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Date: 2 September 2020

Dear Member

**COUNTY COUNCIL - THURSDAY, 10 SEPTEMBER 2020**

**Item 9 - Adoption of the Kent Mineral Sites Plan and modifications to the Kent Minerals and Waste Local Plan 2013 - 2030 resulting from the Early Partial Review**

**APPENDICES - (Pages 1 - 366)**

Given the size of these appendices they have been published on the County Council's website alongside the [agenda](#) and are available via the modern.gov app.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Ben Watts', is written over a faint circular stamp.

Benjamin Watts  
General Counsel

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The Planning Inspectorate

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# Report to Kent County Council

**By Nick Palmer BA (Hons) BPI MRTPI**  
an Inspector appointed by the Secretary of State

Date: 23 April 2020

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Planning and Compulsory Purchase Act 2004

(as amended)

Section 20

## **Report on the Examination of the Kent Minerals and Waste Local Plan Early Partial Review and Kent Mineral Sites Plan**

The Plan was submitted for examination on 3 May 2019

The examination hearings were held between 8 and 15 October 2019

File Ref: PINS/W2275/429/9 and PINS/W2275/429/10

## Abbreviations used in this report

AA	Appropriate Assessment
AONB	Area of Outstanding Natural Beauty
APC	Air Pollution Control
BHCC	Brighton and Hove City Council
C&I	Commercial and Industrial
CRRNH	Capacity Requirement for the Management of Residual Non-Hazardous Waste
EA	Environment Agency
EPR	Early Partial Review
ESCC	East Sussex County Council
HRA	Habitats Regulations Assessment
KJMWMS	Kent Joint Municipal Waste Management Strategy
KMWLP	Kent Minerals and Waste Local Plan
LAA	Local Aggregates Assessment
LACW	Local Authority Collected Waste
MM	Main Modification
MSA	Mineral Safeguarding Area
MSP	Mineral Sites Plan
NDA	Nuclear Decommissioning Authority
NE	Natural England
PLA	Port of London authority
RDF	Refuse Derived Fuel
RWS	Resources and Waste Strategy
SA	Sustainability Appraisal
SEAWP	South East England Aggregates Working Party
SEWPAG	South East Waste Planning Advisory Group
SoCG	Statement of Common ground
SPD	Supplementary Planning Document
tpa	tonnes per annum
WFD	Waste Framework Directive
WSCC	West Sussex County Council

## Non-Technical Summary

This report concludes that the Kent Minerals and Waste Local Plan Early Partial Review (EPR) and Kent Mineral Sites Plan (MSP) provide an appropriate basis for the planning of minerals and waste development in Kent, provided that a number of main modifications [MMs] are made to them. Kent County Council ("the Council") has specifically requested that I recommend any MMs necessary to enable the Plans to be adopted.

The MMs all concern matters that were discussed at the examination hearings. Following the hearings, the Council prepared schedules of the proposed modifications and carried out sustainability appraisal of them. The MMs were subject to public consultation over an eight-week period. I have recommended their inclusion in the Plan after considering all the representations made in response to consultation on them.

The MMs can be summarised as follows:

- Modification to Policy CSM2 to reflect current mineral reserves and monitoring requirements and to remove the expectation regarding allocation of sites for clay and chalk extraction;
- Modifications to Policy DM7 and its supporting text to provide further explanation of mineral safeguarding requirements;
- Modification to Policy CSW5 regarding the strategic waste allocation at Norwood Quarry and Landfill Site, Sheppey to ensure its effectiveness;
- Inclusion of a reference to the definition of recycling in the glossary to support Policy CSW7;
- Requirements for minerals development on the allocated sites to secure net gain for biodiversity;
- Requirements to examine the proposals at Stonecastle Farm and Moat Farm against national Green Belt policy;
- Requirements for development on all allocated sites to fully consider heritage impacts, in accordance with national policy;
- Measures to secure full assessment of potential impacts on water resources at Moat Farm, and necessary mitigation;
- Strengthened requirements for access at Moat Farm;
- Strengthened requirements for biodiversity, public rights of way and landscape considerations at Chapel Farm; and
- Addition of a timing requirement at Chapel Farm to minimise risk of cumulative impacts with a nearby site.

## Introduction

1. This report contains my assessment of the Kent Minerals and Waste Local Plan EPR and MSP in terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004 (as amended) ("the 2004 Act"). It considers first whether the preparation of the Plans has complied with the duty to co-operate. It then considers whether the Plans are sound and whether they are compliant with the legal requirements. The National Planning Policy Framework 2019 (the Framework), in paragraph 35, makes it clear that in order to be sound, a Local Plan should be positively prepared, justified, effective and consistent with national policy.
2. The starting point for the examination is the assumption that the minerals and waste planning authority has submitted what it considers to be sound plans. The EPR of the Kent Minerals and Waste Local Plan (KMWLP) and the MSP, which were both submitted in May 2019 are the basis for my examination. They are the same documents as were published for consultation in January 2019.
3. The KMWLP was adopted in 2016. The EPR makes the following changes to the KMWLP, in summary:
  - it is not now proposed to produce a Waste Sites Plan, following a re-assessment of need for waste facilities over the plan period;
  - two policies which deal with safeguarding of minerals resources and minerals and waste infrastructure are to be amended to ensure their effectiveness; and
  - a policy change in respect of the Strategic Site Allocation at Norwood Quarry to ensure that the site can be suitably restored should it no longer be used for tipping of flue ash.
4. The MSP allocates two sites for sharp sand and gravel extraction and one site for soft sand extraction.

## Main Modifications

5. In accordance with section 20(7C) of the 2004 Act the Council requested that I recommend any MMs necessary to rectify matters that make the Plans unsound and thus incapable of being adopted. My report explains why the recommended MMs, all of which relate to matters that were discussed at the examination hearings, are necessary. The MMs are referenced in bold in the report in the form **EPR/MM1**, etc for the EPR and **MSP/MM1**, etc for the MSP. These are set out in full in Appendices 1 and 2.
6. Following the examination hearings, the Council prepared schedules of proposed MMs and carried out sustainability appraisal (SA) of them. The MM schedules and SAs were subject to public consultation for eight weeks. I have taken account of the consultation responses in coming to my conclusions in this report. The MMs do not affect the Habitats Regulations Assessment (HRA) previously carried out.

## **Policies Map**

7. The Council must maintain an adopted policies map which illustrates geographically the application of the policies in the adopted development plan. When submitting a local plan for examination, the Council is required to provide a submission policies map showing the changes to the adopted policies map that would result from the proposals in the submitted local plan. In this case, the submission policies map comprises the set of plans identified as 'Safeguarded Wharves and Rail Transportation Depots' and 'Mineral Safeguarding Areas' in section 9 of the KMWLP. The policies map is not defined in statute as a development plan document and so I do not have the power to recommend MMs to it.

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

8. Section 20(5)(c) of the 2004 Act requires that I consider whether the Council complied with any duty imposed on it by section 33A in respect of the preparation of the Plans.
9. The duty applies to strategic matters which are defined as sustainable development or use of land that has or would have a significant impact on at least two planning areas or on a county matter in a two-tier area. The requirement is for local authorities to engage constructively, actively and on an on-going basis with prescribed bodies in order to maximise the effectiveness of plan preparation.
10. The processes of engagement in respect of both the EPR and the MSP began in 2016 and continued up to submission of the Plans. The Council has engaged with District and Borough Councils in Kent, with adjoining authorities and other authorities which either send or receive waste to or from Kent in preparing the EPR. This included a targeted consultation exercise with respect to hazardous waste disposal and residual waste management capacity. There has been active engagement on waste matters through the South East Waste Planning Advisory Group (SEWPAG). This has informed the EPR process through a greater understanding of cross-boundary movements of waste in the south-east and the need for hazardous waste facilities. Concerns have been expressed at the intention to not allocate a site for asbestos disposal, but the Council has demonstrated that there is no need to allocate a site for this purpose. Irrespective of whether there may be an outstanding point of objection on this matter, the Council has demonstrated that it has engaged actively and constructively in preparing the EPR.
11. Statements of common ground (SoCG) have been progressed with Kent District and Borough Councils throughout the period up to submission which principally concern safeguarding of minerals and of mineral and waste facilities. This demonstrates active, constructive and on-going engagement in the EPR. Some of those SoCGs were not completed until after submission but this does not mean that the duty to co-operate has not been met.
12. With respect to the MSP, there has been active engagement on minerals through the South East England Aggregates Working Party (SEEAWP). There has been engagement with minerals planning authorities in the south-east regarding the supply of soft sand given the constraint imposed by the South

Downs National Park designation which lies outside Kent. A SoCG has been agreed between the Council and West Sussex County Council (WSCC), East Sussex County Council (ESCC), Brighton and Hove City Council (BHCC) and the South Downs National Park Authority on this matter. I consider this further in paragraph 55 of this report.

13. On both plans there has been active and direct engagement with the Environment Agency (EA), Historic England, Natural England (NE), Highways England and the Marine Management Organisation. This has strongly influenced the determination of the proposed site allocations in the MSP.
14. Engagement with NE has resulted in an addendum to the HRA in respect of the EPR and the MSP. A SoCG between the Council and NE was signed after submission but the process of constructive dialogue during preparation is demonstrated. The Council has also engaged with the other bodies prescribed in the Town and Country Planning (Local Planning) (England) Regulations 2012 (the 2012 Regulations).
15. I am satisfied that where necessary the Council has engaged constructively, actively and on an on-going basis in the preparation of the Plans and that the duty to co-operate has therefore been met in respect of the EPR and the MSP.

## **Assessment of Soundness**

### **Main Issues**

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

### **Issue 1 – Whether or not the waste policies as amended by the Early Partial Review would be positively prepared, justified and otherwise sound**

#### *Background*

17. The KMWLP was adopted in July 2016. A number of its policies state that sites for waste development will be identified in the Waste Sites Plan. Policy CSW8 makes provision for sites for recovery facilities, Policy CSW12 provides for allocation of a site for landfilling of asbestos waste and Policy CSW14 provides for a site for disposal of dredgings. Policies CSW6 and CSW7 make provision for sites to be allocated for recovery and green and kitchen waste development. The Council has reviewed the need for the waste facilities identified in the above policies and no longer proposes to produce a Waste Sites Plan.

#### *Recovery Provision*

18. Part of the strategy for waste management capacity as set out in the KMWLP is to maintain net self-sufficiency whereby sufficient facilities are provided in Kent to manage the equivalent quantity of waste as is produced in Kent with



some provision for a reducing amount of London's waste. This recognises that in reality waste crosses County boundaries in accordance with the operation of the market. This approach is continued in the EPR.

19. Article 16 of the Waste Framework Directive (WFD)<sup>1</sup> states that the network of waste recovery and disposal installations shall be designed to enable the European Community as a whole to become self-sufficient and to enable member states to move towards that aim individually. Net self-sufficiency of individual authorities is an agreed strategy between the SEWPAG authorities as set out in their Memorandum of Understanding. This recognises that it may not be possible for each authority to provide for all of its waste management needs and that there will inevitably be cross-boundary movements of waste. The approach is consistent with the aims of the WFD in this respect.
20. The Capacity Requirement for the Management of Residual Non-Hazardous Waste<sup>2</sup> (CRRNH) has assessed the need for provision for residual non-hazardous waste arising in Kent, including Local Authority Collected Waste (LACW) and Commercial & Industrial (C&I) waste, as well as some waste originating from London. The calculation of need takes into account revised recycling rates which are based on government guidance and the actual rates achieved. The forecast requirement is based on continuing reductions in landfill.
21. The CRRNH considers the capacities of existing consented facilities and the extent to which they would satisfy identified need. A permitted facility at Barge Way has not been built. Irrespective of whether there is any uncertainty as to whether that facility will be provided, the strategy for waste management capacity does not depend on its provision. Waste arisings are forecast for intervals of 5 years up to the end of the Plan period in 2030/31. The proposed diversion of LACW and C&I waste from landfill is greater than that in the KMWLP. The proportions of those waste streams that are to be subject to other recovery instead of recycling/composting are greater in the EPR than in the KMWLP, taking into account the re-assessed recycling rates.
22. Since adoption of the KMWLP, a significant new waste recovery facility has been built at Kemsley and is being commissioned. This provides capacity of 525,000 tonnes per annum (tpa). Policy CSW7 of the KMWLP identifies a recovery requirement of 562,500 tpa but this requirement has been re-assessed in the CRRNH having regard to the revised recycling rates and revised figures for diversion of waste from landfill.
23. Table 9 of the CRRNH shows that there is no gap in capacity for other recovery treatment of residual non-hazardous waste throughout the Plan period and demonstrates that the Kemsley facility together with the existing Allington facility will provide a surplus of other recovery capacity. On this basis there is no need to allocate sites. However, Policies CSW6 and CSW7 provide flexibility in that they are permissive policies that would allow for other recovery facilities to be developed should they be required.

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<sup>1</sup> Directive 2008/98

<sup>2</sup> Part of the Kent Waste Needs Assessment 2018 (KCC/SP38)

24. The manufacture of Refuse Derived Fuel (RDF) is an intermediate process prior to its incineration. At present RDF is exported to mainland Europe for incineration but uncertainties have been identified by waste operators as to the extent to which this will continue in the future. If the export market for RDF were to change in the future, then this could require additional incineration capacity in this country. The Council has taken into account RDF that is manufactured in Kent in its assessment of C&I waste need.

#### *Recycling/Composting*

25. Recycling targets have been scaled back to reflect targets set in the Government's Resources and Waste Strategy<sup>3</sup> (RWS) and to be more realistic having regard to actual recycling rates achieved.
26. Policy CSW4 of the KMWLP requires as a minimum the targets for recycling and composting identified in the Kent Joint Municipal Waste Management Strategy (KJMWMS) to be achieved. The policy does not specify the actual targets but acknowledges that the KJMWMS may be subject to amendment and that targets may change. The targets set out in Policy CSW4 in the EPR are consistent with the KJMWMS of 2018 and the targets in the Government's RWS. Progression to the RWS targets has been amended to more realistically reflect those that have been achieved. The Council has demonstrated that increases in recycling rates will be achieved through a variety of initiatives including food waste recycling.
27. Policy CSW7 identifies a need for an additional 64,000 tpa capacity in 2024 for green and kitchen wastes. There is a surplus of capacity for recycling facilities<sup>4</sup> throughout the Plan period but the KMWLP identifies a need for additional composting facilities. The calculation of green and kitchen waste treatment capacity in Policy CSW7 was based on targets from the former Regional Spatial Strategy, the South East Plan. There is no justification, however, for separate consideration of these wastes, and it is appropriate to consider these as part of the overall recycling and composting requirement.
28. There is no shortfall, and indeed there is a surplus, of recycling and composting facilities considered together throughout the Plan period. Policy CSW7 is permissive in respect of proposals that may come forward.
29. The supporting text to Policy CSW7 should be clear that composting forms part of recycling as defined in the Glossary to the KMWLP. This change is necessary to ensure the policy is effective. **EPR/MM6** adds a footnote which clarifies this and is necessary for soundness.

#### *Hazardous Waste*

30. The KMWLP, in Policy CSW5 identifies an extension to Norwood Quarry on the Isle of Sheppey as a landfill site for hazardous flue dust ash residues from facilities in Kent. Air pollution control (APC) residues are landfilled on the

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<sup>3</sup> Our Waste, Our Resources: A Strategy for England, Defra, December 2018

<sup>4</sup> Tables 2, 3 and 10, Kent Waste Needs Assessment 2018 Non Hazardous Waste Recycling/Composting Capacity Requirement (KCC/SP37)

basis of a derogation under the Landfill Directive. The Strategy for hazardous waste management in England (March 2010) sets out high level principles for management of hazardous waste. One of these is that the practice of relying on higher Landfill Directive waste acceptance criteria to enable some hazardous waste to continue to be landfilled must end.

31. In recognition of this, the Plan policy needs to be flexible to facilitate changes to the existing arrangement if required as a result of changing government policy. If landfilling of APC residues were to cease, then it would be necessary to ensure restoration of Norwood Quarry can be achieved and to consider other types of landfill in order to achieve this. Policy CSW5 of the EPR provides for this and also allows for flue dust ash residues to be imported from outside Kent, in recognition that the facility is of more than local importance.
32. Because Policy CSW5 of the EPR would allow by inference for other waste to be deposited in the circumstances described in amended criterion (1), in order to avoid any potential ambiguity and to ensure effectiveness it is necessary to amend the first paragraph of the policy to refer to this provision. **EPR/MM5** makes this change.

#### *Asbestos Waste*

33. The Council's assessment of hazardous waste needs identifies that Pinden Quarry has sufficient capacity to accommodate asbestos waste arising in Kent over the remainder of the Plan period, and to accommodate asbestos waste from outside the County. On this basis the allocation of a site for landfilling of asbestos waste as provided in Policy CSW12 of the KMWLP is not justified. Policy CSW12 of the EPR is necessary to remove this provision. This policy is consistent with national policy without modification.

#### *Disposal of Dredgings*

34. Policy CSW14 of the KMWLP provides for the allocation of a site for disposal of dredgings, that is material dredged from estuaries to ensure they are navigable, and which cannot be re-used. The Port of London Authority (PLA) and the Medway Ports Authority are responsible for such dredging and the PLA has stated that there is a lack of certainty as to whether a site will need to be provided within the Plan period. Policy CSW9 allows for development of non-inert landfill sites. For these reasons the deletion, in the EPR, of the part of Policy CSW14 that states that a site for disposal of dredgings is to be allocated is justified.
35. The policies in the KMWLP are permissive and allow for development for waste treatment without the need to allocate specific sites. On this basis the Council does not intend to prepare a Waste Sites Plan and I am satisfied this approach is sound, taking into account the foregoing. The Local Development Scheme will need to be amended accordingly.

#### *Radioactive Waste*

36. The Nuclear Decommissioning Authority (NDA) and Magnox have made representations concerning Policy CSW17. That policy does not form part of the EPR and is not for my consideration. The Council advised however that it

will liaise with the NDA and consider this matter as part of a future review of the Plan. I note that a SoCG in this respect has been prepared.

### **Conclusion on Issue 1**

37. The strategy for provision of waste facilities in the EPR seeks to meet the area's objectively assessed needs. It is informed by agreements with other authorities and is positively prepared. The supporting text to Policy CSW7 and Policy CSW5 are not sound but would be sound if the recommended MMs are made. Otherwise, the waste policies as amended by the EPR are positively prepared, justified and otherwise sound.

### **Issue 2 – Whether or not the amended safeguarding requirements for minerals and waste in the Early Partial Review are sound**

38. The EPR proposes amendments to Policies DM7 and DM8 of the KMWLP which concern safeguarding of mineral resources and minerals management, transportation, production and waste management facilities. The amendments make clear that sites that are allocated in local plans for other development are only exempt from safeguarding requirements where mineral safeguarding was previously considered as part of local plan examination.

#### *Policy DM7 – Safeguarding Mineral Resources*

39. Policy DM7 of the KMWLP requires any non-mineral development that is incompatible with minerals safeguarding to demonstrate that one of seven criteria are met. The seventh criterion is that the development would be on a site allocated in the adopted development plan. It is to be expected that local plans will consider the need to safeguard mineral resources in allocating land for non-mineral uses, as stated in paragraph 5.5.14 of the KMWLP. However, the existing policy criterion does not require this. As such, there is the possibility that non-minerals development could sterilise mineral resources if safeguarding has not been considered in the local plan process. The EPR proposes additional text to criterion 7 of the policy to ensure this requirement is clear.
40. Safeguarding of mineral resources is a requirement of national policy. The Framework states that planning policies should safeguard mineral resources and that "*known locations of specific mineral resources of local and national importance are not sterilised by non-mineral development where this should be avoided (whilst not creating a presumption that the resources defined will be worked)*". Mineral Safeguarding Areas (MSA) are shown on the Policies maps. Urban areas are excluded from the MSAs as the mineral resource is already sterilised by non-mineral development with very little prospect of future working.
41. The Council's Supplementary Planning Document (SPD) on safeguarding explains how the policy is to be applied to development proposals and in preparation of local plans. The Council explained that the SPD is to be updated following publication of my report.
42. The supporting text in the EPR states that proposals in MSAs will usually need to be accompanied by a Minerals Assessment. In order to be effective, the

text should provide further explanation that development that has not previously been subject to minerals assessment as part of the local plan process should provide such assessment as part of the application process. **EPR/MM7** makes this change which is necessary to ensure soundness.

43. In order for the policy to be effective and sound, it is necessary to explain that there may be circumstances where mineral extraction would not be practicable. It is necessary to provide further explanation as to how mineral safeguarding should be considered in local plan preparation and that the Safeguarding SPD will provide guidance. Clarification as to how safeguarding will be considered in respect of non-allocated sites is also necessary, including consideration of need for non-mineral development. **EPR/MM7** and **EPR/MM8** are necessary to provide clarification and ensure effectiveness.
44. District and Borough Councils have expressed concerns about the application of the policy to sites that are allocated in local plans that were adopted before the KMWLP in which minerals safeguarding was not considered. Otherwise, there is a good level of agreement between the authorities regarding safeguarding requirements. The policy would require a minerals assessment where one has not previously been carried out and this is in accordance with national policy. The criteria of Policy DM7 in the EPR would allow for balanced and flexible decisions to be made.
45. Mineral safeguarding was considered in the Maidstone Borough Local Plan (2017). The Inspector concluded that non-mineral development on allocations within the Limestone Hythe Formation (Kentish Ragstone) and the Sandstone-Sandgate Formation would not result in a material inconsistency with national policy since these minerals are not likely to be needed. As submitted, policy DM7 of the EPR and its supporting text would conflict with that plan and would not be justified. **EPR/MM7** is necessary to amend the supporting text to Policy DM7 to make changes in this respect. Because the SPD will also provide detailed guidance, it is necessary for the policy to refer to this document in order to ensure it is effective. **EPR/MM8** is necessary to make this change.

*Policy DM8 – Safeguarding Minerals Management, Transportation, Production & Waste Management Facilities*

46. Policy CSM7 of the KMWLP safeguards other mineral plant infrastructure and Policy CSW16 safeguards existing waste management facilities. Policy DM8 of the KMWLP sets out the criteria against which development that is incompatible with this infrastructure and those facilities will be assessed. Criterion (2) of that policy allows for development that is incompatible with safeguarded minerals management, transportation, production and waste management facilities on sites that have been allocated in local plans.
47. Safeguarding of sites for minerals processing, production and transportation is required by the Framework. The National Planning Policy for Waste requires consideration of the impact of non-waste related development on existing waste management facilities and sites allocated for those facilities.
48. The EPR makes a change to Policy DM8 of the KMWLP to remove the possibility that safeguarding of minerals and waste infrastructure and facilities could potentially be overridden if this was not considered during local plan

preparation and adoption. The criteria of Policy DM8 of the EPR allow for various factors to be taken into account by authorities in making decisions on developments other than minerals and waste development. The criteria would allow for balanced and flexible decisions to be made. The policy is consistent with national policy, effective and sound without modification.

## **Conclusion on Issue 2**

49. The policies for safeguarding mineral resources and minerals and waste infrastructure in the EPR as submitted are not sound for the reasons given. The MMs as described and set out in the appendices are necessary to make those policies sound.

## **Issue 3 – Whether or not the Mineral Sites Plan and Early Partial Review would provide adequately for aggregates in accordance with national policy**

### *Objectively assessed need*

50. Policy CSM2 of the KMWLP states that mineral working will be granted planning permission at sites identified in the MSP. The submitted MSP allocates two sites for extraction of sharp sand and gravel (Stonecastle Farm and Moat Farm) and one site for soft sand (Chapel Farm).
51. The Local Aggregates Assessment (LAA) considers that use of the last 10 years sales data, as required by national policy is the most reliable metric for considering demand over the Plan period. Modelling based on local demand was previously considered in examination of the KMWLP, but this was found to be unreliable and to be significantly lower than the 10-year sales average. SEEAWP endorses the use of the 10-year sales average without any supplementary local demand modelling. I agree that the use of 10 years sales data is the most reliable method of forecasting demand. No alternative approach using local modelling has been demonstrated to be reliable.

### *Sharp Sand and Gravel*

52. The KMWLP states in paragraph 5.2.20 that diminishing land-won sharp sand and gravel supplies will increasingly be substituted over the plan period by supplies from production of alternative materials including secondary and recycled aggregates, marine-dredged aggregates and imported aggregates. Because the sharp sand and gravel resource has been greatly depleted by extensive historical working, the planned provision of at least 10.08mt made in Policy CSM2 for this material is less than the identified requirement of 13.26mt. Paragraph 3.5 of the MSP states that, since the KMWLP was adopted, the permitted reserves of sand and gravel have increased, and the 10-year sales average has decreased. This leads to a revised calculation of sharp sand and gravel requirements in Figure 1 of the MSP. However, paragraph 3.5 of the MSP gives an inaccurate figure of 10.8mt in respect of the KMWLP provision and is not effective. **MSP/MM1** is necessary to correct this.
53. The revised calculation of the sharp sand and gravel requirement is for 5.75mt up to the end of the Plan period and including a 7-year landbank as required

by the Framework. The two sites proposed to be allocated would provide 2.5mt, leaving a deficit of 3.25mt over the Plan period. This does not differ significantly from the deficit of 3.18mt envisaged in the KMWLP. On this basis, the provision for site allocations to be made in the MSP would be reasonably closely aligned with the provision identified in Policy CSM2.

54. The deficit is to be addressed by provision for secondary and recycled aggregates and importation of marine-dredged aggregates as well as land-won aggregates from elsewhere. Supplies of secondary and recycled aggregates are provided for by Policies CSM7 and CSM8 of the KMWLP. Minerals infrastructure is safeguarded by Policies CSM6, CSM7, CSM12 and DM8 of the KMWLP and the EPR.

### *Soft Sand*

55. In the south-east the supply of soft sand is constrained by the South Downs National Park designation. The Framework requires, as far as is practical, the maintenance of landbanks of non-energy minerals from outside National Parks. The SoCG with WSCC, ESCC, BHCC and the South Downs National Park Authority sets out how the authorities will plan, jointly and individually for the steady and adequate supply of soft sand. There is also a Soft Sand Position Statement that Mineral Planning Authorities in the south-east are party to. Paragraph 3.18 of the MSP, which states that the surplus of soft sand will contribute to wider regional need is consistent with the joint working that is taking place.
56. The allocated site at Chapel Farm provides for a surplus of soft sand relative to the identified requirement in Policy CSM2 of the KMWLP, which includes a 7-year landbank as required by the Framework. The surplus has increased from 0.7mt to 1.122mt following an adjustment to average sales figures to reflect a reduction in sales in 2018.
57. ESCC and BHCC are wholly reliant on imports of soft sand while WSCC has limited reserves. Soft sand is exported to those Counties and this is accounted for in the 10-year sales average. The Council recognises that monitoring of soft sand use in the south-east is an ongoing matter which may require a future review of the Plan.
58. The Housing Delivery Test 2018 measurements show that the average housing delivery in Kent authorities over the previous 3 years was 109% of the requirements for Kent or 98% of the requirements for Kent and Medway. While this indicates that house building was close to, or above delivery requirements, the 3-year average for soft sand sales of 0.506mt is below the 10-year average of 0.568mt which forms the LAA rate. This provides reassurance that the soft sand requirement in the MSP would allow for an increased rate of house building than has recently taken place.

### *Alternatives*

59. The Plan envisages greater use of alternatives to indigenous land-won aggregates. The LAA shows that there is existing capacity to significantly increase production of secondary and recycled aggregates in the county.

60. Marine-dredged sand and gravel is imported via Kent wharves and the Council anticipates that the use of this material could be increased to address the shortfall in land-won resources. There are extensive reserves of this material, which is similar in quality to land-won aggregates. It is generally more expensive to produce, but this does not make it uneconomic.
61. The LAA states that wharf capacity is 7.3mtpa with 42% of that capacity being used. It does not follow that the remaining identified capacity will be available for importation of marine-dredged aggregates, as capacity will depend on factors such as the availability of stocking space. The wharves also serve a much wider area than Kent. However, there is clear evidence of spare capacity at Kent's wharves and although the precise amount of that spare capacity is uncertain there is scope for greater importation of marine dredged aggregates.
62. The Plan provides flexibility in order to meet the predicted shortfall in supply of land-won sharp sand and gravel. Policy CSM5 of the KMWLP and Policy DM7 of the EPR safeguard mineral resources and opportunities for development of 'windfall' reserves are provided by Policy CSM4 of the KMWLP. The Plan provides for the continued supply of alternative materials alongside indigenous land-won aggregates throughout the Plan period. This provision ensures a steady and adequate supply of aggregates in accordance with the Framework.

#### *Other minerals*

63. The KMWLP states, in Policy CSM2, that sites will be identified in the MSP for supplies of brickearth and clay for brick and tile manufacture, and chalk for agriculture and engineering purposes. The MSP does not allocate any site for production of these minerals. The latest Annual Monitoring Report identifies that there is a stock of total permitted reserves of brickearth of almost 25 years. The provision is slightly below the requirements of Policy CSM2 and national policy for reserves of at least 25 years. However, the provision is sufficient to support existing brick and tile manufacturers and there is no need for the MSP to allocate a site for brickearth or clay for brick and tile manufacture. This does not however alter the ongoing need to ensure sufficient reserves of this material are available.
64. Chalk is abundant in Kent but there are no plants dependant on this material in the County. The indicative landbank for chalk for agricultural and engineering purposes is estimated to be 17.6 years as of 2018. This provides an adequate landbank over the Plan period, but it will be necessary to monitor demand for this material.
65. The EPR and MSP as submitted make no explicit change to Policy CSM2 in these respects. However, in order for the Plan as a whole to be justified and effective it is necessary to make amendments to Policy CSM2 of the KMWLP and the supporting text to that policy to remove references to the allocation of sites and to provide for applications for new sites to be dealt with in accordance with the policies of the KMWLP. It is also necessary for soundness to ensure that demand is monitored in relation to the stock of existing permissions. **EPR/MM1** and **EPR/MM2** make changes to the supporting text to Policy CSM2 of the KMWLP to explain that there is a need to ensure



sufficient reserves of brickearth are available and that reserves of chalk and rates of demand will be monitored. **EPR/MM3** is necessary to make amendments to Policy CSM2 part 2 regarding brickearth and clay. **EPR/MM4** is necessary to make amendments to Policy CSM2 part 4 regarding chalk for agriculture and engineering purposes. These MMs are necessary for soundness.

### **Conclusion on Issue 3**

66. For the reasons given above, the MSP would provide adequately for aggregates in accordance with national policy. MMs are necessary to the EPR to ensure clarity and effectiveness in respect of Policy CSM2 of the KMWLP. These changes are necessary for soundness.

### **Issue 4 – Whether or not the Site Allocations in the Mineral Sites Plan would be consistent with national policy, effective and otherwise sound**

#### *Extensions to Stonecastle Farm Quarry, Hadlow/Whetsted*

67. The extension is in an area where mineral working would have potential to affect groundwater. A hydrological and hydrogeological appraisal has been undertaken. Both the EA and South East Water are satisfied that mineral extraction can take place provided that this is managed in a way that does not adversely affect groundwater, including in terms of pollution. Wet working is to be used to avoid adverse effects on groundwater.
68. The development management criteria in the MSP require provision of a buffer between extraction and nearby watercourses, demonstration that there would be no adverse impact on hydrology or hydrogeology and other management measures. These include consideration of the two abstraction licences in the vicinity and restoration requirements.
69. The EA has no objection in terms of flood risk although a Flood Risk Assessment would be required with any planning application. The EA similarly has no objection on grounds of potential contamination of ground water or in terms of water supply, subject to the inclusion of development management criteria. Such criteria are included. These are effective and consistent with national policy in terms of managing flood risk and protecting water resources.
70. It is proposed to restore the site to reedbeds and lakes. Although over 27 ha of agricultural land would be lost, this is of grade 3b, which is not best and most versatile land in accordance with the definition in the Framework. As such, use of this land would not be inconsistent with the Framework.
71. The highway authority has no objection in terms of highway safety, but transport criteria are necessary to ensure that the existing quarry access is used and that the volume of traffic is limited by working the quarries in the area sequentially.
72. The site is within the Metropolitan Green Belt. The Framework states that mineral extraction is a form of development that is not inappropriate in Green Belt provided that its openness is preserved, and development does not conflict with the purposes of including land in it. In order to be consistent with

national policy, the development management criteria should include a requirement to examine the proposals against national Green Belt policy. **MSP/MM2** adds a criterion to cover this.

73. The biodiversity criteria do not refer to the need to secure net gains for biodiversity, as required by national policy. **MSP/MM3** adds this requirement to the first criterion and is necessary for soundness.
74. The second criterion under 'Heritage' should be amended to require the impact of proposals upon Listed Buildings and their settings to be considered to ensure consistency with national policy and effectiveness. **MSP/MM4** makes this change and is necessary for soundness.

*Moat Farm, Capel, Tonbridge*

75. The introductory information relating to the Moat Farm allocation states that the site is within Tonbridge and Malling Borough Council's area, but the site is within the area of Tunbridge Wells Borough Council, the boundary running along the Hammer Dyke. This aspect of the site allocation is not effective. **MSP/MM5** is necessary to correct this information.
76. The site is within the Metropolitan Green Belt. The Framework states that mineral extraction is a form of development that is not inappropriate in Green Belt provided that its openness is preserved, and development does not conflict with the purposes of including land in it. In order to be consistent with national policy, the development management criteria should include a requirement to examine the proposals against national Green Belt policy. **MSP/MM6** adds a criterion to cover this.
77. As the Moat Farm site would use the same access as Stonecastle Farm, the requirement that all quarry traffic is to use the existing access onto Whetsted Road and to only turn left when exiting the site should be applied. This is to ensure that Heavy Goods Vehicles travel directly to and from the strategic road network and not via minor roads which lead through Five Oak Green, which could potentially affect highway safety and amenity. **MSP/MM7** is necessary to add this to the second transport criterion to ensure effectiveness and consistency with national policy.
78. The development management criteria do not include a requirement for a flood risk assessment. This is required in accordance with national policy as the site is within an active floodplain. **MSP/MM8** is necessary to add a criterion in this respect.
79. The site overlies a gravel aquifer and is close to a source protection zone for a public water abstraction borehole. It is necessary to employ wet working in order to avoid any adverse effect on water resources. There are no requirements in this regard within the development management criteria, and **MSP/MM9** is necessary to address this matter and to ensure consistency with national policy and effectiveness.
80. Monitoring of groundwater quality in relation to the adjacent former landfill is subject to control under the Environmental Permitting regime. The Council,

the EA and South East Water have taken this into account in the site allocation process. It is necessary to require local water quality monitoring in association with the allocated site in accordance with a scheme to be agreed with the EA and South East Water to ensure protection of water resources.

**MSP/MM10** provides this requirement and is necessary for effectiveness and consistency with national policy.

81. In order to alleviate flood risk it is necessary to provide a 16 metre buffer between areas of extraction and nearby watercourses. The first criterion under 'Water Resources' is not effective in that it does not make it clear that this requirement applies to areas that have previously been subject to extraction as well as future areas of extraction. **MSP/MM11** is necessary to amend the criterion in this respect.
82. The biodiversity criteria do not refer to the need to secure net gains for biodiversity, as required by national policy. **MSP/MM12** adds this requirement to the first criterion and is necessary for soundness.
83. The heritage criterion makes no reference to the need to assess effects on nearby listed buildings and their settings, as required by national policy. In order to ensure the development management criteria are effective and consistent with national policy **MSP/MM13** is necessary to add a criterion in this respect.

*Chapel Farm, Lenham (Western Site)*

84. It is proposed to restore the site to agriculture using existing soils. The proposed restoration as stated under the Chapel Farm allocation is not entirely clear in that it states that this would be to a "lower level of agriculture". The lower level refers to the finished topography of the site. The SA states that the land is of grade 2 quality which is best and most versatile. It is necessary to ensure that agricultural land quality is maintained, in accordance with national policy, and additional text is necessary to explain this. To ensure the requirements are effective **MSP/MM14** is necessary.
85. The second biodiversity criterion requires consideration of impacts upon nearby Sites of Special Scientific Interest and adjacent Local Wildlife sites. The SA records that priority habitats are adjacent to the site, which have potential for ground nesting birds, great crested newts, reptiles and bats. It will be necessary for the developer to undertake a detailed ecological appraisal which sets out mitigation measures in accordance with national policy. **MSP/MM15** adds a criterion in this respect and is necessary for soundness.
86. The biodiversity criteria do not refer to the need to secure net gains for biodiversity, as required by national policy. **MSP/MM16** is necessary to add a criterion in this respect.

87. The first biodiversity criterion requires maintenance of a 15-metre buffer around an Ancient Woodland which adjoins the site access. It is also necessary to ensure adequate protection for adjacent protected trees. **MSP/MM17** amends that criterion in this respect.
88. The Kent Downs Area of Outstanding Natural Beauty (AONB) is to the north of the A20 and the development would be visible from parts of the AONB. The site should therefore be considered as forming part of the setting of the AONB. The Council has provided cross-sections which demonstrate that the quarry could be visually screened in views from the AONB by provision of bunding and planting. The landscape criterion requires mitigation of visual impacts and demonstration that the setting of the AONB will not be adversely impacted. This does not impose any need to mitigate landscape impacts or to ensure that views into, and out of the AONB are not harmed. In order to ensure the effectiveness of the policy, **MSP/MM18** is necessary. It is not, however, necessary for the policy to prescribe the type of mitigation required, as this would be a matter to be assessed in connection with a planning application.
89. The heritage criterion identifies nearby listed buildings in respect of which consideration of impacts is required. The site is also in an area of archaeological interest. Changes are required to ensure effectiveness and consistency with national policy in terms of consideration of the settings of listed buildings and any necessary mitigation and an archaeological assessment. **MSP/MM19** and **MSP/MM20** make these changes.
90. Public rights of way run through the site and will require diversion and screening measures in order for the policy to be effective. **MSP/MM21** adds a criterion in this respect.
91. The operator currently extracts mineral from a nearby site at Burleigh Farm, Charing. Traffic from the proposed site would use the same road as the existing quarry. To ensure that there is no detrimental effect on highway safety and amenity it is necessary to require the proposed site to be worked sequentially to the existing site. **MSP/MM22** is necessary for effectiveness in this regard.
92. The Council has explained that the site could be worked sequentially to Burleigh Farm well within the Plan period, having regard to the likely period of working at that site. Indeed, the Chapel Farm site would be needed later in the Plan period to provide for a steady and adequate supply of soft sand.

#### **Conclusion on Issue 4**

93. For the reasons given above, the Site Allocations in the MSP as submitted are not sound in terms of consistency with national policy and effectiveness. The MMs as set out would make those allocations sound.

## Assessment of Legal Compliance

94. My examination of the legal compliance of the EPR and MSP is summarised below.
95. The EPR and the MSP have been prepared in accordance with the Council's Local Development Scheme.
96. Consultation on the EPR and the MSP and the MMs was carried out in compliance with the Council's Statement of Community Involvement.
97. Sustainability Appraisals have been carried for the EPR and the MSP including the MMs, which are adequate.
98. The Appropriate Assessment (AA) of the EPR and MSP (November 2018) and the Addendum to the HRA Screening Report and AA for the EPR and the MSP (May 2019) set out why further AA is not necessary. This is because likely significant effects on Natura 2000 sites have been screened out.
99. The KMWLP includes policies designed to secure that the development and use of land in the mineral and waste planning authority's area contribute to the mitigation of, and adaptation to, climate change. In particular, Policy DM1 requires sustainable design and Policy DM10 requires that development does not exacerbate flood risk. The development management criteria in the MSP include requirements in terms of enhancing biodiversity and mitigating flood risk.
100. The EPR and MSP comply with all other relevant legal requirements, including in the 2004 Act (as amended) and the 2012 Regulations.
101. I have had due regard to the aims expressed in S149(1) of the Equality Act 2010. This has included my consideration of the development management criteria in the MSP which seek to safeguard living conditions for all groups.

## Overall Conclusion and Recommendation

102. The Plans have a number of deficiencies in respect of soundness for the reasons set out above, which mean that I recommend non-adoption of them as submitted, in accordance with Section 20(7A) of the 2004 Act. These deficiencies have been explored in the main issues set out above.
103. The Council has requested that I recommend MMs to make the Plans sound and capable of adoption. I conclude that with the recommended main modifications set out in the Appendices the Early Partial Review of the Kent Minerals and Waste Local Plan 2013-30 and the Kent Minerals and Waste Local Plan Mineral Sites Plan satisfy the requirements of Section 20(5) of the 2004 Act and meet the criteria for soundness in the National Planning Policy Framework.

*Nick Palmer*

Inspector

This report is accompanied by the following Appendices containing the Main Modifications:

Appendix 1: Main Modifications to Early Partial Review

Appendix 2: Main Modifications to Mineral Sites Plan

**Appendix 1 – Main Modifications**

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

The modifications below are expressed either in the conventional form of ~~strikethrough~~ for deletions and underlining for additions of text, or by specifying the modification in words in *italics*.

The paragraph numbering below refers to the submission local plan, and does not take account of the deletion or addition of text.

