July 2016) the Policy CSW7 capacity requirements for additional recovery capacity were considered to be robust. However, calculation of the requirements had not taken into account the planning permission (granted in 2012) for a Sustainable Energy Plant taking waste as a fuel to produce energy including heat at Kemsley Fields Business Park due to the lack of certainty concerning its implementation at that time. However, it can now be stated that the project will be fully implemented with commissioning scheduled for 2019. Therefore, it is now appropriate for the capacity of the site (some 525,000 tpa) to be counted as part of the available waste recovery capacity of the Plan area. An update of the Needs Assessment using more current data and updated assessment methods (See separate BPP Consulting waste needs assessment reports³ and summary of key

³ Note that these reports are updated versions of the reports published as part of the consultation on the draft Early Partial Review in late 2017/early 2018.

conclusions in Appendix 1) indicates that the shortfall of 562,500 tpa of non-hazardous waste management capacity included in Policy CSW7 is now highly unlikely to arise. In order to avoid overprovision of waste recovery capacity, which may discourage the development of recycling and composting capacity further up the waste hierarchy, it is proposed that policies CSW 7 and CSW 8 be modified to eliminate the stated waste recovery requirement to be planned for.

While Appendix 1 shows there remains a predicted shortfall in organic waste treatment capacity, when recycling and composting are considered together, there is no overall predicted shortfall in recycling and composting capacity.

The original calculation of recycling and composting capacity requirements presented in Policy CSW 7 was based on targets formulated In January 2012 using 2010/11 data⁴. The LACW targets were based on the aspiration of KCC in its role as Waste Disposal Authority (WDA) for Kent and the C&I targets were based on those in the South East Plan (adopted in 2009).

Since adoption of the KMWLP, the EU Circular Economy Package has been adopted and the UK Government has confirmed its intention to comply with the targets set within it regardless of the UK leaving the European Union. Therefore, the targets have been updated to reflect those set as follows:

- recycling target for municipal waste 55% by 2025 and 60% by 2030; and
- 10% limit of landfilling of municipal waste by 2035.

In addition, the progression to achieving LACW recycling targets has been scaled back (compared both to adopted Plan and the draft Partial Review document) to reflect the fact that the actual recycling rate achieved in 2015/16 was five percentage points lower than projected in the adopted KMWLP (46% rather than 51%), therefore the revised targets are more achievable (while remaining ambitious).

The differences between the targets in the adopted KMWLP and those proposed are presented in Tables 1 and 2 below.

Local Authority Collected Waste Targets

italicised values are historical actual values included for baseline purposes

		Milestone Year
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⁴ Waste Management Statistical Basis for the Kent County Council Minerals and Waste Development Framework Addendum to the Needs Assessment Modelling Technical Report Needs Assessment 2011 Update January 2012

		2015/16	2020/21	2025/26	2030/31
Recycling/ composting	Adopted KMWLP	51.00%	55.00%	59.00%	62.00%
	Proposed	46.00%	50.00%	55.00%	60.00%
	Difference		-5.00%	-4.00%	-2.00%
Remainder to Other Recovery⁵	Adopted KMWLP	40.00%	38.00%	37.00%	35.00%
	Proposed	47.00%	48.00%	43.00%	38.00%
	Difference		+10.00%	+6.00%	+3.00%
Landfill	Adopted KMWLP	9.00%	7.00%	4.00%	2.50%
	Proposed	6.00%	2.00%	2.00%	2.00%
	Difference (expressed in converse as difference is positive)		5.00%	2.00%	0.50%

Commercial & Industrial Waste Targets

		Milestone Year			
		2015/16	2020/21	2025/26	2030/31
Recycling/ composting	Adopted KMWLP	61.00%	63.00%	65.00%	65.00%
	Proposed	n/a	50.00%	55.00%	60.00%
	Difference		-13.00%	-10.00%	-5.00%
Remainder to Other Recovery⁶	Adopted KMWLP	20.00%	21.00%	19.00%	19.00%
	Proposed	n/a	35.00%	32.50%	30.00%
	Difference		+14.00%	+13.50%	+11.00%
Landfill	Adopted KMWLP	19.00%	16.00%	16.00%	16.00%
	Proposed	n/a	15.00%	12.50%	10.00%
	Difference (expressed in converse as difference is positive)		1.00%	3.50%	6.00%

The revised targets have been incorporated into Policy CSW4 to aid annual monitoring of the Plan (through the Annual Monitoring Report (AMR)) and identify whether shortfalls may exist; providing clear guidance to developers and the Authority on the need for proposals for additional capacity where it involves management through methods that fall below recycling, composting or reuse in the Waste Hierarchy.

2.1.2 Policy CSW 5 Strategic Site for Waste

⁵ This identifies the consequential predicted remaining management requirement assuming the other targets are met.

⁶ As footnote 5

Policy CSW 5 sets out the criteria to be applied to the assessment of any forthcoming application relating to the Strategic Site Allocation at Norwood Quarry. It is proposed to add a clause providing for assurances that the proposed site can be suitably restored in the event that the void space may no longer be used for management of air pollution control residues due to a possible change in government policy. Currently national policy allows landfilling of such waste under a special derogation from the Landfill Directive waste acceptance criteria requirements. This has been subject to review in the past and may change in future. In addition, it is proposed to delete the requirement for an assessment of alternative management methods given that significant tonnages are already being managed through other treatment routes.

2.1.3 Policy CSW 12: Identifying Sites for Hazardous Waste; Policy CSW 14 Disposal of Dredgings

Policies CSW 12 and CSW 14 are also to be modified since the need identified in the original Needs Assessment is no longer apparent. In particular a future need for additional landfill capacity to accommodate asbestos waste in Kent has not been identified given that the aspiration for maintaining net self sufficiency in hazardous waste management capacity overall will be met by the Plan's provision of additional hazardous waste landfill capacity (air pollution control residues) at Norwood Farm. A review of the need to accommodate predicted arisings of asbestos waste from Kent alone⁷ indicates that current disposal capacity will be sufficient for the Plan period. Nor has the need for the provision of a specific landfill for disposal of dredgings been confirmed by the main beneficiary of any such facility (the Port of London Authority).

⁷ BPP Consulting Waste Needs Assessment 2018

2.2 Proposed Modifications to Text of the Kent Minerals and Waste Local Plan Concerning Waste Management

In light of the changes to the assessment of waste capacity requirements as set out in the previous section, it is proposed that the text of the Kent Minerals and Waste Local Plan be modified as set out below.

Note that new text is shown in italics, bold, and underlined (***like this***) and deleted text is shown struck through (~~like this~~).

A clean copy of the proposed modifications is set out for information in Appendix 2

1.1.3 The specific sites for minerals ~~and waste~~ developments will be set out in the separate Kent Minerals ~~and Waste~~ Sites Plans. The site selection process for the final sites included in the ***Minerals*** Sites Plans will be based on the policies in the Kent MWLP.

1.2.2 The policies in this Plan replace the earlier versions of the saved Kent Minerals and Waste Local Plan policies. Appendix B lists the schedules of saved Kent Local Plan policies replaced, deleted or retained. ~~Site specific policies from the saved Kent Minerals and Waste Local Plan policies will be retained until the Kent Minerals Sites Plan and the Kent Waste Sites Plan are adopted.~~

6 Delivery Strategy for Waste

[Policy CSW1 and para 6.1.1- 6.1.2 remain unchanged]

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. (75)

Figure 18 Waste Hierarchy

6.2.2 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.

6.2.3 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*** Needs

~~Assessment for waste~~ ⁽⁷⁶⁾ shows that Kent's current recycling and processing facilities have sufficient capacity for the anticipated rate of usage ~~with the exception of facilities for green and kitchen wastes~~. It should be appreciated that 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 that is produced in Kent** to be managed **by methods at this tier of the hierarchy** ~~through this method of waste management~~.