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Reference	Policy / Paragraph	Main Modification
EPR/MM1	Brickearth and Clay for Brick and Tile Manufacture - Paragraph 5.2.30	<p>Amend paragraph 5.2.30 of Policy CSM2 as follows:</p> <p>‘5.2.30 At the time of plan preparation, Kent only has one operational brickworks near Sittingbourne, which is supplied by brickearth extracted from sites in the Sittingbourne to Faversham area to make yellow London stock bricks. Brickearth extracted from another site in north Kent provides the raw materials for a brickworks in East Sussex. National planning policy requires the provision of a stock of permitted reserves of at least 25 years for brick clay.(53) There is a need to <u>ensure identify</u> sufficient <u>reserves are available sites</u> to provide brickearth for these two brickworks to ensure that the locally characteristic yellow London stock bricks can continue to be manufactured.’</p>
EPR/MM2	Chalk - Paragraph 5.2.35	<p>Amend paragraph 5.2.35 of Policy CSM2 as follows:</p> <p>‘5.2.35 Chalk is abundant in Kent. It is used for agricultural and construction purposes (primarily as a bulk fill material) across the county. (57) Since there are no plants dependant on the supply of chalk there is no policy requirement to make provision. However local sales data for agricultural and engineering use combined indicates that sales vary considerably from year to year. The indicative Kent landbank of chalk <u>for agricultural and engineering use</u> is estimated to be around <del>19.4</del><u>17.6</u> years <del>as of 2018 according to 2013 sales rates.</del>, <del>or 14.5 years at the three year average sales rates.</del>(58). <del>In view of the possible under reporting of sales for certain uses it is considered that some provision for additional chalk supplies should be made and sufficient chalk extraction sites, based on an assessment at that time, of</del></p>

		<p><del>likely future requirements, will be identified in the Minerals Sites Plan. Reserves of chalk and rates of demand will be monitored and reported in the Annual Monitoring Report and taken into account when any proposals for new sites come forward.'</del></p> <p>[Footnote 58] KCC (20158) Kent's 102th Annual Kent Minerals and Waste Monitoring Report 20173/148.</p>
EPR/MM3	Policy CSM2 - 2. Brickearth and Clay for Brick and Tile Manufacture	<p>Amend part 2 of Policy CSM2 as follows:</p> <p><del>'Sites will be identified in the Mineral Sites Plan for the supply of brickearth by providing a stock of permitted reserves of at least 25 years to support the level of actual and proposed investment required for new or existing plant and the maintenance and improvement of existing plant and equipment. The stock of existing planning permissions at Paradise Farm, Orchard Farm, Hempstead House and Claxfield Road for brickearth clay for brick and tile making is sufficient for the plan period. Applications for sites supplying brickearth and clay for brick and tile making will be dealt with in accordance with the policies of this Plan. The existence of a stock of permitted reserves of at least 25 years (as reported in the latest Annual Monitoring report) to support the level of actual and proposed investment required for new or existing plant and the maintenance and improvement of existing plant and equipment will be a material consideration.'</del></p>
EPR/MM4	Policy CSM2 - 4. Chalk for Agriculture and Engineering Purposes	<p>Amend part 4 of Policy CSM2 as follows:</p> <p><del>'Sites will be identified to enable sufficient chalk extraction to continue through the plan period. The stock of existing planning permissions for chalk is sufficient to supply Kent's requirements for agricultural and engineering chalk over the plan period. Applications for sites supplying chalk for agriculture and engineering purposes will be dealt with in accordance with the policies of this Plan. The need for additional supplies of chalk will be assessed based on the latest assessment of supply and demand set out in the Annual Monitoring Report.'</del></p>
EPR/MM5	Policy CSW 5	<p>Amend the first 2 paragraphs of Policy CSW 5 as follows:</p> <p>'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. <u>Unless criterion 1 below is satisfied, 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.'</u></p>



EPR/MM6	<p>Paragraph 6.7.3</p> <p>(Note that this appears as 6.7.4 in the EPR document but as the original 6.7.3 is deleted by the EPR, para 6.7.4 becomes para 6.7.3)</p>	<p>Insert footnote '87A' to the word 'recycling' in the first sentence of paragraph 6.7.3 of the MWLP.</p> <p><u>'87A A definition of recycling is included in the glossary. Recycling includes composting.'</u></p>
EPR/MM7	<p>7.5 Policy DM 7: Safeguarding Mineral Resources</p>	<p>Amend section 7.5 Policy DM 7: Safeguarding Mineral Resources as follows: (Note that the modification relates to the text as in the Early Partial Review Pre-Submission version.)</p> <p>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 <u>where for genuine planning reasons it would not be practicable to extract the otherwise economic underlying reserves before surface development is carried out.</u></p> <p><u>7.5.2 In such circumstances, when determining proposals, a judgement will be required which weighs up t</u>The need for such development <del>will be weighed</del> against the need to avoid sterilisation of the underlying mineral <u>taking account of</u> <del>and</del> the objectives and policies of the development plans as a whole <del>will need to be considered when determining proposals.</del></p> <p>7.5.23 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</p>

		<p>of resources and encourage prior extraction of the mineral where practicable and viable before non-mineral development occurs.</p> <p><u>7.5.4 The process of Local Plan formulation, including consultation, independent examination and subsequent adoption provides the opportunity to take account of, and address, the need for the safeguarding of mineral resources. In doing so, it can make a clear judgement that where land is allocated in a Local Plan for surface development, such as housing, the presence of a mineral resource, and the need for its safeguarding, has been factored into the consideration of whether the allocation is appropriate. For sites allocated for non-mineral development it will therefore usually be the case that an assessment of the relevant considerations (criteria 1 to 6 in Policy DM7) has already taken place. In some cases, the assessment will conclude that an allocated site should be exempt from mineral safeguarding. The approach to be taken to mineral assessment during the plan-making stage will be set out in the Safeguarding SPD.</u></p> <p><u>7.5.35 However, applications for non-mineral development located in MSAs, which are promoted as a ‘windfall site’ (sites not allocated in a development plan) or which are being promoted on allocated sites that have not been the subject of a ‘Minerals Assessment’, <del>Proposals located in MSAs</del> will usually need to be accompanied by <u>such an assessment.</u> <del>a ‘Minerals Assessment’,</del> <u>This assessment will be prepared by the promoter, which and will include</u> 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)</u></p> <p><u>7.5.56 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, amongst other things, the overriding importance of the development, such as whether the development is of strategic national importance, and why the identified need cannot practically be met elsewhere.</u></p> <p><u>7.5.67 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</u></p>
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		<p>its safeguarding at this time, and, where that is shown to be the case to the satisfaction of the Mineral Planning Authority, there is no need to revisit mineral safeguarding considerations at the planning application stage. The Mineral Planning Authority and the district/borough planning authority will consider mineral safeguarding during the preparation of Local Plans including during preparation of Strategic Housing Land Availability Assessments.</p> <p>7.5.48 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.</p> <p><u>7.5.9 In the case of the Sandstone-Sandgate Formation and the Limestone Hythe Formation (Kentish Ragstone) the low probability of utility of the Sandgate Beds and the significant available reserves (in 2019) of the Kentish Ragstone, it is anticipated that any future allocations in local plans for non-mineral development that are coincident with these safeguarded minerals will be unlikely to be found to be in conflict with the presumption to safeguard these minerals. This will need to be evidenced by a Minerals Assessment prepared to a proportionate level of detail. Further guidance will be provided in a revised SPD.</u></p> <p>[Footnote 111] The Supplementary Planning Document will be maintained by the County Council and updated as required.</p>
EPR/MM8	Policy DM7	<p>Include additional sentence after criterion 7 as follows:</p> <p><u>'Further guidance on the application of this policy is included in a Supplementary Planning Document.'</u></p>

**Appendix 2 – Main Modifications**

**Mineral Sites Plan - Kent Minerals and Waste Local Plan 2013-30**

The modifications below are expressed either in the conventional form of ~~strike through~~ for deletions and underlining for additions of text, or by specifying the modification in words in *italics*.

The paragraph numbering below refer to the submission local plan and does not take account of the deletion or addition of text.

Reference	Policy / Paragraph	Main Modification
<b>3 Provision of Mineral Sites</b>		
MSP/MM1	Paragraph 3.5	Amend the first sentence of paragraph 3.5 as follows:  ‘Based on 2014 data, the KMWLP identified a required provision over the life of the plan period of <del>10.8mt</del> <u>10.08mt</u> of sharp sands and gravel and at least 7 years supply (5.46mt).’
<b>Appendix 1 – Site Allocations</b>		
<b>M13 Extensions to Stonecastle Farm Quarry, Hadlow/Whetsted</b>		
MSP/MM2	M13 Extensions to Stonecastle Farm Quarry	Add an additional Development Management Criterion as follows:  <u>‘Green Belt</u>  <u>The site is located within the Metropolitan Green Belt and any proposal for development of the site must demonstrate how it is consistent with national and local policy on development within the Green Belt.’</u>
MSP/MM3	M13 Extensions to Stonecastle Farm Quarry - Biodiversity	Amend the first Biodiversity Development Management Criterion as follows:  ‘A detailed ecological appraisal setting out any mitigation measures needed to ensure there are no unacceptable impacts on Kent’s biodiversity assets, <u>and measures to be taken to provide a net gain in biodiversity.</u> ’

MSP/MM4	M13 Extensions to Stonecastle Farm Quarry - Heritage	Amend the second Heritage Development Management Criterion as follows:  <u>'The impact of proposals upon nearby Listed Buildings and their settings should be fully assessed and mitigation measures undertaken to avoid unacceptable adverse impacts on their setting.'</u>
<b>M10 Moat Farm, Capel, Tonbridge</b>		
MSP/MM5	M10 Moat Farm	Amend the district/borough council as follows:  <u>'District/Borough Council: <del>Tonbridge and Malling</del> Tunbridge Wells'</u>
MSP/MM6	M10 Moat Farm	Add an additional Development Management Criterion as follows:  <u>'Green Belt</u>  <u>The site is located within the Metropolitan Green Belt and any proposal for development of the site must demonstrate how it is consistent with national and local policy on development within the Green Belt.'</u>
MSP/MM7	M10 Moat Farm - Transport	Amend the second Transport Development Management Criterion as follows:  <u>'Mineral must be removed from the site via the Stonecastle Farm site to the north such that access onto the highway network is achieved using the existing and approved access for the Stonecastle Farm Quarry, and HGVs only turn left when exiting the site.'</u>
MSP/MM8	M10 Moat Farm – Water Resources	Add an additional Water Resources Development Management Criterion as follows:  <u>'Any application will need to be accompanied by a detailed flood risk assessment with measures identified to minimise and/or mitigate flood risk.'</u>
MSP/MM9	M10 Moat Farm - Water Resources	Add an additional Water Resources Development Management Criterion as follows:  <u>'This site overlies the gravel aquifer and near the edge of an SPZ3 for a public water abstraction borehole. Wet working, that being the extraction of materials from below the water table level, should be employed to negate the need to de-water the active quarried areas.'</u>

MSP/MM10	M10 Moat Farm - Water Resources	Add an additional Water Resources Development Management Criterion as follows:  <u>'A regime of local water quality monitoring is required to be agreed with the Environment Agency and South East Water.'</u>
MSP/MM11	M10 Moat Farm - Water Resources	Amend the first Water Resources Development Management Criterion follows:  <u>'A 16-metre buffer should be provided between extraction areas (and areas that have been extracted) and nearby watercourses (including ditches) to alleviate flood risk in the area. Furthermore, should the Alder Stream require diversion, this should be subject to EA approval and hydraulic modelling must be undertaken to inform the diversion route and the potential impact on flood risk elsewhere.'</u>
MSP/MM12	M10 Moat Farm - Biodiversity	Amend the first Biodiversity Development Management Criterion as follows:  <u>'Any proposal would need to be accompanied by a detailed ecological appraisal setting out any mitigation measures needed to ensure there are no unacceptable impacts on Kent's biodiversity assets, and measures to be taken to provide a net gain in biodiversity.'</u>
MSP/MM13	M10 Moat Farm - Heritage	Add an additional Heritage Development Management Criterion as follows:  <u>'The impact of proposals upon nearby Listed Buildings and their settings should be fully assessed and mitigation measures undertaken to avoid unacceptable adverse impacts.'</u>
<b>M3 Chapel Farm, Lenham (Western Site)</b>		
MSP/MM14	M3 Chapel Farm	Amend the Proposed Restoration as follows:  <u>'Lower level restoration to agriculture using existing soils of agriculture.'</u>
MSP/MM15	M3 Chapel Farm - Biodiversity	Add an additional Biodiversity Development Management Criterion as follows:  <u>'A detailed ecological appraisal is required (including all recommended species/habitat surveys) setting out any mitigation measures needed to ensure there are no unacceptable adverse impacts on Kent's important biodiversity assets.'</u>

MSP/MM16	M3 Chapel Farm - Biodiversity	Add an additional Biodiversity Development Management Criterion as follows:  <u>'Detailed restoration proposals should set out measures to be taken to provide a net gain in biodiversity.'</u>
MSP/MM17	M3 Chapel Farm - Biodiversity	Amend the first Biodiversity Development Management Criterion as follows:  <u>'At least a 15 metre buffer to be maintained around the Ancient Woodland and protected trees at all times.'</u>
MSP/MM18	M3 Chapel Farm - Landscape	Amend the Landscape Development Management Criterion as follows:  <u>'Detailed information setting out proposed mitigation of landscape and visual impacts and demonstrating that the setting of, and views into and out of, the Kent Downs AONB will not be adversely impacted.'</u>
MSP/MM19	M3 Chapel Farm - Heritage	Add an additional Heritage Development Management Criterion as follows:  <u>'Any planning application should be accompanied by a full archaeological impact assessment to ascertain the extent of any remains.'</u>
MSP/MM20	M3 Chapel Farm - Heritage	Amend the first Heritage Development Management Criterion as follows:  <u>'Nearby Listed Buildings include Royton Manor (Grade II*) and Chapel Mill (II), Vine House (II) and Mount Castle Farm Cottage (II). Consideration and mitigation of impacts on heritage assets including listed buildings is required. The impact of proposals upon the Listed Buildings and their settings should be fully assessed and mitigation measures undertaken to avoid unacceptable adverse impacts.'</u>
MSP/MM21	M3 Chapel Farm - Transport and Access	Add an additional Transport and Access Development Management Criterion as follows:  <u>'Public Rights of Way (PROWs) that run adjacent and within the site will require appropriate diversions and screening to mitigate any impact on the PROW network as necessary.'</u>
MSP/MM22	M3 Chapel Farm - Transport and Access	Add an additional Transport and Access Development Management Criterion as follows:  <u>'The site will only be worked sequentially to the permitted site at Burleigh Farm, Charing.'</u>

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# Kent Mineral Sites Plan

July 2020

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## 1 Introduction

**1.1** Kent County Council has responsibility for the planning of future mineral supply for the county. Following the adoption of the Kent Minerals and Waste Local Plan 2013-30 (KMWLP), this responsibility has now been fulfilled by the preparation of a Kent Mineral Sites Plan (the Sites Plan). The plan area for this document is the administrative area of Kent, excluding Medway.

**1.2** Kent contains a wide variety of mineral resources. Minerals are extracted for aggregate and non-aggregate markets. Aggregates are materials derived from sand and gravel deposits, soft (building) sands from the Folkestone Formation and crushed hard rock (Kentish Ragstone (a limestone)). They are used in the construction industry for building and maintenance purposes, including asphalt production in road building, concrete and mortar production for construction. Some aggregate minerals are also used for non-aggregate purposes, for example for beach feeding for flood defence purposes on parts of the coastline. Kent also has non-aggregate minerals, they include clay, brickearth, chalk (for construction/engineering and agricultural lime applications) and building stones (Kentish Ragstone, and extensive deposits of various sandstones that have been historically extracted). There also are reserves of industrial silica sand and brick clay within the county. However, the most significant minerals produced in the county are sharp sand and gravel, soft sand (building) and hard crushed rock (Kentish Ragstone).

**1.3** The Sites Plan provides the spatial detail for meeting requirements for sharp sand and gravel and for soft sand in accordance with Policy CSM 2 of the Kent Minerals and Waste Local Plan 2013-30 which the authority adopted in July 2016, following an Independent Examination in 2015. The Kent Mineral Sites Plan identifies potential locations for extraction of sharp sand and gravel and of soft sand, providing communities and the minerals industry with greater certainty about where minerals development may take place within Kent and the criteria that will need to be met.

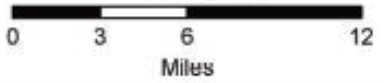
**1.4** The Kent Mineral Sites Plan replaces Policy CA 6 of the Kent Minerals and Waste Local Plan: Construction Aggregates 1993, as well as Policy B1 of the Kent Minerals Subject Plan: Brickearth 1986.



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### Kent Mineral Sites Plan - Plan Area

#### Legend

-  District Boundaries
-  KCC
-  Ebsfleet Development Corporation



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## 2 The Policy Context

### Kent Minerals and Waste Local Plan

**2.1** The adopted Kent Minerals and Waste Local Plan 2013-30 (KMWLP) is part of the Development Plan for planning purposes. It sets out the overarching framework for the strategy and planning policies for sustainable minerals extraction, importation and recycling, and the management of all waste streams that are generated in Kent, together with their spatial implications. This includes consideration of the economic, social and environmental aspects of strategic minerals and waste planning within the county.

**2.2** Chapter 3 of the KMWLP sets out the vision for mineral development in Kent and chapter 4 sets out 6 objectives to support this vision. Chapter 5 sets out the spatial strategy for meeting the need for minerals, identifying in general terms how much mineral will be provided over the Plan period and includes policies related to the delivery strategy for minerals (CSM policies) and Chapter 7 includes the development management policies (DM policies) which seeks to ensure that minerals development does not have unacceptable impacts.

**2.3** Chapter 5 expects that the Mineral Sites Plan will develop the delivery strategy by allocating specific sites for mineral development in order to provide a level of certainty to local residents, the minerals industry, landowners and other interested stakeholders as to where minerals development is likely to take place.

**2.4** Some work was previously undertaken on preparation of the Sites Plans that led to a Preferred Options Consultation (for waste and minerals) in May 2012. This work was not taken forward and to enable a more up-to-date appraisal of site suitability and deliverability it was considered necessary to undertake a second 'Call for Sites' exercise. This commenced in late 2016, continuing into 2017.

**2.5** Policy CSM 2 of the KMWLP sets out the policy context for the Supply of Land-won Minerals in Kent. It states that "*Mineral working will be granted planning permission at sites identified in a Sites Plan, subject to meeting the requirements set out in the relevant site schedule in the Mineral Sites Plan and the Development Plan*".

### Preparation of the Mineral Sites Plan - Matters Considered

**2.6** For a site to be allocated in the Sites Plan, Policy CSM2 requires site allocations to meet the following criteria:

- There has to be a requirement for the mineral;
- consistency with relevant development management criteria;
- consistency with relevant policies in district local and neighbourhood plans;
- assessment based on strategic environmental information and Habitat Regulation Assessment;
- deliverability; and
- consistency with other relevant national planning policy and guidance.

**2.7** In addition, the policy states that sites will generally be where viable mineral resources are known to exist, where landowners are supportive of mineral development taking place and where the Mineral Planning Authority considers that planning applications are likely to be acceptable in principle in planning terms. Discussion of some of the matters to be taken into account when preparing the Mineral Sites Plan is set out below.

**2.8** District and Borough Councils in Kent are preparing their own Local Plans. Care has been taken to avoid any material conflict between the Mineral Sites Plan and adopted Local Plans through consultation and engagement during the Local Plan formulation process. Local Plans produced by the County Council and the District and Borough Councils, along with any Neighbourhood Plans form the Development Plan.

**2.9** Local District and Borough council input has been sought on the site selection process. The outcomes of meetings held with each local council fed into the overall site screening process, and their comments were again sought prior to detailed technical assessments being undertaken on the Site Options.

**2.10** Minerals and Waste Local Plans have been adopted and are also being prepared by the minerals and waste planning authorities bordering the Sites Plan area and these have been taken into account. In accordance with the Duty to Cooperate, there has been ongoing discussion and consultation with neighbouring mineral planning authorities, especially those within the South East Region in respect of need considerations. The County Council is a member of the South East Aggregate Working Party, which represents the Mineral Planning Authorities in the South East and industry representatives. The work of this Group has also informed the Sites Plan work. The County Council will continue to work closely with adjoining authorities on strategic cross boundary matters.

**2.11** In accordance with the requirements of the Habitats Directive 1992, the Site Plan has been subject to Habitats Regulations Assessment (HRA). This work has helped to inform which sites should be included for allocation within the Sites Plan. Related consultation has taken place with Natural England regarding the impact on international designations. Full details of the HRA assessment are available on the Council's website.

**2.12** Post publication of the Site Options for consultation at Regulation 18 stage, the County Council attended a number of public meeting hosted by Parish and Town Councils to explain the Sites Plan work and seek views on the proposals. The views received have informed the Site Plan work.

**2.13** The Planning and Compulsory Purchase Act 2004 sets out the legislative framework for the preparation of Local Plans whilst European and National policies and strategies provide guidance on their content. The Mineral Sites Plan must be consistent with European and National policies. This Plan has therefore been produced within the context of relevant Plans, Programmes and Directives which were also instrumental in shaping the Minerals Strategy 2014. The Mineral Sites



Plan has also been prepared in accordance with the National Planning Policy Framework (NPPF) 2019 and National Planning Practice Guidance (NPPG) 2014 for Minerals.

**2.14 It should be noted that the site allocations do not equate to the grant of planning permission. Any proposal for the development of an allocated site will need to secure planning consent and satisfy the requirements of the development plan and planning policy considerations at that time.**

**2.15** Development of the allocations of the Mineral Sites Plan, and any other mineral developments, are subject to all the relevant policies, particularly the development management policies of the Kent Minerals and Waste Local Plan 2013-30, along with other local plans and relevant national policies.

### 3 Provision of Mineral Sites

**3.1** The Mineral Sites Plan proposes sites for the extraction of soft sand, and sharp sand and gravel. It is considered that these allocations, in conjunction with current permitted reserves and the criteria based approach to the provision of aggregates established in Policy CSM 2 of the adopted KMWLP, will provide sufficient minerals during the Mineral Sites Plan period for the identified soft sand requirements and make an effective contribution to the supply of land-won sharp sand and gravel.

#### 3.1 Sharp Sand and Gravel

**3.2** Policy CSM 2 of the adopted Kent Minerals and Waste Local Plan 2013-30, in compliance with national policy, commits the County Council to make provision for at least a 7-year landbank for land-won sharp sands and gravel based on the current agreed local annual supply requirement for Kent while resources allow.

**3.3** The local annual supply requirement is established annually through the Local Aggregates Assessment (LAA) process, and has been taken as the average of the previous 10 years of sales and projected over the anticipated Mineral Sites Plan Period (2019-2030) including provision for an at least 7-year landbank to be available at the end of this Plan period.

**3.4** The supply of locally extracted sand and gravel will be sourced from:

- Existing permitted sites
- New sites, including extensions, as identified in the Mineral Sites Plan, and
- Other new sites not identified in the Mineral Sites Plan, deemed as acceptable sustainable mineral development in accordance with local planning policy and all material planning considerations including national planning policy.

**3.5** Based on 2014 data, the KMWLP identified a required provision over the life of the plan period of 10.08mt of sharp sands and gravel and at least 7 years supply (5.46mt). Since this time, permitted reserves have increased (due to current reserves being re-estimated), and the 10-year sales average has decreased. Therefore, a new requirement <sup>(1)</sup> has been calculated as shown in Figure 1.

**Figure 1: Revised Sharp Sand and Gravel Site Plan Requirements**

10-year average figure x Years covered by the Plan (18 years, 2019 to 2030 plus 7-year landbank) - Existing Permitted Reserves (estimated when Plan starts in our case 2019) = Requirement tonnage to be provided over the Plan period

Estimated permitted reserves have been calculated as follows:

Reserves as of end of 2017 = 3.69

Current 10-year sales average=0.472mt

Available reserves by the end 2019 would be reduced by 2 years equivalent extraction (during 2018 and 2019 at the current 10-year sales average rate)

Available reserves at end 2019 = 3.69mt minus (2 x 0.472mt) = 2.746 mt

**Therefore:**

**(0.472 x 18) – 2.746 = 5.75mt overall Plan requirement**

**3.6** Having assessed the sharp sand and gravel sites that were promoted through the ‘call for sites’ in accordance with planning policy, two sites are allocated to contribute to the steady and adequate supply of sharp sands and gravel, subject to demonstrating at planning application stage compliance with the development management criteria set out below and national and local planning policy:

- **Stonecastle Farm Quarry Extensions, Hadlow (M13)** – an extension to the existing quarry (total yield of 1,000,000 tonnes), and
- **Land at Moat Farm, Five Oak Green (M10)** - a proposed new quarry (total yield of 1,500,000 tonnes)

**3.7** Details of the sites and the development criteria are shown on the map Kent Mineral Sites Plan – Sharp Sand and Gravels and in Appendix 1.

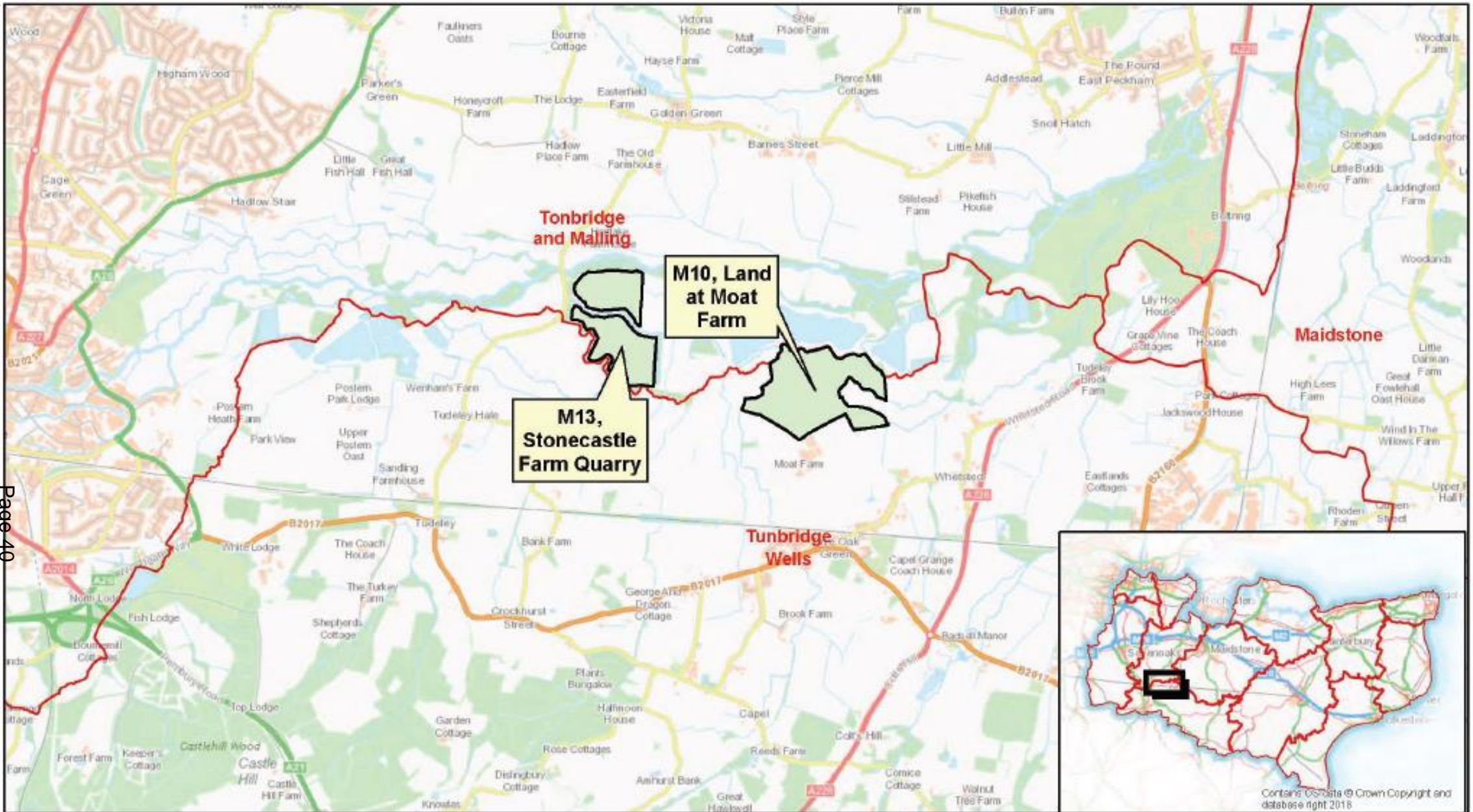
**3.8** The total yield of the sites suitable for allocation is 2.5mt. This results in a deficit of 3.25mt over the Plan period. Therefore, Kent will continue to be increasingly dependent on alternative sources to meet the demand for sharp sand and gravel.

1 These revised requirements are based on the Sharp Sand and Gravel Topic Paper 2018 that used data reported for sales and capacity in 2017 - the latest estimate of requirements can be found in the most recent LAA.



This will likely entail increased importation of sand and gravel via wharves and railheads, mainly from marine dredged materials from the East English Channel and North Sea (see LAA2018). Railheads may further distribute this material and may also have some potential to introduce land-won supply from other areas. Recycled and secondary aggregates will also contribute to overall aggregate needs but cannot be used as a substitute for all applications and is seen as making a contribution to overall supply compared to primary aggregates.

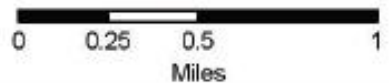
**3.9** Any proposal for the development of either of the above allocations must address the development management considerations set out for each site in Appendix 1, in addition to any other matters relevant to the development of each proposed allocation demonstrating that any unacceptable impacts will be mitigated to the satisfaction of the Mineral Planning Authority.



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### Kent Mineral Sites Plan - Sharp Sand and Gravels

#### Legend

-  KCC
-  District Boundaries



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### 3.2 Soft Sand

**3.10** Policy CSM 2 of the adopted Kent Minerals and Waste Local Plan 2013-30, in compliance with national policy, commits the County Council to make the provision of at least a 7-year landbank for soft sand based on the current agreed local annual supply requirement for Kent.

**3.11** The local annual supply requirement is established annually through the Local Aggregates Assessment (LAA) process, and has been taken as the average of the previous 10 years of sales and projected over the anticipated Mineral Sites Plan Period (2019-2030) including provision for an at least 7-year landbank to be available at the end of this Plan period.

**3.12** The supply of locally extracted soft sand will be sourced from:

- Existing permitted sites
- A new site, as identified in the Mineral Sites Plan; and
- Other new sites not identified in the Mineral Sites Plan, deemed as acceptable sustainable mineral development in accordance with local planning policy and all material planning considerations including national planning policy

**3.13** Requirements in the adopted Kent Minerals and Waste Local Plan (KMWLP) suggest a 5 million tonne shortfall to be met from sites identified in the Kent Mineral Sites Plan. This shortfall was based on 2014 data and assumed the need to plan for a 24-year land bank, however, the Mineral Sites Plan period is shorter (the Plan period of 11 years (2019 to 30) plus 7 years at the end of the Plan period giving 18 years in total to plan for). More recent calculations based on data in the LAA2018 regarding supply in the form of sales and available reserves to meet that demand over the Plan period, taken together with an 18-year landbank suggest the shortfall is now 2.5mt <sup>(2)</sup>. See Figure 2.

<sup>2</sup> These revised requirements are based on the Soft Sand Topic Paper 2018 that used data reported for sales and capacity in 2017– the latest estimate of requirements can be found in the most recent LAA.

## Figure 2 - Revised Soft Sand Site Plan Requirements

10-year average figure x Years covered by the plan (18 years, 2019 to 2030 plus 7-year landbank) - Existing Permitted Reserves (estimated when the plan period commences in our case 2019) = Requirement tonnage to be provided over the Sites Plan period

Estimated permitted reserves have been calculated as follows:

Reserves as of end of 2017 = 8.85

Available reserves by the end of 2019 would be reduced by 2 years equivalent extraction (using the 10-year sales average of 0.568mt for 2018 and 2019 extraction)

Available reserves at end of 2019 = 8.85 - (2 x 0.568mt) = 7.714mt

**Therefore:**

$(0.568 \times 18) - 7.714 = \text{Overall Plan of 2.51mt requirement (rounded 2.5mt)}$

**3.14** Having assessed the soft sand sites that were promoted through the 'call for sites' in accordance with planning policy, one site is allocated to contribute to the steady and adequate supply of soft sand, subject to demonstrating at planning application stage compliance with the development management criteria set out below and national and local planning policy:

- **Chapel Farm (West), Lenham (M3<sup>(3)</sup>)** - a proposed new quarry (total yield 3,200,000 tonnes)

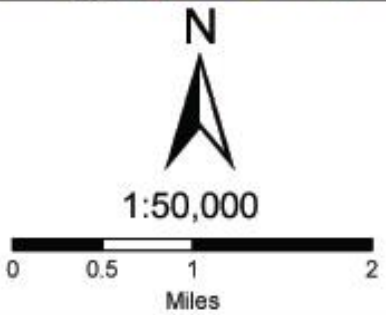
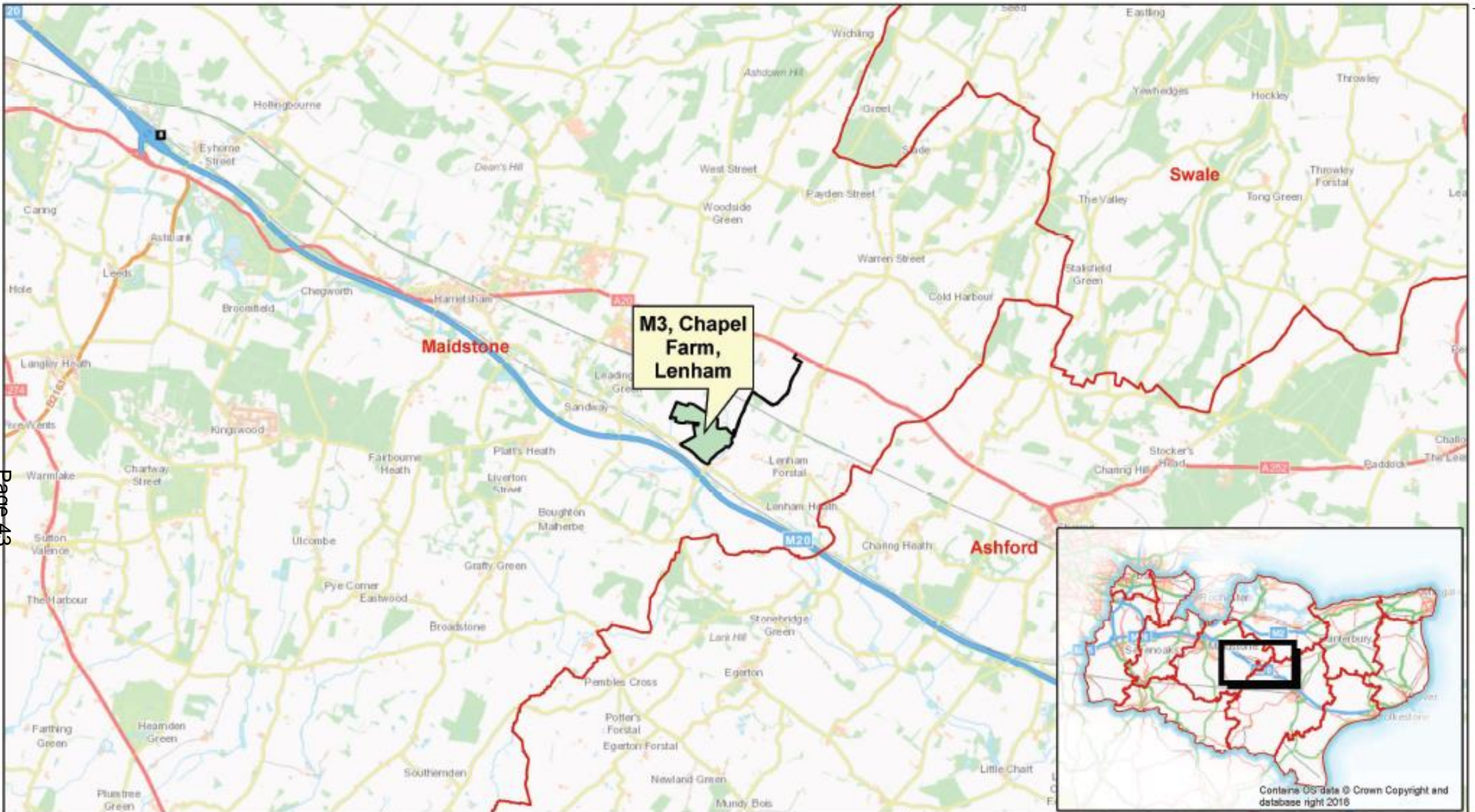
**3.15** Details of the site and the development criteria are shown on the map Kent Mineral Sites Plan – Soft Sand and in Appendix 1.

**3.16** Any proposal for the development of the above allocation must address the development management considerations set out for the site in Appendix 1, in addition to any other planning considerations relevant to the development and that any adverse impacts will be mitigated to the satisfaction of the Mineral Planning Authority.

**3.17** The yield of the Chapel Farm West site is 3.2mt. This amount can adequately meet the objectively assessed need for soft sand over the life of the Plan and will meet the requirement for a steady and adequate supply of soft sand in accordance with Policy CSM 2 of the KMWLP.

**3.18** There will also be a surplus of 0.7mt of soft sand available to contribute to the wider regional need for this material.

3 As amended to exclude the eastern parcel 2018



**Kent Mineral Sites Plan -  
Soft Sand**

**Legend**

-  KCC
-  District Boundaries



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## Appendix 1 - Site Allocations

### Background

This appendix contains the Development Management Criteria for each of the allocated mineral sites. These set out the key, site specific information relating to potential constraints, opportunities and issues to be addressed at the planning application stage.

The Kent Mineral Sites Plan is an integral part of, the KMWLP. The two documents should be read together, and the policies of the KMWLP, particularly the development management policies (Chapter 7) will be applied to proposals for development on sites allocated in the Kent Mineral Site Plan.

### Development Management Criteria

The Development Management criteria are specific matters to be taken into account in relation to the development of each site. They also include guidance on restoration objectives. The information set out in criteria should not be considered as exhaustive. These criteria are based on an assessment of the sites at the time this Plan was prepared and if circumstances change or new information becomes available prior to sites coming forward through a planning application, this will also need to be taken into account in decision making.

As a result of the issues set out in the Development Management Criteria and depending on the precise nature of the development proposed, mitigation measures are likely to be required in order to prevent adverse impacts occurring. If adverse impacts are unavoidable and it is considered that they are an acceptable part of the development proposed, compensation measures may be required.

### Extensions to Stonecastle Farm

#### Extensions to Stonecastle Farm Quarry, Hadlow/Whetsted

**Proposed Development:** Extraction of sharp sands and gravel (Sub-Alluvial River Terrace Deposits)

**Site Location:** Hadlow, Tonbridge

**Grid Reference:** E 146908, N 146908

**District/Borough Council:** Tonbridge and Malling (Access is within Tunbridge Wells)

**Parish:** Hadlow

**Site Area:** 28 hectares

**Estimated Mineral Reserve:** 1,000,000 tonnes

**Existing Land Use:** Agriculture

**Proposed Restoration:** Reedbeds and lakes

#### Development Management Criteria

The Stonecastle Farm Quarry Extension site is acceptable in principle for mineral development, subject to compliance with the development management considerations, with particular reference to:

##### *Transport*

- A detailed transport assessment to demonstrate compliance with KMWLP Policy DM13.
- All quarry traffic to utilise the existing Stonecastle Quarry access onto Whetsted Road, and only turn left when exiting the site.
- The site shall only be worked sequentially to the permitted phases at Stonecastle Farm Quarry or the Moat Farm Quarry (should planning permission be granted for this latter site). To avoid unacceptable impacts on the local highway network, the Stonecastle Farm Extension (M13), the Moat Farm Site (M10) and the permitted Stonecastle Farm Quarry shall not be worked concurrently.

##### *Water Resources*

- A minimum 16 metre buffer will need to be provided between extraction and nearby watercourses.
- Demonstration that the site will have no adverse impacts on hydrology or hydrogeology. This should be undertaken in liaison with South East Water and the Environment Agency and will need to include (amongst other matters) the following:
  - The risk of pollutants entering the restored open lakes

- A Hydrometric Monitoring Strategy; the results of this should be regularly reviewed and the conceptual model of the site updated as required
- Risk to derogation of the activities subject to Abstraction Licences in the vicinity of the site.
- Compliance with the Environment Agency's approach to the management and protection of groundwater as outlined within their Groundwater Protection Position Statements and take all measures and precautions necessary to avoid deterioration in the quality of groundwater below the site.
- The restoration plan will need to have reference to the proposed lakes and their interface with the nearby watercourses in accordance with Environment Agency advice. It must also include evidence to demonstrate how the integrity of nearby watercourses will be retained.
- The two abstraction licences within the vicinity of the site will need to be taken into account.
- Dewatering techniques must not be used that would impact local water resources.
- Any application will need to be accompanied by a detailed flood risk assessment.

#### ***Amenity***

- A lighting, noise, dust and vibration management plan should be completed, setting out how unacceptable impacts will be avoided. A detailed dust assessment and management plan should be submitted which follows best practice and any national Government guidance (e.g. Planning Practice Guidance).
- Compliance with policy DM11 of the Kent Minerals and Waste Local Plan in respect of health and amenity.

#### ***Biodiversity***

- A detailed ecological appraisal setting out any mitigation measures needed to ensure there are no unacceptable impacts on Kent's biodiversity assets, and measures to be taken to provide a net gain in biodiversity.
- Detailed restoration proposals will need to demonstrate that the potential loss of the BAP habitat deciduous woodland is offset by replacement woodland provision within the proposed restoration plan. This should include a range of trees and shrub sizes to create a vertical design element to the planting.
- Any operations should exclude the Ancient Woodland and a suitable buffer should be employed as to not impact on the designation directly or indirectly
- Restoration scheme should incorporate additional woodland planting where possible, including native evergreen species along the western and southern boundaries of the proposed quarry extension site.
- Suitable buffer zones and mitigation to be proposed to mitigate impacts to Local Wildlife Site TM20.
- The developer to appropriately manage the Nuttall's pondweed and Crassula in the area.
- The need for compensatory replacement habitat should be considered.





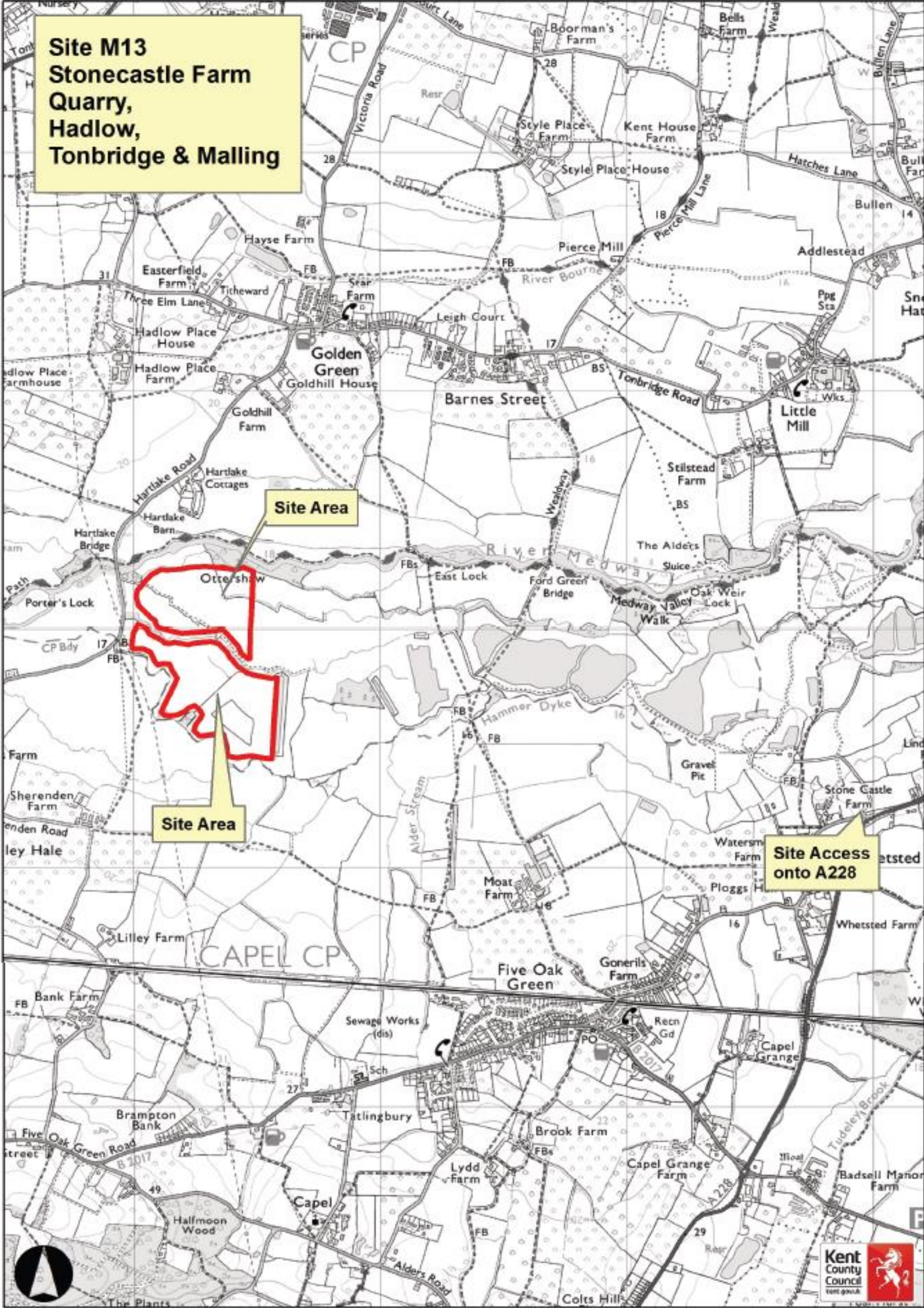
### ***Heritage***

- Further assessment of the potential impact of proposals on the historic landscape and surviving features is necessary and should account of the historic landscape should be taken during works and in later site landscaping and restoration programme.
- The impact of proposals upon nearby Listed Buildings and their settings should be fully assessed and mitigation measures undertaken to avoid unacceptable adverse impacts.
- Any planning application should be accompanied by a full archaeological impact assessment to ascertain the extent of any remains.