6.2.4 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** facilities for recycling and processing **including** ~~through the following measures:~~

- ~~the identification in the Waste Sites Plan of all of the deliverable, sustainable sites for these forms of waste management that have been promoted for inclusion by landowners or the waste industry~~
- 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** ~~if the facility's capacity for the maximum annual tonnage of waste is not increased.~~

6.2.5 The application of the Waste Hierarchy **is a legal requirement under the Waste (England and Wales) Regulations 2011**. ~~is most appropriate to producers of waste when assessing how to manage waste. The Kent MWLP has to plan for all forms of waste management in the Waste Hierarchy to make this possible. While It is anticipated that there will be a transition over time to forms of waste management at the higher end of the Waste Hierarchy, there will still be a need for disposal at the end of the plan period for difficult to treat wastes, or wastes such as asbestos for which there is no present alternative. The Kent MWLP addresses this transition by seeking to rapidly provide 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** identifying sites for energy recovery. Due to other recovery being at the lower end of the Waste Hierarchy, the total amount of new energy recovery capacity to be permitted will be capped. It is envisaged that this method of waste management will become displaced as recycling and waste processing become more economically viable.~~

Footnote 76 Jacobs (January 2012) Addendum to the Needs Assessment Modelling Technical Report - Needs Assessment 2011 Update **Consulting Waste Needs Assessment 2018**.

[Policies CSW 2 and CSW 3 remain unchanged]

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 facilities 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 the principle of net self-sufficiency and the management of ing waste close to its source is a 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. Proposals that would result in more waste being managed in Kent than is produced may be acceptable if it was demonstrated that these would result in waste produced in Kent being managed at a higher level of the waste hierarchy. Achievement of nNet self-sufficiency can be monitored on an annual basis and will provide an indicator as to whether the policies in the Plan need to be reviewed.

6.3.2 In reality, different types of waste are managed at different types of facilities. To assess the future needs for waste facilities in Kent, net self-sufficiency has been studied for the individual waste streams of inert, non-inert (also called non-hazardous) and hazardous wastes. While Kent currently achieves net self-sufficiency for each of these wastes separately, new facilities this position will be monitored to ensure this will need to be developed for each of these waste streams if it is to remain s the case net self-sufficient throughout the plan period.

6.3.3 The ~~Kent AMR 11/12 (77)~~ shows that there was a considerable movement of waste both into and out of Kent for management. In 2010, just over 1,000,000 tonnes of waste originating in Kent was managed outside Kent and facilities in Kent managed approximately 750,000 tonnes of waste that did not originate in Kent. 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 additional waste management capacity facilities needed to provide additional capacity for Kent's waste arisings.

Provision for Waste From London

6.3.4 Specific provision in the calculations for new capacity required for non-hazardous waste going to landfill or EfW has been made for waste from London. The reason for this is twofold:

1. The evidence base prepared for the partially revoked SEP (the SEP and its evidence base are still relevant to the Plan and form part of its evidence base) shows a continuing need for the disposal of residual non-hazardous waste arising from London in the South East. The SEP quantified the amounts arising and apportioned the provision of capacity to be provided by each of the WPAs. In the absence of any more recent quantification of the amount of residual non-hazardous waste arising in

London that might come into Kent for management, the Plan uses a provision allowance based on the partially revoked SEP apportionment.

2. The major non-hazardous landfill site in Havering, east London, (78) which includes in its catchment area waste arising from the parts of London closest to Kent, is set to close by 2018 and could cause a potential influx of additional waste into Kent. If this is not taken into account, the increase in management of non-hazardous waste originating in London within waste facilities in Kent could have an adverse effect on the capacity of Kent's facilities to manage its own waste originating in the county.

that due to land constraints London's residual waste cannot all be managed within London itself and so, as a neighbouring waste planning authority, Kent County Council has some responsibility to make provision for an element of this waste. Historical data indicates the tonnage to be provided for is in the region of 35,000 tonnes per annum. It is also recognised that closure of Rainham Landfill in the London Borough of Havering in 2026 may result in the displacement of waste from Kent currently managed there. Therefore, an additional tonnage of 20,000 tpa has been planned for on a contingency basis.

6.3.5 The Plan's approach to non-hazardous waste originating in London differs from the approach set out in the partially revoked SEP as follows:

The SEP's apportionment of London's waste was to be provided by the provision of non-hazardous landfill. The Plan is instead making provision for London's non-hazardous waste through EfW capacity. (79)

The SEP required provision to be made in Kent for landfilling 158,880 tpa of London's non-hazardous waste for the period for 2006 to 2015. There is no evidence of this rate of London's waste being landfilled in Kent. The maximum quantity of London waste that has been deposited in Kent's landfills in recent years is 21,259 tpa. The Plan makes provision for 21,259 tpa to be disposed in either non-hazardous landfill or EfW in Kent.

The SEP anticipated a dramatic decrease in the amount of London non-hazardous waste being exported into the South East by 2016, due to the expectation that the only non-hazardous waste exported would be EfW residues. The Plan anticipates an increase in the amount of waste coming into Kent for disposal in 2018 since the non-hazardous landfill in Havering is expected to close by the end of 2017.

For the period of 2017 to 2030, the Plan makes provision for 87,000 tpa of London non-hazardous waste being disposed in Kent at non-hazardous landfill and EfW facilities. This is the SEP figure for the period of 2016 to 2025 and is used in the Plan as there is no other up-to-date assessment of the amount of London's non-hazardous waste that might be exported to Kent for disposal.

78 The Veolia Rainham landfill in the Borough of Havering.

79 It is anticipated that London's non-hazardous waste might go to either Kent non-hazardous landfill or EfW, or both. No specific, additional provision is being made for new non-hazardous landfill as the provision of new EfW is expected to free up some capacity at existing landfill sites given that EfW is expected to be a more cost-effective option.

6.3.64 For the plan period, 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.**

new types of facilities that will be required in terms of broad categories of waste management facilities, such as landfill, recycling and composting, and other recovery, which roughly correspond to stages in the Waste Hierarchy. In this Needs Assessment for different categories of facilities has been based on the targets for recycling and recovery (and by deduction for landfill) as set out in the Kent JMWMS (80) and its Refreshed Objectives and Policies, (81) and the revised WFD. (82)

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 some residual non-hazardous waste from London. As a minimum it is to achieve the targets **set out below** for recycling and composting **and other forms of recovery.**, reuse and landfill diversion identified in the Kent Joint Municipal Waste Management Strategy (as amended).

	<u>Milestone Year</u>			
	<u>2015/16</u>	<u>2020/21</u>	<u>2025/26</u>	<u>2030/31</u>
<u>Local Authority Collected Waste</u>				
<u>Recycling/composting⁸</u>	<u>n/a</u>	<u>50%</u>	<u>55%</u>	<u>60%</u>
<u>Other Recovery</u>	<u>n/a</u>	<u>48%</u>	<u>43%</u>	<u>38%</u>
<u>Remainder to Landfill</u>	<u>n/a</u>	<u>2%</u>	<u>2%</u>	<u>2%</u>
<u>Commercial & Industrial Waste</u>				
<u>Recycling/composting⁹</u>	<u>n/a</u>	<u>50%</u>	<u>55%</u>	<u>60%</u>

⁸ This is taken to include organic waste (including green and kitchen waste) treatment by Anaerobic Digestion

⁹ This is taken to include organic waste (including green and kitchen waste) treatment by Anaerobic Digestion

<u>Other Recovery</u>	<u>n/a</u>	<u>35%</u>	<u>32.5%</u>	<u>30%</u>
<u>Remainder to Landfill</u>	<u>n/a</u>	<u>15%</u>	<u>12.5%</u>	<u>10%</u>
<u>Construction & Demolition Waste (Non Inert Only)</u>				
<u>Recycling</u>	<u>n/a</u>	<u>12%</u>	<u>13%</u>	<u>14%</u>
<u>Composting</u>	<u>n/a</u>	<u>1%</u>	<u>1%</u>	<u>1%</u>
<u>Other Recovery</u>	<u>n/a</u>	<u>5%</u>	<u>5%</u>	<u>5%</u>
<u>Remainder to Landfill</u>	<u>n/a</u>	<u>2%</u>	<u>1%</u>	<u>0.5%</u>

It should be noted that the values shown for 'Remainder to Landfill' are not targets but are included to show the predicted requirement for landfill in light of the achievement of the targets to move waste up the hierarchy.

6.4 Policy CSW 5: Strategic Site for Waste

6.4.1 To meet the Kent MWLP objective of reducing the amount of waste being landfilled, the Plan is using policies to drive a major change in the way that waste is managed in Kent. To do this will require increasing numbers of facilities for recycling, composting and Anaerobic Digestion (AD) as well as additional facilities for EfW. Enabling the change in perception of waste from being something that has to be disposed to **something that can be** waste being used as a resource **will be helped by the development of such additional capacity further up the hierarchy.** This will need sufficient local capacity for the treatment or disposal of the residues arising from the existing and future EfW plants.

6.4.2 Kent has the benefit of a major EfW plant at Allington that features heavily in the Waste Management Unit (WMU) contracts for residual MSW. While this plant currently has spare capacity, additional EfW facilities will be required during the plan period to deal primarily with the volumes of C&I waste arising in Kent that are currently sent to landfill.

6.4.23 The landfill at Norwood Quarry on the Isle of Sheppey accommodates the hazardous flue ash residues from the Allington EfW facility **that feature heavily in the Waste Management Unit (WMU) contracts for residual MSW, but it has limited consented void space remaining.** To make provision for this waste for the duration of the Plan, it is considered essential that Kent has the capacity to deal with these residues **an extension to Norwood Quarry is identified.** Enabling the continued management of hazardous flue ash within Kent has the added benefit of contributing to achieving the continued net self-sufficiency in hazardous waste management capacity. (83)

6.4.4 Therefore, a matter fundamental to the central achievement of the Plan is the identification of a suitable location for the treatment or disposal of the hazardous waste residues within Kent. No site for the treatment of this waste was submitted to the County Council in response to the call for sites in 2010 and only one site was put

forward for its disposal. The submission for hazardous waste disposal was for an extension to the existing facility at Norwood Quarry, which benefits from suitable geology for engineering a hazardous landfill. Norwood Quarry is also the only site put forward in the 2010 call for sites for clay extraction for engineering purposes, that would enable a continuation of supply in Kent and, thereby, the need to restore the land with waste.

~~6.4.35~~ There are no realistic alternatives to the disposal of the Allington EfW flue ash in landfill for the foreseeable future. While there is a risk that identifying the extension area at Norwood Quarry as a Strategic Site for Waste could hinder the development of alternative treatment solutions for the flue ash, there is a need to make provision for this waste stream.

~~6.4.46~~ The proposed extension areas to Norwood Landfill are identified as the Strategic Site for Waste. The location of these extension areas is shown on Figure 19.

Policy CSW5

Strategic Site for Waste

The proposed extension areas for Norwood Quarry and Landfill Site, Isle of Sheppey are together identified as the Strategic Site for Waste in Kent. The site location is shown on Figure 19. Planning permission will not be granted for any other development other than mineral working with restoration through the landfilling of hazardous (flue) dust ash residues from Energy from Waste plants in Kent, ~~unless it can be demonstrated that the equivalent capacity for treatment or disposal can be provided elsewhere in Kent.~~

Mineral working and restoration by hazardous landfill and any ancillary treatment plant at the Strategic Site for Waste will be permitted subject to meeting the requirements of the development plan and the following criteria:

1. Demonstration that the site can be suitably restored in the event that landfilling of hazardous (flue) dust ash residues from Energy from Waste plants were to cease before completion of the final landform due to changes in treatment capacity and/or government policy that may result in the diversion of these wastes from landfill. ~~an assessment has been made that alternative treatment technologies for hazardous flue dust from Energy from Waste plants are not economically viable~~

2. an air quality assessment is made of the impact of the proposed development and its associated traffic movements (84) on the Medway Estuary and Marshes Special Protection Area and the Swale Special Protection Area sites and if necessary mitigation measures are required through planning condition and/or planning obligation

3. the site and any associated land being restored to a high quality standard and appropriate after-use that accords with the local landscape character
4. Any proposal for this site would need to consider the requirements of other relevant policies of this Plan and in particular would need to consider any impacts on the A2500 Lower Road. Depending on the nature of any proposal it may be necessary for the developer to make a contribution to the improvement of this road.

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 the economic viability of the plant and this is particularly relevant when considering the possible sizing and location of facilities required to satisfy the strategic need identified in Policy CSW 7 **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. There is vacant **E**mployment land throughout Kent and its availability is monitored annually by KCC and the district and borough councils. (85) While vacancy rates of premises in industrial estates generally preclude identification of any particular unit, unless it is being promoted by an operator/landowner, whole industrial estates may be identified as suitable locations. 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 There will still be a need for other locations for **C**ertain types of waste or waste management facilities, such as Construction, Demolition and Excavation (CDE) recycling facilities that 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 Specific identification of sites for EfW plants will be made regardless of whether the sites are within an appropriate industrial estate because large sites are needed. The protection afforded through policy will prevent these sites from either being developed or partially developed by other uses.

6.5.5 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 contaminated land 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 DM4).

~~6.5.56~~ 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.

~~6.5.67~~ 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 CDE 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**.

~~6.5.8~~ In order to reinforce and maintain a network of facilities across the county (See Figure 16), the Waste Sites Plan will identify suitable development locations and give clear guidance on the type of facility that may be developed in such locations, based on this Plan's vision, strategic objectives and policies. The criteria in Policy CSW 6 will be taken into account when selecting and screening the suitability of sites for identification in the Waste Sites Plan.

~~6.5.79~~ Policy CSW 6 applies to all proposals for built waste management facilities. Sites identified for allocation in the Waste Sites Plan will be assessed for their suitability to accommodate certain types of waste management facility and therefore certain sites may only accommodate certain types of facility deemed appropriate to that location.

Policy CSW 6

Location of Built Waste Management Facilities

Planning permission will be granted for **proposals that** uses identified as appropriate to the sites allocated in the Waste Sites Plan to meet the need identified in Policy CSW 7 providing that such proposals:

- a) do not give rise to significant adverse impacts upon national and international designated sites, including Areas of Outstanding Natural Beauty (AONB), Sites of Special Scientific Interest (SSSI), Special Areas of Conservation

(SAC), Special Protection Areas (SPAs), Ramsar sites, Ancient Monuments and registered Historic Parks and Gardens. (See Figures 4, 5 & 6).

- b) do not give rise to significant adverse impacts upon Local Wildlife Sites (LWS), Local Nature Reserves (LNR), Ancient Woodland, Air Quality Management Areas (AQMAs) and groundwater resources. (See Figures 7, 8, 10 & 15)
- c) are well located in relation to Kent's Key Arterial Routes, avoiding proposals which would give rise to significant numbers of lorry movements through villages or on unacceptable stretches of road.
- d) do not represent inappropriate development in the Green Belt.
- e) avoid Groundwater Source Protection Zone 1 or Flood Risk Zone 3b.
- f) 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.
- g) for energy producing facilities - sites are in proximity to potential heat users.
- h) 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.
- i) 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 ~~provision of capacity additional to that required by Policy CSW 7, or 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 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

Proposals on ~~a greenfield land other than in the circumstances of category 2 above~~ will only be permitted if ~~either~~:

- A. it can be demonstrated that there are no suitable locations identifiable from categories 1 to 5 above within the intended catchment area of waste arisings, or
- B. Particular regard will be given to whether the nature of the proposed waste management activity requires an isolated location.