### ***Green Belt***

- The site is located within the Metropolitan Green Belt and any proposal for development of the site must demonstrate how it is consistent with national and local policy on development within the Green Belt.

**Site M13  
Stonecastle Farm  
Quarry,  
Hadlow,  
Tonbridge & Malling**



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## Moat Farm

### Moat Farm, Capel, Tonbridge

**Proposed Development:** Extraction of sharp sands and gravel (Sub-Alluvial River Terrace Deposits)

**Site Location:** Five Oak Green, Capel, Tonbridge

**Grid Reference:** E 564578, N 146400

**District/Borough Council:** Tunbridge Wells

**Parish:** Capel

**Site Area:** 38.2 hectares

**Estimated Mineral Reserve:** 1,500,000 tonnes

**Existing Land Use:** Agriculture

**Proposed Restoration:** Phased wetland restoration

#### Development Management Criteria

The Moat Farm site is acceptable in principle for mineral development, subject to compliance with the development management considerations, with particular reference to:

#### *Transport*

- A detailed transport assessment to demonstrate compliance with KMWLP Policy DM 13.
- Mineral must be removed from the site via the Stonecastle Farm site to the north such that access onto the highway network is achieved using the existing and approved access for the Stonecastle Farm Quarry, and HGVs only turn left when exiting the site.
- The site shall only be worked sequentially to the permitted phases at Stonecastle Farm Quarry or the Moat Farm Quarry (should planning permission be granted for this latter site).
- To avoid unacceptable impacts on the local highway network, the Stonecastle Farm Extension, the Moat Farm Site and the permitted Stonecastle Farm Quarry shall not be worked concurrently.
- Proposals for the diversion for PROW will be required which show how connectivity of the surrounding PROW network will not be lost.

#### *Water Resources*

- A 16 metre buffer should be provided between extraction areas (and areas that have been extracted) and nearby watercourses (including ditches) to alleviate flood risk in the area. Furthermore, should the Alder Stream require diversion, this should be subject to EA approval and hydraulic

modelling must be undertaken to inform the diversion route and the potential impact on flood risk elsewhere.

- Any restoration works should not include raising the ground levels over existing levels as this will have an adverse impact on flood risk. Wetland restoration is preferable.
- Any application will need to be accompanied by a detailed flood risk assessment with measures identified to minimise and/or mitigate flood risk.
- The site overlies the gravel aquifer and near the edge of an SPZ3 for a public water abstraction borehole. Wet working, that being the extraction of materials from below the water table level, should be employed to negate the need to de-water the active quarried areas.
- A regime of local water quality monitoring is required to be agreed with the Environment Agency and South East Water.

### ***Biodiversity***

- Any proposal would need to be accompanied by a detailed ecological appraisal setting out any mitigation measures needed to ensure there are no unacceptable impacts on Kent's biodiversity assets, and measures to be taken to provide a net gain in biodiversity.
- Any operations should exclude the Ancient Woodland and a suitable buffer should be employed as to not impact on the designation directly or indirectly.

### ***Health and Amenity***

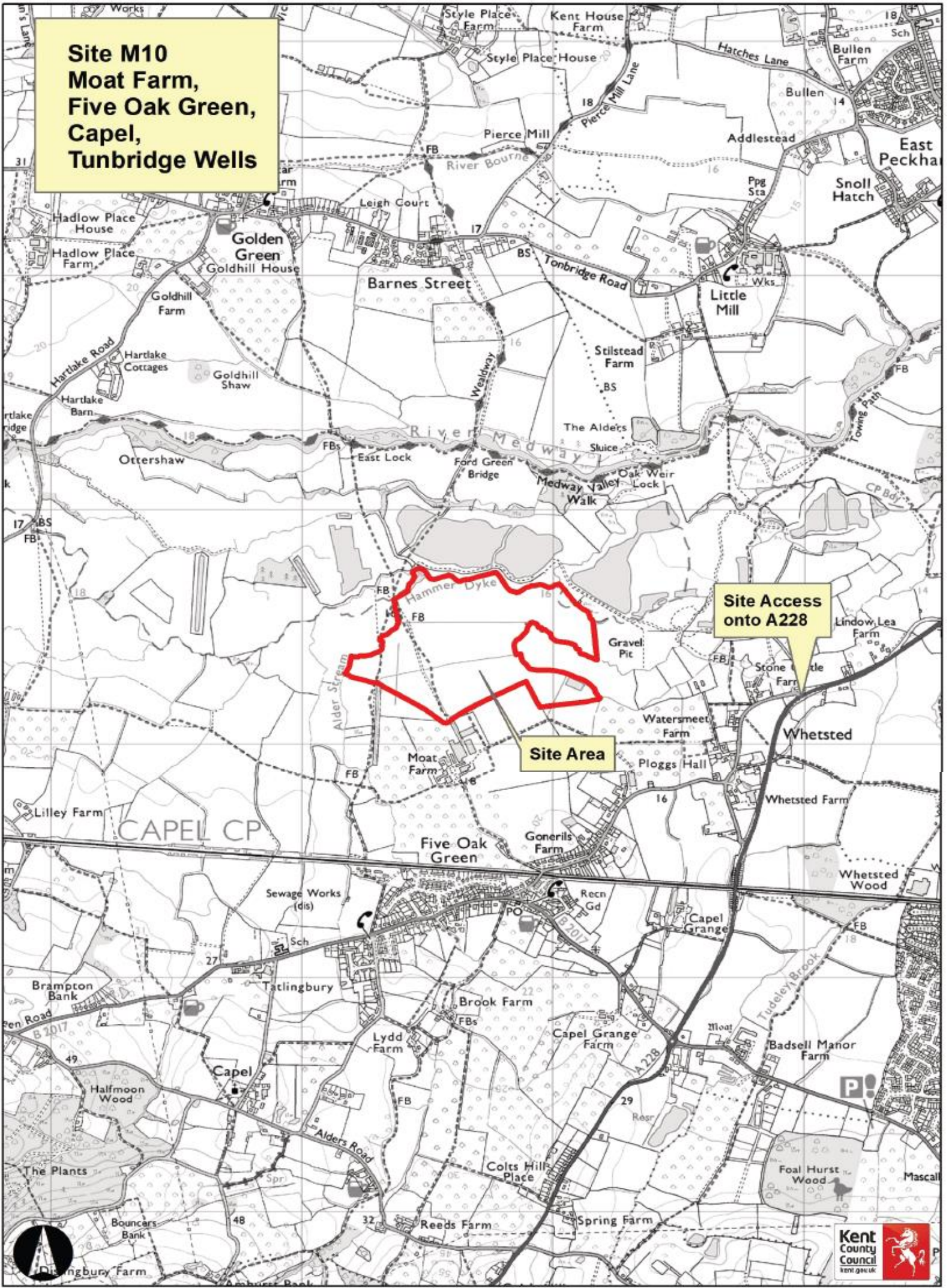
- Compliance with policy DM 11 of the Kent Minerals and Waste Local Plan in respect of health and amenity.
- A lighting, noise, dust, and vibration management plan should be completed, setting out how unacceptable impacts will be avoided. A detailed dust assessment and management plan should be submitted which follows best practice and any national Government guidance (e.g. Planning Practice Guidance).

### ***Heritage***

- There is potential for Palaeolithic remains within the site. Therefore, any planning application should be accompanied by a full archaeological impact assessment to ascertain the extent of such remains.
- The impact of proposals upon nearby Listed Buildings and their settings should be fully assessed and mitigation measures undertaken to avoid unacceptable adverse impacts.

### ***Green Belt***

- The site is located within the Metropolitan Green Belt and any proposal for development of the site must demonstrate how it is consistent with national and local policy on development within the Green Belt.

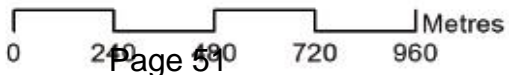


**Site M10  
Moat Farm,  
Five Oak Green,  
Capel,  
Tunbridge Wells**

**Site Access  
onto A228**

**Site Area**

1:20,000



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**Chapel Farm****Chapel Farm, Lenham (Western Site)****Proposed Development:** Extraction of soft sand (Sandstone: Folkestone Formation)**Site Location:** Lenham, Maidstone**Grid Reference:** E 590223, N 150704**District/Borough:** Maidstone**Parish:** Lenham**Site Area:** 35.4 hectares**Estimated Mineral Reserve:** 3,200,000 tonnes**Existing Land Use:** Agriculture**Proposed Restoration:** Low level restoration to agriculture using existing soils**Development Management Criteria**

The Chapel Farm, Lenham (Western Site) (M10) is acceptable in principle for mineral development, subject to compliance with the development management considerations, with particular reference to:

***Biodiversity***

- At least a 15 metre buffer to be maintained around the Ancient Woodland and protected trees at all times.
- Lenham Quarry SSSI is approximately 800m from the site and Hart Hill SSSI is 2.5km away; both are designated for their geological interest. Lenham Heath & Chilston Park and Bull Heath Pit Local Wildlife Sites (LWS) are adjacent to the proposed site. Evidence to be submitted with any planning application to confirm that the LWS and SSSIs will not be adversely impacted.
- Woodland copse to the north-west corner of the site must be maintained  
A detailed ecological appraisal is required (including all recommended species/habitat surveys) setting out any mitigation measures needed to ensure there are no unacceptable adverse impacts on Kent's important biodiversity assets.
- Detailed restoration proposals should set out measures to be taken to provide a net gain in biodiversity.

***Landscape***

- Detailed information setting out proposed mitigation of landscape and visual impacts demonstrating that the setting of, and views into and out of, the Kent Downs AONB will not be adversely impacted.

### ***Heritage***

- Nearby listed buildings include Royton Manor (Grade II\*) and Chapel Mill (II), Vine House (II) and Mount Castle Farm Cottage (II). Consideration and mitigation of impacts on heritage assets including listed buildings is required. The impact of proposals upon the Listed Buildings and their settings should be fully assessed and mitigation measures undertaken to avoid unacceptable adverse impacts.
- Any planning application should be accompanied by a full archaeological impact assessment to ascertain the extent of any remains.

### ***Water Resources***

- Any application will need to be accompanied by an EIA with particular emphasis on the site's relationship and impact on the Great Stour.
- Appropriate mitigation measures and monitoring will need to be implemented as per the request of the Environment Agency, to demonstrate the following:
  - Hydraulic continuity between those reaches of the Great Stour and associated tributaries, if proven to be in part dependent on groundwater baseflow originating from the adjoining aquifer (Folkestone Formation).
  - The hydraulic integrity of the river is not compromised. In particular, the proposed plans will need to recognise the function of the foremost transient reaches of the Great Stour, which are dependent on both chalk escarpment seepage and surface runoff contributions, where underlain by Gault Clay to the immediate north of Chapel Farm. Any submission will need to account for this 'contribution', and the plans cannot allow the Great Stour to become hydraulically 'isolated' from its headwaters, irrespective of whether those watercourses are quantified as ephemeral.
  - The underlining Sandgate Formation is not compromised, especially if the Formation is shown to be acting as an aquiclude at Chapel Farm, and within the immediate vicinity. Such a response is required to protect the Hythe Formation, which is classified as a major water resources aquifer unit.

### ***Transport and Access***

- A detailed transport assessment to demonstrate compliance with KMWLP Policy DM 13.
- The Transport Assessment should consider ability to access the site via rail, impacts on the A20 and the Maidstone AQMA and show how any potential adverse impacts on this AQMA will be mitigated.
- Public Rights of Way (PROWs) that run adjacent and within the site will require appropriate diversions and screening to mitigate any impact on the PROW network as necessary.
- The site will only be worked sequentially to the permitted site at Burleigh Farm, Charing.

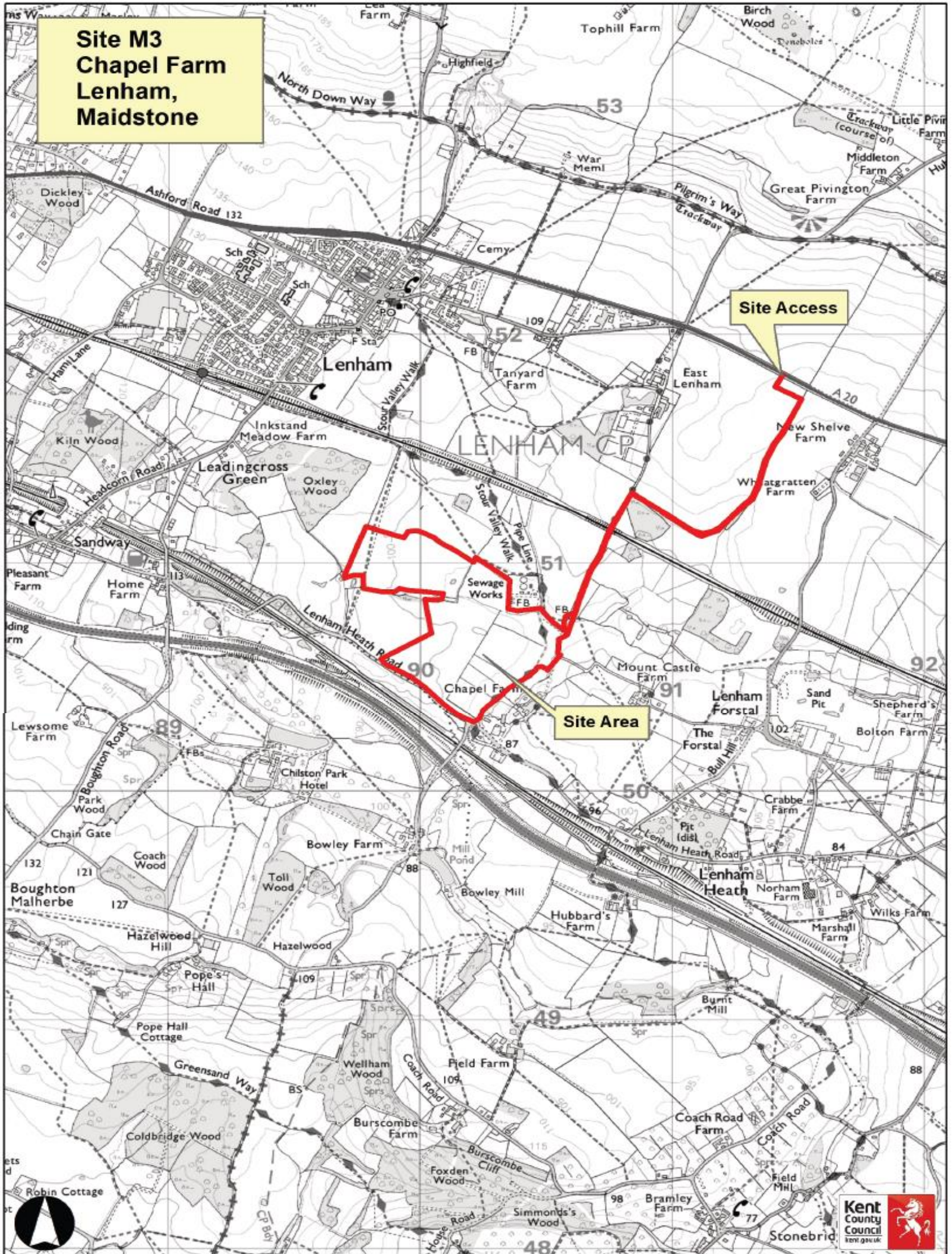
### **Utilities**

- Demonstration that sensitive receptors such as sewage lines, electricity pylons and the railway lines will not be affected by land instability caused by the development.
- The functioning of the Lenham WWTW and other sewerage infrastructure must not be adversely impacted

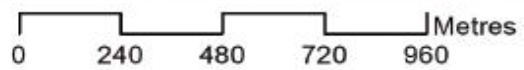
### **Health and Amenity**

- Compliance with policy DM 11 of the Kent Minerals and Waste Local Plan in respect of health and amenity.
- A lighting, noise, dust, and vibration management plan should be completed, setting out how unacceptable impacts will be avoided. A detailed dust assessment and management plan should be submitted which follows best practice and any national Government guidance (e.g. Planning Practice Guidance).





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# Kent Minerals and Waste Local Plan 2013-30

As amended by the Early Partial  
Review

July 2020

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## Foreword

## Abbreviations

AD	Anaerobic Digestion
AQMA	Air Quality Management Area
AoS	Area of Search
AMR	Annual Monitoring Report
AONB	Area of Outstanding Natural Beauty
AWP	Aggregate Working Party
BAP	Biodiversity Action Plan
BAT	Best Available Techniques (Assessment)
BERR	Department for Business, Enterprise and Regulatory Reform
BGS	British Geological Society
BIS	Department for Business, Innovation and Skills
BOA	Biodiversity Opportunity Area
CD	Construction and Demolition Waste
CDE	Construction, Demolition and Excavation Waste
CSM	Core Strategy Minerals
CSW	Core Strategy Waste
C&I	Commercial and Industrial Waste
DCLG	Department for Communities and Local Government
DECC	Department of Energy and Climate Change
DEFRA	Department for Environment Food and Rural Affairs
DM	Development Management
DOE	Department of the Environment
EA	Environment Agency
EC	European Commission
EfW	Energy from Waste
EIA	Environmental Impact Assessment
ES	Environmental Statement
EU	European Union

## Abbreviations

GDF	Geological Disposal Facility
GPDO	Town and Country (General Permitted Development) Order
GVA	Gross Value Added
HDV	Heavy Duty Vehicle
HLW	High Level Waste (Radioactive Waste Classification)
HRA	Habitat Regulations Assessment
HWRC	Household Waste Recycling Centre
ILW	Intermediate Level Waste (Radioactive Waste Classification)
JMWMS	Joint Municipal Waste Management Strategy
KCC	Kent County Council
km	Kilometres
KRP	Kent Resource Partnership
LAA	Local Aggregate Assessment
LCE	Low-Carbon Economy
LDS	Local Development Scheme
LEP	Local Enterprise Partnership
LLW	Low Level Waste (Radioactive Waste Classification)
LLWR	Low Level Waste Repository
LNR	Local Nature Reserve
LWS	Local Wildlife Site
m	Metres
MCA	Mineral Consultation Area
MDA	Marine Dredged Aggregates
MPA	Mineral Planning Authority
MPS	Marine Policy Statement
MSA	Mineral Safeguarding Area
MSW	Municipal Solid Waste
mt	Million tonnes
mtpa	Million tonnes per annum

MWLP	Minerals and Waste Local Plan
NDA	Nuclear Decommissioning Authority
NERC	Natural Environment and Rural Communities
NIA	Nature Improvement Area
NIEA	Northern Ireland Environment Agency
NNR	National Nature Reserve
NPPF	National Planning Policy Framework 2012
NPPW	National Planning Policy for Waste 2014
ODPM	Office of the Deputy Prime Minister
PEDL	Petroleum Exploration and Development Licence
PLA	Port of London Authority
PROW	Public Rights of Way
RSS	Regional Spatial Strategy
SA	Sustainability Appraisal
SAC	Special Area of Conservation
SCI	Site of Community Importance
SEEAWP	South East England Aggregate Working Party
SEP	South East Plan
SEPA	Scottish Environment Protection Agency
SFRA	Strategic Flood Risk Assessment
SPA	Special Protection Area
SPZ	Source Protection Zone
SSSI	Site of Special Scientific Interest
TCPA	Town and Country Planning Act
tpa	Tonnes per annum
TRW	Topic Report on Waste
UNESCO	United Nations Educational, Scientific and Cultural Organisation
VLLW	Very Low Level Waste (Radioactive Waste Classification)

Abbreviations

Water FD	Water Framework Directive
WCA	Waste Collection Authority
WFD	Waste Framework Directive
WMU	Waste Management Unit
WPA	Waste Planning Authority

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## 1 Introduction

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

### 1.1 The Kent Minerals and Waste Local Plan 2013-30

**1.1.1** This document, the *Kent Minerals and Waste Local Plan 2013-30*, is the main Local Plan document. It describes:

- the overarching strategy and planning policies for mineral extraction, importation and recycling, and the waste management of all waste streams that are generated or managed in Kent, and
- the spatial implications of economic, social and environmental change in relation to strategic minerals and waste planning.

**1.1.2** This Plan identifies and sets out the following subjects for the period up to, and including, the year 2030:

- the long term Spatial Vision and Strategic Objectives for Kent's minerals and waste
- the delivery strategy for minerals and waste planning that identifies how the objectives will be achieved in the plan period
- two areas where strategic mineral and waste development is likely to occur
- the Development Management (DM) policies that will be used when the County Council makes decisions on planning applications
- the framework to enable annual monitoring of the policies within the Plan

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

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

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

- *Sustainability Appraisal* (SA)
- *Habitat Regulations Assessment* (HRA)



- *Strategic Flood Risk Assessment (SFRA)*
- *Strategic Landscape Assessment*
- *Strategic Transport Assessment*
- *Equalities Impact Assessment (EqIA)<sup>(1)</sup>*

## 1.2 The Status of the Kent Minerals and Waste Local Plan 2013-30

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

**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.

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

- Policy CSM 6: Safeguarded Wharves and Rail Depots
- Policy CSM 7: Safeguarding Other Mineral Plant Infrastructure
- Policy CSM 8: Secondary and Recycled Aggregates
- Policy CSW 3: Waste Reduction
- Policy CSW 16: Safeguarding of Existing Waste Management Facilities
- Policy DM 7: Safeguarding Mineral Resources
- Policy DM 8: Safeguarding Minerals Management, Transportation Production & Waste Management Facilities
- Policy DM 9: Prior Extraction of Minerals in Advance of Surface Development

- Policy DM 20: Ancillary Development
- Policy DM 21: Incidental Minerals Extraction

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

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

**1.2.6** The Kent MWLP only applies to the administrative county of Kent. Medway Council are writing their own local plan. The position regarding saved minerals and waste planning policies in Medway is set out in Appendix B.

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

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

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

**1.3.1** When preparing plans, minerals and waste planning authorities must take account of international and national legislation and national planning policy. Until 2013, regional planning policy formed part of the development plan and was required to be taken into account in the preparation of local plans. The *Regional Spatial Strategy* (RSS) for the South East of England was partially revoked.<sup>(7)</sup> The remaining part of the RSS relates to a policy about new residential development near the Thames Basin Heaths Special Protection Area (SPA), which is not in Kent. However, the RSS has been tested for soundness through an Examination in Public (EiP), and where relevant, it can still form part of the evidence base for the Kent MWLP.

2 The Town and Country Planning (Local Development) (England) Regulations 2004, The Town and Country Planning (Local Development) (England) (Amendment) Regulations 2008, The Town and Country Planning (Local Planning) (England) Regulations 2012 and the Localism Act (2011), Environmental Assessment of Plans and Programmes Regulations 2004.

3 Department of Communities and Local Government (DCLG) (March 2012) National Planning Policy Framework.

4 DCLG (October 2014) National Planning Policy for Waste

5 DEFRA (December 2013) Waste Management Plan for England.

6 Available online from: [www.kent.gov.uk/mplp](http://www.kent.gov.uk/mplp)

7 Statutory Instruments 2013 No. 427: The Regional Strategy for the South East (Partial Revocation) Order 2013.

## European Legislation

1.3.2 European Union (EU) Directives provide the international legislative context for minerals and waste plan-making. These include:

- **Waste Framework Directive (WFD) (2008/98/EC)** which aims to move the management of waste up the Waste Hierarchy<sup>(8)</sup> and to encourage the use of waste as a resource. EU member states are required to achieve recycling and composting rates of 50% by 2020 for household waste streams including paper, metal, plastic, glass, and for other waste streams that are similar to household waste. Also by 2020, the preparation for re-use, recycling and recovery of non-hazardous construction and demolition waste (CDE) (excluding naturally occurring materials) must be increased to a minimum of 70% by weight.
- **Landfill Directive (1999/31/EC)** which requires reductions in the quantity of biodegradable waste that is landfilled, and encourages diversion of non-recyclable and non-usable waste to other methods of treatment.
- **Water Framework Directive (Water FD) (2000/60/EC)** which aims to improve the local water environment for people and wildlife, and promote the sustainable use of water. It applies to all surface water bodies, including lakes, streams and rivers as well as groundwater. The aim of the Water FD is for all water bodies to reach good status by 2027. This means improving their physical state, and preventing deterioration in water quality and ecology. The Water FD introduced the concept of integrated river basin management planning. Kent lies within the Thames River Basin District and South East River Basin District.<sup>(9)</sup>

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8 The Waste Hierarchy is defined in the Glossary in Appendix A and is shown diagrammatically in the text supporting Policy CSW 2. **Page 73**

9 Environment Agency (December 2009) Thames River Basin Management Plan (RBMP) and the South East RBMP.

## National Planning Policy and Guidance

**1.3.3** The Government published the NPPF in March 2012. The NPPF describes the Government's planning policies for England and how to apply them. It provides a framework for people and their councils to produce distinctive local and neighbourhood plans that reflect local needs and priorities. It includes policies on plan-making and planning for minerals.

**1.3.4** Specific policies on waste are described in the *National Waste Management Plan for England* <sup>(10)</sup> and the *National Planning Policy for Waste 2014* <sup>(11)</sup>. Local authorities preparing waste plans are also advised to consider relevant NPPF policies.

**1.3.5** Since the publication of the NPPF, DCLG have published the following additional guidance notes which are relevant to minerals and waste plan-making:

- *Guidance for Local Planning Authorities on Implementing Planning Requirements of the EU WFD (2008/98/EC)* <sup>(12)</sup>
- updated Planning Practice Guidance on Minerals to accompany the NPPF, including updated guidance on the Managed Aggregate Supply System <sup>(13)</sup>

**1.3.6** The *Marine and Coastal Access Act 2009* introduced measures to enable the sustainable management and use of marine resources, including the requirement for a Marine Policy Statement (MPS). The UK MPS contains minerals policy relating to offshore mineral interests. All public authorities taking authorisation or enforcement decisions that affect, or might affect, the UK marine area must do so in accordance with the UK MPS, unless relevant considerations indicate otherwise. The MPS will also guide the development of Marine Plans across the UK.

## Local Plans and Strategies

**1.3.7** The Plan also considers other relevant local policies and strategies.

## Kent Joint Municipal Waste Strategy

**1.3.8** As Waste Disposal Authority, in 2007 the County Council prepared a *Joint Municipal Waste Management Strategy* (JMWMS) with the districts in Kent, which was adopted by the Kent Resource Partnership (KRP). The partnership comprises 12 district/borough councils and KCC. The KRP plans and budgets for Kent's household waste so that new facilities can be built where and when they are needed. The aims of the KRP are to:

- increase recycling rates all over Kent

10 DEFRA (December 2013) Waste Management Plan for England.

11 DCLG (October 2014) National Planning Policy for Waste.

12 DCLG (December 2012) Guidance for local planning authorities on implementing planning requirements of the EU Waste Framework Directive (2008/98/EC).

13 DCLG (Revised March 2014) Planning Practice Guidance: Minerals. Web-based resource available from: <http://planningguidance.planningportal.gov.uk/>.

- reduce the amount of waste produced by each household
- reduce the amount of Kent's waste that is put into landfill

**1.3.9** Since 2007 the KRP have achieved the following targets:

- 40% recycling and composting across Kent
- KCC's Household Waste Recycling Centres (HWRCs) to achieve a 60% recycling and composting rate

**1.3.10** These targets were achieved in 2011/12. Also the amount of waste sent to landfill has been reduced from around 72% in 2005/06 to 22% in 2011/12.

**1.3.11** A review of the Kent JMWMS began in 2011. The KRP prepared new objectives and policies which are being implemented across Kent. These include reducing household waste arisings by at least 10% by 2020/21 (based on 2010/11 levels), recycling and composting rates of at least 50%, and sending no more than 5% of the household waste stream to landfill. The aim is to get as close as possible to 0% for untreated household waste being sent to landfill.

### Strategic Transport Plans

**1.3.12** The County Council has a statutory duty to prepare and update its Strategic Transport Plan. The *Local Transport Plan for Kent 2011-2016* was adopted in 2011. This Plan explains how the council will work towards its transport vision over a five-year period using the funding that it receives from Government. KCC also prepared a 20-year transport delivery plan, *Growth Without Gridlock*, which focuses on the key strategic transport improvement areas required in Kent, including the Thames Gateway. This aims to relieve the pressure on the Channel Corridor, cut congestion in West Kent along the A21, find a solution in East Kent for Operation Stack<sup>(14)</sup> and provide a integrated public transport network.

**1.3.13** The *Kent Freight Plan* was adopted in 2012. It contains KCC's objectives to tackle key issues and find solutions to the following problems related to lorry movements in Kent:

- overnight lorry parking
- Operation Stack
- managing the routing of Heavy Goods Vehicles to ensure that they remain on the Strategic Road Network for as much of their journey as possible
- impacts of freight traffic on communities and the environment
- encouraging sustainable distribution

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

## District Local Plans

**1.3.14** The Kent district local plans form part of the development plan. While they do not address minerals and waste matters, their Sustainable Community Strategies have been considered in the preparation of the Kent MWLP.

### 1.4 The Evidence Base

**1.4.1** The evidence base required for plan-making must be: *proportionate*,<sup>(15)</sup> kept up-to-date and address all of the relevant legislative and policy requirements.

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

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

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

**1.4.5** The Plan is also accompanied by the following assessments:

- SFRA describing the impacts of the plan policies on flooding and identifying where mitigation measures could be needed
- *Strategic Landscape Assessment* describing the landscape impact of the Strategic Site for Minerals and the Strategic Site for Waste identified in the Plan
- *Strategic Transport Assessment* describing the potential effects on Kent's transport network (see Figure 2) as a result of the Plan's policies

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

15 Proportionate means being in due proportion, so that there is sufficient evidence (facts and figures) to justify the decisions made in the Plan.

16 Iterative means that there is repetitive on-going discussion and resolution of issues.

17 Ramsar sites are sites designated under the Ramsar Convention as Wetlands of international importance Sites.

18 The Conservation of Habitats & Species Regulations 2010.

- the KCC and Medway Council collaboration on a study of mineral imports into the county<sup>(19)</sup>
- the Kent and Surrey County Council collaboration on an evidence base for their plans for silica sand<sup>(20)</sup>

1.4.7 The evidence base topic reports and other documents that have been prepared to inform and support the preparation of this Plan and information on public consultation undertaken are available online.<sup>(21)</sup>

### 1.5 Planning and Permitting Interface

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

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

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

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19 KCC and Medway Council (May 2011) MTR7: Kent and Medway Mineral Imports Study.  
 20 GWP Consultants Ltd (2010) Silica Sand Report for KCC and Surrey County Council.  
 21 See [www.kent.gov.uk/mwlp](http://www.kent.gov.uk/mwlp)  
 22 DCLG (2012) National Planning Policy Framework, para. 122.

The NPPW states that when determining waste planning applications, waste planning authorities should concern themselves with implementing the planning strategy in the Local Plan and not with the control of processes which are a matter for the pollution control authorities. Waste Planning Authorities should work on the assumption that the relevant pollution control regime will be properly applied and enforced.<sup>(23)</sup>



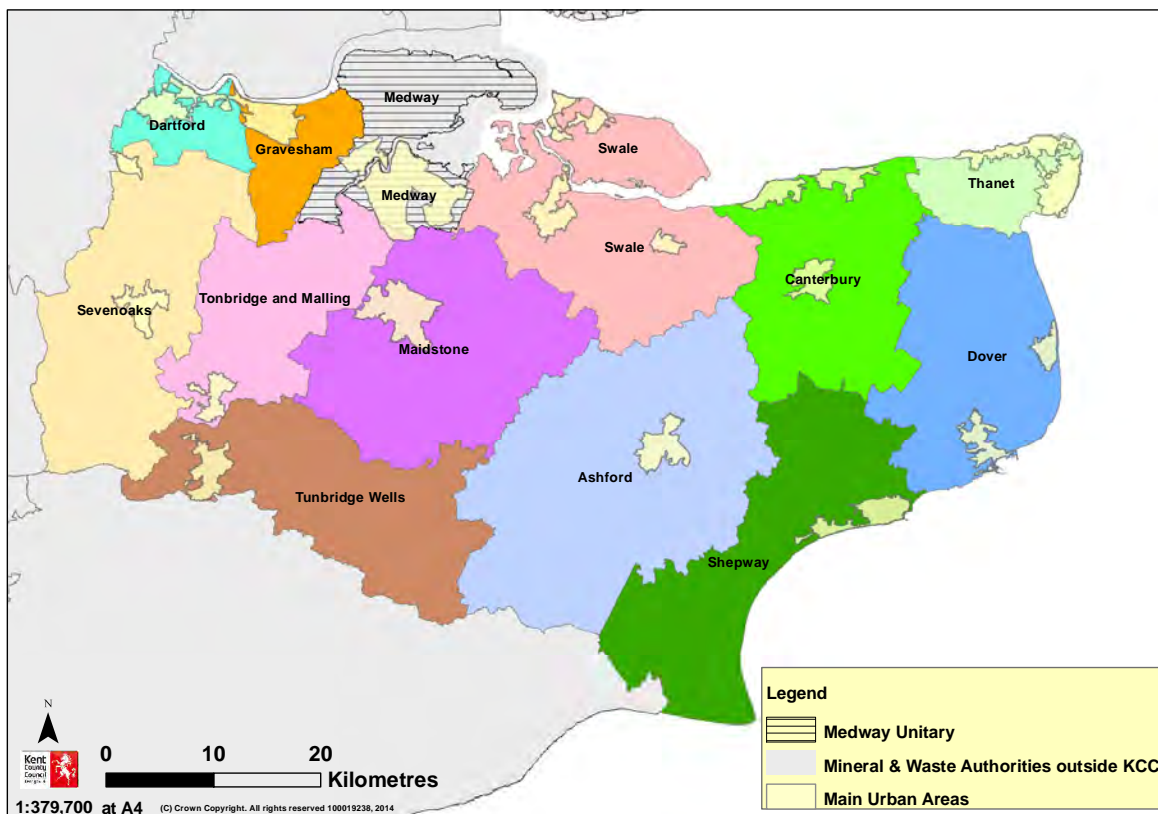
## 2 Minerals and Waste Development in Kent: A Spatial Portrait

### 2.1 Introduction

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

**2.1.2** With an estimated population of 1,480,200 people,<sup>(24)</sup> Kent is the largest non-metropolitan local authority area in England. Projected population growth for Kent is a 10.5% increase between 2011 and 2021, with the total population of the county expected to be 1.62 million people by 2026.<sup>(25)</sup>

**Figure 1 Kent Districts**

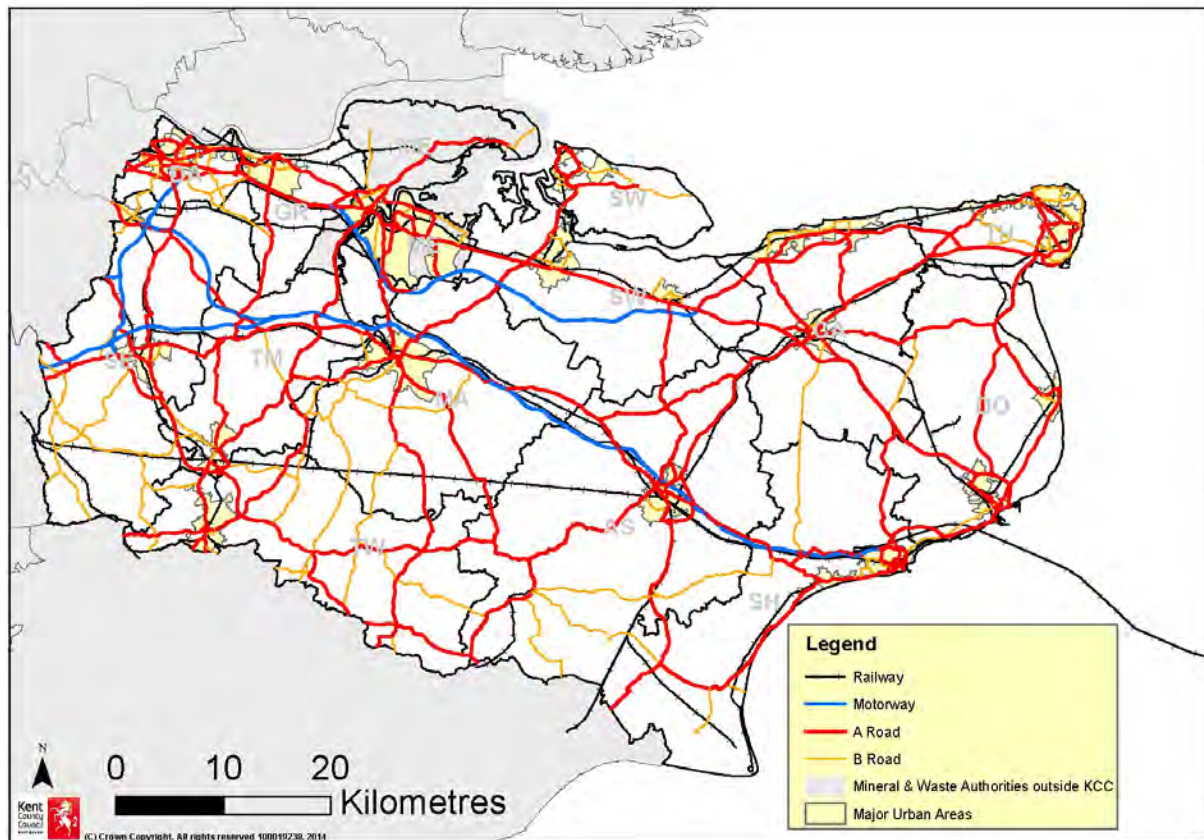


**2.1.3** The population of Kent is spread unevenly throughout the county. North-west Kent is the main urban area as part of the Thames Gateway area. The Thames Gateway stretches along the River Thames from Stratford and Lewisham in London out to Sittingbourne, Kent and Southend, Essex. Within Kent, it contains parts of Dartford, Gravesham and Swale Districts and Medway Council.

24 In mid 2012, Office for National Statistics Page 79

25 KCC (2012) Business Intelligence Statistical Bulletin, Interim 2011-Based Sub National Population Projections for Kent.

Figure 2 Transport Links



**2.1.4** Kent is a member of The South East Local Enterprise Partnership (SE LEP). This encompasses East Sussex, Essex, Kent, Medway, Southend and Thurrock. LEPs are voluntary partnerships between local authorities and businesses which were formed in 2011 by the Department for Business, Innovation and Skills (BIS) to help determine local economic priorities and lead economic growth and job creation within the local areas. LEPs are responsible for some of the functions previously carried out by the regional development agencies which were abolished in March 2012. There were 39 LEPs in operation in September 2012.