[Paragraph 6.6 remains unchanged]

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** increase the provision of new waste management capacity for recovery while 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 MSW (86) and C&I (87) waste **and the non inert, non-hazardous, component of CDEW.**

~~6.7.3 The Needs Assessment for waste facilities (88) shows that there is no lack of capacity preparation of non-hazardous waste for reuse or recycling during the whole of the plan period. However, the Needs Assessment shows a capacity gap emerging in 2024 for treating green and kitchen wastes and Policy CSW 7 therefore seeks to address that gap in provision. The additional capacity required for composting is a minimum but the figure for EfW capacity is a maximum; this reflects the relative positions of these methods of waste management in the Waste Hierarchy. i.e. that it is preferable to process organic waste to produce compost to burning it to produce heat/power. The use of organic waste to produce a gas that may be used as a fuel via anaerobic digestion is also considered preferable to its direct combustion.~~

6.7.4 There is no intention to restrict the amount of new capacity for waste management for recycling or preparation of waste for reuse or recycling, or for the - Furthermore, there is also no intention to restrict provision of the additional capacity of **for** green and/or kitchen waste treatment facilities to the later part of the plan period 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.

6.7.5 Implementing Policy CSW 7 will result in reducing the amount of Kent non-hazardous waste going for disposal to landfill to less than 76,000 tpa by the end of the plan period. It will also assist in retaining **and by doing so conserve existing non-hazardous landfill capacity in Kent** at the end of the plan period for any non-hazardous waste that cannot be reused, recycled, composted or recovered. The reliance being placed upon a major increase in additional future capacity through the recovery of waste is regarded as being deliverable due to the responses received to the call for sites for the Waste Sites Plan, which include sufficient EfW proposals to meet the required additional capacity.

Policy CSW 7 Waste Management for Non-hazardous Waste

In seeking to be as self-sufficient as possible in managing non-hazardous waste arisings in Kent, and for providing for limited amounts of non-hazardous waste from London, sufficient sites for waste management facilities will be identified in the Waste Sites Plan to meet identified needs as a minimum, including the following capacity:

1. Calculation of capacity at any proposed sites may include recycling and composting in an integrated waste management facility providing the total capacity calculated results in no significant amount of residue having to go to non-hazardous landfill. These figures are based on the high growth forecasts.
2. The actual number of facilities required will depend on the throughput capacity of proposed facilities brought forward to meet the identified need. Facilities with a smaller capacity will result in more facilities than indicated being required.
3. Additional capacity required to achieve composting rates of 65% C&I waste and 60% MSW by 2025.

Waste management capacity for non-hazardous waste will be provided through sites for managing waste, including Energy from Waste, recycling, in-vessel (enclosed) composting facilities and anaerobic digestion plants.

Sites for anaerobic digestion, composting, Energy from Waste, mechanical biological treatment and other energy and value recovery technologies that assist Kent in meeting the capacity gap identified in this policy **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**, pre-sorting of the waste is carried out unless proven not to be technically practicable for that particular waste stream
2. recovery of by-products and residues is maximised

3. energy recovery is maximised (utilising both heat and power)
4. any residues produced can be managed or disposed of in accordance with the objectives of Policy CSW 2
5. sites for the management of green waste and/or kitchen waste in excess of 100 tonnes per week are Animal By Product Regulation compliant (such as in-vessel composting or anaerobic digestion)
6. sites for small-scale open composting of green waste (facilities of less than 100 tonnes per week) that are located within a farm unit and the compost is used within that unit.

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 MSW and C&I waste being sent to non-hazardous landfill. There will need to be a substantial increase in waste recovery capacity during the plan period if a rapid shift away from landfill is to occur.~~

~~6.8.2 To give sufficient flexibility for waste management in Kent up to 2030, high growth forecasts used to estimate the amount of additional recovery capacity indicate that 562,000 tpa will be required (as shown in the table in Policy CSW 7). **Proposals for** additional recovery capacity will need to be designed to operate as Waste Directive Framework compliant recovery processes harnessing the **maximum practicable quantity of** energy produced.~~

~~6.8.3 Such 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** the requirement set out in Policy CSW 7. 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. (89)~~

~~89 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.~~

Policy CSW 8 Other Recovery Facilities for Non-hazardous Waste

~~Sites for additional recovery facilities will be identified in the Waste Sites Plan to~~

~~treat a capacity of 562,500 tonnes per annum.~~

~~Permission will be granted for a maximum of 437,500 tonnes in total capacity until such time that the results of annual monitoring indicate that this restriction would result in the loss of all non-hazardous landfill capacity in the county before the end of the plan period.~~

Facilities using waste as a fuel will only be permitted if they qualify as recovery operations as defined by the Revised Waste Framework Directive¹⁰.

When an application for a combined heat and power facility has no proposals for use of the heat when electricity production is commenced, the development will only be granted planning permission if ~~4.~~ the applicant and landowner enter into a planning agreement to market the heat and to produce an annual public report on the progress being made toward finding users for the heat.

6.9 Policy CSW 9: Non Inert Waste Landfill in Kent

6.9.1 The lack of response to the call for sites for non-hazardous landfill 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 ~~identified in CSW 12~~ 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.

[Policy CSW 9 remains unchanged]

[Policy CSW 10: Development at Closed Landfill Sites inc para 6.10.1 preamble remain unchanged]

6.11 Policy CSW 11: Permanent Deposit of Inert Waste

6.11.1 **The most recent capacity assessment** ~~Needs Assessment~~ for waste facilities ~~(92)~~ shows that there is currently permitted capacity at permanent CD recycling sites of over 2 mtpa which already exceeds the partially revoked SEP recycling target for the later part of the plan period of 1.56 mtpa. However, the target is only a minimum requirement because ~~it~~ is considered more sustainable to use recycled aggregates than to extract primary aggregates. The term *CD recycling* is

¹⁰ Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives

synonymous with the term *aggregate recycling* and 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 ~~Needs Assessment~~ shows that Kent has existing permitted **consented** inert waste landfill capacity that is more than sufficient to meet Kent's need for the plan period. It is known that Kent receives a lot of waste originating out of the county, particularly from London, which goes into inert waste landfill in Kent. **It has been concluded that** ~~The Needs Assessment~~ tested the effects of this import continuing **continuation of this waste import** throughout the plan period at a rate of 300,000 tpa and concluded that this would still result in a surplus of inert waste landfill capacity of over 10 mt at the end of the plan period **can be accommodated by the existing consented capacity.**

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 CSW11 remains unchanged]

6.12 Policy CSW 12: ~~Identifying Sites for Hazardous Waste~~ *Management*

6.12.1 Hazardous waste arising in Kent is one of the smaller streams of waste; ~~in 2008 it only accounted for 3.1% of the total waste arising in the county.~~ 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** ~~considerable~~ movement of hazardous waste ~~occurs~~ with both waste originating in Kent going outside the county for management and hazardous waste coming into the county for management.

6.12.2 When hazardous waste management in Kent is viewed as a whole, net self-sufficiency in hazardous waste management is achieved. However, ~~the Hazardous Waste Topic Paper (93)~~ identified that Kent could cease to be net self-sufficient in hazardous waste capacity if changes in the production ~~profile~~ and management **profile** of hazardous waste occur as follows:

- the continued demand for disposal capacity for flue residues from Allington EfW facility
- the likely increase in hazardous residues from air pollution control from additional EfW capacity requiring management
- if the existing asbestos landfill closes then Kent will cease to import a significant amount of asbestos based hazardous waste **will cease to be imported** into the county.