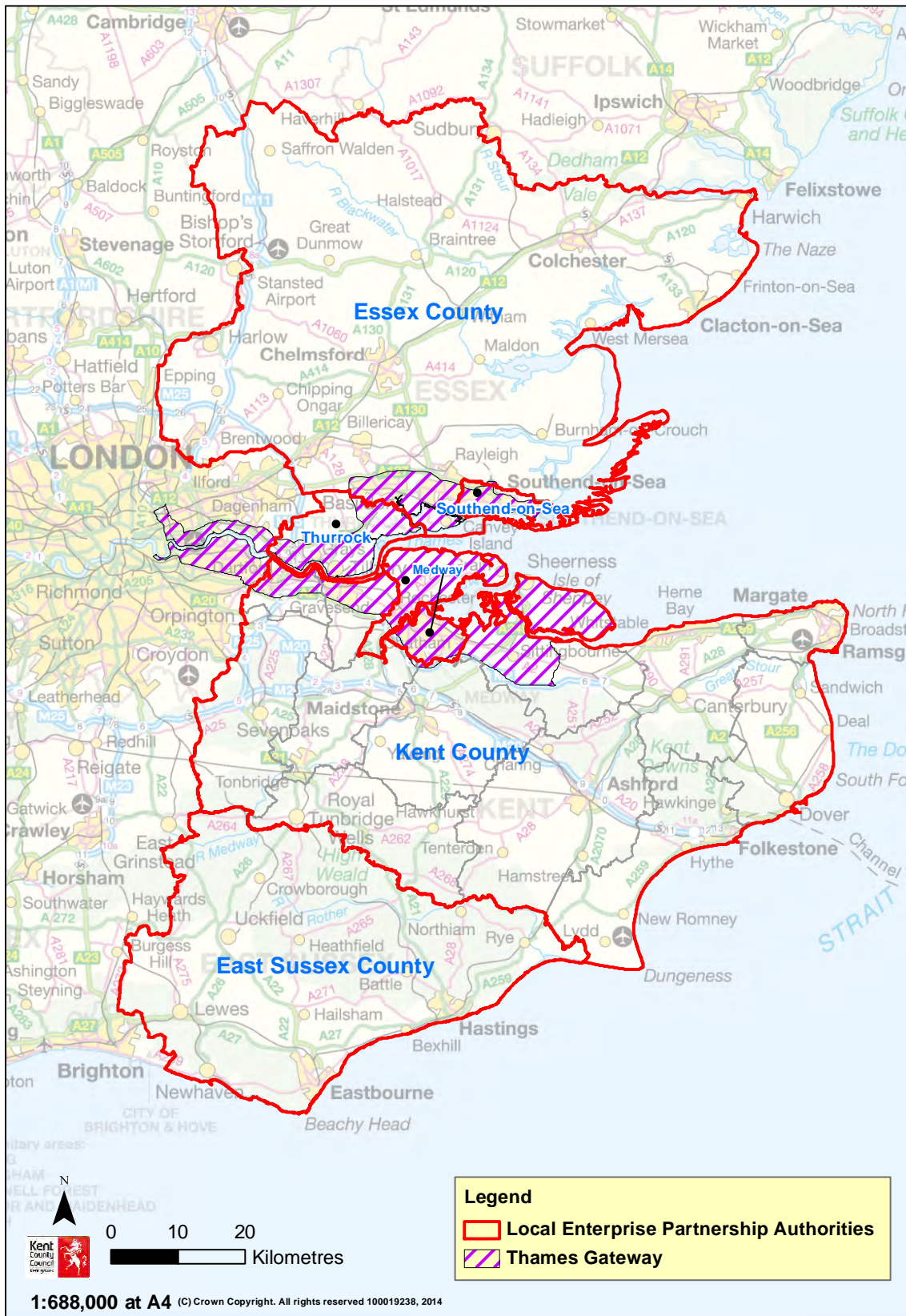
**2.1.5** Figure 3 shows the extent of the SE LEP and the Thames Gateway area. The SE LEP area has 156,000 businesses and 3.9 million people. 1,526,000 people work within the LEP area, contributing £63bn Gross Value Added (GVA).<sup>(26)</sup> This represents 5% of the national contribution.<sup>(27)</sup> The SE LEP's vision is to create the most enterprising economy in England. The SE LEP has identified four strategic objectives:

1. secure the growth of the Thames Gateway
2. promote investment in coastal communities
3. strengthen the rural economy
4. strengthen the competitive advantage of strategic growth locations

26 GVA is explained in the Glossary in Appendix A.

27 South East Local Enterprise Partnership Strategic Economic Plan.

Figure 3 SE LEP and the Thames Gateway area



## 2.2 Kent's Environmental and Landscape Assets

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

### International Importance (see Figure 4):

- Ramsar sites and/or SPAs
- SACs
- UNESCO World Heritage Sites: Canterbury Cathedral, St Augustine's Abbey and St Martin's Church in Canterbury

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

- almost a third of Kent is protected by two Areas of Outstanding Natural Beauty (AONB): the Kent Downs AONB and High Weald AONB
- Sites of Special Scientific Interest (SSSIs) and National Nature Reserves
- nationally important archaeological sites (most of which are Scheduled Ancient Monuments), Registered Parks and Gardens of Historic Interest and Listed Buildings<sup>(28)</sup>
- Kent areas of Heritage Coast including South Foreland and Dover to Folkestone
- Green Belt
- species and habitats listed as being of principal importance for the conservation of biodiversity in the UK (Section 41 of the *Natural Environment and Rural Communities (NERC) Act 2006*)<sup>(29)</sup>
- Ancient Woodland (Figure 10)

### Local Importance:

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

- Local Geological Sites and Local Wildlife Sites (LWSs) (see Figure 7)
- Local Nature Reserves (LNRs) (see Figure 8)

28 Listed Buildings in Kent are shown on The National Heritage List for England on the English Heritage website.

29 DCLG (2000) Countryside and Rights of Way Act 2000.

- Kent Biodiversity Action Plan (BAP) species
- the setting of the World Heritage Site (Canterbury Cathedral, St Augustine's Abbey and St Martin's Church) and Locally Listed buildings, conservation areas and their settings
- landscape features of importance for wildlife that are essential for migration and dispersal, and which enable the protection, conservation and expansion of native flora and fauna
- Kent rivers and waterways and their settings (Figure 9)
- Biodiversity Opportunity Areas (BOA) and The Greater Thames Marshes Nature Improvement Area (NIA) (Figure 11)
- Groundwater in Kent (Flood Zones, Source Protection Zones) (Figure 15)

### **Biodiversity Opportunity Areas and the Nature Improvement Area**

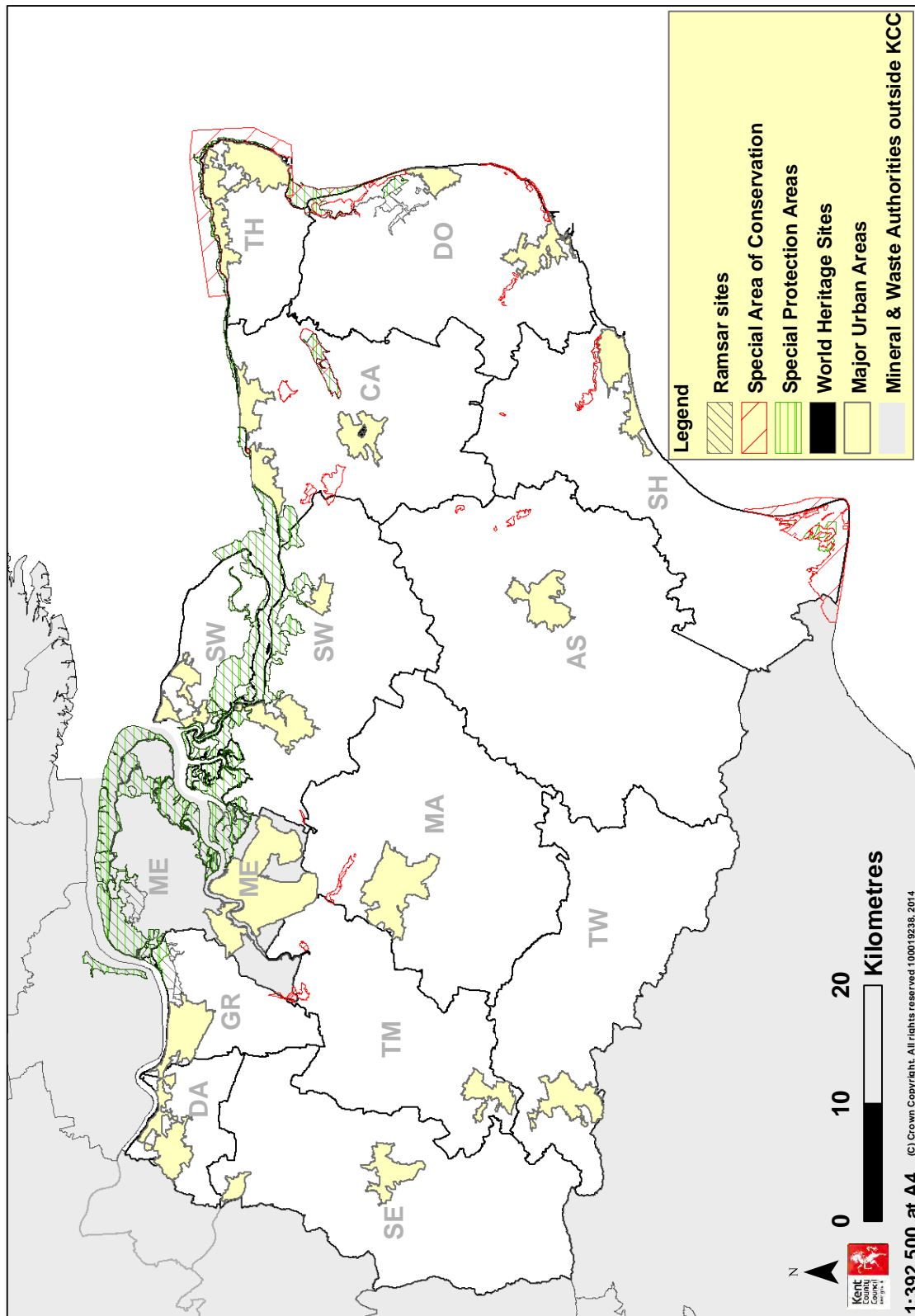
**2.2.3** The identification of BOAs and the Greater Thames Marshes NIA present opportunities to contribute to large-scale biodiversity conservation in Kent.

**2.2.4** Kent's network of BOAs has been identified to implement the Kent BAP.<sup>(30)</sup> The BOA show where the greatest gains can be made from habitat enhancement, restoration and recreation by establishing or contributing to large habitat areas and/or networks of wildlife habitats. The BOAs include a range of biodiversity. BOA targets reflect the specific landscape, geology and key habitats that are present within each area.

**2.2.5** NIAs are areas in which partner organisations are planning and delivering improvements for wildlife and people through sustainable resource use, restoring and creating wildlife habitats, connecting local sites and joining up action on a large-scale. Within Kent there is the Greater Thames Marshes NIA.

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

Figure 4 International Designations



2 Minerals and Waste Development in Kent: A Spatial Portrait

Figure 5 Nationally Important Designations: Landscape

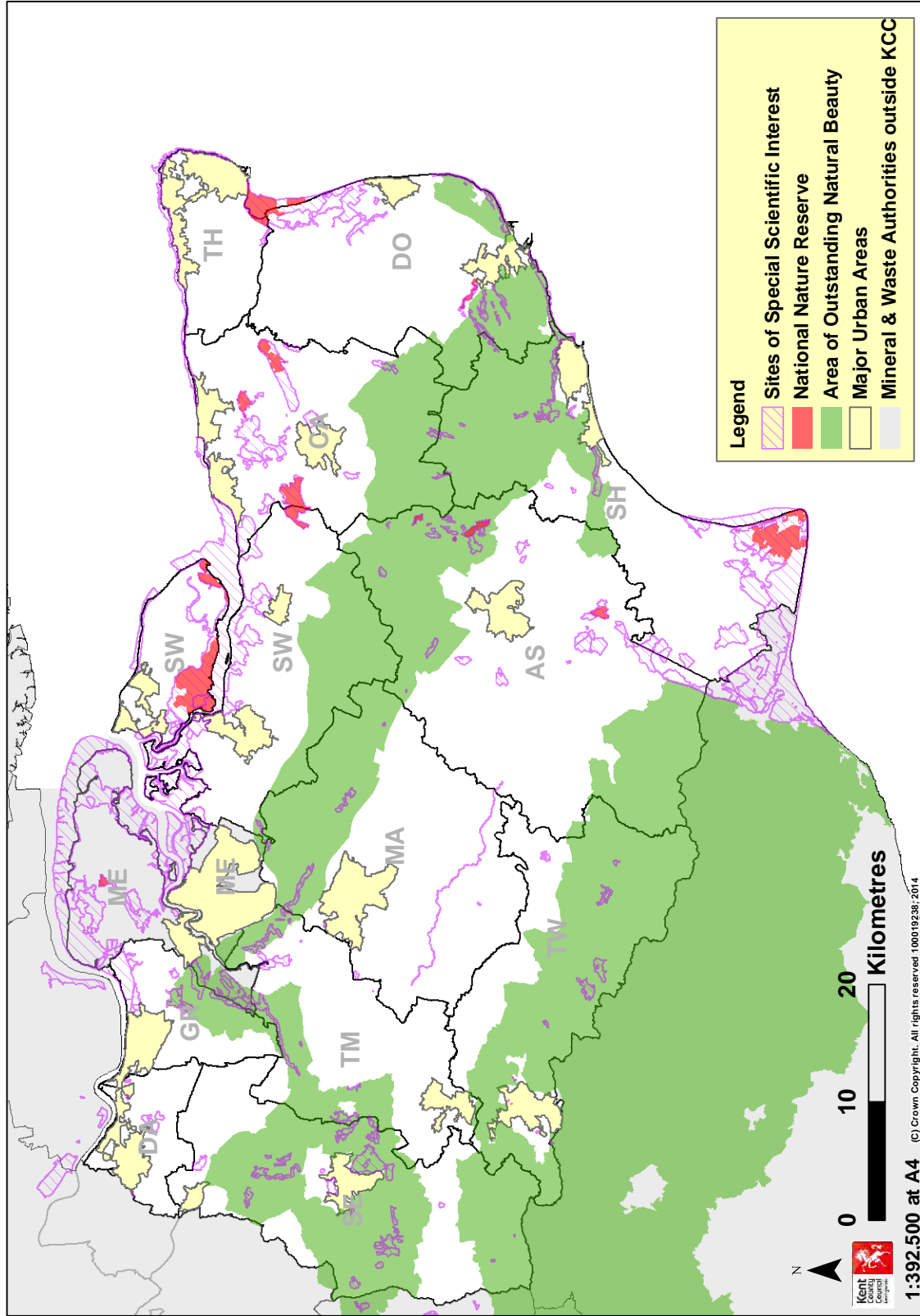
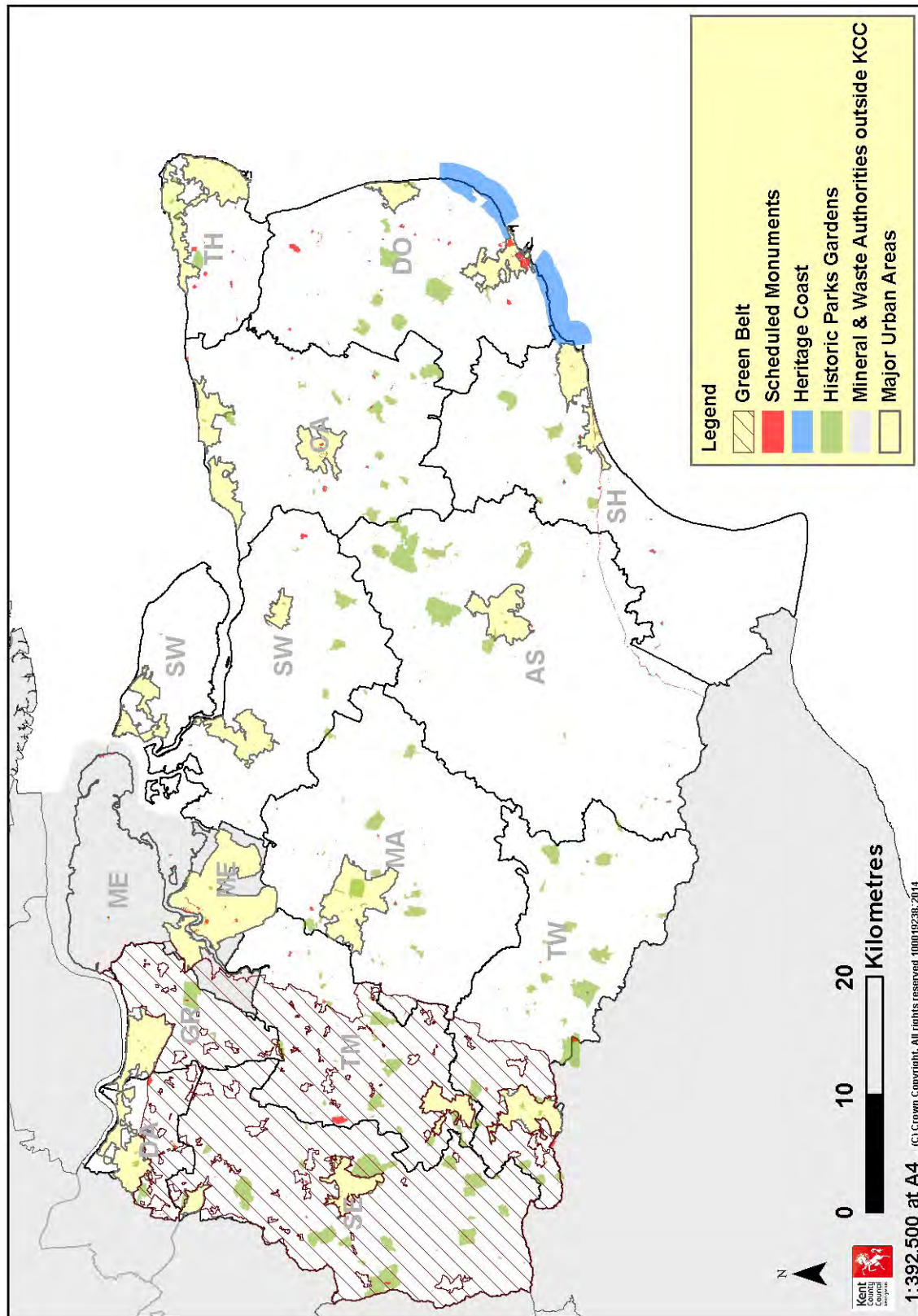


Figure 6 Nationally Important Designations: Heritage & Green Belt





2 Minerals and Waste Development in Kent: A Spatial Portrait

Figure 7 Local Geological Sites and Local Wildlife Sites

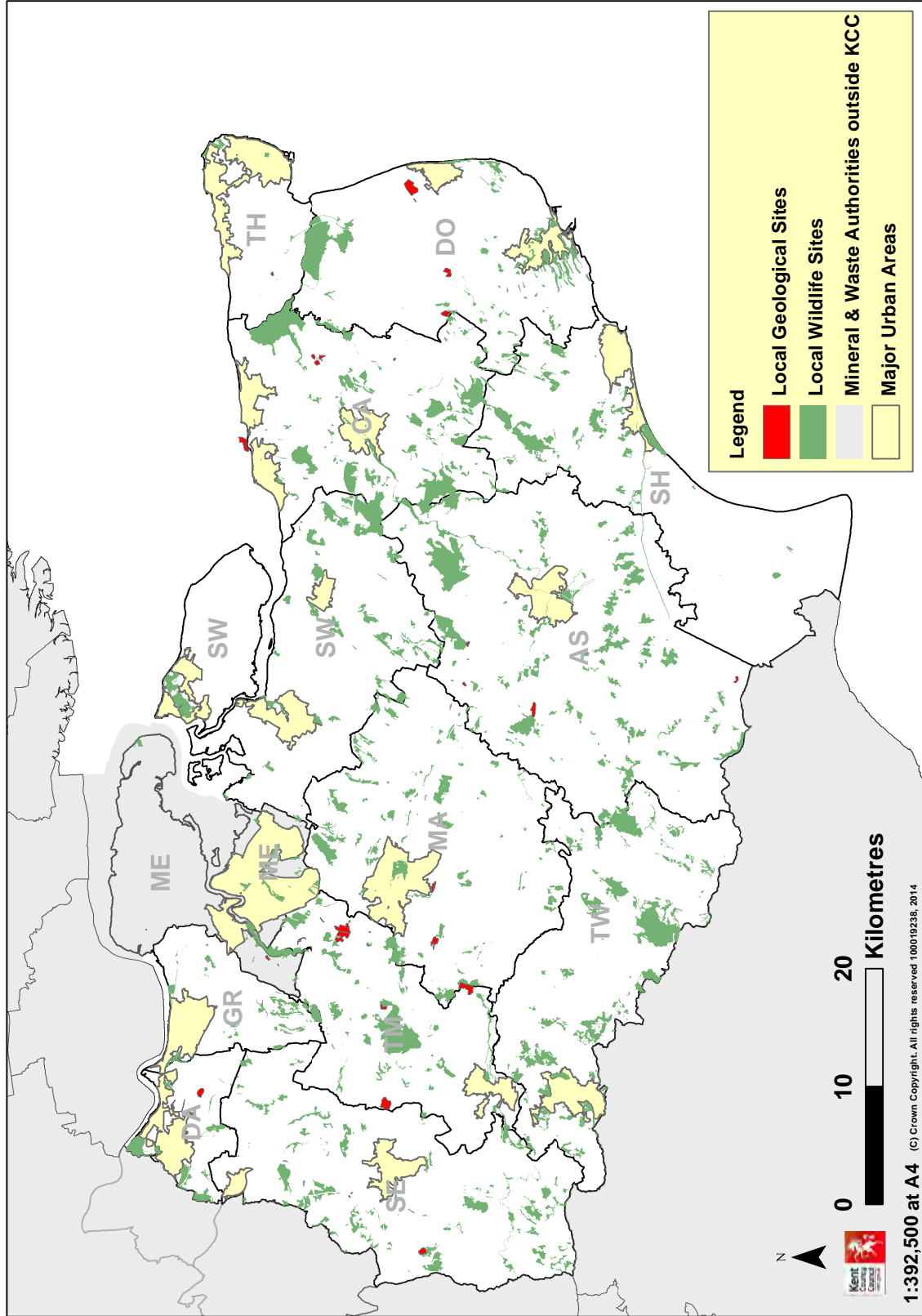
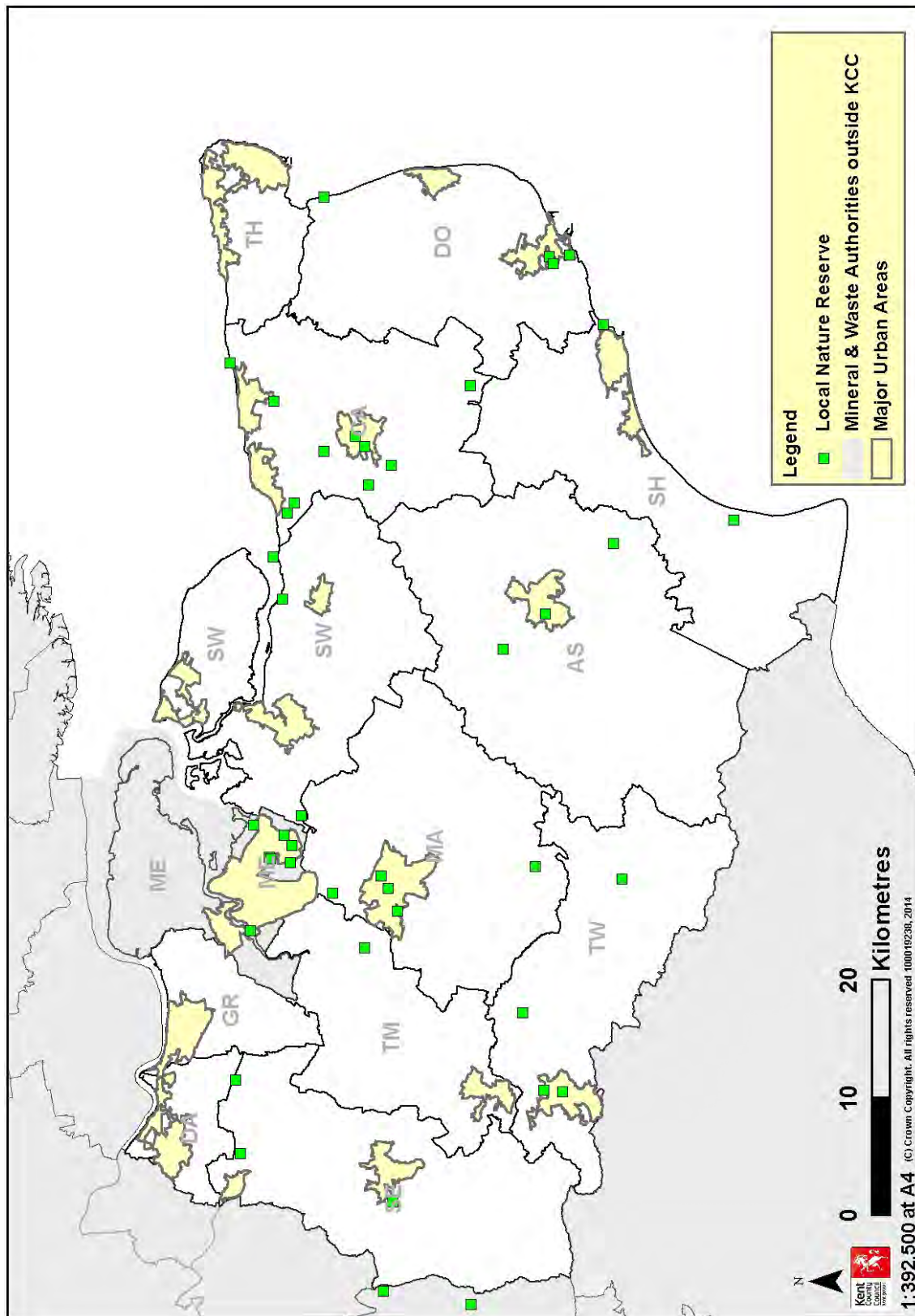


Figure 8 Local Nature Reserves



2 Minerals and Waste Development in Kent: A Spatial Portrait

Figure 9 Kent Main Rivers and Waterways

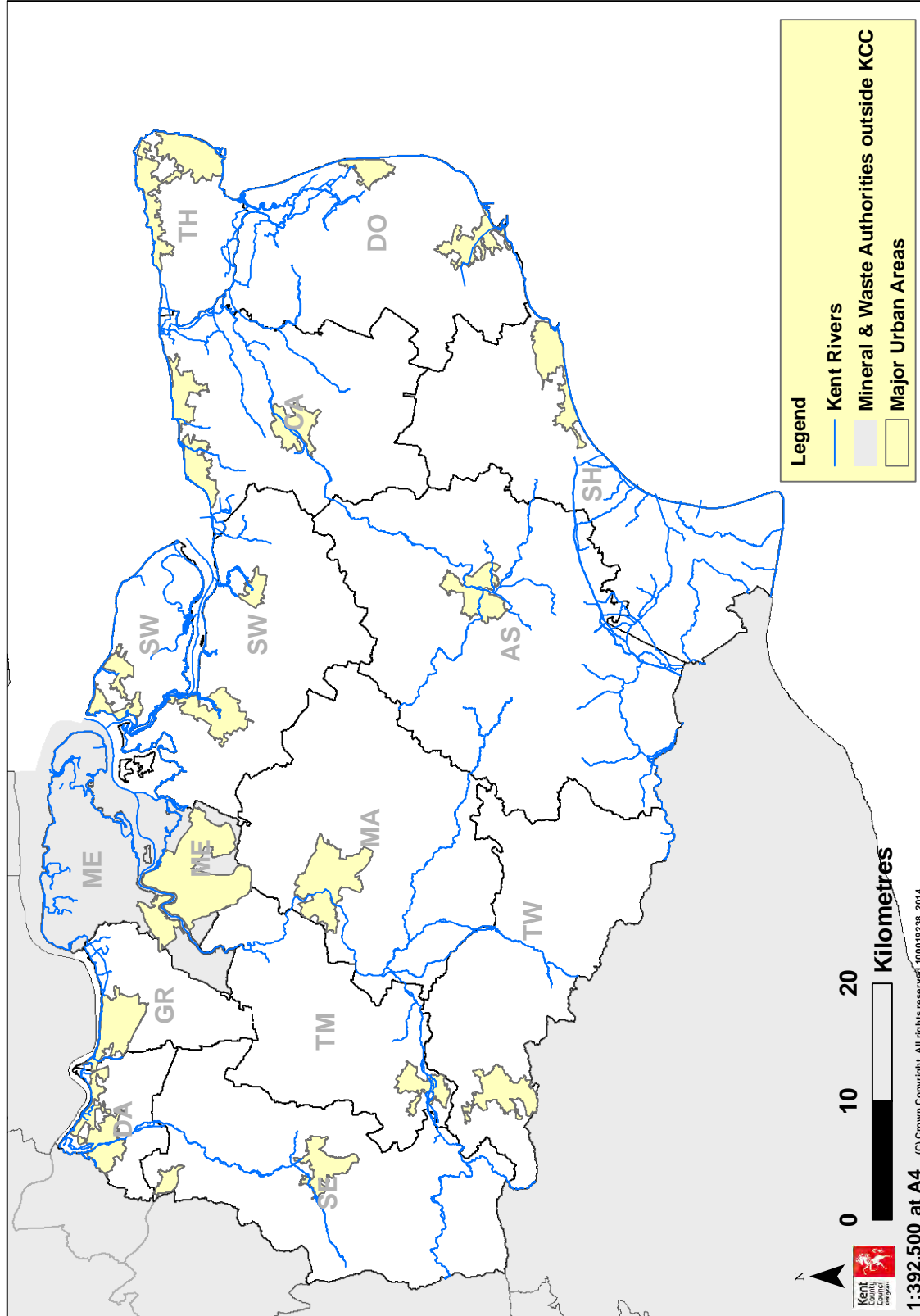
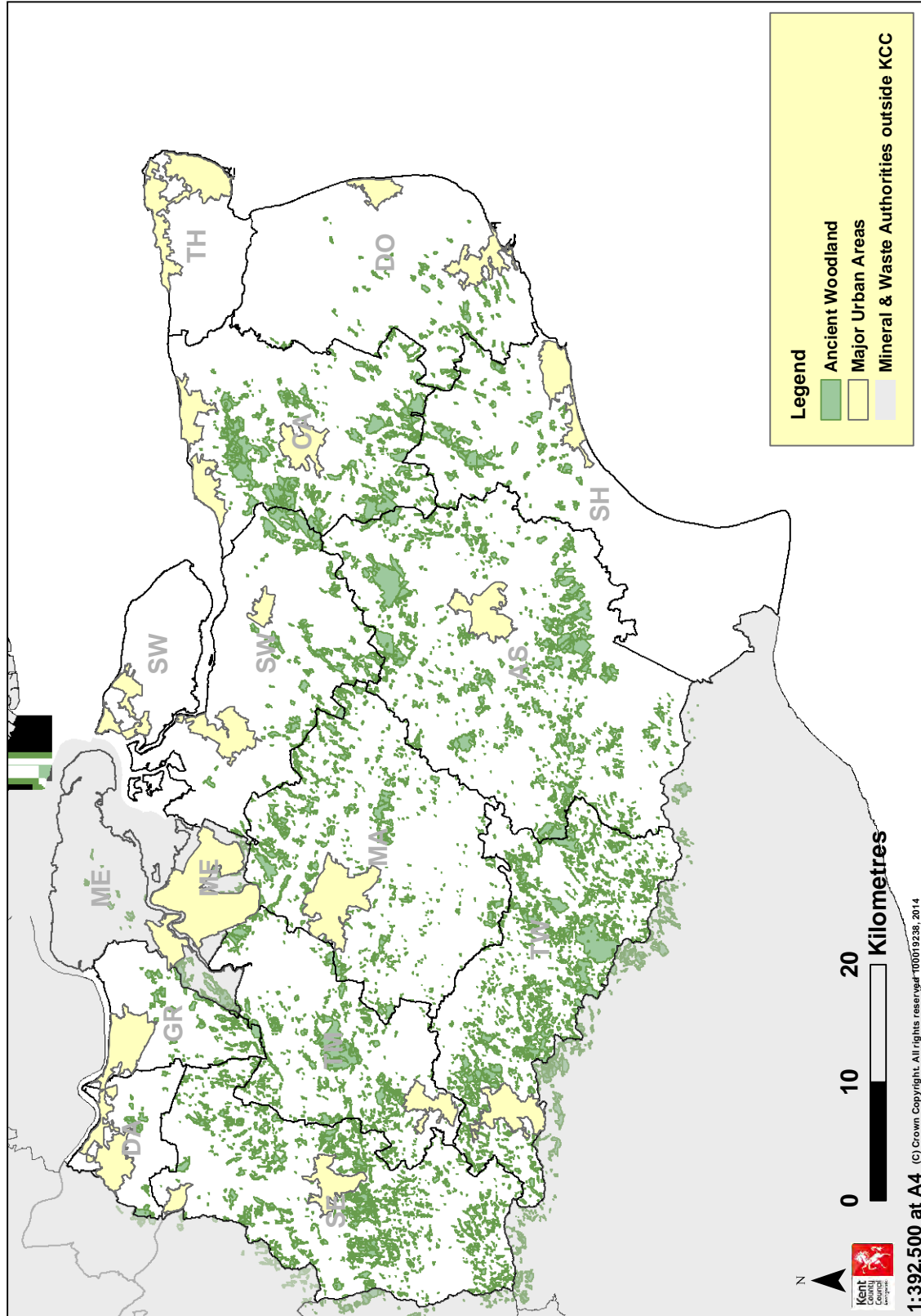
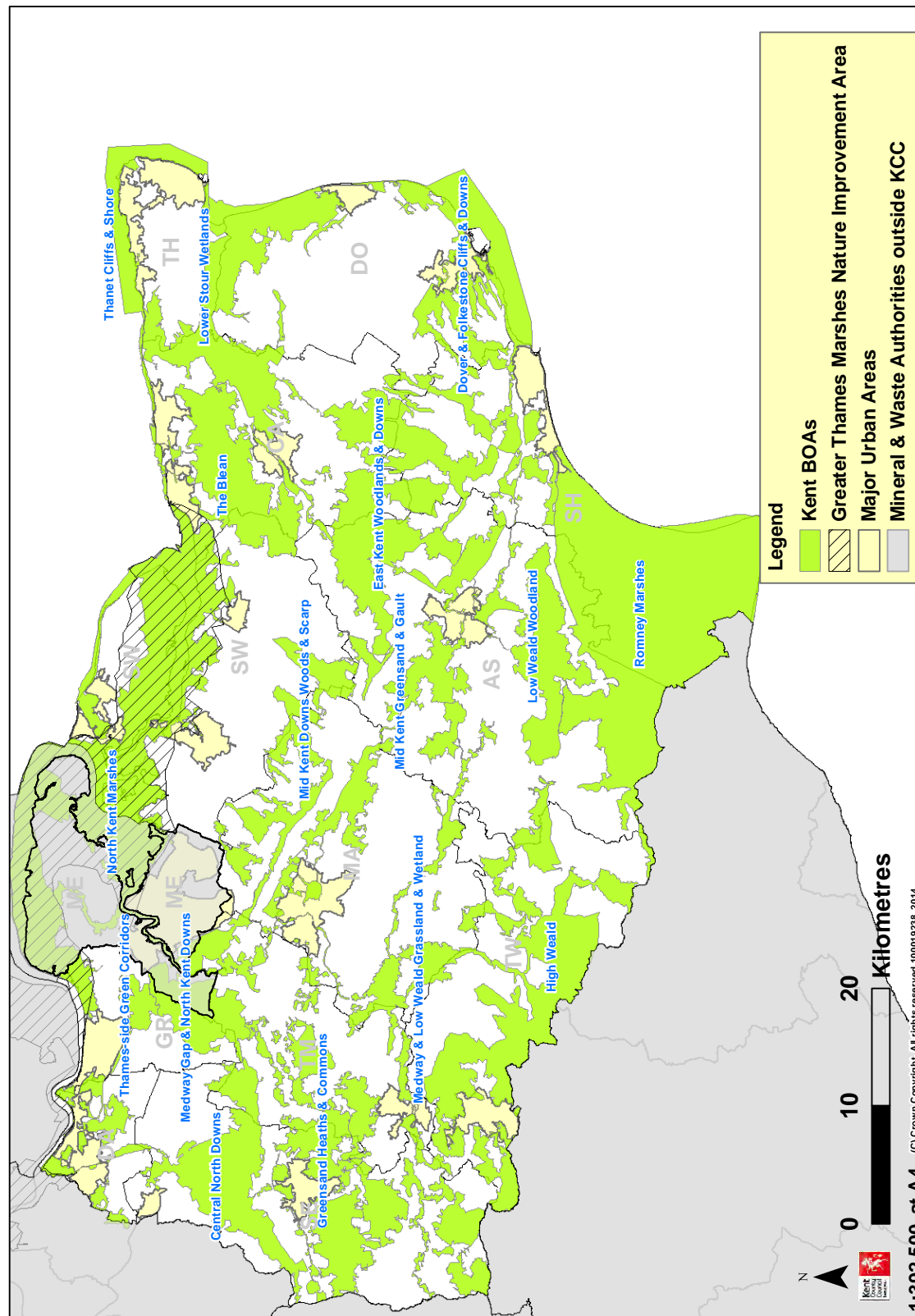


Figure 10 Ancient Woodland



2 Minerals and Waste Development in Kent: A Spatial Portrait

Figure 11 Biodiversity Improvement Areas



## 2.3 Kent's Economic Mineral Resources

**2.3.1** The economic mineral resources<sup>(31)</sup> of Kent reflect its complex geological, economic and social history. Historically, the Coal Measures were of major economic importance until the East Kent Coal mines ceased operations by 1989. Until recently, Kent also had a thriving cement industry based on the chalk and clay deposits of the Medway Valley and north-west Kent. There are now no active cement works in Kent. Areas of Kent have also been licensed by the Government for petroleum exploration and development.

**2.3.2** Economic minerals that are extracted from Kent quarries include sand and gravel, crushed rock (ragstone), silica sand, brickearth, clay for tile-making, chalk for agricultural and industrial uses, and building stone.

**2.3.3** Figure 12 shows the geology of Kent. Figure 13 and 14 shows all existing mineral extraction sites, wharves, rail depots, the areas licensed for petroleum exploration and the Strategic Site for Minerals.<sup>(32)</sup>

**2.3.4** Details of operational and inactive quarries, wharves, rail depots and secondary and recycled aggregate sites in Kent are reviewed annually and listed in the Kent Minerals and Waste Annual Monitoring Report (AMR).<sup>(33)</sup>

### Construction Aggregates

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

**2.3.6** Historically, sharp sand and gravel deposits have been extracted along Kent's river valleys and in the Dungeness and Romney Marsh area. The permitted reserves are becoming depleted.

**2.3.7** Soft sand or building sand, used to produce asphalt and mortar, is extracted from quarries situated on the Folkestone Beds between Charing and Sevenoaks. Most of these sand quarries produce a combination of soft sand (building sand which is a construction aggregate) and silica sand (a specialist sand).

**2.3.8** The difference between sharp sand and soft sand is in the particulate shape, and the degree of variation of grain size. Soft sand particles are low in angularity and are more equidimensional, making them suitable for mortar mixes. Sharp sands are more angular and variable in size and they provide the high structural strength in concrete mixes.

**2.3.9** The only type of crushed rock that is exploited commercially in Kent is Kentish Ragstone, found in a band crossing Kent from east to west. Currently ragstone extraction is carried out to the west of Maidstone. Crushed rock resources also exist in a Carboniferous Limestone deposit in east Kent.

31 A resource is a concentration or occurrence of workable material of intrinsic economic interest.

32 See Policy CSM 3: Strategic Site for Minerals for details.

33 All Annual Monitoring Reports are available online from: [www.kent.gov.uk/mwlp](http://www.kent.gov.uk/mwlp).

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

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

### **Other Minerals**

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

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

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

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

**2.3.16** The Kent silica sand deposits found within the Folkestone Beds, while not as pure as those in Surrey, are used for industrial processes. These include: glass manufacture, production of foundry castings, horticulture and for sports surfaces such as horse menages and golf course bunker sand. There are no sites in Kent that provide only silica sand. All such sites also produce construction aggregate.<sup>(34)</sup>

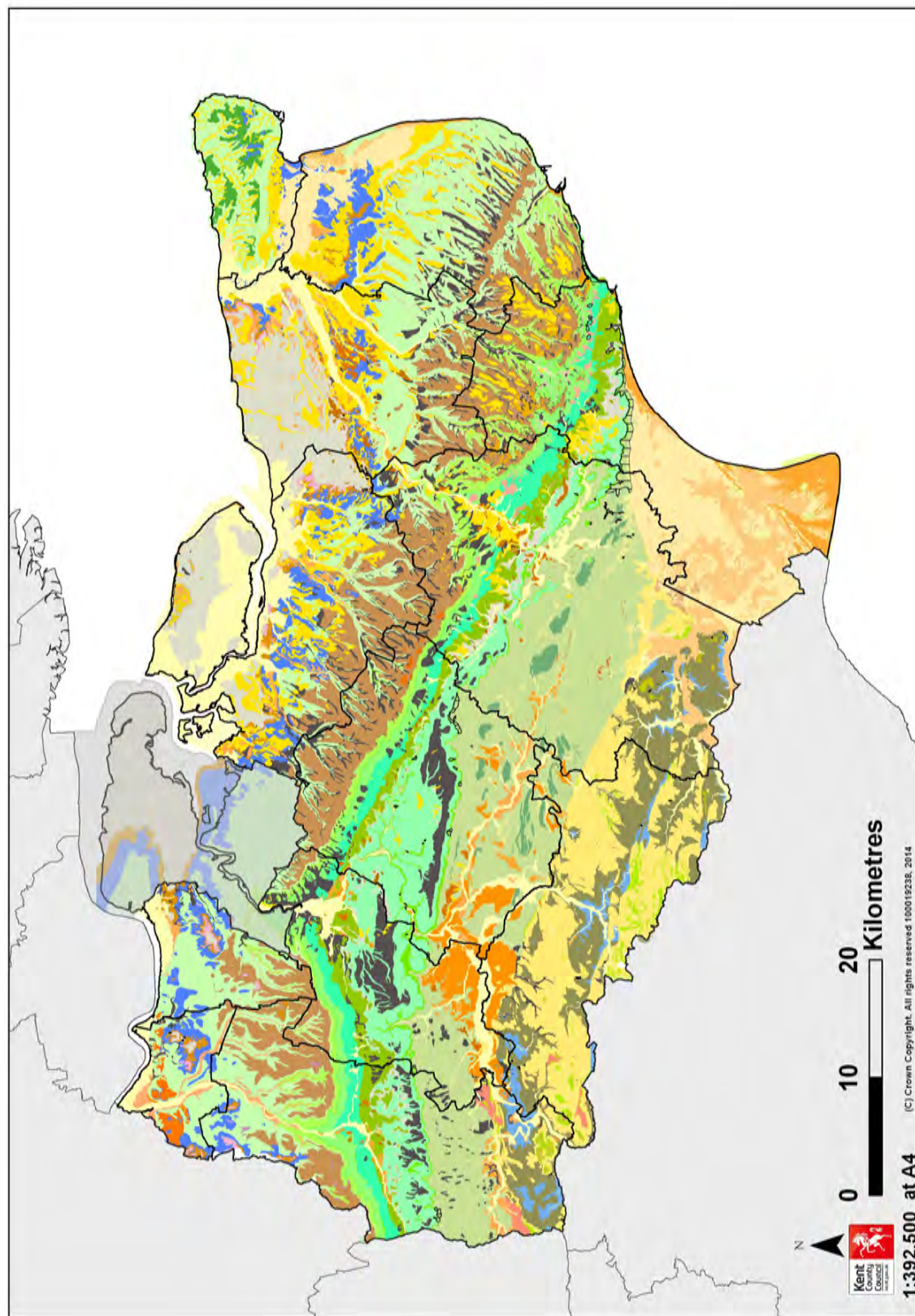
### Legend: Geology of Kent

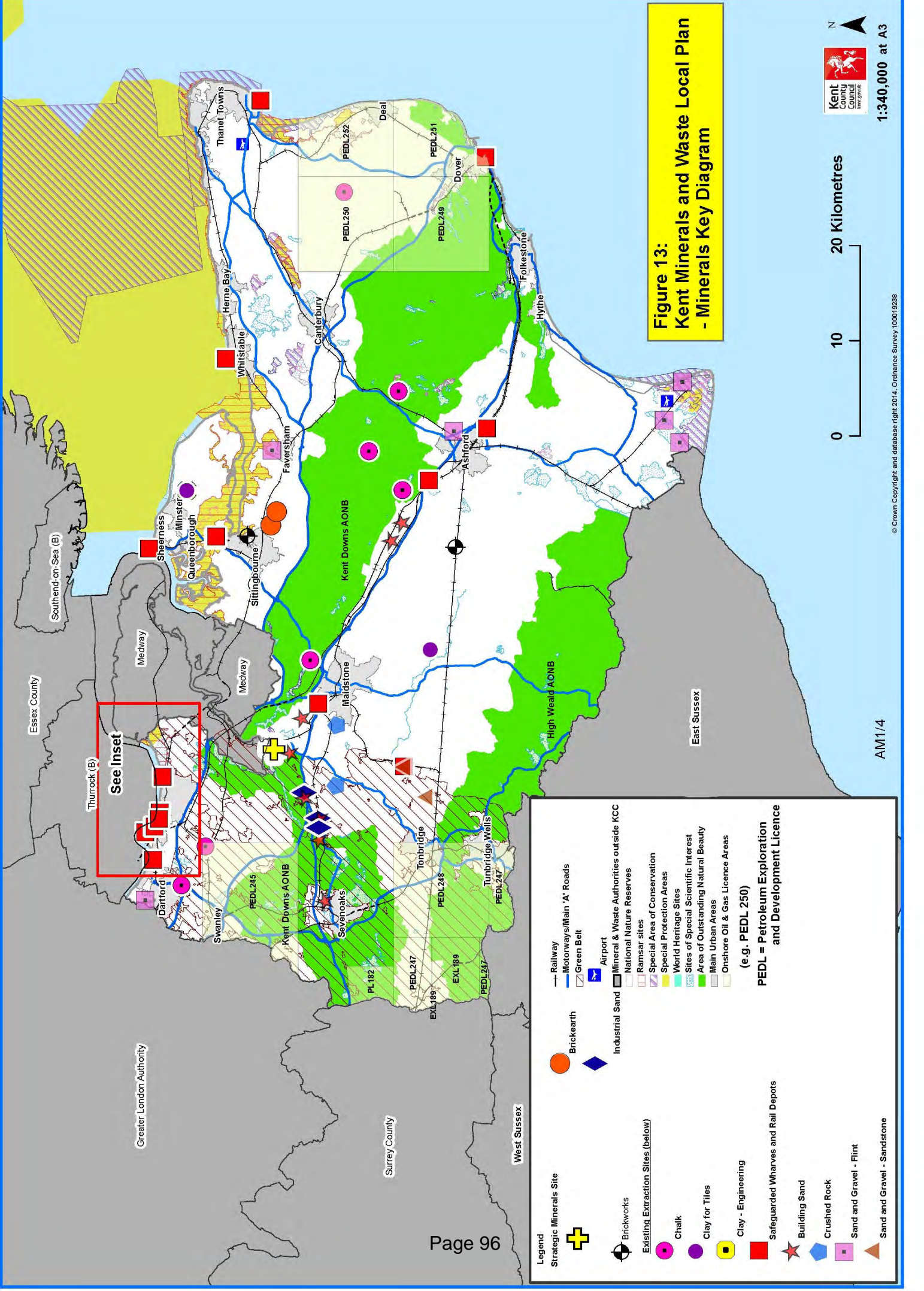
<u>Superficial (Drift) Deposits of Kent</u>	<u>Solid Geology of Kent</u>
 Landslip	 Mineral & Waste Authorities outside KCC
 Blown Sand	 Lenham Beds
 Marine Beach / Tidal Flats	 Bagshot Beds
 Storm Gravel Beach Deposits	 Claygate Beds
 Marine (Estuarine) Alluvium (Clay)	 London Clay
 (Sand (Sand & Gravel)	 Blackheath / Oldhaven Beds
 Calcareous Tufa	 Woolwich Beds
 Alluvium	 Thanet Beds
 Dry Valley & Nailbourne Deposits	 Bullhead Bed
 Peat	 Upper Chalk
 Brickearth	 Middle Chalk
 Undivided Flood Plain Gravel	 Melbourne Rock
 1st Terrace River Gravel	 Lower Chalk (Glaucconitic Marl)
 2nd Terrace River Gravel	 Upper Greensand
 3rd Terrace River Gravel	 Gault Clay
 4th Terrace River Gravel	 Lower Greensand
 5th Terrace River Gravel	 Folkestone Beds
 1st/2nd Terrace River Gravel	 Sandgate Beds
 2nd/3rd Terrace River Gravel	 Hythe Beds
 4th/5th Terrace River Gravel	 Atherfield Clay
 Taplow Gravel	 Weald Clay
 Boyn Hill Gravel	 Sand in Weald Clay (/Sandstone)
 Head	 Large 'Paludina' Limestone
 Coombe Deposits	 Small 'Paludina' Limestone
 Head Brickearth	 'Cyrene' Limestone
 Head Brickearth (Older)	 Clay Ironstone
 Head Brickearth 1st Terrace	 Undifferentiated Clay & Limestone
 Head Gravel	 Hastings Beds
 Plateau Gravel	 Upper Tunbridge Wells Sand
 Clay-with-Flints	 Upper
 Sand in Clay-with-Flints	 Cuxfield Stone
 Disturbed Blackheath Beds	 Lower Grinstead Clay
	 Ardingley Sandstone
	 Lower Tunbridge Wells Sand
	 Tunbridge Wells Sand
	 Clay in Tunbridge Wells Sand
	 Grinstead Clay
	 Wadhurst Clay
	 Sand in Wadhurst Clay
	 Ironstone in Wadhurst Clay
	 Ashdown Beds



2 Minerals and Waste Development in Kent: A Spatial Portrait

Figure 12 Geology of Kent



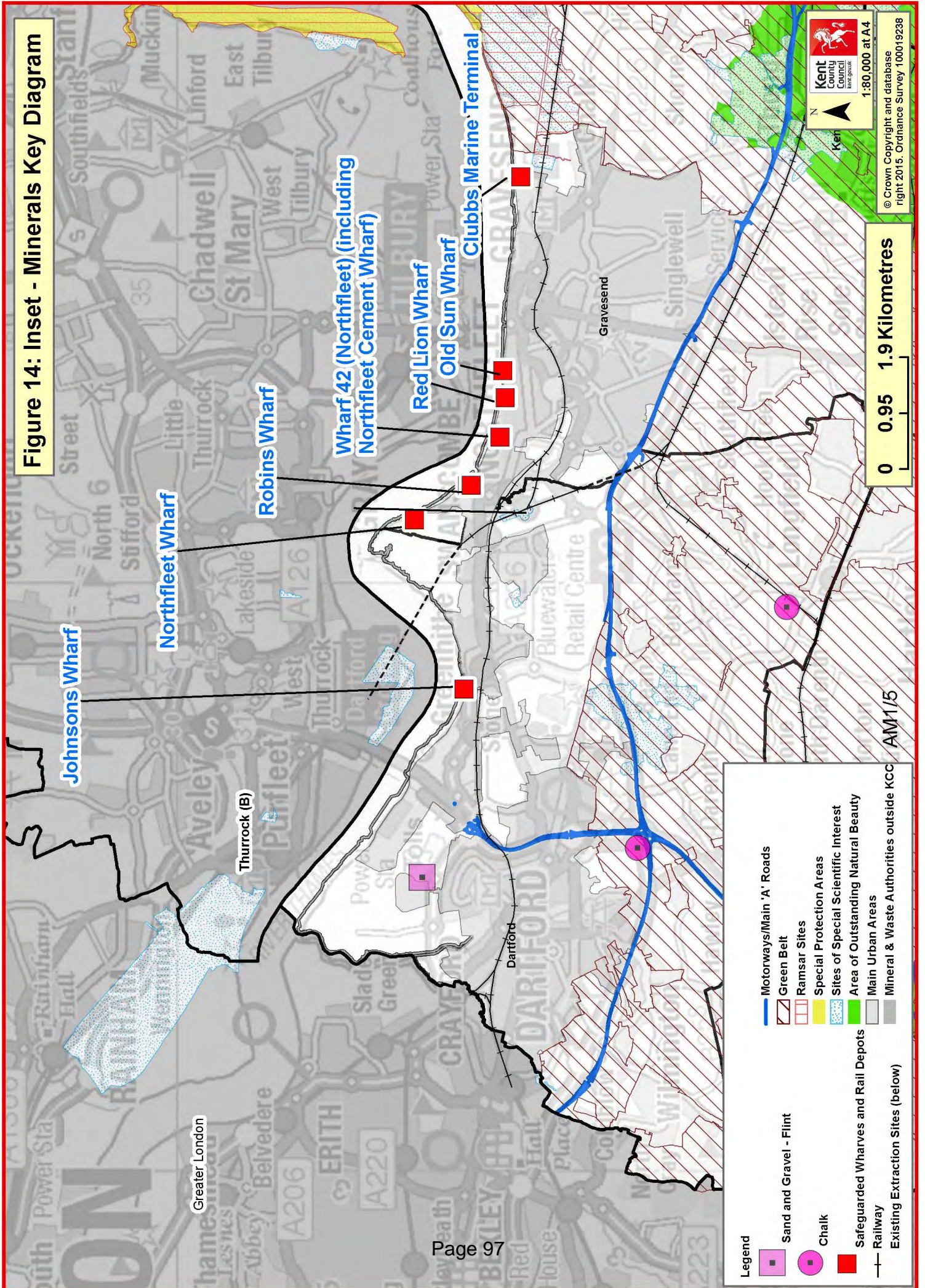


**Figure 13:  
Kent Minerals and Waste Local Plan  
- Minerals Key Diagram**

**Legend**

- Strategic Minerals Site
- Brickworks
- Existing Extraction Sites (below)
  - Chalk
  - Clay for Tiles
  - Clay - Engineering
- Safeguarded Wharves and Rail Depots
- Building Sand
- Crushed Rock
- Sand and Gravel - Flint
- Sand and Gravel - Sandstone
- Brickearth
- Industrial Sand
- Mineral & Waste Authorities outside KCC
- National Nature Reserves
- Ramsar sites
- Special Area of Conservation
- World Heritage Sites
- Sites of Special Scientific Interest
- Area of Outstanding Natural Beauty
- Main Urban Areas
- Onshore Oil & Gas Licence Areas (e.g. PEDL 250)
- PEDL = Petroleum Exploration and Development Licence
- Railway
- Motorways/Main 'A' Roads
- Green Belt
- Airport
- Mineral & Waste Authorities outside KCC
- National Nature Reserves
- Ramsar sites
- Special Area of Conservation
- World Heritage Sites
- Sites of Special Scientific Interest
- Area of Outstanding Natural Beauty
- Main Urban Areas
- Onshore Oil & Gas Licence Areas (e.g. PEDL 250)
- PEDL = Petroleum Exploration and Development Licence

**Figure 14: Inset - Minerals Key Diagram**



## 2.4 Kent's Waste Infrastructure

**2.4.1** Kent has a population of 1,480,200 people with major urban areas in North Kent, Maidstone, Ashford and Thanet and smaller towns throughout the county. The county is an area of sustained growth for housing, employment and infrastructure, and retains important manufacturing industries in addition to the service employment that is prevalent in the South East. This infrastructure generates large volumes of household, Commercial and Industrial (C&I), and construction waste. In 2014, an additional 140,299 dwellings were forecast within the county for the period 2013 - 2033.

**2.4.2** The district councils, as waste collection authorities (WCA), influence the rate of recycling of Municipal Solid Waste (MSW) in their areas. However, the County Council, as the disposal and Waste Planning Authority (WPA), must achieve targets and apply policies for the county as a whole. The JMWMS,<sup>(35)</sup> which provides guidance for the future direction of household waste management in Kent, has informed the Kent MWLP.

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

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

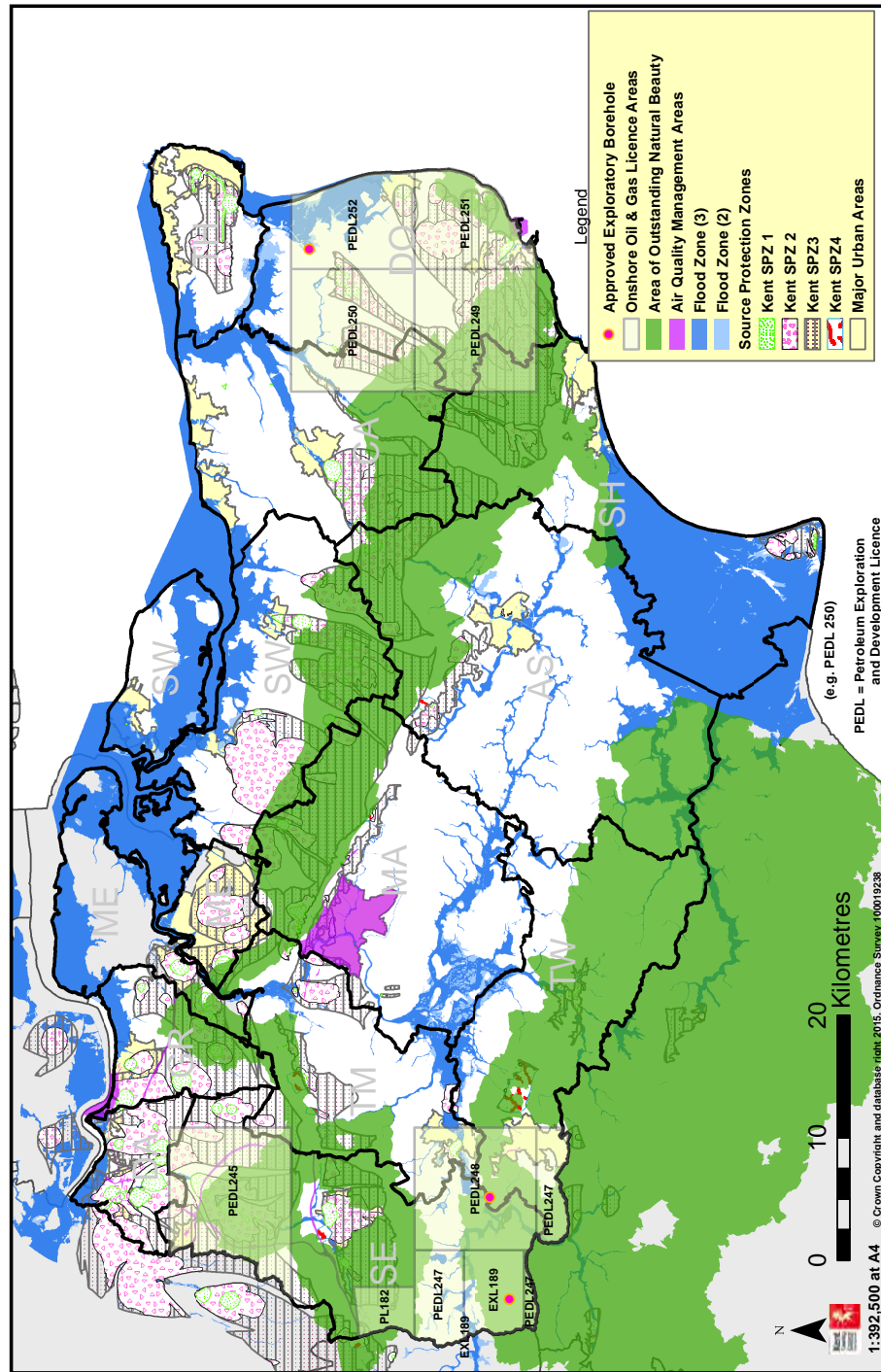
**2.4.5** The Allington Energy from Waste (EfW) plant near Maidstone can treat residual household waste. It has additional capacity not contracted to the County Council available for MSW from outside Kent, or C&I waste from inside or outside Kent. It enables Kent to divert waste from landfill and to meet the national planning policy objective to move the treatment of waste up the hierarchy (see Figure 18). Blaise Farm, near West Malling has a large, modern enclosed plant for composting of green and kitchen waste.

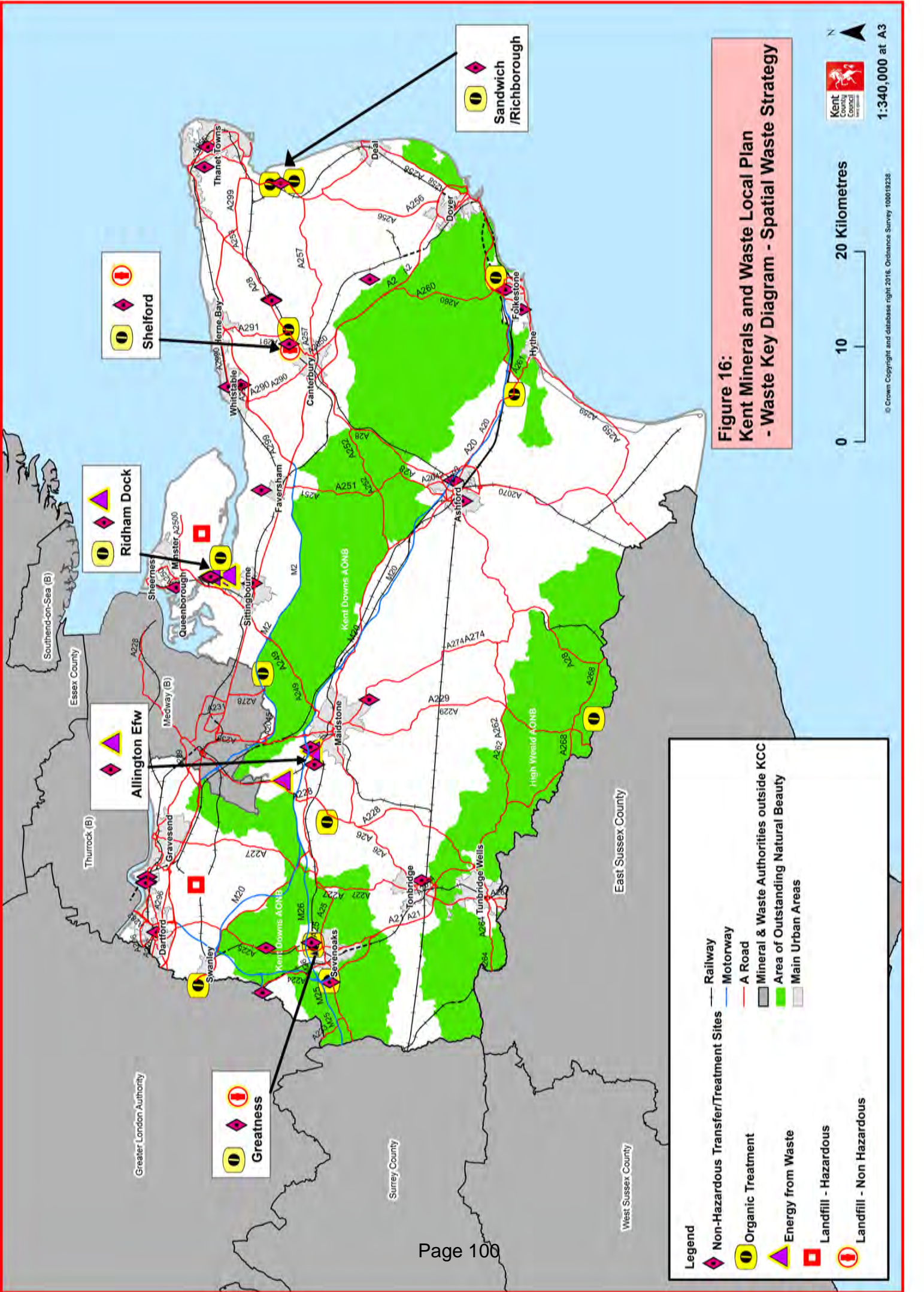
**2.4.6** Kent neighbours London, Essex, Surrey and East Sussex. Waste crosses the borders into and out of Kent.

**2.4.7** Construction waste comes into the county from London for disposal in inert landfill sites. MSW is also transported to Kent to take the spare capacity in Kent's new waste treatment infrastructure at the Allington EfW facility and the materials recycling facility in Sittingbourne.

**2.4.8** Figure 16 shows the location of key existing facilities. This Plan aims to provide a balanced and accessible network of modern facilities.

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





**Figure 16:  
Kent Minerals and Waste Local Plan  
- Waste Key Diagram - Spatial Waste Strategy**

**Legend**

- Non-Hazardous Transfer/Treatment Sites
- Railway
- Motorway
- A Road
- Organic Treatment
- Energy from Waste
- Landfill - Hazardous
- Landfill - Non Hazardous
- Mineral & Waste Authorities outside KCC
- Area of Outstanding Natural Beauty
- Main Urban Areas



1:340,000 at A3

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

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

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

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

**3.0.4** As the Kent MWLP will plan for minerals and waste in Kent up to the end of 2030, it is important to recognise that technology will change over the plan period. Therefore, the Plan has to be robust and flexible enough to enable improvements in technology to be incorporated into future mineral supply and waste management developments.

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

Throughout the plan period 2013-2030, minerals and waste development will:

1. Make a positive and sustainable contribution to the Kent area and assist with progression towards a low carbon economy.
2. Support the needs arising from growth within Kent.
3. Deliver cost effective and sustainable solutions to Kent's minerals and waste needs through collaborative working with communities, landowners, the minerals and waste industries, the environmental and voluntary sector and local planning authorities.
4. Embrace the naturally and historically rich and sensitive environment of the plan area, and ensure that it is conserved and enhanced for future generations to enjoy.

**Planning for Minerals in Kent will:**

5. Seek to deliver a sustainable, steady and adequate supply of land-won minerals including aggregates, silica sand, crushed rock, brickearth, chalk and clay, building stone and minerals for cement manufacture.
6. Facilitate the processing and use of secondary and recycled aggregates and become less reliant on land-won construction aggregates.
7. Safeguard economic mineral resources for future generations and all existing, planned and potential mineral transportation and processing infrastructure (including wharves and rail depots and production facilities).
8. Restore minerals sites to a high standard that will deliver sustainable benefits to Kent communities.

**Planning for Waste in Kent will:**

9. Move waste up the Waste Hierarchy, reducing the amount of non-hazardous waste sent to landfill.
10. Encourage waste to be used to produce renewable energy incorporating both heat and power if it cannot be re-used or recycled.
11. Ensure waste is managed close to its source of production.
12. Make provision for a variety of waste management facilities to ensure that Kent remains at the forefront of waste management with solutions for all major waste streams, while retaining flexibility to adapt to changes in technology.
13. Ensure sufficient capacity exists to meet the future needs for waste management.
14. Restore waste management sites to a high standard that will deliver sustainable benefits to Kent communities.



## 4 Objectives for the Minerals and Waste Local Plan

**4.0.1** The Spatial Vision outlines our ambition for sustainable resource management for minerals and waste development in the plan area up to the end of 2030. While this vision describes what will be achieved, the objectives explain how the vision will be achieved.

**4.0.2** All of the Kent MWLP objectives that follow are underpinned by an ambition to manage waste and mineral extraction and supply according to the principles of sustainable development, and in support of the *National Infrastructure Plan*<sup>(36)</sup> and the delivery of Kent's community strategies.

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

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

## Strategic Objectives for the Minerals and Waste Local Plan

### General

1. Encourage the use of sustainable modes of transport for moving minerals and waste long distances and minimise road miles.
2. Ensure minerals and waste developments contribute towards the minimisation of, and adaptation to, the effects of climate change. This includes helping to shape places to secure radical reductions in greenhouse gas emissions and supporting the delivery of renewable and low carbon energy and associated infrastructure.
3. Ensure minerals and waste sites are sensitive to both their surrounding environment <sup>(37)</sup> and communities, and minimise their impact on them.
4. Enable minerals and waste developments to contribute to the social and economic fabric of their communities through employment opportunities.

### Minerals

5. Seek to ensure the delivery of adequate and steady supplies of sand and gravel, chalk, brickearth, clay, silica sand, crushed rock, building stone and minerals for cement during the plan period, through identifying sufficient sites and safeguarding mineral bearing land for future generations.
6. Promote and encourage the use of recycled and secondary aggregates in place of land-won minerals.
7. Safeguard existing, planned and potential sites for mineral infrastructure including wharves and rail depots across Kent to enable the on-going transportation of marine dredged aggregates, crushed rock and other minerals as well as other production facilities.
8. Enable the small-scale, low-intensity extraction of building stone minerals for heritage building products.
9. Restore minerals sites to the highest possible standard to sustainable afteruses that benefit the Kent community economically, socially or environmentally. Where possible, afteruses should conserve and improve local landscape character and incorporate opportunities for biodiversity to meet targets outlined in the Kent Biodiversity Action Plan, the Biodiversity Opportunity Areas and the Greater Thames Nature Improvement Area.

10. Encourage the sustainable use of the inert non-recyclable fraction of Construction, Demolition and Excavation Waste for quarry restoration.

#### **Waste**

11. Increase amounts of Kent's waste being re-used, recycled or recovered. Promote the movement of waste up the Waste Hierarchy by enabling the waste industry to provide facilities that help to deliver a major reduction in the amount of Kent's waste being disposed of in landfill.
12. Promote the management of waste close to the source of production in a sustainable manner using appropriate technology and, where applicable, innovative technology, such that net self sufficiency is maintained throughout the plan period.
13. Use waste as a resource to provide opportunities for the generation of renewable energy for use within Kent through energy from waste and technologies such as gasification and aerobic/anaerobic digestion.
14. Provide suitable opportunities for additional waste management capacity to enable waste to be managed in a more sustainable manner.
15. Restore waste management sites to the highest possible standard to sustainable afteruses that benefit the Kent community economically, socially or environmentally. Where possible, afteruses should conserve and improve local landscape character and incorporate opportunities for biodiversity to meet targets outlined in the Kent Biodiversity Action Plan, the Biodiversity Opportunity Areas and the Greater Thames Nature Improvement Area.

## 5 Delivery Strategy for Minerals

**5.0.1** Minerals are essential to support sustainable economic growth and quality of life. It is important that there is a sufficient supply of minerals to provide the infrastructure and its maintenance, buildings, energy and goods that the country needs. However, since they are a finite natural resource, and can only be worked where they are found, it is important to make the best use of them to secure their long-term conservation.<sup>(38)</sup>

### 5.1 Policy CSM 1: Sustainable Development

**5.1.1** The purpose of the planning system is to contribute to the achievement of sustainable development.<sup>(39)</sup> There are three dimensions to sustainable development: economic, social and environmental. These require the planning system to perform three roles:

- **An economic role:** contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places at the right time to support growth and innovation; and by identifying and co-ordinating development requirements, including the provision of infrastructure.
- **A social role:** supporting strong, vibrant and healthy communities by providing the supply of housing required to meet the needs of present and future generations; and by creating a high-quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well being.
- **An environmental role:** contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a LCE.

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

**5.1.3** Planning law requires planning decisions to be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF states that it does not change the statutory status of the development plan as the starting point for decision making.

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

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

38 DCLG (March 2012) National Planning Policy Framework, paragraph 142.

39 DCLG (March 2012) National Planning Policy Framework Ministerial Foreword.

## Policy CSM 1

### Sustainable Development

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

Mineral development that accords with the development plan will be approved without delay, unless material considerations indicate otherwise.

Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the Council will grant permission unless material considerations indicate otherwise, taking into account where either:

1. any unacceptable adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole, or
2. specific policies in that Framework<sup>(40)</sup> indicate that development should be restricted.

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

**5.2.1** Economic minerals that are currently extracted from Kent quarries include aggregate minerals and industrial minerals. Aggregate minerals include: soft sand, sharp sand, gravel and crushed rock (ragstone); industrial minerals include: silica sand, brickearth, clay for tile-making, chalk for agricultural and industrial uses and building stone. In the recent past, shale from the coal measures in East Kent has been used for brick making, clay has been used for brick-making and raw materials have been extracted for cement manufacture within Kent. Up until the late 1980s, coal was extracted from underground coal mines in East Kent.<sup>(41)</sup>

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

40 For example, those policies relating to land within an Area of Outstanding Natural Beauty, Green Belt, sites protected under the Birds and Habitats Directives and/or as Sites of Special Scientific Interest, designated heritage assets and locations at risk of flooding.

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

## Sharp Sand and Gravel

### Flint Gravels

**5.2.3** High quality flint gravels in Kent are concentrated in the areas where flints derived from the chalk have been deposited by river and marine action. These are sourced from the three main river valleys of the Darent, Medway and Stour, and the beach deposits along the coast (particularly at Dungeness). As far back as 1970, planning studies<sup>(42)</sup> identified concerns about the depletion of flint gravels in the river valleys and the constraints on availability of the coastal supply in the Dungeness area due to nature conservation and water resource protection. Flint dominant head gravel resources near Herne Bay, previously identified as Areas of Search (AoS),<sup>(43)</sup> have not proved to be sufficiently attractive for development.

### Sandstone Gravels

**5.2.4** The sandstone dominant gravels in the Medway Valley upstream of Maidstone became the subject of increasing interest from operators as other deposits became worked out, although their use in the production of high-quality concreting aggregates has not normally been possible. Only one Medway Valley sandstone gravel quarry was operational at the time of plan preparation; this site imports crushed rock for blending with the indigenous sandstone gravels to produce aggregates suitable to supply the concrete production market.

### **Soft Sand**

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

### **Crushed Rock**

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

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

**5.2.7** Secondary and recycled aggregates can, in some circumstances, provide a replacement for sharp sand and gravel in many applications. The suitability of such materials to substitute for land-won supplies has been considered in detail in the preparation of this plan.<sup>(44)</sup> Sales of secondary and recycled materials in 2014 were

42 Evidence prepared for the Kent Structural Plan in 1975.

43 KCC (1993) Kent Minerals Local Plan Construction Aggregates Written Statement.

44 See report: KCC (2013) Interchangeability of Construction Aggregates.

0.84mt, although sales have been as high as 1.3mt in the last decade. The importance of maintaining supply from this source is recognised in Policy CSM 8: Secondary and Recycled Aggregates which seeks to maintain and increase production capacity.

**5.2.8** With its coastal location, Kent fulfils an important role in the importation of minerals including a range of construction aggregates from mainland Europe, as well as marine dredged aggregates (MDA) and imported recycled and secondary materials. Kent benefits from a number of aggregate wharves, into which significant quantities of MDA and crushed rock are landed. Kent is understood to be the largest importer of MDA in the South East of England, with 1.7 million tonnes (mt) being imported into its wharves in 2013 and of the total of 3.13mt of MDA landed in Kent and Medway in 2009 (1.41mt into Kent), 2.5mt was consumed within Kent and Medway.<sup>(45)</sup> Land-won sharp sand and gravel is also imported by rail and road from areas beyond Kent. Assurances regarding the security of these minerals imports during the Plan period have been obtained.<sup>(46)</sup>

### **Demand for Land-won Aggregates**

**5.2.9** The NPPF<sup>(47)</sup> requires Minerals Planning Authorities to plan for a steady and adequate supply of aggregates through preparing an annual Local Aggregates Assessment (LAA) from which future planned provision should be derived based on a rolling average of 10-years aggregates sales data<sup>(48)</sup> and an assessment of all supply options (including marine dredged, secondary and recycled sources), and other relevant local information. It also seeks for plans to make provision for the maintenance of landbanks of at least seven years for land-won sand and gravel and ten years for crushed rock. Landbanks of aggregate minerals reserves are used as the principal indicator of the future security of aggregate minerals supply, and to indicate the additional provision that needs to be made for new aggregate extraction and alternative supplies in mineral plans.

**5.2.10** The NPPF and planning practice guidance<sup>(49)</sup> also states that separate landbanks should be calculated and maintained for any aggregate materials of a specific type or quality which have a distinct and separate market. Within Kent the economic sand and gravel resources are:

- the Medway Valley sandstone gravels and flint sands and gravels (collectively referred to as 'sharp sands and gravels') that are used primarily for concrete production
- soft sands that are predominantly used in asphalt and mortar production

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45 KCCI (January 2015) The 2nd Local Aggregate Assessment for Kent, Table 3.

46 KCC (2014) Duty to Co-operate Report, Table 5.

47 DCLG (2012) National Planning Policy Framework, para. 145.

48 Data collected annually by mineral planning authorities for their AMRs and the regional aggregate working parties. Details of how the rolling 10-year average sales data and how landbanks are calculated are given in KCC (January 2015) Kent's 2nd Local Aggregate Assessment (for 2014) and in the recently updated Minerals Topical Paper 10 Construction Aggregate Assessments and Need, May 2014. Available from [www.kent.gov.uk/mwlp](http://www.kent.gov.uk/mwlp).

49 DCLG (Revised March 2014) Planning Practice Guidance: Minerals.

**5.2.11** The Kent Local Aggregate Assessment (January 2015) sets out the 10 year average of sales for all aggregates and the contribution of different aggregates to overall supply. Since the sharp sands and gravels and soft sands serve predominantly different markets their supply has been assessed separately.

**5.2.12** Between 2004 and 2013 sales of sharp sand and gravel from quarries in Kent dropped from around 908,000 tonnes in 2004 to around 273,000 tonnes in 2013. The average of 10 years' sales of sharp sand and gravel is 0.78 million tonnes per annum (mtpa). If demand were at this level for the rest of the Plan period (the 17 years 2013-30), the requirement would be 13.26mt.

**5.2.13** Between 2004 and 2013 sales of soft (building) sand from Kent's quarries have dropped from around 780,000 tonnes in 2004 to around 483,000 tonnes in 2013. The average of 10 years' sales of soft sand is 0.65 mtpa.

**5.2.14** The 10-year average sales figure for crushed rock is 0.78mtpa and, as presented in the LAA, is based on assumed sales as the actual sales come from two quarries and hence data is confidential for the purposes of the annual monitoring returns.

**5.2.15** Other relevant local information that may affect supply of, or demand for, aggregates was considered in the LAA.<sup>(50)</sup> This did not indicate that a figure higher than the 10 year average sales figures would be justified as a basis for future provision.

### **Future Supplies of Land-won Sharp Sand and Gravel**

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

**5.2.17** The sites included in the calculations of the supply of land-won sand and gravel are listed in Appendix C.

### **Sharp Sand and Gravel**

**5.2.18** Permitted reserves at the end of 2013 were 3.61mt. Initial work through the 'Call for Sites' identified potential suitable sites that might supply a potential further 6.47mt of sharp sand and gravel over the Plan period. This, combined with existing permitted reserves, totals 10.08mt.

**5.2.19** As set out above, based on 10 year sales, the requirement for the Plan period (the 17 years 2013-30) is 13.26mt. The 10.08mt potentially available is not sufficient to meet this and, indeed, a seven year landbank does not presently exist, and even if the potential new supply came on stream, it would still not be possible to maintain a seven year landbank for the whole of the Plan period. This is due to insufficient suitable sites for release being identified by the minerals industry. It is possible that other suitable sources of aggregates will be identified, that currently uneconomic deposits become



economic, or that constraints on the release of known aggregates sources (such as land ownership) may be overcome. This could lead to proposals coming forward to be judged against Policy CSM4: Non-identified Land-won Mineral Sites or to further sites being proposed in the Minerals Sites Plan.

**5.2.20** Diminishing land-won sharp sand and gravel supplies will increasingly be substituted over the plan period by supplies from production of alternative materials including secondary and recycled aggregates,<sup>(51)</sup> supplies gained from blending of materials to generate material suitable to supply the construction aggregate market,<sup>(52)</sup> landings of MDA and imports of land-won aggregates from elsewhere. Indeed, there is adequate existing capacity at wharves, railheads and recycling facilities for supplies from these sources to meet the predicted shortfall in supply of land-won sharp sand and gravel aggregate as resources are exhausted. The Plan provides for this flexibility in supply of aggregates as follows: Policy CSM 5 seeks to safeguard sharp sand and gravel resources that may become economic and to maximise the opportunities for the development of 'windfall' reserves which may come forward under Policy CSM 4. In addition, Policies CSM 7 and CSM 8 make provision for maintaining and developing further secondary and recycled aggregates supplies during the plan period and Policies CSM 6, CSM 7 & CSM 12 seek to ensure that the necessary minerals importation and processing infrastructure is in place.

### **Soft Sand**

**5.2.21** The current annual need for soft sand based on the 10-year rolling average sales figures is 0.65 million tonnes. If demand were at this level for the rest of the Plan period (the 17 years 2013-30), the requirement would be 11.05mt. In addition, provision of a landbank of seven years' supply to be available at the end of the Plan period (4.55mt) implies a total requirement of 15.60mt. At the end of 2012 there were permitted reserves of soft sand in Kent of 10.64mt and so the Plan needs to make provision for at least an additional 4.96mt of soft sand. The 'Call for Sites' from mineral companies has identified sufficient sites with estimated reserves at these sites sufficient to meet requirements without adversely impacting on the AONB or its setting. Therefore it will be possible to meet the requirement of the NPPF to maintain a landbank of at least seven years of reserves for soft sand throughout the Plan period (4.55mt). Achieving supply in practice is dependent on sufficient satisfactory planning applications being submitted by mineral companies.

**5.2.22** It should be noted that there can be a lack of clarity in geology between soft sand and silica sand as they occur in the ground. In light of this, it is necessary, in consultation with the operators, to determine the degree to which sites identified as supplying soft sand and/or silica sand may supply both materials. This review process may have an effect on the overall recorded landbank for soft sand in Kent. The outcome of this review will be reported in the LAA.

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51 KCC (January 2015) Kent's 2nd Local Aggregate Assessment

52 This currently occurs at two sites (Hermitage Quarry - rock and hassock & East Peckham - imported rock and extracted sandstone gravels)

## **Crushed Rock**

**5.2.23** The stock of planning permissions for crushed rock (ragstone) in Kent at the time of plan preparation are sufficient to maintain a landbank of ten years supply (assumed as 0.78mtpa) throughout and beyond the end of the plan period and so no additional crushed rock (ragstone) sites will be identified in the Minerals Sites Plan.

**5.2.24** At the time of plan preparation, consented reserves of crushed rock are contained within two Kentish Ragstone sites. One of which contains the bulk of the permitted reserves that are generally of low quality and so their use is limited, and mineral extraction only takes place from this site intermittently on a campaign basis. In view of this, a policy covering situations where non-identified land-won mineral sites could be acceptable is included as Policy CSM 4.

## **Overall Provision of Land-won Aggregates**

**5.2.25** The Plan will provide for land-won aggregates as follows:

- Sharp sand and gravel: at least 10.08mt (including 3.61mt of currently permitted reserves), and a landbank of at least 5.46 mt as long as resources allow.
- Soft sand: 10.64mt reserves at existing permitted sites and new allocations to provide at least 4.96mt making a total provision of 15.60mt, sufficient to provide 11.05mt for the Plan period plus a landbank of 4.55mt in 2030;
- Crushed rock: c.50mt reserves at existing permitted sites, sufficient to provide 13.26mt for the Plan period plus a landbank of 7.28mt in 2030 without the need for any new allocation

**5.2.26** The sand and gravel sites identified in the Mineral Sites Plan will include land-won sharp sand and gravel sites, and soft sand (building sand) sites.

**5.2.27** Criteria that will be taken into account for selecting and screening the suitability of sites for identification in the Minerals Sites Plan are set out in Policy CSM2.

## **Industrial Minerals**

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

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

- at least 15 years for cement primary (chalk and limestone) and secondary (clay and shale) materials to maintain an existing plant; and
- at least 25 years for brick clay and for cement primary and secondary materials to support a new kiln.

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

### **Brickearth and Clay for Brick and Tile Manufacture**

**5.2.30** At the time of plan preparation, Kent only has one operational brickworks near Sittingbourne, which is supplied by brickearth extracted from sites in the Sittingbourne to Faversham area to make yellow London stock bricks. Brickearth extracted from another site in north Kent provides the raw materials for a brickworks in East Sussex. National planning policy requires the provision of a stock of permitted reserves of at least 25 years for brick clay.<sup>(53)</sup> There is a need to ensure sufficient reserves are available to provide brickearth for these two brickworks to ensure that the locally characteristic yellow London stock bricks can continue to be manufactured.

**5.2.31** In the past in Kent, bricks have also been made at various locations from supplies of Weald Clay, Gault Clay, London Clay, Wadhurst Clay and colliery shale. No operational brickworks that use clay and/or colliery shale remain in Kent. The stock of planning permissions for clay and colliery shale for brick and tile making is sufficient for the plan period if any of the dormant or closed brickworks is re-opened or new brickworks are established.<sup>(54)</sup> Therefore, there is no need to identify further reserves of brick clay or colliery shale for brickmaking in the Mineral Sites Plan.

**5.2.32** A small-scale tile manufacturer that makes traditional 'Kent Peg' tiles is located in the Weald of Kent at Hawkenbury. This site has a consented clay pit with reserves consented through to 2026. Permitted reserves are however sufficient to supply the tile works beyond this date. No further reserves are needed to be identified to sustain this operation during the plan period.

## **Silica Sand**

**5.2.33** Silica sand is considered to be a mineral of national importance due to its limited distribution. The Folkestone Beds, west of Maidstone, is the traditional extraction area for silica sand in Kent and is made up of distinct horizons of building sand and silica sand. While the quality of these silica sand deposits in Kent is not as pure as those found in the neighbouring county of Surrey, some of this material is used for industrial processes including glass manufacture and the production of foundry castings. Silica sand is also used in horticulture and for sports surfaces including horse maneges and golf course bunker sand. There are no sites in Kent that provide only silica sand. All of Kent's existing silica sand sites produce construction aggregates to some extent.<sup>(55)</sup> National policy requires MPAs to plan for a steady and adequate supply of silica sand by providing a stock of permitted reserves to support the level of actual and proposed investment required for new or existing plant, and the maintenance and improvement of existing plant and equipment. This is carried out by providing a stock of permitted reserves of at least 10 years at established existing sites, and at least 15 years for silica sand sites where significant new capital is required, this would include entirely new sites.<sup>(56)</sup>

**5.2.34** Silica sand is used in a range of applications including the manufacture of glass and production of materials used in construction. An example of a potential local use would be in the manufacture of 'Aircrete' blocks (also known as aerated concrete blocks) where it may substitute for the current supply of Pulverised Fuel Ash (PFA). Currently the existing market need for silica sand is being met by extraction from two quarries Wrotham Quarry (Addington Sand Pit) and Nepicar Sand Pit. These have permitted reserves in the region of 2.1 mt. These quarries are identified in Appendix C and shown in Figure 13: Minerals Key Diagram. Wrotham Quarry site has a potential extension area but that lies within the Kent Downs AONB. While the Plan seeks to maintain a stock of permitted reserves, in line with national policy, it is recognised that this may not be possible if it would be inconsistent with policy to conserve the landscape and scenic beauty of the AONB. In light of national policy, the Plan does not seek allocation of sites within the AONB or in locations which would have an adverse impact on the setting of, and implementation of, the statutory purposes of the AONB. Proposals will be considered on their merits against policy CSM 2.

55 GWP Consultants (March 2010) A study of silica sand and quality and end uses in Surrey and Kent. Final report for KCC and Surrey County Council.