6.12.3 The former issue is partly dealt with through the identification of a Strategic Site for Waste in Policy CSW 5. The need for management capacity of additional EfW APC residues can be addressed through Policy CSW 12 should it be required. Any proposals for future provision for asbestos landfill capacity will be **addressed using by Policy CSW9** through identification of a site in the Waste Sites Plan.

Policy CSW 12

Identifying Sites for Hazardous Waste Management

To maintain net self-sufficiency in the management of hazardous waste throughout the plan period, developments proposals for built hazardous waste management facilities will be granted planning permission in locations specified in consistent with Policy CSW 6, regardless of whether their catchment areas for waste extend outside beyond Kent.

~~A site will also be identified in the Waste Sites Plan for the landfilling of asbestos waste that is consistent with the criteria in Policy CSW 11: Permanent Deposit of Inert Waste to enable the continuation of asbestos disposal within the county.~~

[Policy CSW 13 remains unchanged]

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. ~~A landfill site with river access is needed. A site for the disposal of dredgings will be safeguarded through identification in the Waste Sites Plan.~~

Policy CSW 14

Disposal of Dredgings

~~A site for the disposal of dredgings will be identified in the Waste Sites Plan and the site will be safeguarded from other development.~~ 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

8 Managing and Monitoring the Delivery of the Strategy

[Changes to be made to the monitoring framework to reflect changes to the policies as set out above. This affects monitoring of policies CSW4, CSW6, CSW7, CSW8 and CSW12]

Appendix A: Glossary

Local Plan ~~The Kent MWLP comprises all adopted local plans that will include the Kent MWLP, the Minerals Sites Plan, the Waste Sites Plan and the district 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.**

Appendix B: List of Replaced, Deleted and Retained Policies

~~It is KCC's intention to replace a~~ **All** the previously adopted minerals and waste **policies are replaced by** plans with the Kent MWLP 2013-30 and the Minerals and Waste Sites Plans. The Kent Minerals and Waste Plans previously in force are listed below:

Kent Minerals Local Plan: Brickearth (1986)
Kent Minerals Local Plan Construction Aggregates (1993)
Kent Minerals Local Plan Chalk and Clay (1997)
Kent Minerals Local Plan Oil and Gas (1997)
Kent Waste Local Plan (1998)

All of these plans were prepared before Medway Council was formed and these plans therefore covered areas which are now within Medway.

The Secretary of State for the Government Office for the South East wrote separately to both KCC and Medway Council on 21 September 2007 providing a direction on the policies in the previously adopted minerals and waste plans. Any policies not listed by the Secretary of State expired and those listed in the Direction are known as the 'saved policies'. It is the saved policies that are deleted by the Minerals and Waste Plan, and the Minerals and Waste Sites Plans once adopted. KCC and Medway Council have separate letters of direction from the Secretary of State and therefore the deletion of saved policies by KCC has no effect on Medway Council's saved policies.

~~There are five saved policies which will not be deleted until the Minerals and Waste Sites Plans are adopted. These saved policies identify land where it would be considered acceptable in principle for developments as mineral or waste sites.~~

In Appendix B add following text beneath the table entitled 'Saved Policies being Deleted':

Saved Policy CA6 – 'Areas of Search within which the Extraction of minerals is Acceptable in Principle' is deleted and replaced by the Kent Mineral Sites Plan

Saved Policy B1 – 'Locations Suitable in Principle for the Extraction of Brickearth' is deleted.

Insert table in Appendix B under section 'Saved Policies being Deleted':

<u>Kent Waste Local Plan 1998 Saved Policies</u>		
<u>W7</u>	<u>Locations Suitable in Principle for Inert Waste to be Prepared for Recycling or Re-use</u>	<u>Policy deleted</u>
<u>W9</u>	<u>Locations Suitable in Principle for Waste Separation and Transfer Proposals</u>	<u>Policy deleted</u>
<u>W11</u>	<u>Locations with Potential for EfW Proposals</u>	<u>Policy deleted</u>

Modify the table in Appendix B under section 'Saved Policies being Retained' as follows:

Kent Minerals Local Plan: Construction Aggregates 1993 Saved Policy	
CA6	Areas of Search within which the Extraction of minerals is Acceptable in Principle
Kent Waste Local Plan 1998 Saved Policies	
W7	Locations Suitable in Principle for Inert Waste to be Prepared for Recycling or Re-use
W9	Locations Suitable in Principle for Waste Separation and Transfer Proposals
W11	Locations with Potential for EfW Proposals
Kent Minerals Subject Plan: Brickearth 1986 Saved Policy	
B1	Locations Suitable in Principle for the Extraction of Brickearth

[Note that the proposed deletion of saved policies CA6 and B1 is a result of the preparation of the Mineral Sites Plan that will provide updated policy on the allocation of land for minerals extraction]

3.0 Proposed modification to relating to minerals and waste safeguarding: Policies DM 7 and DM 8

3.1 Background

Sections 5.5, 5.6, and 5.7 of the adopted Kent Minerals and Waste Local Plan (KMWLP) set out policies (CSM5, CSM6 and CSM7), with reasoned justification, for the safeguarding of:

1. Land-won minerals (as defined in the Minerals Safeguarding Areas (MSAs)) from needless sterilisation from other development; and,
2. Minerals supply and waste management and transport infrastructure from direct, and potential, loss due to incompatible development being sited nearby such that it has the potential to prejudice their future lawful operation.

Further policies, DM 7 and DM 8, are included to ensure that the safeguarding is not unduly rigid in its application. Policies DM7 and DM8 set out criteria to allow development that may affect safeguarded resources and sites to proceed in certain prescribed circumstances.

Since adoption of the KMWLP, experience in the implementation of the Policies DM7 and DM8 has revealed that ambiguity in the wording of certain of their exempting criteria hinders their effectiveness. Revisions to both policies (as set out below) are therefore proposed to ensure they can be applied effectively in future. Additional wording to the supporting text is also provided to reflect the now adopted status of the related Supplementary Planning Document.

3.2 Policy DM 7 – Safeguarding Mineral Resources

Policy DM 7 sets out the circumstances in which surface non-minerals development may be acceptable at a location within an MSA. 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. The policy in its adopted form reads as below:

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 DM9, 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

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

The particular criterion of concern is criterion 7. The purpose of criterion 7 is to recognise that the process of local plan formulation, consultation, independent examination and subsequent adoption would normally take account of, and address, land won mineral safeguarding matters. In other words, it is assumed 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, will have been factored into the consideration of whether allocation of that land for development is appropriate. This means that proposals for development on land allocated in Local Plans for a given type of development do not need to consider criteria 1 to 6.

Where economic minerals are identified in an MSA whose extent coincides with allocations for non-mineral development that would have a potentially sterilising effect on these mineral resources, then a full assessment that meets the other criteria 1 to 6 (where appropriate) of the policy should be completed, to the satisfaction of the Mineral Planning Authority (MPA).

However, application of the policy has revealed that sterilising development is being proposed on land allocated in a Local Plan, that is also within an MSA, where the original allocation did not take into account mineral safeguarding. In this regard it has been suggested that the criterion **'it constitutes development on a site allocated in the adopted development plan'** should be interpreted literally, such that provided there is an adopted development plan with allocations, regardless of whether the development is incompatible with the mineral safeguarding principles, development in those areas is, in all cases, exempt from the need to consider safeguarding.

In order to improve the effectiveness of criterion 7 (and to close this 'loop hole') revised wording is therefore proposed. Furthermore, amendments are also proposed to reflect the now adopted status of the Supplementary Planning Document on Safeguarding:

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 DM9, 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~~ will be included in a Supplementary Planning Document.