56 DCLG (2012) National Planning Policy Framework, paragraph 146.

## **Chalk**

**5.2.35** Chalk is abundant in Kent. It is used for agricultural and construction purposes (primarily as a bulk fill material) across the county.<sup>(57)</sup> Since there are no plants dependant on the supply of chalk there is no policy requirement to make provision. However local sales data for agricultural and engineering use combined indicates that sales vary considerably from year to year. The indicative Kent landbank of chalk for agricultural and engineering use is estimated to be around 17.6 years as of 2018<sup>(58)</sup>. Reserves of chalk and rates of demand will be monitored and reported in the Annual Monitoring Report and taken into account when any proposals for new sites come forward.

**5.2.36** To help facilitate future development of cement manufacture at the Medway Works, Holborough, specific reserves of chalk are safeguarded as set out in Policy CSM 3.

## **Clay for Engineering Purposes**

**5.2.37** Clay is also abundant in Kent. Other than uses in brick manufacture, the principal use for extracted clay is for land engineering purposes. Since there are no specific requirements for engineering clay for bulk fill, waterproof capping or flood defences there is no requirement to make specific provision. Local sales data indicates that sales vary significantly from year to year, however an average for the 11 years in which data was available indicates sales of approximately 27,000 tpa with a peak demand of 69,000 tonnes in 2002.<sup>(59)</sup> This equates to a need over the plan period of around 459,000mt. The proposed extension areas for Norwood Quarry and Landfill Site on the Isle of Sheppey, identified as the Strategic Site for Waste in Policy CSW 5, will also be identified as an extraction site for engineering clay.

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57 KCC (May 2012) TRM3: Other Minerals. **Page 115**

58 KCC (2018) Kent's 12th Annual Kent Minerals and Waste Monitoring Report 2017/18.

59 KCC (2012) TRM3 Other Minerals, Table 4B.

## Policy CSM 2

### Supply of Land-won Minerals in Kent

Mineral working will be granted planning permission at sites identified in the Minerals Sites Plan<sup>(60)</sup> subject to meeting the requirements set out in the relevant site schedule in the Mineral Sites Plan and the development plan.

#### 1. Aggregates

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

- **Sharp sand and gravel:** At least 10.08mt and a landbank of at least seven years supply (5.46mt) will be maintained while resources allow. The rate of supply will decline through the Plan period from a supply of a 10-year average of around 0.78mtpa and resources will be progressively worked out (unless additional sites are brought forward which would be assessed against Policy CSM4). Demand will instead be met from other sources, principally a combination of recycled and secondary aggregates, landings of MDA, blended materials and imports of crushed rock through wharves and railheads. The actual proportions will be decided by the market.
- **Soft sand:** Rolling landbanks for the whole of the plan period and beyond of at least seven years equivalent to at least 15.6mt, comprising 10.6mt from existing permitted sources and 5.0mt from sites allocated in the Minerals Sites Plan.
- **Crushed rock:** Rolling landbanks for the whole of the Plan period and beyond of at least ten years equivalent to at least 20.5mt, all from existing permitted sources.

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

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

The stock of existing planning permissions at Paradise Farm, Orchard Farm, Hempstead House and Claxfield Road for brickearth clay for brick and tile making is sufficient for the plan period. Applications for sites supplying brickearth and clay for brick and tile making will be dealt within in accordance with the policies of this Plan. The existence of a stock of permitted reserves of at least 25 years (as reported in the latest Annual Monitoring report) to support the level of actual and proposed investment required for new or existing plant and the maintenance and improvement of existing plant and equipment will be a material consideration.

### 3. Silica Sand

In response to planning applications, the Mineral Planning Authority will seek to permit sites for silica sand production sufficient to provide a stock of permitted reserves of at least 10 years for individual sites of 10 years and 15 years for sites where significant new capital is required, to support the level of actual and proposed investment required for new or existing plant and the maintenance and improvement of existing plant and equipment.<sup>(61)</sup> Proposals will be considered on their own merits, having regard to the policies of the Development Plan as a whole subject to them demonstrating:

- a. how the mineral resources meet technical specifications required for silica sand (industrial sand) end uses
- b. how the mineral resources will be used efficiently so that high-grade sand deposits are reserved for industrial end uses

### 4. Chalk for Agriculture and Engineering Purposes

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

### 5. Clay for Engineering Purposes

A site for the extraction of clay for engineering purposes will be identified at Norwood Quarry and Landfill Site in the Minerals Sites Plan. Other sites will be identified if required in order to enable clay extraction to continue through the Plan period to supply Kent's requirements.

#### Selection of Sites in the Minerals Sites Plan

The criteria that will be taken into account for selecting and screening the suitability of sites for identification in the Minerals Sites Plan will include:

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

60 Sites identified in the Minerals Sites Plan will generally be where viable mineral resources are known to exist, where landowners are supporting mineral development taking place and where MPAs consider that planning applications are likely to be acceptable in principle in planning terms.

### 5.3 Policy CSM 3: Strategic Site for Minerals

**5.3.1** While Kent was once a major producer of cement, there are no operational cement works remaining within the county. Re-establishing cement manufacture in Kent is sufficiently important to the achievement of the Plan's Spatial Vision and Strategic Objectives to warrant the identification of a proposed cement works and its associated mineral reserves as a Strategic Site. Medway Works, Holborough (shown on Figure 17) has the benefit of an extant planning permission with the permitted mineral resources that are required to supply the works being sufficient for at least 25 years. However, there are likely to be significant changes needed to the approved layout and design to reflect modern requirements that would require a fresh planning application being approved prior to the development of the site. In view of the potential job opportunities and level of investment required to construct a new cement works, this site is considered sufficiently important to designate it as the only Strategic Site for minerals. Policy CSM 3 addresses the planning issues of this Strategic Site's potential for significant investment for long-term cement manufacture while maintaining a sensitive protection of the environment, with particular regard to the Kent Downs AONB landscape designation.

#### Policy CSM 3

##### Strategic Site for Minerals

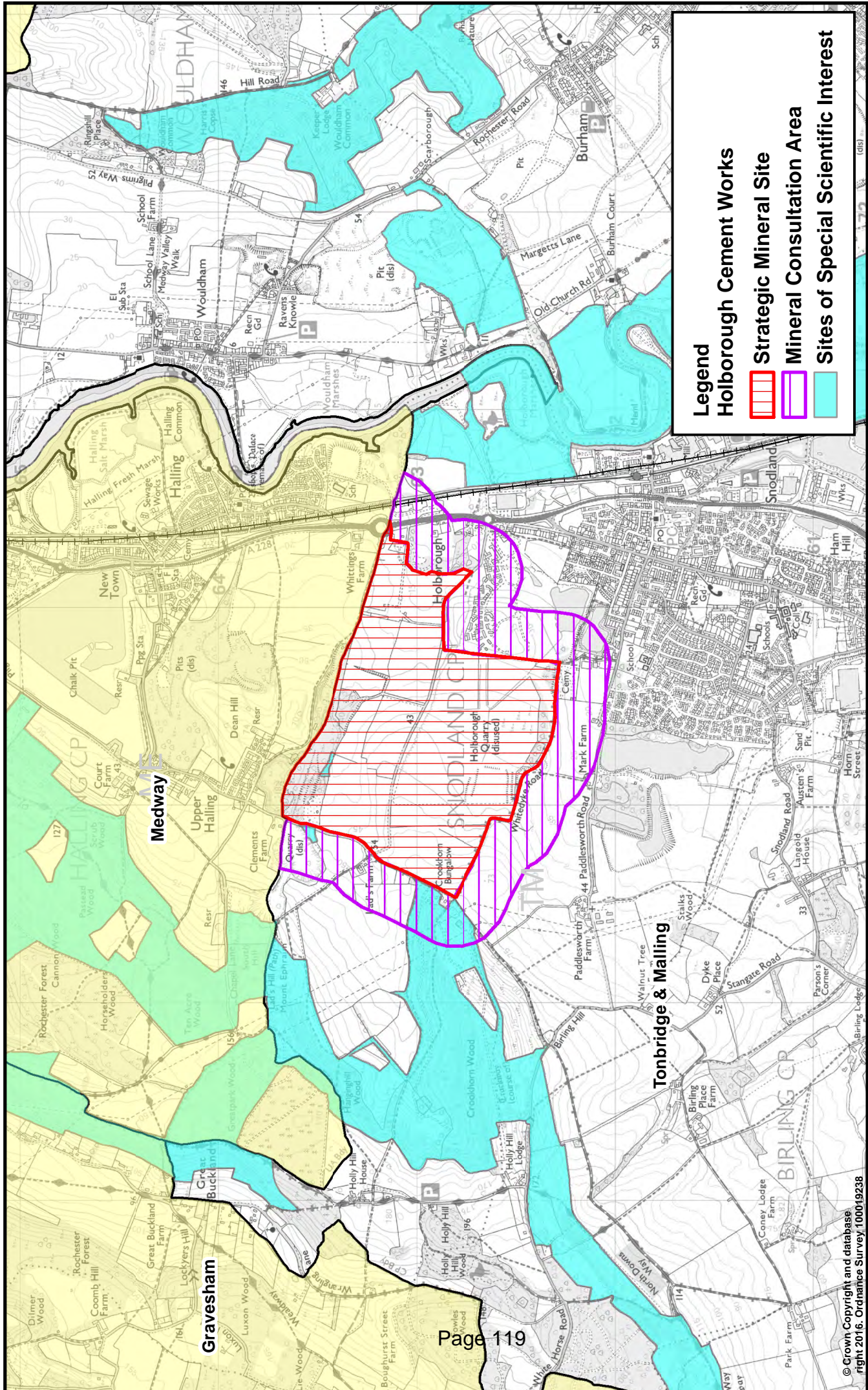
The site of the proposed Medway Cement Works, Holborough and its permitted mineral reserves are together identified as the Strategic Site for Minerals in Kent. The site location is shown on Figure 17.

Planning permission will not be granted for any development other than chalk extraction for cement manufacture, cement manufacture and restoration of the resulting void.

Mineral working and processing at the Strategic Site for Minerals will be permitted subject to meeting the requirements of the development plan and the following criteria:

1. an assessment of the impact of mineral working upon views from the Kent Downs Area of Outstanding Natural Beauty, with suitable sufficient landscaping mitigation measures to minimise the impacts upon views, protect the amenity of nearby residents and enhance and restore the landscape character
2. the development not generating more traffic movements than can be accommodated without any unacceptable adverse impacts upon the local highway network
3. the site and any associated land being restored to a high quality standard and where appropriate after-use that supports and enhances the long-term local landscape character





**Legend**

**Holborough Cement Works**

- Strategic Mineral Site
- Mineral Consultation Area
- Sites of Special Scientific Interest



1:25,000 at A4

**Kent Minerals & Waste Local Plan**

**Figure 17 : Strategic Mineral Site**

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

**5.4.1** Policy CSM 3: Strategic Site for Minerals, together with the other Plan policies and the sites identified in the Mineral Sites Plan, will provide the framework that seeks to enable a stock of planning permissions for aggregates, chalk, brickearth, clay, silica sand and minerals for cement manufacture to be maintained at the required levels throughout the plan period.

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

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

- the possibility of prior extraction of an economic mineral ahead of other development taking place within the safeguarded mineral resource<sup>(62)</sup>
- the possibility of borrow pit developments that can supply materials in a sustainable manner to major infrastructure developments including road, rail and ports
- locations of consented reserves and any alternative supply options<sup>(63)</sup> being remote from main market areas necessitating unduly long road journeys from the source to the market
- the nature and qualities of the mineral such as suitability for particular use
- known constraints on the availability of consented reserves that might limit output over the plan period
- the extent to which permitted reserves are within inactive sites that are unlikely to ever be worked

62 Safeguarding of mineral resources is dealt with by Policies CSM 5, DM 7 and DM 8 and prior extraction principally by Policy DM 9. **Page 120**

63 Alternative supply options include secondary or recycled materials and imports through wharves and rail depots.

- the assurance that large landbanks bound up in very few sites do not stifle competition
- sites in the Minerals Sites Plan not coming forward as anticipated.

## Policy CSM 4

### Non-identified Land-won Mineral Sites

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

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

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

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

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

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

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

**5.5.6** Geological mapping is indicative of the existence of a mineral resource. It is possible that the mineral has already been extracted and/or that some areas may not contain any of mineral resource being safeguarded. Nevertheless, the onus will be on promoters of non-mineral development to demonstrate satisfactorily<sup>(64)</sup> at the time that the development is promoted that the indicated mineral resource does not actually exist in the location being promoted, or extraction would not be viable or practicable under the particular circumstances.

**5.5.7** The MCA designation is intended to ensure that consultation takes place between county and district/borough planning authorities when mineral interests might be compromised by non-minerals development, especially in close proximity to a known mineral resource. The designation of MCAs is not obligatory, but consultation on development within an MCA is. The MCAs within Kent cover the same areas as the MSAs, other than that around the safeguarded mineral reserves at Holborough Works as shown in Figure 17.

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

**5.5.9** Economic land-won minerals that are identified for safeguarding in Kent are sharp sand and gravel, soft sand, silica sand, crushed rock, building stone and brickearth. As chalk and clay (other than brickearth) are abundant across the county, they are not being safeguarded. The mineral resource areas identified for safeguarding are shown in the MSAs in Chapter 9: Adopted Policies Maps. The MSAs are based on mapping

64 Non-minerals development will mainly be promoted through planning applications or through proposed allocations in Local Plans. Advice will be provided by Kent County Council (as the Minerals Planning Authority).

of the mineral resource prepared by the BGS. Current guidance advises that mineral safeguarding should not be curtailed by any other planning designation, such as environmental designations without sound justification. The mineral resources within the Plan area are extensive and whilst they continue beneath urban areas they are already sterilised by non-mineral development with very little prospect of future working. Therefore in order for the safeguarding to be practical such areas have been excluded from the MSAs.

**5.5.10** The surface working area of the proposed East Kent Limestone Mine is not identified for safeguarding. This is because there has been no advancement in the mine's development since the identification of this resource as a possible area of mining in the 1993 Minerals Subject Plan.<sup>(65)</sup> There is no certainty where the built footprint for the surface aggregate processing facility is likely to be situated (if it is ever developed) and planning policies should avoid the long-term protection of sites identified for employment use where there is no reasonable prospect of a site being used for that purpose. Any proposals for prospecting the Carboniferous Limestone deposit will be considered under Policy CSM 11.<sup>(66)</sup>

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

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

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

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

65 KCC (1993) Mineral Subject Plan Construction Aggregates.

66 DCLG (March 2012) National Planning Policy Framework, para. 22.

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

## **Policy CSM 5**

### **Land-won Mineral Safeguarding**

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

1. Mineral Safeguarding Areas for the areas of brickearth, sharp sand and gravel, soft sand (including silica sand), ragstone and building stone as defined on the Mineral Safeguarding Area Policies Maps in Chapter 9
2. Mineral Consultation Areas which cover the same area as the Minerals Safeguarding Areas and a separate area adjacent to the Strategic Site for Minerals at Medway Works, Holborough as shown in Figure 17
3. Sites for mineral working within the plan period identified in Appendix C and in the Mineral Sites Plan.

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

**5.6.1** Kent has a range of mineral transportation facilities around its coast as well as inland. The importance of safeguarding these facilities to enable the on-going supply of essential minerals is identified in national planning policy. Development in proximity to a mineral transportation facility could prejudice or constrain current or future operations. It is important therefore, that the Plan ensures that wharves and rail depots are safeguarded and are not put at risk by non-minerals developments. The locations of the safeguarded wharves and rail depots are shown in Figure 13: Minerals Key Diagram and in Chapter 9: Adopted Policies Maps.

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

## Policy CSM 6

### Safeguarded Wharves and Rail Depots

Planning permission will not be granted for non-minerals development that may unacceptably adversely affect the operation of existing,<sup>(67)</sup> planned or potential sites, such that their capacity or viability for minerals transportation purposes may be compromised.

The following sites, and the allocated sites included in the Minerals Sites Plan, are safeguarded:

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

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

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

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

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

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

### Policy CSM 7

#### Safeguarding Other Mineral Plant Infrastructure

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

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

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



## 5.8 Policy CSM 8: Secondary and Recycled Aggregates

**5.8.1** The use of secondary and recycled aggregates is generally more sustainable than extracting primary land-won aggregates. It is for this reason that national policy expects MPAs to take account of the contribution that secondary and recycled materials would make, before considering extraction of primary materials so far as practicable. As considered in Section 5.2, the replacement of primary aggregates with secondary and recycled supplies materials is becoming increasingly important as indigenous land-won primary supplies diminish. The County Council is therefore keen to see the quantities of secondary and recycled aggregates being produced within Kent increase.

**5.8.2** The consented secondary and recycled aggregates processing capacity within Kent currently exceeds 2.7mtpa, 0.63 mtpa of which is identified as temporary capacity. Inert Construction, Demolition and Excavation (CDE) waste is the main source of recycled aggregate and arisings of this waste in Kent are estimated to be 2.6 mtpa which indicates that some capacity may be utilised for imported materials. In addition, arisings of materials suitable for conversion into secondary aggregates such as furnace bottom ash are expected to increase as more Energy from Waste capacity is developed during the plan period in line with Policy CSW 8: Recovery Facilities for Non-hazardous Waste.

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

## Policy CSM 8

### Secondary and Recycled Aggregates

Sites will be identified in the Minerals Sites Plan to ensure processing capacity is maintained to allow the production of at least 2.7 million tonnes per annum of secondary and recycled aggregates, throughout the Plan period.

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

1. temporary demolition, construction, land reclamation and regeneration projects and highways developments where materials are either generated or to be used in the project or both for the duration of the project (as defined by the planning permission)
2. appropriate mineral operations (including wharves and rail depots) for the duration of the host site permission.
3. appropriate waste management operations for the duration of the host site permission.
4. industrial estates, where the proposals are compatible with other policies set out in the development plan including those relating to employment and regeneration.
5. any other site that meets the requirements cited in the second paragraph of this policy above.

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

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

## 5.9 Policy CSM 9: Building Stone in Kent

**5.9.1** Only two ragstone quarries have consented reserves at the time of the preparation of this Plan: Hermitage Quarry and Blaise Farm in mid Kent. Although building stone has been produced from both quarries, only Hermitage Quarry has the ability to produce high-quality cut stone from the full sequence of ragstone beds in the Hythe Formation, and it continues to produce building stone for building conservation uses. However, in the past, small-scale quarries have provided locally distinctive stone

including Paludina Limestone (found near Bethersden), Tunbridge Wells Sandstone and flint (from chalk strata). Calcareous tufa found in small outcrops near Ditton has also been used in a few buildings, including Leeds Castle in Kent. These have been popular building materials and supplies may be needed in the future to maintain and restore the buildings that use them.

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

### **Policy CSM 9**

#### **Building Stone in Kent**

Planning permission will be granted for small-scale proposals<sup>(68)</sup> that are needed to provide a supply of suitable local building stone necessary for restoration work associated with the maintenance of Kent's historic buildings and structures and new build projects within conservation areas, subject to:

1. development taking place in appropriate locations where the proposals do not have unacceptable adverse impacts on the local environment and communities
2. there being no other suitable, sustainable sources of the stone available
3. the site is restored to a high quality standard and appropriate after-use that supports the local landscape character

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

**5.10.1** Oil and gas are important mineral resources and primary sources of energy in the United Kingdom. They underpin key aspects of modern society and remain an important part of the UK's energy mix. Maximising economic production of UK oil and gas reserves to provide reliable energy supplies is a key activity the Government are taking forward to minimise international energy supply risks.

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

68 A small-scale building stone extraction site is one that produces predominantly building stone for conservation and restoration of old buildings or new build purposes in areas where the stone provides historically authentic materials in keeping with the local built environment. Operations are likely to be intermittent and volumes produced are low.

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

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

**5.10.5** The Mineral Planning Authority is one of four key regulators for hydrocarbon extraction. Its role is to provide clear guidance and criteria for the local assessment of hydrocarbon extraction within Petroleum Licence Areas and to grant planning permission for the location of any wells and wellpads and impose conditions to ensure that the impact on the use of land is acceptable. There are clear roles and responsibilities for each of the regulators and an expectation that the Mineral Planning Authority should assume non-planning regimes will operate effectively and should not ordinarily need to carry out its own assessments where it can rely on the assessments of other regulatory bodies. However, before granting planning permission the MPA will need to be satisfied that these issues can or will be adequately addressed by taking and considering advice from the relevant regulatory body relating to the specific risks/concerns posed by particular proposals. For example in the case of proposals involving hydraulic fracturing mitigation of seismic risks; well design and construction; well integrity during operation; operation of surface equipment on the well pad; mining waste; chemical content of hydraulic fracturing fluid flaring or venting; final off-site disposal of water and well decommissioning/abandonment.

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

## Resources and Potential

### Oil

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

**5.10.8** A planning permission was granted in 2012 for exploratory drilling and subsequent oil and gas field testing at Bidborough in West Kent. In 2015 the planning permission had not been implemented. Exploratory drilling has also taken place in Cowden near Tunbridge Wells from August 1999 (planning permission SE/98/234). Subsequent extensions were granted to complete planned testing operations on the capped well at Cowden to establish the extent of productive capacity of the oil field, the last of which expired in 2012 (SE/11/1396).

### Gas

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

### Unconventional hydrocarbons

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

**5.10.11** Coal Bed Methane is methane that is trapped within the pore spaces of coal in coal seams, such as the East Kent Field. In coal, methane is held in an almost liquid state within the porous elements so that if pressure is reduced by human intervention such as mining or drilling into a coal seam, the gas is liberated. As the gas is combustible it is a potential resource. The East Kent Coalfield covers an area of 157,900 hectares beneath the Kent landmass. It was exploited for its coal reserves between 1912 and 1989. Underground licence applications to investigate the East Kent Coalfield are being processed by the Coal Authority at the time of writing this Plan. There is currently no information available on the potential of coal bed methane resources in Kent. However interest has been shown in Kent and permission was granted to drill an exploratory borehole to test the in situ coals, Lower Limestone Shales and associated strata in 2011 at Woodnesborough, in East Kent. During the preparation of the Plan, a further three planning applications for test drilling in East Kent were received by KCC but were subsequently withdrawn.

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

**5.10.13** Hydraulic fracturing (often called fracking) is a technique used to extract gas or oil from shale rock strata whereby water (and additives) is pumped under pressure into productive shale rocks via a drilled bore to open up pore spaces releasing the gas or oil for pumping to the surface for use.<sup>(69)</sup>

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

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

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

**5.10.17** Provision has also been made in the Infrastructure Act (in section 49) for the Secretary of State to request the Committee on Climate Change to provide advice (in accordance with section 38 of the Climate Change Act 2008) on the impact which combustion of, and fugitive emissions from, petroleum produced through onshore activity, is likely to have. The way in which minerals produced in Kent are subsequently used is not within the control of the Plan. However, the Council will review any such

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

advice to consider whether it raises any consideration that needs to be taken into account in determining an application for planning permission relating to hydraulic fracturing and whether any review of policy CSM 10 is required. Any such reviews will take into account any relevant national planning policy and guidance.

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

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

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

## Policy CSM 10

### Oil, Gas and Unconventional Hydrocarbons

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

1. well sites and associated facilities being sited, so far as is practicable, to minimise impacts on the environment and communities
2. developments being located outside Protected Groundwater Source Areas<sup>(70)</sup>
3. there being no unacceptable adverse impacts (in terms of quantity and quality) upon sensitive water receptors including groundwater, water bodies and wetland habitats
4. all other environmental and amenity impacts being mitigated to ensure that there is no unacceptable adverse impact on the local environment or communities
5. exploration and appraisal operations being for an agreed, temporary length of time
6. the drilling site and any associated land being restored to a high quality standard and appropriate after-use that reflects the local landscape character at the earliest practicable opportunity
7. it being demonstrated that greenhouse gases associated with fugitive emissions from the exploration, testing and production activities will not lead to unacceptable adverse environmental impacts

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



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

**5.11.1** While the East Kent Limestone mine has not been progressed since it was included in the *Kent Minerals Local Plan Construction Aggregates Written Statement (1993)* <sup>(71)</sup> as a possible area of mining, it is still considered to be a possible long-term source of construction aggregates in Kent. The location of the underground limestone resource is in the vicinity of calcareous grassland which is an important habitat, being registered with both the national and Kent BAPs and as a Habitat of Principal Importance under the NERC Act 2006. There are also Natura 2000 sites, SSSIs and LWSs throughout the area. If prospecting is proposed in the plan period, it will have to be undertaken sensitively with sufficient controls to avoid any impacts upon sensitive receptors.

#### **Policy CSM 11**

##### **Prospecting for Carboniferous Limestone**

Planning permission will be granted at suitable locations for the drilling operations associated with the prospecting for underground limestone resources in East Kent subject to:

1. exploration and appraisal operations are for an agreed, temporary length of time

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

**5.12.1** While there have not been any proposals for new wharves and rail depots for consideration in the Mineral Sites Plan, in line with the requirements of sustainable development it is important to encourage the sustainable transportation of minerals by rail and water wherever possible. Policy CSM 12 encourages an increase in sustainable transport modes for minerals and encourages the development of new mineral importation facilities or facilities that have fallen out of use.

## Policy CSM 12

### Sustainable Transport of Minerals

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

1. they are well located in relation to the Key Arterial Routes<sup>(72)</sup> across Kent and
2. the proposals are compatible with other local employment and regeneration policies set out in the development plan.

72 These are made up of Motorways and Trunk Roads, County Primary Routes and County Principal Routes. County Primary Routes link major urban centres, including the A228/A26 between Medway and Tonbridge, the A229 between Medway and East Sussex, the A299 between Faversham and Thanet, the A28 between Thanet and East Sussex, the A256 between Dover and Thanet, the A26 between Tonbridge and Tunbridge Wells and the A25 between Wrotham and Sevenoaks. County Principal routes are generally A class roads with relatively high traffic flows, including the A225 between Sevenoaks and Dartford and the A251 between Faversham and Ashford. These are shown on Figure 2.

## 6 Delivery Strategy for Waste

**6.0.1** The following policies give the delivery strategy for waste management development in Kent up to the end of 2030.

### 6.1 Policy CSW 1: Sustainable Development

**6.1.1** As stated in paragraph 5.1.1, the purpose of the planning system is to contribute to the achievement of sustainable development.<sup>(73)</sup> At the heart of the NPPF is a presumption in favour of sustainable development. The NPPF requires that policies in local plans should follow the approach of this presumption. The Kent MWLP is therefore based on the principle of sustainable development. This is demonstrated in the Spatial Vision, the Strategic Objectives and the policies that seek sustainable solutions.

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

#### Policy CSW 1

##### Sustainable Development

When considering waste development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework, National Planning Policy for Waste and the Waste Management Plan for England.

Waste development that accords with the development plan should be approved without delay, unless material considerations indicate otherwise.

Where there are no policies relevant to the application, or relevant policies are out of date at the time of decision making, the Council will grant permission unless material considerations indicate otherwise, taking into account where either:

1. any unacceptable adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole, or
2. specific policies in that Framework<sup>(74)</sup> indicate that development should be restricted.

73 DCLG (March 2012) National Planning Policy Framework: Ministerial Foreword.

74 For example, those policies relating to land within an Area of Outstanding Natural Beauty, Green Belt, sites protected under the Birds and Habitats Directives and/or as Sites of Special Scientific Interest, designated heritage assets, and locations at risk of flooding.

## 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.<sup>(75)</sup>

**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<sup>(76)</sup> 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

75 The Waste Hierarchy diagram is a copy of the version in Appendix A of DCLG National Planning Policy for Waste.

76 BPP Consulting Waste Needs Assessment 2018.

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.

## **Policy CSW 2**

### **Waste Hierarchy**

To deliver sustainable waste management solutions for Kent, proposals for waste management must demonstrate how the proposal will help drive waste to ascend the Waste Hierarchy whenever possible.

## Policy CSW 3

### Waste Reduction

All new development should minimise the production of construction, demolition and excavation waste and manage any waste in accordance with the objectives of Policy CSW 2.

The following details shall be submitted with the planning application, except for householder applications:

1. the measures to be taken to show compliance with this policy
2. the details of the nature and quantity of any construction, demolition and excavation waste and its subsequent management

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

In particular proposals should ensure that:

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

### 6.3 Policy CSW 4: Strategy for Waste Management Capacity

#### Net Self-sufficiency and Waste Movements

**6.3.1** Kent currently achieves net self-sufficiency in waste management capacity for all waste streams. I.e. the annual capacity of the waste management facilities (excluding transfer) in Kent is sufficient to manage the equivalent quantity of waste to that predicted to arise in Kent. The continued achievement of net self-sufficiency and the management of waste close to its source are key Strategic Objectives of the Kent MWLP, because it shows that Kent is not placing any unnecessary burden on other WPAs to manage its waste. Net self-sufficiency recognises that existing (and future) waste management capacity within Kent may not necessarily be for the exclusive management of Kent's waste. Moreover, proposals that would result in more waste being managed in Kent than is produced may be acceptable if they 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 nonhazardous) 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.

**Table 1**

	Milestone Year			
	2015/16	2020/21	2025/26	2030/31
<b>Local Authority Collected Waste</b>				
Recycling/Composting <sup>(77)</sup>	n/a	50%	55%	60%
Other Recovery	n/a	45%	43%	38%
Remainder to Landfill	n/a	2%	2%	2%
<b>Commercial and Industrial Waste</b>				
Recycling/Composting <sup>(78)</sup>	n/a	50%	55%	60%
Other Recovery	n/a	35%	32.5%	30%
Remainder to Landfill	n/a	15%	12.5%	10%
<b>Construction &amp; Demolition Waste (Non-Inert only)</b>				
Recycling	n/a	12%	13%	14%
Composting	n/a	1%	1%	1%
Other Recovery	n/a	5%	5%	5%
Remainder to Landfill	n/a	2%	1%	0.5%

## 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 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.

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

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



**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<sup>(79)</sup>

**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.

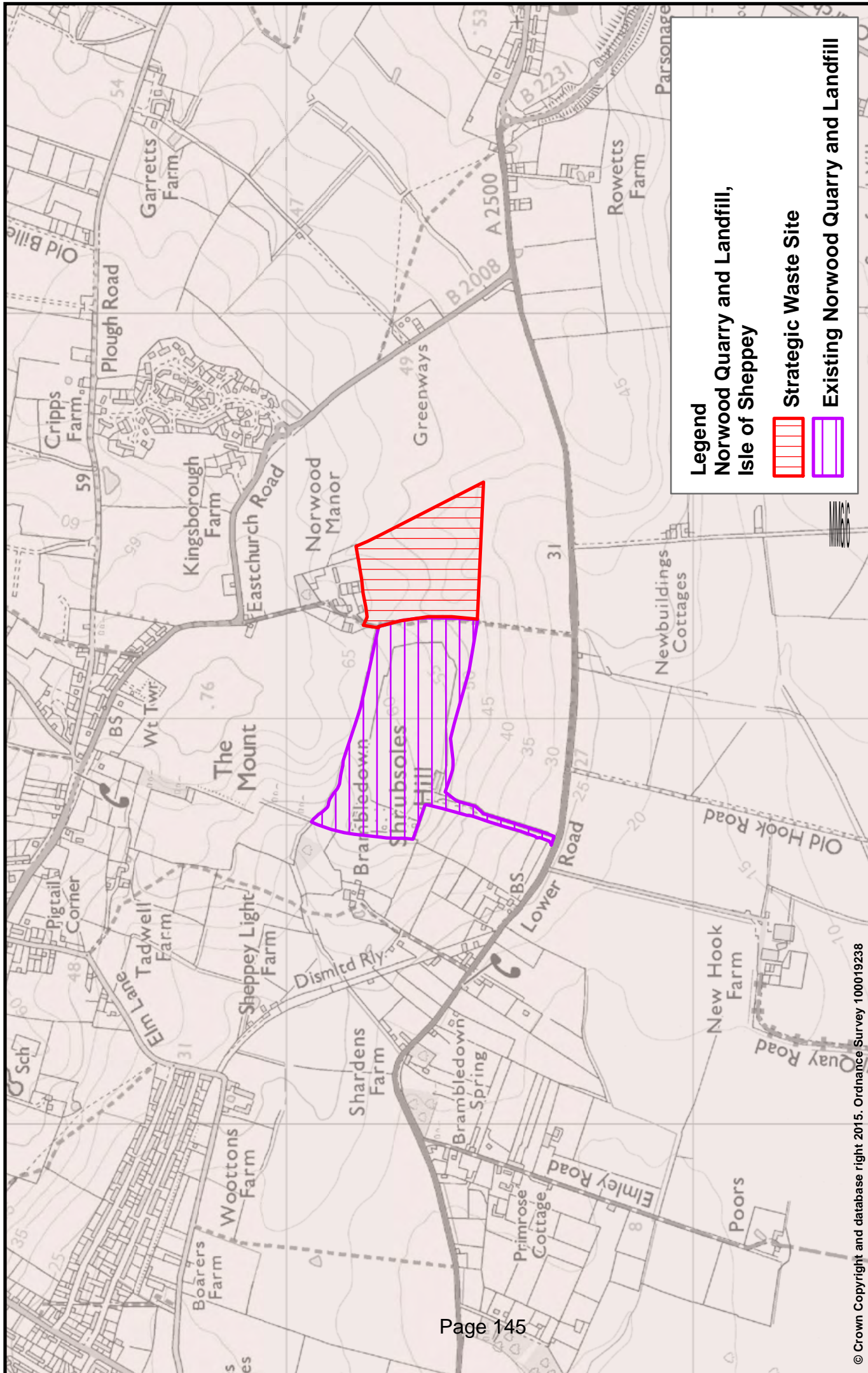
## Policy CSW 5

### Strategic Site for Waste

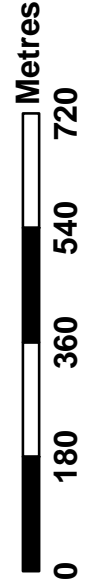
The proposed extension areas for Norwood Quarry and Landfill Site, Isle of Sheppey are together identified as the Strategic Site for Waste in Kent. The site location is shown on Figure 19. Unless criterion 1 below is satisfied, planning permission will not be granted for any other development other than 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 <sup>(80)</sup> 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.



1:12,000 at A4



Kent Minerals & Waste Local Plan

**Figure 19: Strategic Waste Site**

## 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.<sup>(81)</sup> 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.

## 6.6 Identifying Sites for Household Waste Recycling Centres

**6.6.1** The county has an existing well-established network of facilities for MSW for receiving household waste delivered by residents of Kent. These Household Waste Recycling Centres (HWRC) play an important role in meeting waste recovery and landfill diversion targets. The intention for the Plan period is to ensure facilities are provided to meet local population needs accounting for economic and projected housing growth. During the lifetime of the Plan, there is an intention to rationalise facilities. Proposals for Household Waste Recycling Centres will be considered against Policy CSW6: Location of Built Waste Management Facilities and relevant Development Management Policies.

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

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

**6.7.2** The term non-hazardous waste is regarded, for purposes of the Plan, as being synonymous with MSW<sup>(82)</sup> and C&I<sup>(83)</sup> waste and the non inert, non-hazardous, component of CDEW.

82 MSW is Municipal Solid Waste.

83 C&I is Commercial and Industrial waste.

**6.7.3** There is no intention to restrict the amount of new capacity for waste management for recycling or preparation of waste for reuse or recycling<sup>(84)</sup>, or for the provision of additional capacity for green and/or kitchen waste treatment since the sooner it is delivered, the greater the impact will be on reducing organic waste going to landfill, the most significant source of methane production.

**6.7.4** Implementing Policy CSW 7 will result in reducing the amount of Kent 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: 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.

**6.8.2** Proposals for additional recovery capacity will need to be designed to harness 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. 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<sup>(85)</sup>.

### **Policy CSW 8**

#### **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 Directive<sup>(86)</sup>.

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.

85 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. **Page 151**

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

## Policy CSW 9

### Non Inert Waste Landfill in Kent

Planning permission will only be granted for non inert<sup>(87)</sup> waste landfill if:

1. it can be demonstrated that the waste stream that needs to be landfilled cannot be managed in accordance with the objectives of Policy CSW2 and for which no suitable disposal capacity exists; and
2. environmental or other benefits will result from the development
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 as required by Policy DM 19.

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

**6.10.1** Following the completion of a landfill there needs to a considerable period of aftercare during which the site needs to be managed in order to prevent unacceptable adverse impacts to the environment and to bring the site into use. A 5-year aftercare programme following site restoration is normally required as part of the planning permission for the development of landfill site. However, potential problems can occur after the 5-year aftercare period, such as differential settlement, which can have an adverse effect upon land drainage. In particular, any landfill sites that contain biodegradable wastes need to be managed in order to prevent unacceptable adverse impacts to the environment from leachate or gas for a period considerably longer than five years. While the management of closed landfill sites is regulated by the Environment Agency (EA), there may be a need for new development at the site to ensure that the protection of the environment is continued. Policy CSW 10: Development at Closed Landfill Sites should be read in conjunction with Policy CSW 11: Permanent Deposit of Inert Waste, and any development at a closed landfill that includes the bringing of additional waste onto the site will need to demonstrate that the amount of waste being used is kept to a minimum.

87 Non inert waste landfill includes non hazardous waste landfill, separate cells within a non hazardous waste landfill provided to accept stable hazardous waste and dedicated hazardous waste landfill.

**Policy CSW 10****Development at Closed Landfill Sites**

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

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

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

**6.11.1** The most recent capacity assessment shows that there is currently 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.

**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 CSW 11

### Permanent Deposit of Inert Waste

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

1. it can be demonstrated that the waste cannot be managed in accordance with the objectives of Policy CSW2
2. it is for the restoration of landfill sites and mineral workings
3. environmental benefits will result from the development, in particular the creation of priority habitat
4. sufficient material is available to restore the site within agreed timescales.

## 6.12 Policy CSW 12: Identifying Sites for Hazardous Waste

**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.

**6.12.4** 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

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

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

**Policy CSW 13****Remediation of Brownfield Land**

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

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

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

**6.14.1** Retaining the navigable channels within the estuaries within Kent is the statutory duty of the Port of London Authority (PLA) and the Medway Ports Authority. When the dredged materials do not consist of aggregates or cannot be accommodated within projects to enhance the biodiversity of the estuaries, then landfill is the only option currently available.

## **Policy CSW 14**

### **Disposal of Dredgings**

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

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

**6.15 Policy CSW 15: Wastewater Development**

**6.15.1** Water treatment undertakers have a range of rights to carry out development without the need to obtain planning permission under the *Town and Country (General Permitted Development) Order 1995* (GPDO). However, new proposals for wastewater treatment works, sludge treatment and disposal facilities as well as extensions and some modifications to existing facilities will invariably require planning permission. In view of the need to locate new wastewater treatment works where they can service other developments and to connect to the existing wastewater network, the locational criteria Policy CSW 6 will not always be appropriate.

**Policy CSW 15**

**Wastewater Development**

Wastewater treatment works and sewage sludge treatment and disposal facilities will be granted planning permission, subject to:

1. there being a proven need for the proposed facility.

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

**6.16.1** The current stock of waste management facilities are important to maintaining net self-sufficiency. The loss of annual capacity at an existing permitted waste site could have an adverse effect upon delivering the waste strategy and so the protection of the existing stock of sites with permanent waste permission is as important to achieving the aims of the Plan as identifying new sites. Existing permitted sites with permanent permission for waste facilities can be protected through refusing permission for the redevelopment of these sites to non-waste uses. A list of waste sites is updated and published each year in the Kent MWLP AMR<sup>(88)</sup> Policy DM 8 identifies situations where development at, or in proximity to safeguarded waste management facilities would be acceptable.

**Policy CSW 16**

**Safeguarding of Existing Waste Management Facilities**

Sites that have permanent planning permission for waste management, or are allocated in the Waste Sites Plan are safeguarded from being developed for non waste management uses.

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

## 6.17 Radioactive Waste Management

**6.17.1** The subject of radioactive waste is complex as it covers waste arisings from nuclear power stations as well as small quantities of radioactive waste that arise from hospitals and other medical activities and research establishments. Details of national policy on this subject, as well as the details of Kent arisings and current management routes are given in the evidence base topic paper on radioactive wastes.<sup>(89)</sup> The following paragraphs define the various types of radioactive waste.

**6.17.2 High Level Wastes (HLW)** are defined as wastes in which the temperature may rise significantly as a result of their radioactivity, so that this factor has to be taken into account in designing storage or disposal facilities.<sup>(90)</sup>

**6.17.3 Intermediate Level Wastes (ILW)** are wastes with radioactivity levels exceeding the upper boundaries for low level wastes, but which do not require heating to be taken into account in the design of storage or disposal facilities.<sup>(91)</sup> ILW is retrieved and processed to make it passively safe and then stored pending the availability of the Geological Disposal Facility (GDF).

**6.17.4 Low Level Wastes (LLW)** are radioactive wastes, other than those suitable for disposal with ordinary refuse, but not exceeding 4 gigabecquerels per tonne of alpha activity, or 12 gigabecquerels per tonne of beta or gamma activity.<sup>(92)</sup> LLW does not normally require shielding during handling or transport. LLW consists largely of paper, plastics and scrap metal items that have been used in hospitals, research establishments and the nuclear industry. Across the UK, large volumes of soil, concrete and steel will need to be managed as nuclear power plants are decommissioned. LLW makes up more than 90% by volume of UK radioactive wastes (but contains less than 0.1% of the radioactivity).<sup>(93)</sup> Historically most of LLW from the nuclear industry was transferred to the Low Level Waste Repository (LLWR) in Cumbria. In recent years it has been recognised that the capacity of the LLWR is limited and that most types of LLW do not require the level of protection offered by such a highly engineered facility. Not all LLW needs to be transferred to the LLWR for subsequent disposal there. Some types of solid LLW arisings from nuclear power stations can be disposed of at suitably licensed landfill sites,<sup>(94)</sup> or can be incinerated.<sup>(95)</sup> The Waste Hierarchy has to be considered in order to deal with LLW in the most effective way, so minimising the use of the capacity at the LLWR in order to extend its life. Some LLW arisings are incinerated and some metals are recycled, so there are a number of routes that these waste streams take.

89 KCC (Updated January 2013) TRW6: Radioactive Waste.

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

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

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

93 DECC, the Welsh Government, DOE and the Scottish Government (12 March 2012). Strategy for the management of solid low level radioactive waste from the non nuclear industry in the UK. Part 1 -Anthropogenic radionuclide.

94 There are no radioactive waste landfills in Kent at the time of plan preparation.

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



**6.17.5 Very Low Level Waste (VLLW)** is a subcategory of LLW that contains limited amounts of solid radioactive waste that can be disposed of conveniently and without causing unacceptable environmental impacts, provided that it is mixed with large quantities of non-radioactive wastes which are themselves being disposed of.<sup>(96)</sup>

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

### **6.18 Policy CSW 17: Nuclear Waste Treatment and Storage at Dungeness**

**6.18.1** Kent has two nuclear power stations sites (Dungeness A and B) located on Dungeness (Figure 20 shows their location). Dungeness A (a twin reactor Magnox power station) operated from 1965 to the end of 2006 and is undergoing decommissioning that will continue until around 2097. Dungeness B (an Advanced Gas Cooled twin reactor) started operation in 1983 and is scheduled to end power generation in 2028, but operations may continue beyond then. The decommissioning of Dungeness B is likely to continue until 2111.<sup>(97)</sup>

**6.18.2** Both stations lie within an environmentally sensitive area adjacent to sites of international and national importance designated for their geology and biodiversity interests. Dungeness is the largest shingle site in Europe comprising approximately 2000 hectares of vegetated shingle, approximately half the English shingle habitat resource. The extent and compositions of shingle habitats found at Dungeness is unique in the UK and rare in northwest Europe. Designated European Sites, protected by the *Habitats* and *Wild Birds Directives*, cover large parts of the Dungeness Peninsula.

**6.18.3** If Dungeness C power station is built it will need storage facilities for radioactive wastes until the GDF is available, as well as facilities for the storage and/or management of other radioactive waste streams. Policy CSW 17 for the management of nuclear waste at Dungeness does not preclude Dungeness C being planned and constructed.

**6.18.4** Policy CSW 17 does not foreclose possible future solutions for consolidation and waste movements between sites (for treatment and/or storage). At the time of plan preparation, each Magnox site is currently planned to have its own ILW store and be 'self-sufficient' but the best options for consideration in the future may be for movements of waste between sites for storage. The nuclear power companies are looking at options for local, regional or national storage consolidation to compare these with the current plans. Options include co-locating waste from both Dungeness power stations (A and B) on one of those sites. The study looking at these issues was initiated in 2012. The nuclear power operators are required to make best use of processing facilities to minimise the overall impact of radioactive waste processing and disposal subject to due process and Best Available Techniques (BAT) assessment.

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

97 Source: KCC (May 2011) TRW6: Nuclear Wastes, quoting information from both Magnox Ltd and EDF Energy.

**6.18.5** In 2012, Shepway District Council considered whether to submit an expression of interest to host the GDF in Shepway. As part of this consideration Shepway District Council held a public referendum and on 19th September 2012 decided to recommend not to submit an expression of interest for hosting the GDF. Policy CSW 17 specifically precludes the management of waste from anywhere other than the nuclear power stations at this location and would preclude the development of a GDF at Dungeness.

## **Policy CSW 17**

### **Nuclear Waste Treatment and Storage at Dungeness**

Facilities for the storage and/or management of radioactive waste will be acceptable within the Nuclear Licensed area at Dungeness where:

1. this is consistent with the national strategy<sup>(98)</sup> for managing radioactive waste and discharges
2. the outcome of environmental assessments justify it being managed on site.

The only waste arisings from Dungeness Nuclear Licensed Site that will be acceptable as fill material for the back-filling of voids within the nuclear licensed site are inert (non-radioactive) wastes generated by the demolition of existing buildings and structures. Landfill or landraise activities that use radioactive wastes within the nuclear licensed site will not be granted planning permission.



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

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

### **Policy CSW 18**

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

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

1. where there is a proven need for the facility
2. some of the source material to be managed arises from within Kent.

## 7 Development Management Policies

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

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

### 7.1 Policy DM 1: Sustainable Design

**7.1.1** It is important that all minerals and waste developments are designed to minimise the impact upon the environment and Kent's communities. There is a need to reduce the amount of greenhouse gas emissions and other forms of emissions, minimise energy and water consumption, reduce waste production and reuse or recycle materials.

**7.1.2** Sustainable design initiatives can be achieved by a variety of means such as the incorporation of renewable energy, energy management systems, grey water recycling systems, sustainable drainage systems, energy efficient appliances and the use of recycled and recyclable building materials. Policy DM 1 supports some of the key priorities in the County Council's environmental strategy.<sup>(100)</sup>

### Policy DM 1

#### Sustainable Design

Proposals for minerals and waste development will be required to demonstrate that they have been designed to:

1. minimise greenhouse gas emissions and other emissions
2. minimise energy and water consumption and incorporate measures for water recycling and renewable energy technology and design in new facilities where possible
3. maximise the re-use or recycling of materials
4. utilise sustainable drainage systems wherever practicable
5. protect and enhance the character and quality of the site's setting and its biodiversity interests or mitigate and if necessary compensating for any predicted loss
6. minimise the loss of Best and Most Versatile Agricultural Land.

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

**7.2.1** Minerals and waste developments can have adverse impacts on sites of international, national and local importance. Kent has a wide range of landscapes and habitats that play an important role in supporting a variety of flora and fauna. The county also has an abundance of important heritage assets. Significant weight in planning terms is given to conserving landscape and scenic beauty of AONBs in which the conservation of wildlife and cultural heritage are important considerations.

**7.2.2** Locally important sites are also designated in recognition of their significance at the local level but do not normally carry the same level of protection as international or nationally designated sites. These sites include LWSs, priority habitat identified in BAP, Local Geological Sites, Locally Listed Heritage Assets, LNRs, Country Parks, Ancient Woodland and aged or veteran trees, waterbodies and other green infrastructure features.

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

**7.2.4** In addition to Policy DM 2, Policy DM 3 seeks to ensure that an adequate level of ecological assessment will be undertaken for Kent's biodiversity assets.

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

- the requirements set out in Policy CSM 2: Supply of Land-won Minerals, Policy CSW 6: Location of Built Waste Management Facilities and Policy CSW 7: Waste Management for Non-hazardous Waste
- all policies set out in Chapter 7: Development Management Policies
- relevant policies in district local plans
- strategic environmental information, including landscape assessment and HRA as appropriate

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

## Policy DM 2

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

Proposals for minerals and/or waste development will be required to ensure that there is no unacceptable adverse impact on the integrity, character, appearance and function, biodiversity interests, or geological interests of sites of international, national and local importance.

#### 1. International Sites

Minerals and/or waste proposals located within or considered likely to have any unacceptable adverse impact on international designated sites, including Ramsar, Special Protection Areas and Special Areas of Conservation (European Sites), will need to be evaluated in combination with other projects and plans. Before any such proposal will be granted planning permission or identified in the Minerals and Waste Sites Plans, it will need to be demonstrated that:

- a. there are no alternatives
- b. there is a robust case established as to why there are imperative reasons of overriding public interest
- c. there is sufficient provision for adequate timely compensation

#### 2. National Sites

2.1 Designated Areas of Outstanding Natural Beauty (AONB)<sup>(101)</sup> have the highest status of protection in relation to landscape and scenic beauty. Regard must be had to the purpose of the designation when exercising or performing any functions in relation to, or so as to affect land, in an AONB. For the purposes of this policy, such functions include the determination of planning applications and the allocation of sites in a development plan.

Planning permission for major minerals and waste development in a designated AONB will be refused except in exceptional circumstances and where it can be demonstrated that it is in public interest. In relation to other minerals or waste proposals in an AONB, great weight will be given to conserving its landscape and scenic beauty. Proposals outside, but within the setting of an AONB will be considered having regard to the effect on the purpose of conserving and enhancing the natural beauty of the AONB.

Consideration of such applications will assess;

101 The purpose of an AONB is set out in Section 82(1) of the Countryside and Rights of Way Act 2000 states as follows: the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty.

- a. the need for the development, including in terms of any national considerations and the impact of granting, or refusing, the proposal upon the local economy
- b. the cost of, and scope for developing elsewhere outside the designated area, or meeting the need in some other way
- c. any detrimental impact on the environment, the landscape and recreational opportunities, and the extent to which the impact could be moderated taking account of the relevant AONB Management Plan.

Sites put forward for allocation for minerals or waste development in the Minerals Site Plan or the Waste Sites Plan will be considered having regard to the above tests. Those that appear to the Minerals and Waste Planning Authority to be unlikely to meet the relevant test(s) will not be allocated.



2.2 Proposals for minerals and/or waste developments within or outside of designated Sites of Special Scientific Interest, that are considered likely to have any unacceptable adverse impact on a Site of Special Scientific Interest, will not be granted planning permission or identified in the Minerals and Waste Sites Plans except in exceptional circumstances where it can be demonstrated that:

- a. the benefits of the development outweigh any impacts that it is likely to have on the features of the site that make it of special scientific interest
- b. the benefits of the development outweigh any impacts that it is likely to have on the national network of Sites of Special Scientific Interest

2.3 Minerals and/or waste proposals located within or considered likely to have any unacceptable adverse impact on Ancient Woodland will not be granted planning permission, or identified in the Minerals and Sites Plans, unless the need for, and the benefits of the development in that location clearly outweigh any loss.

### 3. Local Sites

Minerals and/or waste proposals within the Local Sites listed below will not be granted planning permission, or identified in the Minerals and Sites Plans, unless it can be demonstrated that there is an overriding need for the development and any impacts can be mitigated or compensated for, such that there is a net planning benefit:

- a. Local Wildlife Sites
- b. Local Nature Reserves
- c. Priority Habitats and Species
- d. land that is of regional or local importance as a wildlife corridor or for the conservation of biodiversity
- e. Local Geological Sites
- f. irreplaceable habitat including aged and veteran trees
- g. Country Parks, common land and village greens and other important areas of open space or green areas within built-up areas

## Policy DM 3

### Ecological Impact Assessment

Proposals for minerals and waste developments will be required to ensure that they result in no unacceptable adverse impacts on Kent's important biodiversity assets. These include internationally, nationally and locally designated sites, European and nationally protected species, and habitats and species of principal importance for the conservation of biodiversity / Biodiversity Action Plan habitats and species.

Proposals that are likely to have unacceptable adverse impacts upon important biodiversity assets will need to demonstrate that an adequate level of ecological assessment has been undertaken and will only be granted planning permission following:

1. an ecological assessment of the site, including preliminary ecological appraisal and, where likely presence is identified, specific protected species surveys
2. consideration of the need for, and benefits of, the development and the reasons for locating the development in its proposed location
3. the identification and securing of measures to mitigate any adverse impacts (direct, indirect and cumulative)
4. the identification and securing of compensatory measures where adverse impacts cannot be avoided or mitigated for
5. the identification and securing of opportunities to make a positive contribution to the protection, enhancement, creation and management of biodiversity

## 7.3 Policy DM 4: Green Belt

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

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

**7.3.3** There is a presumption against inappropriate development within the Green Belt. Inappropriate development is, by definition harmful to the Green Belt and should not be approved except in very special circumstances. When considering any planning application, the planning authority will ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

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

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

**Policy DM 4**

**Green Belt**

Proposals for minerals and waste development within the Green Belt will be considered in light of their potential impacts, and shall comply with national policy and the NPPF.

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

**7.4.1** Kent's historic environment requires protection for the enjoyment and benefit of future generations. The historic environment covers all aspects of the environment resulting from the interaction between people and places through time, including all surviving physical remains of past human activity, whether visible, buried or submerged as well as landscaped and planted or managed flora.<sup>(102)</sup> The NPPF identifies the conservation of such heritage assets as one of the core land-use planning principles that underpin both plan-making and decision-taking; it states that heritage assets should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life by today's and future generations.<sup>(103)</sup>

102 As defined by DCLG (March 2012) National Planning Policy Framework, para. 52.

103 DCLG (March 2012) National Planning Policy Framework, para.17.

## Policy DM 5

### Heritage Assets

Proposals for minerals and waste developments will be required to ensure that Kent's heritage assets and their settings, including locally listed heritage assets, registered historic parks and gardens, Listed Buildings, conservation areas, World Heritage Sites, Scheduled Ancient Monuments, archaeological sites and features and defined heritage coastline,<sup>(104)</sup> are conserved in a manner appropriate to their significance.

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

## Policy DM 6

### Historic Environment Assessment

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

1. preliminary historic environment assessment, including field archaeological investigation where appropriate, to determine the nature and significance of the heritage assets
2. appropriate provision has been secured for preservation in situ, and/or archaeological excavation and recording and/or other historic environment recording as appropriate, including post-excavation analysis and reporting, archive deposition and access, and interpretation of the results for the local community, in accordance with the significance of the finds
3. agreement of mitigation of the impacts on the significance of the heritage assets, including their fabric, their setting, their amenity value and arrangements for reinstatement

## 7.5 Policy DM 7: Safeguarding Mineral Resources

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

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

**7.5.3** 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.

**7.5.4** The process of Local Plan formulation, including consultation, independent examination and subsequent adoption provides the opportunity to take account of, and address, the need for the safeguarding of mineral resources. In doing so, it can make a clear judgement that where land is allocated in a Local Plan for surface development, such as housing, the presence of a mineral resource, and the need for its safeguarding, has been factored into the consideration of whether the allocation is appropriate. For sites allocated for non-mineral development it will therefore usually be the case that an assessment of the relevant considerations (criteria 1 to 6 in Policy DM7) has already taken place. In some cases, the assessment will conclude that an allocated site should be exempt from mineral safeguarding. The approach to be taken to mineral assessment during the plan-making stage will be set out in the Safeguarding SPD.

**7.5.5** However, applications for non-mineral development located in MSAs, which are promoted as a 'windfall site' (sites not allocated in a development plan) or which are being promoted on allocated sites that have not been the subject of a 'Minerals Assessment, will usually need to be accompanied by such an assessment. This assessment will be prepared by the promoter and will include information 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. <sup>(105)</sup>

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

**7.5.7** Criterion 7 of Policy 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 including during preparation of Strategic Housing Land Availability Assessments.

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

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

## Policy DM 7

### Safeguarding Mineral Resources

Planning permission will only be granted for non-mineral development that is incompatible with minerals safeguarding,<sup>(106)</sup> 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 included in a Supplementary Planning Document.

## 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<sup>(107)</sup> 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.

106 In this context 'mineral safeguarding' should be taken to mean safeguarding certain minerals identified within a Mineral Safeguarding Area shown in the policies maps in Chapter 9 and allocations in the Minerals Sites Plan. **Page 173**

107 'Existing facilities' are taken as those have permanent planning permission for minerals and waste uses.

**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.

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

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

### Policy DM 9

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

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

1. the mineral extraction operations are only for a temporary period; and,
2. the proposal will not cause unacceptable adverse impacts to the environment or communities

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

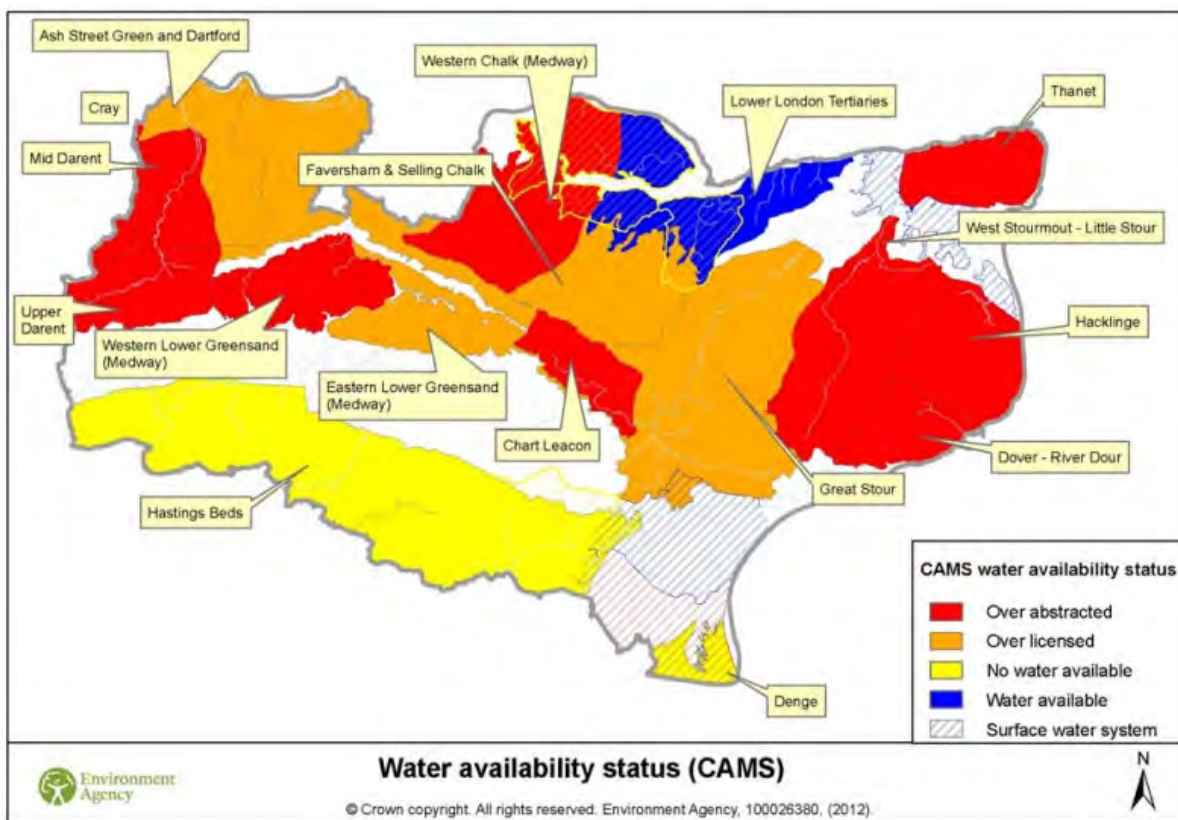
## 7.8 Policy DM 10: Water Environment

**7.8.1** Minerals and waste development can have significant impacts on flooding and water quantity and water quality. In Kent there are many catchments where there is little or no water available for abstraction during dry periods. Pressures are particularly notable in Kent as it is one of the driest parts of England and Wales, coupled with high population density and household water use (see Figure 21). Areas of mineral excavation

can often provide opportunities for water storage at times of flood and therefore mitigate against the effects of flooding. There are five sources of flooding that are considered in the SFRA:<sup>(108)</sup>

- flooding from rivers
- flooding from the sea
- flooding from rainfall
- flooding from groundwater
- flooding from sewers

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



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

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

- **Flood Zone 2:** Land within this flood zone has been assessed as having a medium probability of experiencing flooding from rivers and the sea (i.e. having between a 1 in 100 and 1 in 1000 annual probability of river flooding (1%-0.1%), or between a 1 in 200 and 1 in 1,000 annual probability of sea flooding (0.5%-0.1%) in any year). Sand and gravel workings, wharves, mineral workings and processing, waste treatment and landfill sites are appropriate developments for land within this flood zone.
- **Flood Zone 3:** Land within this zone has been assessed as having a high probability of experiencing flooding from rivers and the sea (between a 1 in 100 or greater annual probability of river flooding (>1%), or between a 1 in 200 or greater annual probability of sea flooding (>0.5%) in any year). Development within this flood zone should seek opportunities to reduce the overall level of flood risk through layout and form and appropriate use of sustainable drainage systems, relocating existing development to land in zones with lower risks of flooding and creating space for flooding to occur by restoring functional floodplain and flood flow pathways and by identifying and safeguarding open space for flood storage. Sand and gravel workings, wharves, mineral workings and the processing and treatment of waste (except landfill and hazardous waste facilities) are considered suitable for land-use in this zone.
- **Flood Zone 3b (The Functional Floodplain):** Land within this zone has been assessed as land where water has to flow or be stored in times of flood. Development within this zone should seek opportunities to reduce the overall level of flood risk in the area through the layout and form of the development and the appropriate application of sustainable drainage systems, or to relocate existing development to land with a lower probability of flooding. Sand and gravel workings and wharves are considered appropriate land-uses within this zone.

**7.8.3** Both flood water and groundwater may become contaminated if it comes into contact with certain types of wastes. It is therefore necessary for waste sites to be managed to ensure that the risk of water contamination from waste is minimised. Planning applications for sites located in areas prone to flooding must be accompanied by a suitable Flood Risk Assessment.

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

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

- **SPZ 3** is the Source Protection Catchment Zone and refers to the area around a source within which all groundwater recharge is presumed to be discharged at the source.
- **SPZ4** is a surface water catchment which drains into the aquifer feeding groundwater supply.

**7.8.5** To ensure compliance with the Water FD,<sup>(109)</sup> minerals and waste developments must not cause any unacceptable adverse impact on local water bodies. Applications for minerals and waste proposals within SPZs should be accompanied by a hydrogeological assessment. Waste operations are not usually considered compatible within SPZ1.

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

### **Policy DM 10**

#### **Water Environment**

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

1. result in the deterioration of physical state, water quality or ecological status of any water resource and waterbody, including rivers, streams, lakes and ponds
2. have an unacceptable impact on groundwater Source Protection Zones (as shown in Figure 15)
3. exacerbate flood risk in areas prone to flooding (as shown in Figure 15) and elsewhere, both now and in the future

All minerals and waste proposals must include measures to ensure the achievement of both no deterioration and improved ecological status of all waterbodies within the site and/or hydrologically connected to the site. A hydrogeological assessment may be required to demonstrate the effects of the proposed development on the water environment and how these may be mitigated to an acceptable level.

### **7.9 Policy DM 11: Health and Amenity**

**7.9.1** Minerals and waste development can have unacceptable adverse impacts on the environment and local communities. The use of machinery and lighting can result in noise, light and air pollution and also affect the amenity of nearby communities and businesses and other land uses such as sport, recreation or tourism. It is important that

the minerals and waste industry in Kent does not adversely impact upon the health and amenity of surrounding environment and communities, and appropriate suitable mitigation measures are used to reduce the risk of unacceptable adverse impacts occurring.

## **Policy DM 11**

### **Health and Amenity**

Minerals and waste development will be permitted if it can be demonstrated that they are unlikely to generate unacceptable adverse impacts from noise, dust, vibration, odour, emissions, bioaerosols, illumination, visual intrusion, traffic or exposure to health risks and associated damage to the qualities of life and wellbeing to communities and the environment. This may include production of an air quality assessment of the impact of the proposed development and its associated traffic movements and necessary mitigation measures required through planning condition and/or planning obligation. This will be a particular requirement where a proposal might adversely affect the air quality in an AQMA. (See Figure 15)

Proposals for minerals and waste development will also be required to ensure that there is no unacceptable adverse impact on the use of other land for other purposes.

### **7.10 Policy DM 12: Cumulative Impact**

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

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

**7.10.3** The following policy requires cumulative impacts to be considered when two or more developments are potentially capable of causing significant effects on the environment (including climate change), biodiversity interests or on the amenity of the local community. It is also relevant where a new development may affect communities or the environment cumulatively with existing developments.

## Policy DM 12

### Cumulative Impact

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

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

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

**7.11.2** Any minerals or waste developments that are likely to result in an increase of more than 200 Heavy Duty Vehicles (HDVs)/day<sup>(110)</sup> on any road that lies within 200m of a designated European Site will need to be subject to HRA screening to evaluate air quality impacts. It will be necessary for the applicant to demonstrate that either:

- the increased traffic will not lead to an increase in nitrogen deposition within all European Sites that lie within 200m that constitutes more than 1% of the critical load for the most sensitive habitat within the site, or
- If the increase in deposition will be greater than 1% of the critical load it will nonetheless be sufficiently small that no adverse effect on the interest features and integrity of the European Site will result.

**7.11.3** The aim of the Policy DM 13 is to minimise road miles in relation to the transportation of minerals and waste across Kent.

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

## Policy DM 13

### Transportation of Minerals and Waste

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

1. the proposed access arrangements are safe and appropriate to the scale and nature of movements associated with the proposed development such that the impact of traffic generated is not detrimental to road safety
2. the highway network is able to accommodate the traffic flows that would be generated, as demonstrated through a transport assessment, and the impact of traffic generated does not have an unacceptable adverse impact on the environment or local community.
3. emission control and reduction measures, such as deployment of low emission vehicles and vehicle scheduling to avoid movements in peak hours. Particular emphasis will be given to such measures where development is proposed within an AQMA. (Figure 15)

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

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



**Policy DM 14**

**Public Rights of Way**

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

1. satisfactory prior provisions for its diversion are made which are both convenient and safe for users of the Public Rights of Way
2. provision is created for an acceptable alternative route both during operations and following restoration of the site
3. opportunities are taken wherever possible to secure appropriate, improved access into the countryside

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

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

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

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

**Policy DM 15**

**Safeguarding of Transport Infrastructure**

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

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

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

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

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

**7.14.4** Certain types of minerals and waste developments may require an Environmental Statement (ES) to accompany the planning application.<sup>(111)</sup> The information contained within the ES will be taken into account in determining the application. If applicants consider that their proposals are likely to require an ES, they should seek guidance at an early stage on the need for and scope of the ES. All submitted applications will be screened and applicants advised if an ES is required, if one has not already been submitted.

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

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

- increases in nitrogen deposition within all European Sites that lie within 10 km constitute less than 1% of the critical load for the most sensitive habitat within the site or
- if the increase in nitrogen deposition will be greater than 1% of the critical load, it will nonetheless be sufficiently small that no adverse effect on the interest features and integrity of the European Site will result.

**7.14.7** Any minerals or waste development that is likely to result in an increase of HDVs on any road that lies within 200 m of a European Site should also be subject to HRA screening in order to evaluate air quality impacts within the context of the critical load, or critical level, and the 1% criterion cited above.

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

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

1. International Designated Sites, Special Areas of Conservation, Special Protection Areas and Ramsar sites.

**7.14.8** Table 1 identifies the screening distances from European Sites associated with particular impact pathways. Development projects that will lead to the pathways and fall within these zones will require HRA. The table does not preclude HRA being required in other circumstances.

## Policy DM 16

### Information Required In Support of an Application

Planning applications for minerals or waste management development must be supported by sufficient, relevant drawings, plans and information, including the information specified in the County Council's guidance notes for minerals and waste applications.<sup>(112)</sup>

## 7.15 Policy DM 17: Planning Obligations

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

## Policy DM 17

### Planning Obligations

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

1. revocation and consolidation of planning permissions
2. highways and access improvements

112 Applicants should refer to the following website for the most recent guidance on local information requirements and validation of applications: <http://www.kent.gov.uk/planningapplications>. Guidance will be reviewed and updated periodically.

3. traffic management measures including the regulation of lorry traffic
4. provision and management of off-site or advance tree planting and screening
5. extraction in advance of future development
6. environmental enhancement and the delivery of Local Biodiversity Action Plan Targets
7. protection and enhancement of internationally, nationally and locally important sites
8. landscape enhancement
9. protection of internationally, nationally and locally notable and protected species
10. long term management and monitoring of mitigation or compensation sites and their protection from further development
11. provision and long term maintenance of an alternative water supply should existing supplies be affected
12. archaeological investigation, analysis, reporting, publication and archive deposition
13. establishment of a liaison committee
14. long-term site management provision to establish and/or maintain beneficial after-use
15. improvement to the public rights of way network
16. financial guarantees to ensure restoration and long term maintenance is undertaken
17. measures for environmental, recreational, economic and community gain in mitigation or compensation for the effects of minerals and waste development
18. codes of construction practice for large<sup>(113)</sup> waste developments that incorporate the requirement for the majority of the construction workforce to be recruited locally. Opportunities for modern apprenticeships to be made available for a proportion of the construction workforce
19. the majority of the operational staff at large waste developments to be sourced from the local area and opportunities for modern apprenticeships and other nationally recognised training schemes to be available for a proportion of the workforce

113 A large waste development is one that has a capacity of over 100,000 tpa.

## 7.16 Policy DM 18: Land Stability

**7.16.1** Minerals and waste development can give rise to land instability if proposals are not properly planned and implemented. The issue needs to be considered and satisfactorily addressed when planning applications are determined. Where there is the possibility of land instability, applications for minerals and waste development should be accompanied by a stability report. Such a report should assesses the physical capability of the land, possible adverse impacts of any instability, possible adverse impacts on adjacent land, possible impacts on local amenity and conservation interests and any proposed remedial or precautionary measures.

**7.16.2** The aim of Policy DM 18 is to ensure that land stability is properly addressed during the operational phase(s) of minerals and waste development. Policy DM 19 addresses the issue in so far as it relates to restoration, aftercare and after-use.

### **Policy DM 18**

#### **Land Stability**

Planning permission will be granted for minerals or waste development where it is demonstrated that it will not result in land instability.

All minerals and waste proposals that could give rise to land instability must include a stability report and measures to ensure land stability.

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

**7.17.1** The nature of restoration activity depends on the choice of after-use, which is influenced by a variety of factors including the aspirations of the landowner(s) and the local community, the present characteristics of the site and its environs, any strategies for the area (e.g. biodiversity priorities), the nature, scale and duration of the proposed development and the availability and quality of soil resources. Where the proposal is to restore the site to agricultural use at existing ground levels, ensuring the availability of clean inert fill material is important to the deliverability of the scheme as is the availability of suitable topsoil (Policy CSW 10: Development at Closed Landfill Sites seeks to address this). Quarries have been restored through importation of non-hazardous and/or hazardous waste and the acceptability of this in principle would be considered against Policy CSW 9: Non Inert Landfill in Kent. It may be appropriate to retain some industrial archaeological features, geological exposures or landscapes within a quarry.

**7.17.2** Restoration, aftercare and after-use will usually seek to assure that the land is restored back to a quality that is at a level at least equivalent to that which it was prior to development commencing and wherever possible provide for the enhancement of the quality of the landscape, local environment or the setting of historic assets to the benefit of the local or wider community. Wherever possible, restoration schemes should include measures to improve biodiversity interests whatever the proposed after-use of the site. Restoration, aftercare and after-use may be secured through Planning Obligations as set out in Policy DM 17.

**7.17.3** To achieve high-quality restoration to an agricultural use or certain leisure uses (e.g. to parkland), a supply of suitable soils is normally required. In such cases all soil resources should be retained and managed on site for use in restoration. The way that soils are handled is also a key element for successful restoration to these uses. Details of the management and storage of soils, including timing and means of soil movements and types of machinery to be used will be required.

**7.17.4** In cases where insufficient soils exist on site the applicant will need to make provision for the supply of soils or soil making materials within an agreed timescale to ensure the timely restoration of the site. Planning consent will only be granted for the importation and processing of such materials (where soil making materials require prior processing) if proven necessary to ensure timely restoration. Stockpiles will need to be controlled such that soil quality is not adversely affected and there are no unintended adverse impacts resulting from, for example, visual appearance and drainage. No subsequent export of material will be allowed.

**7.17.5** For the initial years following restoration (usually a 5-year period but this may be extended e.g. when restoration is to a particular wildlife habitat) site aftercare measures are required to ensure that the reinstatement of soils and the planting or seeding carried out to meet restoration requirements is being managed so that the site will return to its intended after-use in a timely manner. These measures involve improving the structure, stability and nutrient value of soils, ensuring adequate drainage is available and securing the establishment and management of the grass sward, crop or planting areas, together with any other maintenance as may be required. The aftercare scheme normally requires two levels of details to be provided, these are:

- the outline strategy for the whole of the aftercare period
- a detailed strategy for the forthcoming year

**7.17.6** Restoration and aftercare plans should take into consideration community needs and aspirations. Local interest groups and community representatives should be consulted and their viewpoints incorporated into the proposals wherever possible and appropriate. Restoration and aftercare plans for mineral development need to be reviewed and updated periodically, in accordance with legislation.<sup>(114)</sup> Policy DM 19 identifies the issues that need to be addressed in relation to the restoration, aftercare and after-use of minerals extraction and temporary waste management development.

## **Policy DM 19**

### **Restoration, Aftercare and After-use**

Planning permission for minerals extraction and temporary waste management development will be granted where satisfactory provision has been made for high standards of restoration and aftercare such that the intended after-use of the site is achieved in a timely manner, including where necessary for its long-term management.

Restoration plans should be submitted with the planning application which reflect the proposed after-use and, where appropriate, include the details set out below:

1. a site-based landscape strategy for the restoration scheme
2. the key landscape and biodiversity opportunities and constraints ensuring connectivity with surrounding landscape and habitats
3. the geological, archaeological and historic heritage and landscape features and their settings
4. the site boundaries and areas identified for soil and overburden storage
5. an assessment of soil resources and their removal, handling and storage
6. an assessment of the overburden to be removed and stored
7. the type and depth of workings and information relating to the water table

114 The Environment Act (1995) introduced a requirement for an initial review and updating of all old mineral planning permissions (known as the 'Review of Mineral Permissions' or 'ROMP' process). There is no fixed period when periodic reviews should take place so long as the first review is no earlier than 15 years after planning permission is granted or, in the case of an old permission, 15 years of the date of the initial review. Any further reviews should be at least 15 years after the date of the last review.



8. storage locations and quantities of waste/fill materials and quantities and types of waste/fill involved
9. proposed infilling operations, sources and types of fill material
10. the arrangements for monitoring and the control and management of landfill gas
11. consideration of land stability after restoration
12. directions and phasing of working and restoration and how they are integrated into the working scheme
13. the need for and provision of additional screening taking account of degrees of visual exposure
14. details of the proposed final landform including pre and post settlement levels
15. types, quantities and source of soils or soil making materials to be used
16. a methodology for management of soils to ensure that the pre-development soil quality is maintained
17. proposals for meeting targets or biodiversity gain in relation to the Kent Priority Habitats (or its replacement), the Kent Biodiversity Opportunity Areas and the Greater Thames Marshes Nature Improvement area
18. removal of all buildings, plant, structures, accesses and hardstanding not required for long term management of the site
19. planting of new native woodlands
20. installation of drainage to enable high quality restoration and after-use
21. measures to incorporate flood risk mitigation opportunities
22. details of the seeding of grass or other crops and planting of trees, shrubs and hedges
23. a programme of aftercare to include details of vegetation establishment, vegetation management, biodiversity habitat management, field drainage, irrigation and watering facilities
24. the restoration of the majority of the site back to agriculture, if the site consists of the best and most versatile agricultural land

Aftercare schemes should incorporate an aftercare period of at least five years. Where appropriate, voluntary longer periods for certain uses will be sought through agreement between the applicant and minerals planning authority.

## 7.18 Policy DM 20: Ancillary Development

**7.18.1** Policy DM 20 seeks to provide certainty that proposals for ancillary development within or close to minerals and waste development will be permitted, even when there may be an adverse environmental impact, so long as it is possible to demonstrate that there are environmental benefits in providing the close link with the existing site that outweighs the likely environmental impacts.

### **Policy DM 20**

#### **Ancillary Development**

Proposals for ancillary development<sup>(115)</sup> within or in close proximity to mineral and waste development will be granted planning permission provided that:

1. the proposal is necessary to enable the main development to proceed
2. it has been demonstrated that there are environmental benefits in providing a close link with the existing site that outweigh the environmental impacts.

Where permission is granted, the operation and retention of the associated development will be limited to the life of the linked mineral or waste facility.

115 "Ancillary Development" is defined in the Town and Country Planning Act S90. In relation to minerals and waste developments "ancillary development" only includes development that is directly related to the minerals or waste development proposed.

## 7.19 Policy DM 21: Incidental Mineral Extraction

7.19.1 Policy DM 21 seeks to provide certainty that proposals for incidental mineral extraction will be permitted provided that operations do not cause unacceptable adverse impacts to the environment or communities.

### **Policy DM 21**

#### **Incidental Mineral Extraction**

Planning permission for mineral extraction that forms a subordinate and ancillary element of other development will be granted provided that operations are only for a temporary period. Where planning permission is granted, conditions will be imposed to ensure that the site can be restored to an alternative after-use in accordance with Policy DM 19 should the main development be delayed or not implemented.

## 7.20 Policy DM 22: Enforcement

7.20.1 The Plan seeks to promote sustainable development within Kent. Positive and balanced policies have been designed to help support and encourage this principle. Hand-in-hand with this objective is the need to ensure a general upholding of planning law. Within this context, informal and negotiated solutions to planning control problems are sought, acting with discretion and in a proportionate way. However, there will be occasions when determined planning breaches cause significant environmental and amenity issues and may threaten the integrity of the planning system. To fully meet such challenges requires the actions of a local control and management regime and the support of a recognised policy base.

### **Policy DM 22**

#### **Enforcement**

The County Council will carry out its planning enforcement functions within the terms of its own Enforcement Plan/Protocols (and any subsequent variations) and specifically for waste-related matters, in light of the European Union Waste Framework Directive 2008/98/EC.

## 8 Managing and Monitoring the Delivery of the Strategy

**8.0.1** Monitoring is an important part of evidence-based policy making. The NPPF states that local planning authorities should ensure that the local plan is based on adequate, up-to-date and relevant evidence.<sup>(116)</sup> The Kent MWLP therefore requires a monitoring schedule to ensure it remains based on up-to-date evidence and to measure the effectiveness of its vision and objectives.

**8.0.2** The monitoring and implementation framework set out in this section shows how the Strategic Objectives of the Kent MWLP will be achieved by monitoring data indicators relevant to each of the Plan's policies. The framework includes targets against which the performance of the policies can be monitored, plus associated 'trigger points' to indicate when corrective action may be required. The monitoring of each indicator will be carried out as part of the production of the Kent Annual Monitoring Report. Policies may be subject to review if annual monitoring indicates that significant, adverse trends are likely to continue.

**8.0.3** Following the enactment of the *Localism Act 2011* it is now the responsibility of each local authority to decide what to include in its monitoring reports, while satisfying the information requirements of relevant UK and EU legislation. KCC still attaches importance to the form of core national output indicators, used as the basis for monitoring in previous years, and will continue to report on these indicators. These are:

- production of primary land-won aggregates
- production of secondary and recycled aggregates
- capacity of waste management facilities by type
- amount of municipal waste arising and managed, by management type and the percentage each management type represents of the total waste managed

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116 DCLG (2012) National Planning Policy Framework, para. 158.

**8.0.4** In addition, KCC also monitors local output indicators as follows:

- new mineral reserves granted permission
- construction aggregate landbanks
- other minerals landbanks
- safeguarding of wharves and rail depots
- sales of construction aggregates at wharves and rail depots
- waste growth rate
- Exports and imports of waste.
- capacity for managing waste in Kent

**8.0.5** Data for many of the mineral related indicators is supplied by the South East England Aggregate Working Party (SEEAWP). KCC intends to include these local output indicators in the AMR and/or the Local Aggregate Assessment (LAA) for as long as the data remains available. In accordance with the agreements with industry and their trade associations, this information is only available in a collated form, so individual site information cannot be easily identified. This can cause problems for planning for minerals, especially where there is a limited number of suppliers of particular types of mineral such as brickearth or crushed rock. The SEEAWP reports also provide a limited amount of information on secondary and recycled aggregates. The potential problem with this source of material is that some operators are reluctant to provide survey returns and so the values obtained are considered likely to be an under-representation of the actual amount of secondary and recycled aggregates produced in Kent in any one year.

**8.0.6** The National Planning Policy for Waste<sup>(117)</sup> also refers to specific parameters being monitored to inform the determination of planning applications. In particular:

- take-up in allocated sites and areas;
- existing stock and changes in the stock of waste management facilities, and their capacity (including changes to capacity); and
- the amounts of waste recycled, recovered or going for disposal.

**8.0.7** The supporting Planning Practice Guidance<sup>(118)</sup> also refers to the need to monitor annual arisings to allow for review of the forecasts that underpin the strategy.

**8.0.8** Data on Local Authority Collected Waste is readily available and reported to central Government on an annual basis. Data on C&I waste arisings is less readily available. Similarly, until now there has not been any regular reporting of hazardous waste arisings in Kent or the amount of hazardous waste managed in the county. This information was collated as part of the evidence base for the Plan.<sup>(119)</sup> It is proposed to include the following additional new local output indicators to monitor the effectiveness of the Kent MWLP policies regarding these waste streams in future AMRs:

- C&I waste generated in Kent that is landfilled within Kent and outside Kent
- hazardous waste arising in Kent that is managed within Kent and outside Kent

**8.0.9** The following monitoring schedule includes considers how each of the Plan's Strategic Objectives will be implemented through the Plan's policies and how their achievement will be monitored.

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117 DCLG (October 2014) National Planning Policy for Waste, para.9

118 DCLG (updated October 2014) National Planning Policy Framework Planning Practice Guidance on Waste, para. 054

119 KCC (May 2011) TRW5: Hazardous Waste Management

**Monitoring Schedule: Sustainable Development Policies**

Policy	Indicator(s)	Who?	How?	When?	Target	Trigger	Link to Strategic Objective
CSM 1 & CSW 1: Sustainable Development	1. Mineral and waste applications granted contrary to national policy and guidance.	KCC	DM decisions	On-going (annual monitoring)	No application granted planning permission contrary to national policy and guidance	One application permitted contrary to national policy and guidance	SO1; SO2
	2. Minerals and waste applications determined within 13 / 16 weeks.	KCC	DM decisions	On-going (annual monitoring)	100% within the target/ agreed timescale	One application determined beyond the agreed timescale	SO1; SO2
DM 1: Sustainable Design	1. Minerals and waste applications granted that accord with the Kent Design Guide and/or KCC's environmental strategy.	KCC District authorities	District authority local plan adoption	On-going (annual monitoring)	100% of major applications granted planning permission	One application permitted contrary to the cited guidance	SO1; SO2; SO3; SO5; SO11; SO12
	2. Adoption of the Kent Design Guide by district authorities	KCC District authorities	District authority local plan adoption	On-going (annual monitoring)	100% adoption as supplementary planning guidance	One authority without the adopted supplementary guidance	

### Monitoring Schedule: Delivery Strategy for Minerals

Policy	Indicator(s)	Who?	How?	When?	Target	Trigger	Link to Strategic Objective
D a g CSM12: Supply of Sand-won Minerals in Kent	1. Reserve data for sharp sand and gravel	KCC Minerals operators	Aggregates Monitoring Survey	Annual data collection from the previous calendar year	Maintain at least 10.08mt and at least a 7 year landbank (5.46mt) while resources allow	Permitted reserves equivalent to 10% above supply target	SO5;
	2. Reserve data for soft sand	KCC Minerals operators	Aggregates Monitoring Survey	Annual data collection from the previous calendar year	Maintain a rolling landbank of at least 7 years supply equivalent to 11.05mt	Permitted reserves equivalent to 10% above landbank target	SO5;
	3. Reserve data for crushed rock (confidential) <sup>(121)</sup>	KCC Minerals operators	Aggregates Monitoring Survey	Annual data collection from the previous calendar year	Maintain a rolling landbank of at least 10 years supply equivalent to at least 20.5mt)	Permitted reserves equivalent to 10% above landbank target	SO5;
	4. Reserve data for brickearth and clay for brick and tile manufacture	KCC Minerals operators	KCC Survey	Annual data collection from the previous calendar year	Stock of permitted reserves of at least 25 years for brickearth Maintenance of sufficient reserves of clay based on past sales and market demand	Permitted reserves equivalent to less than three years above the minimum stock of permitted reserves target	SO5;

121 The sales and reserves of land-won crushed rock are not published as there are only two sites currently producing crushed rock in Kent; the total sales data from three or more sites are required in order to protect commercial confidentiality.