3.3 Policy DM 8 - Safeguarding Minerals Management, Transportation Production & Waste Management Facilities

Permitted waste management and minerals supply infrastructure plays a crucial role in ensuring the effective management of waste and supply of minerals in the county and is safeguarded from development which may adversely impact on its effective operation. Certain types of non-waste and minerals development which may be sensitive to noise, dust and visual impacts associated with infrastructure (e.g. housing) may not always be compatible. Policies CSM6 and CSM7 therefore expect the presence of waste and minerals infrastructure to be taken into account in decisions on proposals for non-waste and minerals development made in the vicinity of such infrastructure.

Policy DM 8 recognises that in certain circumstances redevelopment of sites hosting waste and minerals infrastructure, or nearby non minerals and waste development, may be acceptable. Policy DM8 allows such development when a replacement facility is identified that is at least equivalent to that which it is replacing and it specifies how this should be assessed. The policy in its adopted form reads as follows:

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; 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 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.

Criterion 2 of the policy has the same wording as criterion 7 of Policy DM 7 and the issue regarding the effectiveness of Policy DM7 (as set out above) therefore also applies to Policy DM8. Therefore, in order to ensure that Policy DM8 is effective in its consideration of non-minerals and waste development proposed on sites allocated in adopted local plans the following wording is proposed:

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, planned or proposed developments that could constrain the operation of the replacement site at the required capacity.

Planning applications 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.

In light of the above it is proposed that related explanatory text of the KMWLP be modified as set out below.

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. The need for such development will be weighed against the need to avoid sterilisation of the underlying mineral and the objectives and policies of the development plans as a whole will need to be considered when determining proposals.

7.5.2 Policy DM 7 sets out the circumstances when non-minerals development may be 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.

7.5.3 Proposals located in MSAs will usually need to be accompanied by a 'Minerals Assessment', prepared by the promoter, which will include information concerning

the 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 BGS Good Practice Advice on Safeguarding. Further guidance is will be provided through a Supplementary Planning Document. (111)

7.5.4 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.**

7.5.5 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 highly exceptional and it will be necessary to demonstrate the overriding importance of the development, such as whether the development is of strategic national importance, and why the need cannot practically be met elsewhere.

7.5.6 Criterion 7 of Policy DM7 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 e.g. during preparation of Strategic Housing Land Availability Assessments.

Footnote 111 Preparation of the Supplementary Planning Document will **be maintained by the County Council and updated as required** involve consultation with stakeholders including the minerals and development industry.

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 (113) 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.

7.6.2 Policy DM 8 sets out the circumstances when safeguarded 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.

7.6.3 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.

7.6.4 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 development which may impair the effectiveness and acceptability of the infrastructure.

7.6.5 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.

7.6.6 Criterion 2 of Policy DM8 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.

7.6.7 Further guidance on the implementation of this policy is included in a Supplementary Planning Document.

Appendix 1 - Waste Needs Assessment – Summary of Key Conclusions

A recent review¹¹ of the future needs for waste management facilities in Kent has concluded that the development of the additional capacity is not required to the extent that a separate Waste Sites Plan would be justified. This is for the following reasons:

1. Energy recovery capacity: Additional capacity at Kemsley SEP now confirmed.
2. Hazardous waste: Due to the lack of need for additional capacity to allow for the continued landfilling of projected arisings of asbestos from Kent within Kent.
3. Disposal of Dredgings: No clear need identified by Port of London Authority (PLA) (the responsible navigation authority).

These identified needs i.e. projected capacity deficits, are discussed further below. In addition, while there remains an identified need for organic waste treatment capacity, it is considered that adopted policy in the MWLP is sufficiently permissive and positive enough for applications to be encouraged to come forward without the need for allocation of specific sites.

1. Energy Recovery Capacity.

Table A1 presents the findings of the review in relation to the predicted need for additional Non Hazardous Residual Waste Energy Recovery capacity. Essentially the delivery of the Kemsley SEP now more than fulfils the predicted need.

¹¹ BPP Consulting Kent Waste Needs Assessment 2016-17

Table A1: Projected Overall Non Hazardous Residual Waste Management Needs (tonnes)

	2016	2021	2026	2031
<i>Other Recovery Requirement</i>	666,000	842,000	798,000	751,000
minus Allington capacity	500,000	500,000	500,000	500,000
<i>Remainder</i>	166,000	342,000	298,000	251,000
minus Kemsley capacity at 2020	0	525,000	525,000	525,000
<i>Other Recovery capacity gap shortfall (+ve) / surplus (-ve)</i>	-	-183,000	-227,000	-274,000
Residual Waste from London combining projected exports and Kent waste to Rainham LF¹²	34,500	54,500	54,500	55,000
<i>Remaining Other Recovery Capacity Gap shortfall (+ve) / surplus (-ve)</i>	-	-128,500	-172,500	-219,000

2. Hazardous waste

The approach taken in the adopted KMWLP includes a commitment to maintaining net self-sufficiency for hazardous waste management as stated in Policy CSW12. In reality, application of the principle of net self-sufficiency does not require capacity to be provided to manage every tonne of every waste stream within the Plan Area, rather than an equivalent tonnage be managed. This is particularly the case when considering hazardous waste management capacity as hazardous waste is a heterogeneous waste stream within which particular waste types may have very specific management needs. This 'special case' is recognised by national policy.

In the case of Kent, the Needs Assessment review found that there is currently a reasonably good match between types of hazardous waste produced and management capacity. However, provision of capacity to manage asbestos and air pollution control (APC) residues requires particular attention given that current

¹² The closure date of Rainham Landfill has been extended to 2026 by planning permission granted in September 2016. It should also be noted that a further permission has been granted to operate a "soil repair centre" to the end of 2031. This facility might accept the principal type of Kent waste deposited at the landfill, sewage screenings, and hence continue to provide for that Kent waste for the full plan period. This indicates that the additional provision for Kent waste predicted to be displaced from Rainham might be dispensed with entirely.

capacity for both is in the form of landfill void which by definition is a finite and diminishing resource.

Since the implementation of the Landfill Directive, hazardous waste can only be disposed either to a dedicated hazardous waste landfill site or into a special cell within a non-hazardous waste landfill site. The only two operational landfill sites in Kent accepting hazardous waste are as follows:

1. Norwood Quarry: Restricted input receiving Allington EfW residues to restore clay working.
2. Pinden Quarry: Merchant site accepting asbestos based waste mixed with inert material to restore chalk quarry working.

Provision has already been made in the KMWLP for the continued disposal of Allington EfW APC residues to Norwood Farm landfill, by identifying an extension as a strategic site in Policy CSW 5.

Data obtained for remaining void at Pinden Quarry Landfill suggests that, if inputs of asbestos waste were limited to an amount equivalent to the arisings in Kent over the plan period then there is likely to be sufficient capacity.

It should be noted that the approach taken in the adopted KMWLP was informed by the fact that a proposal to include an extension to Pinden Quarry Landfill as an allocation was put forward by the operator during the first call for sites in 2012. However, no such proposal was put forward in response to the second call for sites in 2016-2017. Nor has an application been forthcoming. It is therefore considered that the identification of a specific additional landfill for hazardous waste (asbestos CDEW) to manage Kent arisings (c 7,000tpa) is not justified.

3. Disposal of Dredgings

As dredgings are a specialist waste being generated solely from the dredging of navigable waterways undertaken by the Port of London Authority (PLA) that has responsibility for maintaining the Thames. The PLA was therefore approached to confirm its need for additional landfill capacity and it confirmed that there was no need for a specific landfill to be identified in the Plan at this time. On the basis of this it is now considered that the need for landfill initially identified no longer exists and dredging are now being managed through other more sustainable means.

Appendix 2 – Clean Copy of Proposed Modifications

Assuming the proposed modifications are adopted, the Kent Minerals and Waste Local Plan 2013-30 would read:

Proposed Modifications to Text of the Kent Minerals and Waste Local Plan Concerning Waste Management

1 Introduction

1.1.3 The specific sites for mineral developments will be set out in the separate Kent Minerals Sites Plan. The site selection process for the final sites included in the Minerals Sites Plan will be based on the policies in the Kent MWLP.

.....

1.2.2 The policies in this Plan replace the earlier versions of the saved Kent Minerals and Waste Local Plan policies. Appendix B lists the schedules of saved Kent Local Plan policies replaced, deleted or retained.

6 Delivery Strategy for Waste

[Policy CSW1 and para 6.1.1- 6.1.2 remain unchanged]

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. (75)

[Figure 18 Waste Hierarchy remains unchanged]

6.2.2 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.

6.2.3 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⁽⁷⁶⁾ shows that Kent's current recycling and processing facilities have sufficient capacity for the

anticipated rate of usage with the exception of facilities for green and kitchen wastes. It should be appreciated that 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 that is produced in Kent to be managed by methods at this tier of the hierarchy.

6.2.4 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 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.

6.2.5 The application of the Waste Hierarchy is a legal requirement under the Waste (England and Wales) Regulations 2011. It is anticipated that there will be a transition over time to forms of waste management at the higher end of the Waste Hierarchy. The Kent MWLP addresses this transition by seeking to rapidly provide 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.

Footnote 76 BPP Consulting Waste Needs Assessment 2018.

[Policies CSW 2 and CSW 3 remain unchanged]

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 resulted 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 needed to provide additional capacity for Kent's waste arisings.

6.3.2 In reality, different types of waste are managed at different types of facilities. To assess the future needs for waste facilities in Kent, net self-sufficiency has been studied for the individual waste streams of inert, non-inert (also called non-hazardous) and hazardous wastes. While Kent currently achieves net self-sufficiency, this position will be monitored to ensure this remains the case throughout the plan period. 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 additional waste management capacity.

Provision for Waste From London

6.3.3 Specific provision in the calculations for capacity required for non-hazardous waste going to landfill or EfW has been made for waste from London. The reason for this is that due to land constraints London's residual waste cannot all be managed within London itself and so, as a neighbouring waste planning authority, Kent County Council has some responsibility to make provision for an element of this waste. Historical data indicates the tonnage to be provided for is in the region of 35,000 tonnes per annum. It is also recognised that closure of Rainham Landfill in the London Borough of Havering in 2026 may result in the displacement of waste from Kent currently managed there. Therefore, an additional tonnage of 20,000 tpa has been planned for on a contingency basis.

6.3.4 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.

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 some residual non-hazardous waste from London. As a minimum it is to achieve the targets set out below for recycling and composting and other forms of recovery.

	<u>Milestone Year</u>			
	<u>2015/16</u>	<u>2020/21</u>	<u>2025/26</u>	<u>2030/31</u>
<u>Local Authority Collected Waste</u>				
<u>Recycling/composting¹³</u>	<u>n/a</u>	<u>50%</u>	<u>55%</u>	<u>60%</u>
<u>Other Recovery</u>	<u>n/a</u>	<u>48%</u>	<u>43%</u>	<u>38%</u>
<u>Remainder to Landfill</u>	<u>n/a</u>	<u>2%</u>	<u>2%</u>	<u>2%</u>
<u>Commercial & Industrial Waste</u>				
<u>Recycling/composting¹⁴</u>	<u>n/a</u>	<u>50%</u>	<u>55%</u>	<u>60%</u>
<u>Other Recovery</u>	<u>n/a</u>	<u>35%</u>	<u>32.5%</u>	<u>30%</u>
<u>Remainder to Landfill</u>	<u>n/a</u>	<u>15%</u>	<u>12.5%</u>	<u>10%</u>
<u>Construction & Demolition Waste (Non-Inert Only)</u>				
<u>Recycling</u>	<u>n/a</u>	<u>12%</u>	<u>13%</u>	<u>14%</u>
<u>Composting</u>	<u>n/a</u>	<u>1%</u>	<u>1%</u>	<u>1%</u>
<u>Other Recovery</u>	<u>n/a</u>	<u>5%</u>	<u>5%</u>	<u>5%</u>
<u>Remainder to Landfill</u>	<u>n/a</u>	<u>2%</u>	<u>1%</u>	<u>0.5%</u>

It should be noted that the values shown for 'Remainder to Landfill' are not targets but are included to show the predicted requirement for landfill in light of the achievement of the targets to move waste up the waste hierarchy.

6.4 Policy CSW 5: Strategic Site for Waste

6.4.1 To meet the Kent MWLP objective of reducing the amount of waste being landfilled, the Plan is using policies to drive a major change in the way that waste is managed in Kent. Enabling the change in perception of waste from being something

¹³ This is taken to include organic waste (including green and kitchen waste) treatment by Anaerobic Digestion

¹⁴ This is taken to include organic waste (including green and kitchen waste) treatment by Anaerobic Digestion

that has to be disposed to something that can be used as a resource will be helped by the development of such additional capacity further up the hierarchy.

6.4.2 The landfill at Norwood Quarry on the Isle of Sheppey accommodates the hazardous flue ash residues from the Allington EfW facility that features heavily in the Waste Management Unit (WMU) contracts for residual MSW, but it has limited consented void space remaining. To make provision for this waste for the duration of the Plan an extension to Norwood Quarry is identified. Enabling the continued management of hazardous flue ash within Kent has the added benefit of contributing to achieving net self-sufficiency in hazardous waste management capacity. ⁽⁸³⁾

6.4.3 While there is a risk that identifying the extension area at Norwood Quarry as a Strategic Site for Waste could hinder the development of alternative treatment solutions for the flue ash, there is a need to make provision for this waste stream.

6.4.4 The proposed extension areas to Norwood Landfill are identified as the Strategic Site for Waste. The location of these extension areas is shown on Figure 19.

Policy CSW5

Strategic Site for Waste

The proposed extension areas for Norwood Quarry and Landfill Site, Isle of Sheppey are together identified as the Strategic Site for Waste in Kent. The site location is shown on Figure 19. Planning permission will not be granted for any other development other than mineral working with restoration through the landfilling of hazardous (flue) dust ash residues from Energy from Waste plants.

Mineral working and restoration by hazardous landfill and any ancillary treatment plant at the Strategic Site for Waste will be permitted subject to meeting the requirements of the development plan and the following criteria:

1. Demonstration that the site can be suitably restored in the event that landfilling of hazardous (flue) dust ash residues from Energy from Waste plants were to cease before completion of the final landform due to changes in treatment capacity and/or government policy that may result in the diversion of these wastes from landfill.
2. an air quality assessment is made of the impact of the proposed development and its associated traffic movements ⁽⁸⁴⁾ on the Medway Estuary and Marshes Special Protection Area and the Swale Special Protection Area sites and if necessary mitigation measures are required through planning condition and/or planning obligation
3. the site and any associated land being restored to a high-quality standard and appropriate after-use that accords with the local landscape character
4. Any proposal for this site would need to consider the requirements of other relevant policies of this Plan and in particular would need to consider any impacts on the A2500 Lower Road. Depending on the nature of any proposal it may be necessary for the developer to make a contribution to the

improvement of this road.

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. (85) 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 (CDE) 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 contaminated land 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 DM4).

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 CDE 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 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:

- a) do not give rise to significant adverse impacts upon national and international designated sites, including Areas of Outstanding Natural Beauty (AONB), Sites of Special Scientific Interest (SSSI), Special Areas of Conservation (SAC), Special Protection Areas (SPAs), Ramsar sites, Ancient Monuments and registered Historic Parks and Gardens. (See Figures 4, 5 & 6).
- b) do not give rise to significant adverse impacts upon Local Wildlife Sites (LWS), Local Nature Reserves (LNR), Ancient Woodland, Air Quality Management Areas (AQMAs) and groundwater resources. (See Figures 7, 8, 10 & 15)
- c) are well located in relation to Kent's Key Arterial Routes, avoiding proposals which would give rise to significant numbers of lorry movements through villages or on unacceptable stretches of road.
- d) do not represent inappropriate development in the Green Belt.
- e) avoid Groundwater Source Protection Zone 1 or Flood Risk Zone 3b.
- f) 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.
- g) for energy producing facilities - sites are in proximity to potential heat users.
- h) 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.

- i) 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 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

Proposals on greenfield land will only be permitted if it can be demonstrated that there are no suitable locations identifiable from categories 1 to 5 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.

[Paragraph 6.6 remains unchanged]

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 MSW (86) and C&I (87) waste and the non inert, non-hazardous, component of CDEW.

6.7.4 There is no intention to restrict the amount of new capacity for waste management for recycling or preparation of waste for reuse or recycling, 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.

6.7.5 Implementing Policy CSW 7 will result in reducing the amount of Kent 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)
4. any residues produced can be managed or disposed of in accordance with the objectives of Policy CSW 2
5. sites for the management of green waste and/or kitchen waste in excess of 100 tonnes per week are Animal By Product Regulation compliant (such as in-vessel composting or anaerobic digestion)
6. sites for small-scale open composting of green waste (facilities of less than 100 tonnes per week) that are located within a farm unit and the compost is used within that unit.

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 MSW and C&I waste being sent to non-hazardous landfill.

Proposals for additional recovery capacity will need to be designed to harness the maximum practicable quantity of energy produced.

Such 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 counted⁸⁹.

Policy CSW 8

⁸⁹ 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

Other Recovery Facilities for Non-hazardous Waste

Facilities using waste as a fuel will only be permitted if they qualify as recovery operations as defined by the Revised Waste Framework Directive¹².

When an application for a combined heat and power facility has no proposals for use of the heat when electricity production is commenced, the development will only be granted planning permission if the applicant and landowner enter into a planning agreement to market the heat and to produce an annual public report on the progress being made toward finding users for the heat.

6.9 Policy CSW 9: Non Inert Waste Landfill in Kent

6.9.1 The lack of response to the call for sites for non-hazardous landfill 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.

[Policy CSW 9 remains unchanged]

[Policy CSW 10: Development at Closed Landfill Sites inc para 6.10.1 preamble remain unchanged.]

6.11 Policy CSW 11: Permanent Deposit of Inert Waste

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

¹² Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives

6.11.2 The most recent capacity assessment shows that Kent has existing consented inert waste landfill capacity that is more than sufficient to meet Kent's need for the plan period. It is known that Kent receives a lot of waste originating out of the county, particularly from London, which goes into inert waste landfill in Kent. It has been concluded that continuation of this waste import throughout the plan period at a rate of 300,000 tpa can be accommodated by the existing consented capacity.

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 CSW11 remains unchanged]

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 When hazardous waste management in Kent is viewed as a whole, net self-sufficiency in hazardous waste management is achieved. However, Kent could cease to be net self-sufficient in hazardous waste capacity if changes in the production and management profile of hazardous waste occur as follows:

- the continued demand for disposal capacity for flue residues from Allington EfW facility
- the likely increase in hazardous residues from air pollution control from additional EfW capacity requiring management
- 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 former issue is partly dealt with through the identification of a Strategic Site for Waste in Policy CSW 5. The need for management capacity of additional EfW APC residues can be addressed through Policy CSW 12 should it be required.

Any proposals for future provision for asbestos landfill capacity will be addressed using Policy CSW9.

Policy CSW 12

Hazardous Waste Management

To maintain net self-sufficiency in the management of hazardous waste throughout the plan period, development proposals for built hazardous waste management facilities will be granted planning permission in locations consistent with Policy CSW 6, regardless of whether their catchment areas for waste extend beyond Kent.

[Policy CSW 13 remains unchanged]

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.

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

8 Managing and Monitoring the Delivery of the Strategy

[Changes to be made to the monitoring framework to reflect changes to the policies as set out above. This affects monitoring of policies CSW4, CSW6, CSW7, CSW8 and, CSW12]

Appendix A: Glossary

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.

Appendix B: List of Replaced, Deleted and Retained Policies

All the previously adopted minerals and waste policies are replaced by the Kent MWLP 2013-30 and the Minerals Sites Plans. The Kent Minerals and Waste Plans previously in force are listed below:

- Kent Minerals Local Plan: Brickearth (1986)
- Kent Minerals Local Plan Construction Aggregates (1993)
- Kent Minerals Local Plan Chalk and Clay (1997)
- Kent Minerals Local Plan Oil and Gas (1997)
- Kent Waste Local Plan (1998)

All of these plans were prepared before Medway Council was formed and these plans therefore covered areas which are now within Medway.

The Secretary of State for the Government Office for the South East wrote separately to both KCC and Medway Council on 21 September 2007 providing a direction on the policies in the previously adopted minerals and waste plans. Any policies not listed by the Secretary of State expired and those listed in the Direction are known as the 'saved policies'. It is the saved policies that are deleted by the Minerals and Waste Plan, and the Minerals Sites Plan once adopted. KCC and Medway Council have separate letters of direction from the Secretary of State and therefore the deletion of saved policies by KCC has no effect on Medway Council's saved policies.

In Appendix B add following text beneath the table entitled 'Saved Policies being Deleted':

Saved Policy CA6 – 'Areas of Search within which the Extraction of minerals is Acceptable in Principle' is deleted and replaced by the Kent Mineral Sites Plan

Saved Policy B1 – 'Locations Suitable in Principle for the Extraction of Brickearth' is deleted.

Insert table in Appendix B under section 'Saved Policies being Deleted':

Kent Waste Local Plan 1998 Saved Policies		
W7	Locations Suitable in Principle for Inert Waste to be Prepared for Recycling or Re-use	Policy deleted
W9	Locations Suitable in Principle for Waste Separation and Transfer Proposals	Policy deleted
W11	Locations with Potential for EfW Proposals	Policy deleted

Proposed modifications relating to minerals and waste safeguarding: Policies DM 7 and DM 8

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. The need for such development will be weighed against the need to avoid sterilisation of the underlying mineral and the objectives and policies of the development plans as a whole will need to be considered when determining proposals.

7.5.2 Policy DM 7 sets out the circumstances when non-minerals development may be 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.

7.5.3 Proposals located in MSAs will usually need to be accompanied by a 'Minerals Assessment', prepared by the promoter, which will include information concerning the 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 BGS Good Practice Advice on Safeguarding. Further guidance is provided through a Supplementary Planning Document. (111)

7.5.4 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.

7.5.5 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 highly exceptional and it will be necessary to demonstrate the overriding importance of the development, such as whether the development is of strategic national importance, and why the need cannot practically be met elsewhere.

7.5.6 Criterion 7 of Policy DM7 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 e.g. during preparation of Strategic Housing Land Availability Assessments.

Footnote 111 The Supplementary Planning Document will be maintained by the County Council and updated as required.

Policy DM 7

Safeguarding Mineral Resources

Planning permission will only be granted for non-mineral development that is incompatible with minerals safeguarding, **(112)** 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 DM9, 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.

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 (113) 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.

7.6.2 Policy DM 8 sets out the circumstances when safeguarded 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.

7.6.3 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.

7.6.4 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 development which may impair the effectiveness and acceptability of the infrastructure.

7.6.5 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.

7.6.6 Criterion 2 of Policy DM8 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.

7.6.7 Further guidance on the implementation of this policy is included in a Supplementary Planning Document.

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, planned or proposed developments that could constrain the operation of the replacement site at the required capacity.

Planning applications 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.