## 8 Managing and Monitoring the Delivery of the Strategy

Policy	Indicator(s)	Who?	How?	When?	Target	Trigger	Link to Strategic Objective
	5. Reserve data for silica sand	KCC Minerals operators	KCC Survey	Annual data collection from the previous calendar year	Stock of permitted reserves for individual sites of at least 10 years and 15 years for sites where significant new capital is required	Permitted reserves equivalent to less than three years above the minimum stock of permitted reserves target	SO5;
	6. Reserve data for chalk for agricultural and engineering purposes	KCC Minerals operators	KCC Survey	Annual data collection from the previous calendar year	Maintenance of sufficient reserves to meet supply requirements for the plan period	Permitted reserves equivalent to less than three years of reserves at current (annual) rates	SO5;
	7. Reserve data for clay engineering purposes	KCC Minerals operators	KCC Survey	Annual data collection from the previous calendar year	Maintenance of sufficient reserves to meet supply requirements for the plan period	Permitted reserves equivalent to less than three years of reserves at current (annual) rates	SO5;
CSM 3: Strategic Site for Minerals	1. Planning applications granted for alternative development within the Strategic Site for Minerals at Medway Cement	KCC Tonbridge & Malling Borough Council	DM decisions	On-going (annual monitoring)	100% refusal for proposals with an objection from the County Council	One application permitted with an objection from the County Council	SO5;

Policy	Indicator(s)	Who?	How?	When?	Target	Trigger	Link to Strategic Objective
	Works and the Minerals Consultation Area.						
CSM 4: Non-identified Land-won Mineral Sites	1. Planning applications granted for mineral extraction at alternative sites outside allocated sites	KCC	DM decisions	On-going (annual monitoring)	100% of applications meeting all policy criteria granted planning permission	One application permitted that does not meet all policy criteria	SO5;
CSM 8: Secondary and Recycled Aggregates	1. Identification of secondary and recycled aggregate capacity in the Minerals Sites Plan. 2. Planning applications granted for secondary and recycled aggregate production.	KCC Secondary and recycled aggregate operators  KCC	Mineral Sites Plan DM decisions	Adoption of the Mineral Sites Plan On-going (annual monitoring)  On-going (annual monitoring)	To maintain at least 2.7mtpa of processing capacity throughout the plan period  100% of applications meeting all policy criteria granted planning permission	Processing capacity falls by the equivalent to 10% below the target capacity  One application permitted that does not meet all policy criteria	SO2; SO6; SO10

Policy	Indicator(s)	Who?	How?	When?	Target	Trigger	Link to Strategic Objective
CSM 9: Building Stone in Kent	1. Planning applications granted for building stone extraction.	KCC	DM decisions	On-going (annual monitoring)	100% of applications meeting all policy criteria granted planning permission	One application permitted that does not meet all policy criteria	SO5; SO8;
CSM 10 : Oil, Gas and Unconventional Hydrocarbons	1. Planning applications granted associated with the exploration, appraisal and development of oil, gas and unconventional hydrocarbons.	KCC	DM decisions	On-going (annual monitoring)	100% of applications meeting all policy criteria granted planning permission	One application permitted that does not meet all policy criteria	SO1; SO2; SO3; SO9
CSM 11: Prospecting for Carboniferous Limestone	1. Planning applications granted for underground limestone prospecting.	KCC	DM decisions	On-going (annual monitoring)	100% of applications meeting all policy criteria granted planning permission	One application permitted that does not meet all policy criteria	SO5;

Policy	Indicator(s)	Who?	How?	When?	Target	Trigger	Link to Strategic Objective
CSM 12: Sustainable Transport of Minerals	1. Planning applications granted for the sustainable transport of minerals (e.g. water or rail).	KCC	DM decisions	On-going (annual monitoring)	100% of applications meeting all policy criteria granted planning permission	One application permitted that does not meet all policy criteria	SO1; SO2; SO3; SO5; SO7; SO12; SO14;

### Monitoring Schedule: Delivery Strategy for Waste

Policy	Indicator(s)	Who?	How?	When?	Target	Trigger	Link to Strategic Objective
CSW 2: Waste Hierarchy	1. Existing waste capacity by facility type and Waste Hierarchy category.	KCC EA	EA waste management facility data DM information	On-going (annual monitoring, when data is made public)	Increasing the proportions of waste management capacity further up the waste hierarchy	Relative and total fall in the proportion of waste capacity provided further up the waste hierarchy	SO2; SO3; SO11; SO12; SO13
	2. Planning applications for waste management to include information on how the proposal will help drive waste to ascend the Waste Hierarchy wherever possible and practicable	KCC Waste operators	DM decisions and information	On-going (annual monitoring)	100% of proposals granted planning permission providing the required information where relevant	One application permitted without the required information	

Policy	Indicator(s)	Who?	How?	When?	Target	Trigger	Link to Strategic Objective
CSW 3: Waste Reduction	1. All development applications (122) submitted with details of the compliance to policy CSW 3 as applicable	KCC District authorities	DM decisions	On-going (annual monitoring)	100% of applications granted planning permission providing the required information where relevant	One application permitted without the required information	SO2; SO3; SO6; SO10; SO11; SO13
CSW 4: Strategy for Waste Management Capacity	1. Annual capacity of waste management facilities.	KCC EA	Planning permission data Data on flows to and from permitted waste management facilities of waste arising from Kent	On-going (annual monitoring)	LACW: Recycling/composting rates at least 50% by 2020/21, 55% by 2025/26 and 60% by 2030/31; Landfilling no more than 2% by 2020/21, 2% in 2025/26 and 2% in 2030/31 C&I Waste: Recycling/composting rates at least 50% by	Capacity fallen to 10% above the target capacity beyond the years stated	SO1; SO6; SO10; SO11; SO13

Policy	Indicator(s)	Who?	How?	When?	Target	Trigger	Link to Strategic Objective
					2020/21, 55% by 2025/26 and 60% by 2030/31  Landfilling no more than 15% by 2020/21, 12.5% in 2025/26 and 10% in 2030/31  C%D Waste (Non-inert):  Recycling rates at least 12% by 2020/21, 13% by 2025/26 and 14% by 2030/31  Composting rates at least 1% by 2020/21, 1% in 2025/26 and 1% in 2030/31  Landfilling no more than 2% by 2020/21, 1% in 2025/26 and 0.5% in 2030/31		

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Policy	Indicator(s)	Who?	How?	When?	Target	Trigger	Link to Strategic Objective
	2. Net self-sufficiency plus proportion of London's waste.	KCC EA	Data on flows to and from permitted waste management facilities in Kent	On-going (annual monitoring)	Tonnages of waste arising from Kent equivalent to the tonnages of waste managed within Kent Capacity for residual waste from London	More than -10% difference in the annual levels of imports and exports Spare consented capacity falls below forecast need for Kent by 10%	
Page 205 CSW 5: Strategic Site for Waste	1. Planning decisions resulting in development (other than mineral working with restoration through the landfilling of hazardous flue dust from Energy from Waste plants in Kent <sup>(123)</sup> ) on or near the Strategic Site for Waste that could adversely affect development of required capacity to serve Allington EfW.	Swale Borough Council	DM decisions	On-going (annual monitoring)	100% refusal for applications with an objection from the County Council	One application permitted with an objection from the County Council	SO13; SO14;

123 Note that in the event that government policy changes such that hazardous flue dust from Energy from Waste plants can no longer be landfilled, restoration by other means may be possible

Policy	Indicator(s)	Who?	How?	When?	Target	Trigger	Link to Strategic Objective
	2. An appropriate planning application granted on the Strategic Site for Waste	KCC	DM decisions	On-going (annual monitoring)	100% of applications meeting all policy criteria granted planning permission	One application permitted that does not meet all policy criteria	
CSW 7: Waste Management for Non-Hazardous Waste	1. Planning applications granted for non-hazardous waste developments	KCC	DM decisions and conditions	On-going (annual monitoring)	100% of applications meeting all policy criteria granted planning permission	One application permitted that does not meet all policy criteria	SO2; SO3; SO11; SO13; SO14;
Page 206	1. Percentage of waste managed in Kent diverted from landfill.	KCC WMU KCC EA	EA waste management facility data National survey data	On-going (annual monitoring- when national data is made public)	Landfilling of no more than 5% of household waste by 2020/21	Within 10% of the target maximum for the household waste landfill diversion target at or beyond the dates stated	SO2; SO3; SO11
CSW 8: Recovery Facilities for Non-hazardous Waste	2. Remaining capacity of non-hazardous landfill. 3. Planning applications granted for EfW Facilities and their capacity.	KCC WMU KCC EA	EA waste management facility data DM information and decisions	On-going (annual monitoring)	Maintain sufficient voidspace for residual waste to the end of the plan period Planning permission granted for a maximum of 437,500 tonnes of	Sufficient capacity for net self sufficiency (import and export levels) for non-inert management capacity plus 10% Insufficient capacity for non hazardous landfill to manage predicted level of non hazardous waste	SO12; SO13; SO14;



Policy	Indicator(s)	Who?	How?	When?	Target	Trigger	Link to Strategic Objective
					<p>non hazardous waste recovery facility</p> <p>100% of applications meeting all policy criteria granted planning permission</p>	<p>requiring final disposal plus 10% at end of the plan period</p> <p>One application permitted that does not meet all policy criteria</p>	
<p>Part of CSW 9: Non-inert Waste Landfill in Kent</p>	<p>1. Planning decisions resulting in non-inert waste landfilling</p>	<p>KCC District authorities</p>	<p>KCC &amp; District authority DM decisions</p>	<p>On-going (annual monitoring)</p>	<p>100% of applications meeting all policy criteria granted planning permission</p>	<p>One application permitted that does not meet all policy criteria</p>	<p>SO3; SO11; SO14; SO15</p>
<p>CSW 10: Development at Closed Landfill Sites</p>	<p>1. Planning applications granted on closed Biodegradable Landfill Sites for the developments listed in Policy CSW 10</p>	<p>KCC</p>	<p>DM decisions</p>	<p>On-going (annual monitoring)</p>	<p>100% of applications meeting all policy criteria granted planning permission</p>	<p>One application permitted that does not meet all policy criteria</p>	<p>SO2; SO3; SO10; SO11; SO15</p>

Policy	Indicator(s)	Who?	How?	When?	Target	Trigger	Link to Strategic Objective
CSW11: Permanent Deposit of Inert Waste	1. Annual volume of CDE waste arisings.	KCC	National survey data DM decisions and information	On-going (annual monitoring-when national data available)	Timely restoration of landfills and mineral working where their restoration requires fill material	Delay in restoration timetable of landfills and mineral workings due to lack of available suitable fill material  Delay in development of mineral extraction sites where phasing requires progressive restoration.	SO3; SO10; SO11; SO14; SO15
	2. Annual CDE waste recycling capacity.	KCC	National survey data DM decisions and information	On-going (annual monitoring-when national data available)	Suitable sites allocated in the Waste Sites Plan to maintain the minimum capacities stated in CSW 8 throughout the Plan period	More than 10% deficit in the actual capacity provided at or beyond the dates stated in CSW 8	
	3. Planning applications granted for permanent deposit of inert waste.	KCC	DM decisions	On-going (annual monitoring)	100% of applications meeting all policy criteria granted planning permission	One application permitted that does not meet all policy criteria	

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Policy	Indicator(s)	Who?	How?	When?	Target	Trigger	Link to Strategic Objective
CSW 12: Identifying Sites for Hazardous Waste	1. Capacity of hazardous waste management facilities.	KCC EA	DM information EA data on hazardous waste movements	On-going (annual monitoring)	Annual net self-sufficiency in hazardous waste	Capacity fallen to 90% of capacity for net self sufficiency	SO10; SO3; SO14;
	2. Planning decisions resulting in permitted built hazardous waste management facilities	KCC District authorities	KCC & District authority DM decisions	On-going (annual monitoring)	100% of applications meeting all relevant policy criteria in CSW 6 granted planning permission	One application permitted that does not meet all policy criteria	
CSW 13: Remediation of Brownfield Land	1. Temporary waste related planning applications granted on brownfield land that facilitate its redevelopment	KCC District authorities	DM decisions Sites identified in an adopted district local plan	On-going (annual monitoring)	100% of applications meeting all policy criteria granted planning permission	One application permitted that does not meet all policy criteria	SO2; SO3; SO4; SO14; SO15
CSW 14: Disposal of Dredgings	1. Planning applications granted for the disposal of dredgings.	KCC	DM decisions	On-going (annual monitoring)	100% of applications meeting all policy criteria	One application permitted that does not meet all policy criteria	SO3; SO14

Policy	Indicator(s)	Who?	How?	When?	Target	Trigger	Link to Strategic Objective
					granted planning permission		
CSW 15: Wastewater Development	1. Wastewater treatment works, sewage sludge treatment and disposal facilities granted planning permission.	KCC	Sites identified in the Waste Sites Plan	Adoption of the Waste Sites Plan	100% of applications meeting all policy criteria granted planning permission	One application permitted that does not meet all policy criteria	SO1; SO3; SO12; SO14;
CSW 17: Nuclear Waste Treatment and Storage at Dungeness	1. Planning applications granted for storage and/or management of radioactive waste in the licensed area at Dungeness.	KCC	DM decisions	On-going (annual monitoring)	100% of applications meeting all policy criteria granted planning permission	One application permitted that does not meet all policy criteria	SO2; SO3; SO12; SO14
CSW 18: Non-nuclear Industry Radioactive Low Level (LLW) Waste Management	1. Planning applications granted for facilities managing non-nuclear LLW and VLLW waste.	KCC	DM decisions	On-going (annual monitoring)	100% of applications meeting all policy criteria granted planning permission	One application permitted that does not meet all policy criteria	SO3; SO12; SO14
	2. Monitoring of waste material source.	KCC	Planning application information	On-going (annual monitoring)	100% of applications granted planning permission providing the required information	One application permitted without the required information	

**Monitoring Schedule: Minerals and Waste Safeguarding Strategy**

Policy	Indicator(s)	Who?	How?	When?	Target	Trigger	Relevant Strategic Objective
Pa g 5: Lan Min Safeguarding	1. Decisions resulting in non-mineral development permitted within Kent MSAs.	KCC District authorities	District/ Borough Council DM decisions	On-going (annual monitoring)	100% refusal for applications with an objection from the County Council	One application permitted with an objection from the County Council	SO3; SO5
	2. Decisions resulting in non-mineral development permitted within the separate MCA adjacent to the Strategic Site for Minerals at Medway Works, Holborough.	KCC District authorities	District/ Borough Council DM decisions	On-going (annual monitoring)	100% refusal for applications with an objection from the County Council	One application permitted with an objection from the County Council	
	3. Decisions resulting in non-mineral development permitted on sites for mineral working within the plan period identified in Appendix C and in the Minerals Sites Plan.	KCC District authorities	District/ Borough Council DM decisions Mineral Sites Plan	On-going (annual monitoring) Adoption of the Mineral Sites Plan	100% refusal for applications with an objection from the County Council	One application permitted with an objection from the County Council	

Policy	Indicator(s)	Who?	How?	When?	Target	Trigger	Relevant Strategic Objective
	4. Review of Minerals Safeguarding Areas (MSAs)	KCC	KCC	On-going (annual monitoring)	The need to revise the boundaries of the MSAs has been reviewed at least once each year	MSAs not reviewed in any one year	
CSM 6: Safeguarded Wharves and Rail Depots	1. Decisions resulting in non-mineral development permitted within 250m of safeguarded minerals transportation facilities listed in Policy CSM 6 (124) and allocated sites in the Mineral Sites Plan (other than the developments listed in Policy DM8 criteria 1)	KCC District authorities	District authority DM decisions	On-going (annual monitoring) Adoption of the Minerals Sites Plan	100% refusal for applications with an objection from the County Council	One application permitted with an objection from the County Council	SO1; SO2; SO7
CSM 7: Safeguarding Other Mineral Plant Infrastructure	1. Decisions resulting in other development permitted on, or within 250m of, sites safeguarding for other mineral plant infrastructure	KCC District authorities	KCC & District authority DM decisions	On-going (annual monitoring)	100% refusal for proposals with an objection from the County Council	One application permitted with an objection from the County Council	SO1; SO2; SO6; SO7

124 Boundaries of the safeguarding facilities are shown in Chapter 9.1 Adopted Policies Maps - Safeguarded Wharves and Rail Importation Depot

8 Managing and Monitoring the Delivery of the Strategy

Policy	Indicator(s)	Who?	How?	When?	Target	Trigger	Relevant Strategic Objective
CSW 16: Safeguarding of Existing Waste Facilities	1. Decisions resulting in non-waste management uses permitted on, or within 250m of, sites with permanent planning permission for waste management uses and sites allocated in the Waste Sites Plan	KCC District authorities	District DM decisions	On-going (annual monitoring) Adoption of the Waste Sites Plan	100% refusal for applications with an objection from the County Council	One application permitted with an objection from the County Council	SO1; SO4; SO12
Part of Policy 213 DM 7: Safeguarding Mineral Resources	1. Decisions resulting in incompatible non-mineral development permitted in mineral safeguarded areas (as defined in Policy CSM 5). 2. Adoption of a Supplementary Planning Document (SPD) setting out further information about the approach to Minerals Safeguarding	District authorities KCC	District authority DM decisions	On-going (annual monitoring)	100% of applications meeting all policy criteria granted planning permission	One application permitted that does not meet all policy criteria with an objection from the County Council	SO3; SO5
		KCC	KCC	2015 - 2017	SPD adopted by of end of 2016	Failure to adopt SPD by of end 2016	SO3; SO5

Policy	Indicator(s)	Who?	How?	When?	Target	Trigger	Relevant Strategic Objective
	3. Allocations in adopted Local Plans for development incompatible with the presumption to safeguard minerals within mineral safeguarded areas (as defined by CSM 5).	District Authorities and KCC	District authority planning policy decisions	No Change	100% of local plan allocations meeting all policy criteria (except criterion 7)	An allocation in a local Plan that does not meet all policy criteria (except criterion 7) with an objection from the County Council	SO3
D o c u m e n t o f M i n e r a l S a f e g u a r d i n g M a n a g e m e n t, T r a n s p o r t a t i o n & W a s t e M a n a g e m e n t F a c i l i t i e s	1. Decisions resulting in incompatible non-minerals or waste development permitted within, or in the vicinity of, existing safeguarded minerals management, transportation or waste management facilities.	District authorities KCC	District authority DM decisions	On-going (annual monitoring)	100% of applications meeting all policy criteria granted planning permission	One application permitted that does not meet all policy criteria with an objection from the County Council	SO1; SO2; SO4; SO7; SO12;
	2. Allocations in adopted Local Plans considered incompatible with the presumption to safeguard minerals and waste facilities from direct loss and/or within 250m of a safeguarded facility where there will be the high probability of incompatibility that may lead to the lawful operation of the safeguarded	District Authorities and KCC	District Authority planning policy decisions	On-going (annual monitoring)	100% of local plan allocations meeting all policy criteria (except criterion 2)	An allocation in a local Plan that does not meet all policy criteria (except criterion 2) with an objection from the County Council	SO1; SO2; SO4; SO7; SO12;



8 Managing and Monitoring the Delivery of the Strategy

Policy	Indicator(s)	Who?	How?	When?	Target	Trigger	Relevant Strategic Objective
	facility to cease or be compromised such that will affect its lawful operational viability						
DM 9: Prior Extraction of Minerals in Advance of Surface Development	1. Planning applications granted / decisions resulting in, or incorporating, mineral extraction in advance of built development where the resources would otherwise be permanently sterilised.	KCC District authorities	KCC and/or District authority DM decisions	On-going (annual monitoring)	100% of applications meeting all policy criteria granted planning permission	One application permitted that does not meet all policy criteria (with an objection from the County Council in the case of District decisions)	SO3; SO5

### Approach to the Monitoring of Development Management Policies

**8.0.10** The Plan's Development Management policies will be monitored using the relevant planning applications data as an indicator. The performance of each policy will be monitored on an annual basis and recorded in the AMR in accordance with the following strategy:

- **Target:** 100% of applications meeting all applicable policy criteria granted planning permission. To include the submission of the required information where relevant.
- **Trigger:** One application permitted that does not meet all relevant policy criteria and requirements, unless clearly justified.

**8.0.11** Policy DM 2 applies to both proposals for minerals and waste development and the identification of sites in the Kent Minerals and Waste Sites Plans:

- **Target:** 100% of applications/ proposed site allocations meeting all applicable policy criteria granted planning permission / allocated to the Minerals or Waste Sites Plan. To include the submission of the required policy information where relevant.
- **Trigger:** One application permitted / adopted site allocation that does not meet all policy criteria, unless clearly justified.

Policy	Who?	How?	Link to Strategic Objective
DM 2: Environmental and Landscape Sites of International, National and Local Importance	KCC	DM decisions Adoption of Mineral and Waste Sites Plans	SO2; SO3; SO9; SO15
DM 3: Ecological Impact Assessment	KCC	DM decisions	SO2; SO3; SO9; SO15
DM 4: Green Belt	KCC	DM decisions	SO1; SO2; SO3; SO9; SO15
DM 5: Heritage Assets	KCC	DM decisions	SO3;

Policy	Who?	How?	Link to Strategic Objective
DM 6: Historic Environment Assessment	KCC	DM decisions	SO3;
DM 10: Water Environment	KCC	DM decisions	SO2; SO3;
DM 11: Health and Amenity	KCC	DM decisions	SO1; SO2; SO3; SO4; SO9; SO15
DM 12: Cumulative Impact	KCC	DM decisions	SO1; SO2; SO3; SO12; SO14
DM 13: Transportation of Minerals and Waste	KCC	DM decisions	SO1; SO2; SO3; SO6; SO7; SO10; SO12; SO14
DM 14: Public Rights of Way	KCC	DM decisions	SO3; SO9; SO15
DM 15: Safeguarding of Transport Infrastructure	Minerals/ waste operators	DM decisions	SO1; SO2; SO3; SO7;
DM 16: Information Required In Support of an Application	KCC Minerals/ waste operators	DM decisions	SO2; SO3; SO4; SO9; SO11; SO13; SO15
DM 18: Land Stability	KCC Minerals/ waste operators	DM decisions	SO3;
DM 19: Restoration, Aftercare and After-use	KCC Minerals/ waste operators	DM decisions	SO2; SO3; SO4; SO9; SO15

Policy	Who?	Who?	How?	Link to Strategic Objective
DM 20: Ancillary Development	KCC		DM decisions	SO1; SO2; SO3; SO6; SO9 SO10; SO11; SO12; SO15
DM 21: Incidental Mineral Extraction	KCC District authorities	KCC District authorities	KCC and district authority DM decisions	SO3; SO4; SO5; SO9

**8.0.12** The performance of Development Management policies DM 17 and DM 22 will be monitored as follows:

Policy	Who?	How?	When?	Target	Trigger	Link to Strategic Objective
DM 17: Planning Obligations	KCC	DM decisions	On-going (annual Monitoring)	100% of Planning Obligations agreed and implemented on a case by case basis	One unimplemented legal agreement within 3 years of consent being implemented	SO2; SO3; SO4
DM 22: Enforcement	KCC	DM decisions	On-going (annual monitoring)	100% of cases reported to the Regulation Committee on a quarterly basis	Any alleged breaches being resolved within 6 months of detection	SO2; SO3; SO4

## 9 Adopted Policies Maps

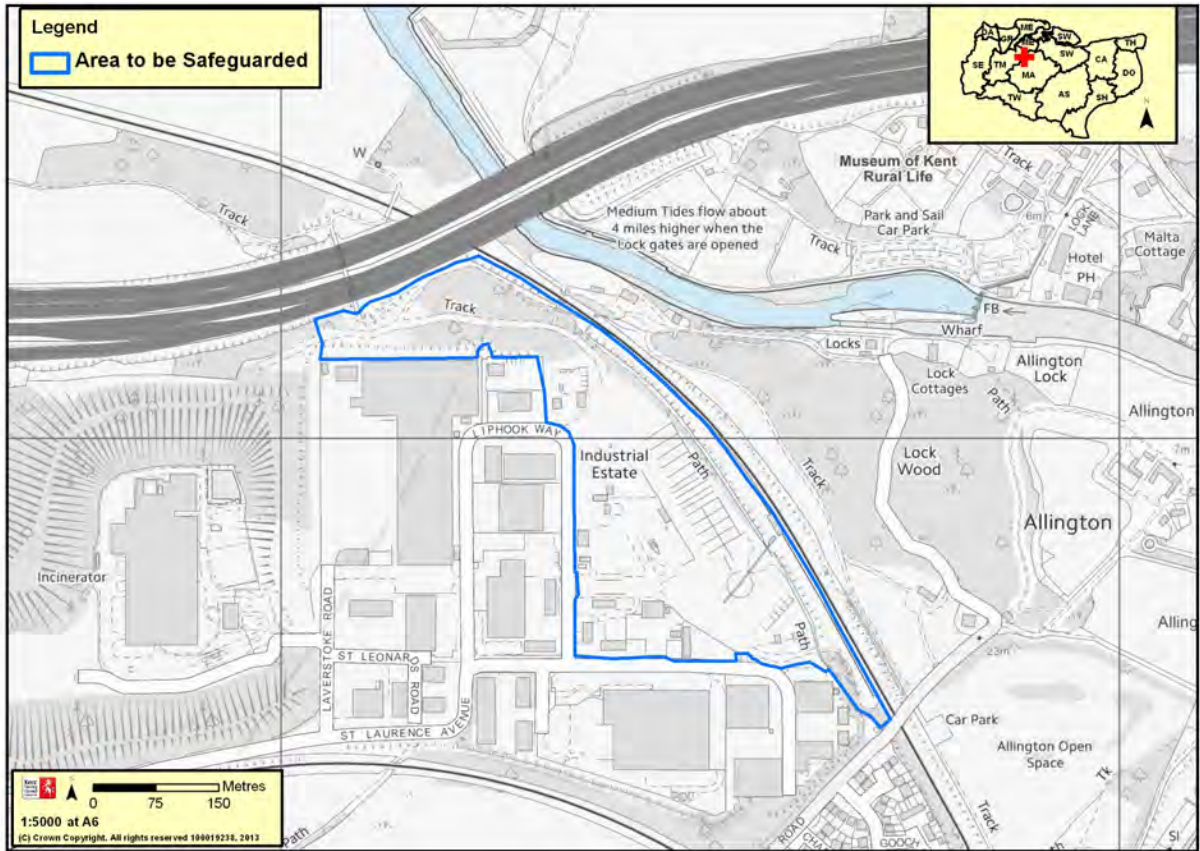
### 9.1 Safeguarded Wharves and Rail Transportation Depots

#### Safeguarded Wharves and Rail Transportation Adopted Policies Maps<sup>(1)</sup>

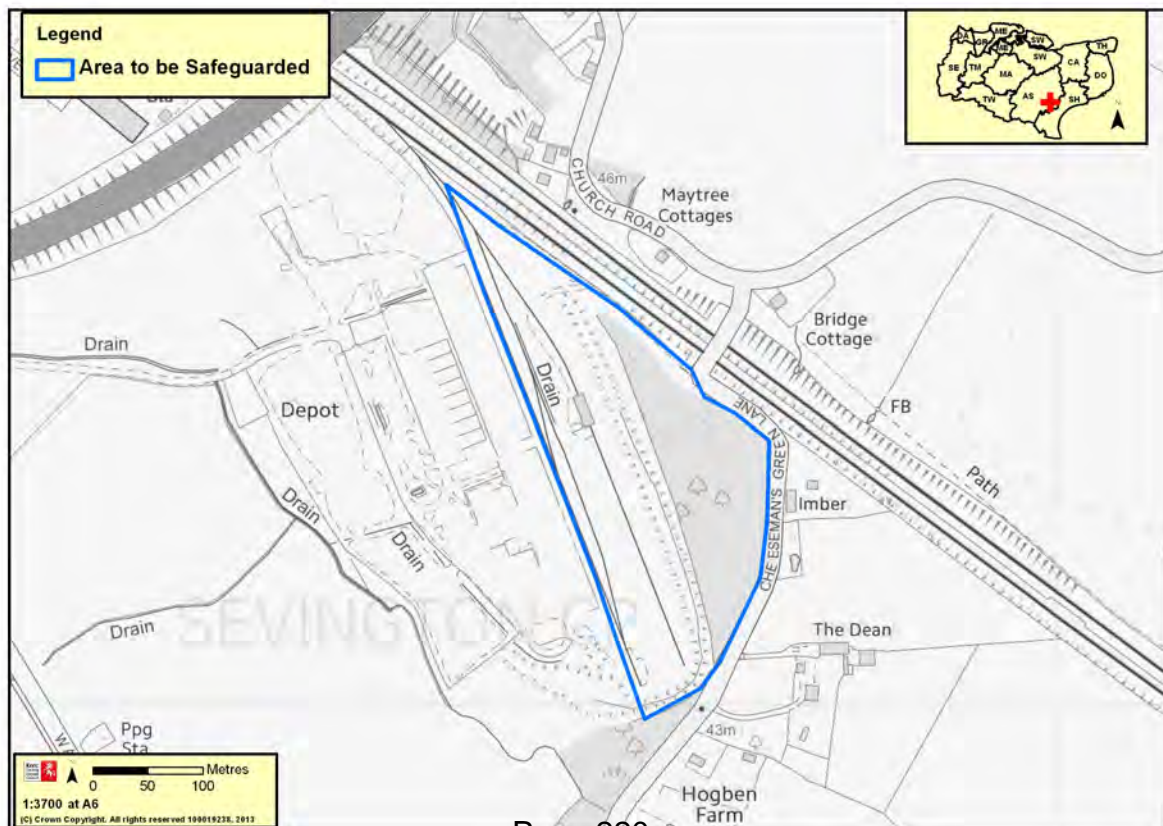
Site Name	Operator	Site Code
Allington Rail Depot	Hanson	A
Sevington Rail Depot	Brett	B
Hothfield Works Rail Depot	Tarmac	C
East Peckham Rail Depot	Clubb	D
Ridham Dock	Brett & Tarmac	E
Johnsons Wharf	Lafarge	F
Robin's Wharf, Northfleet	Aggregate Industries & Brett	G
Clubbs Marine Terminal	Clubb	H
East Quay, Whitstable	Brett	J
Red Lion Wharf	Stema Shipping Ltd	K
Ramsgate Port	Brett	L
Dunkirk Jetty, Dover Western Docks	Brett	M
Wharf 42, Northfleet (including Northfleet Cement Wharf)	Lafarge	N
Sheerness	Aggregate Industries	O
Northfleet Wharf	Cemex	P
Old Sun Wharf	Fleetmix Ltd	Q

1. Excludes Medway Wharves and Rail Depots.

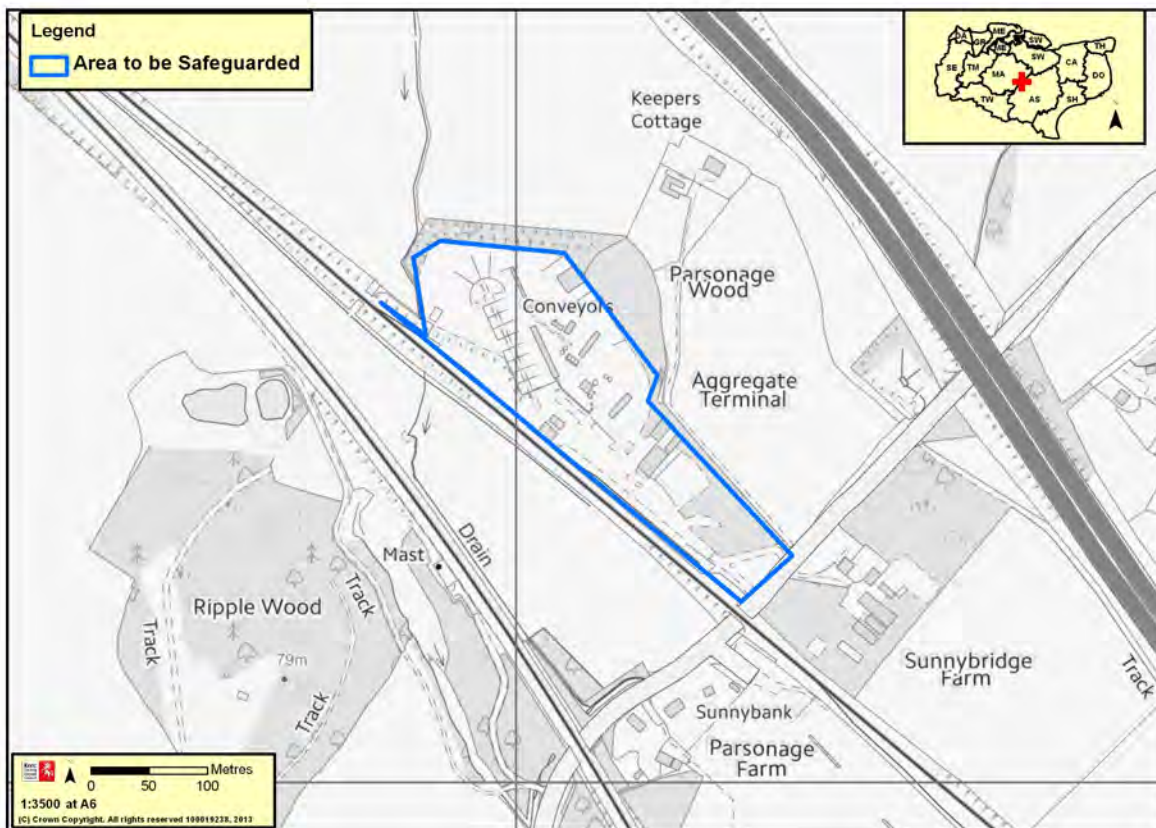
### Site A: Allington Rail Depot



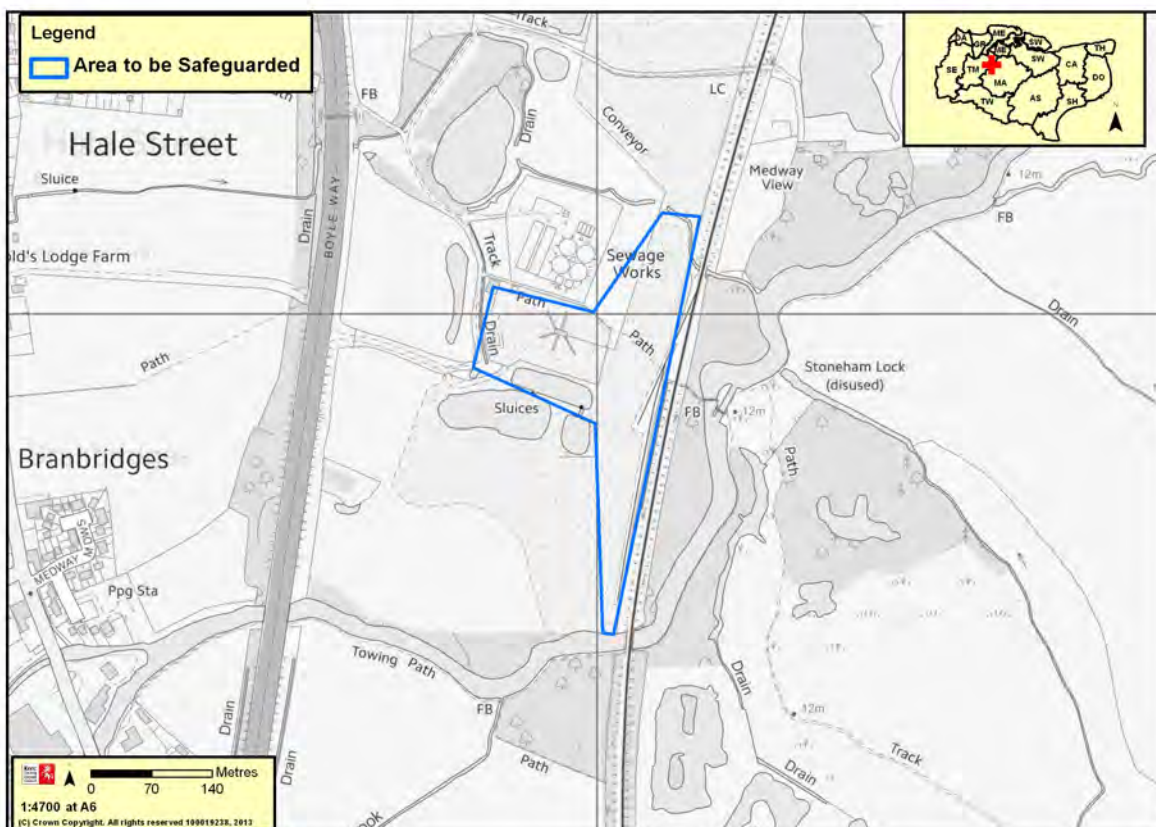
### Site B: Sevington Rail Depot



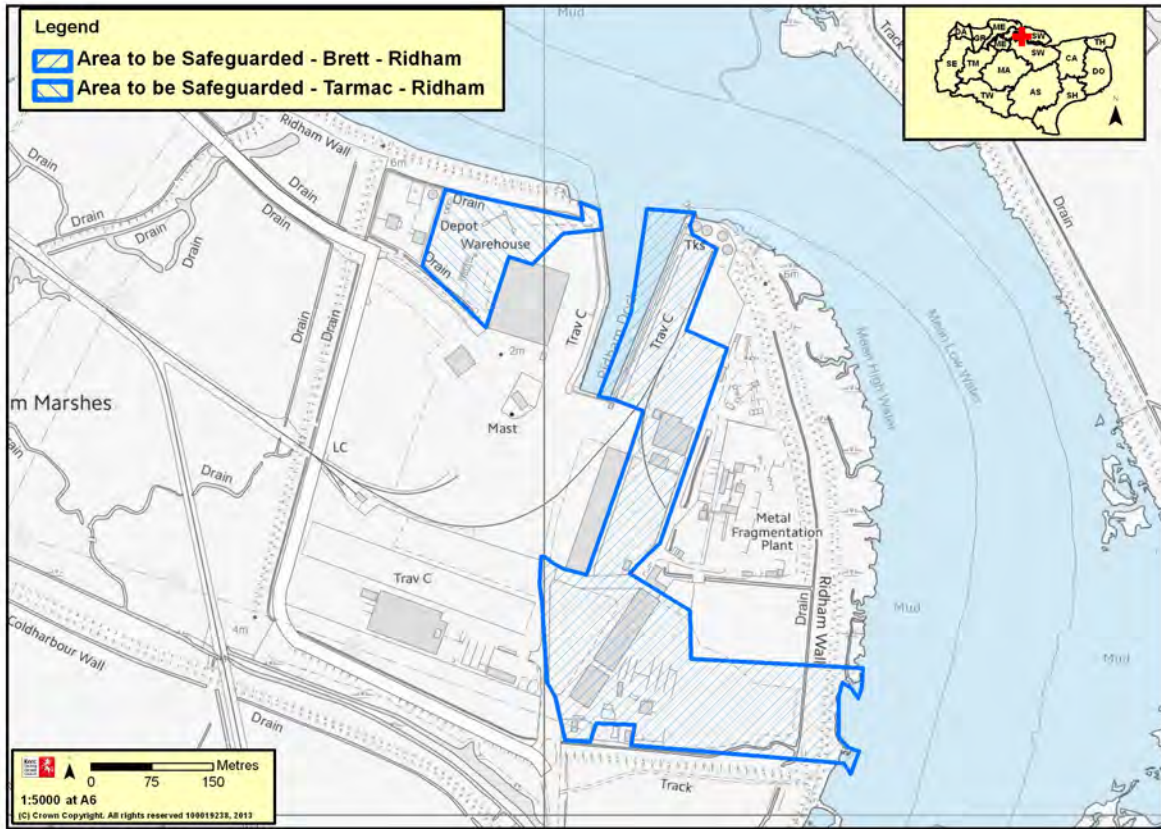
**Site C: Hothfield Works**



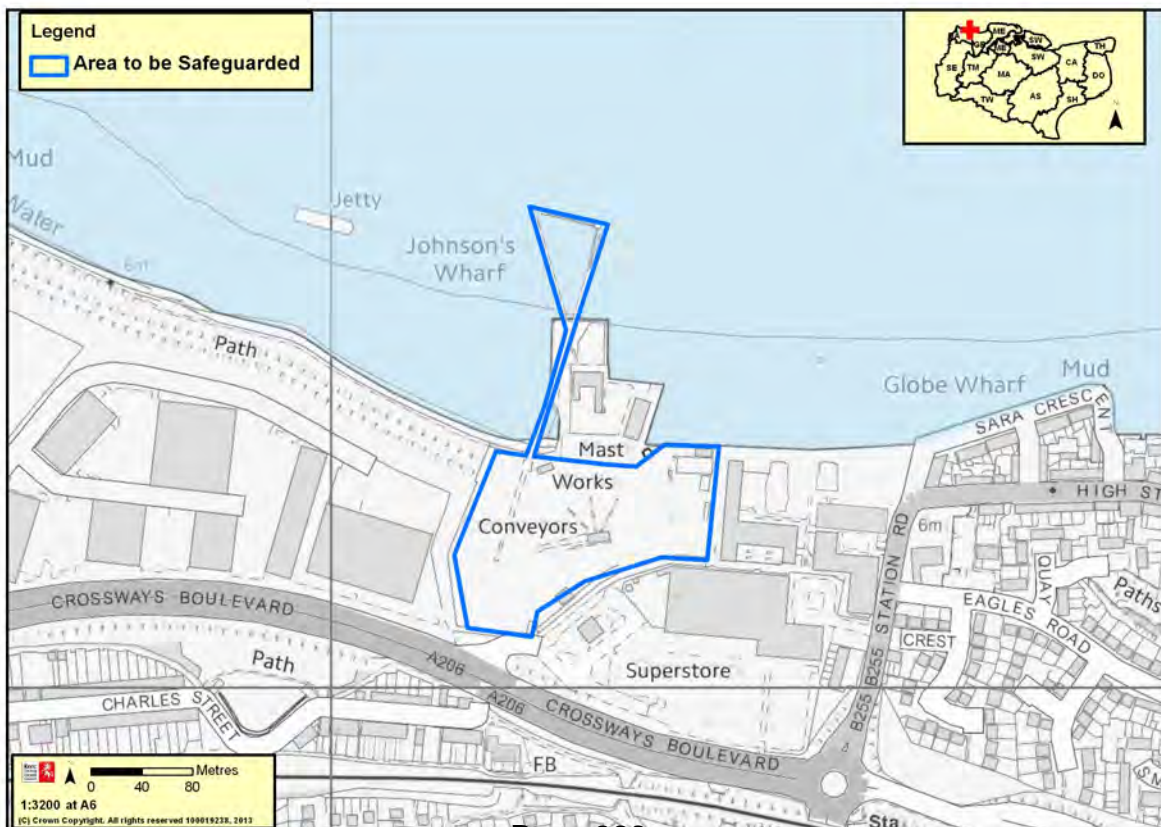
**Site D: East Peckham**



### Site E: Ridham Dock

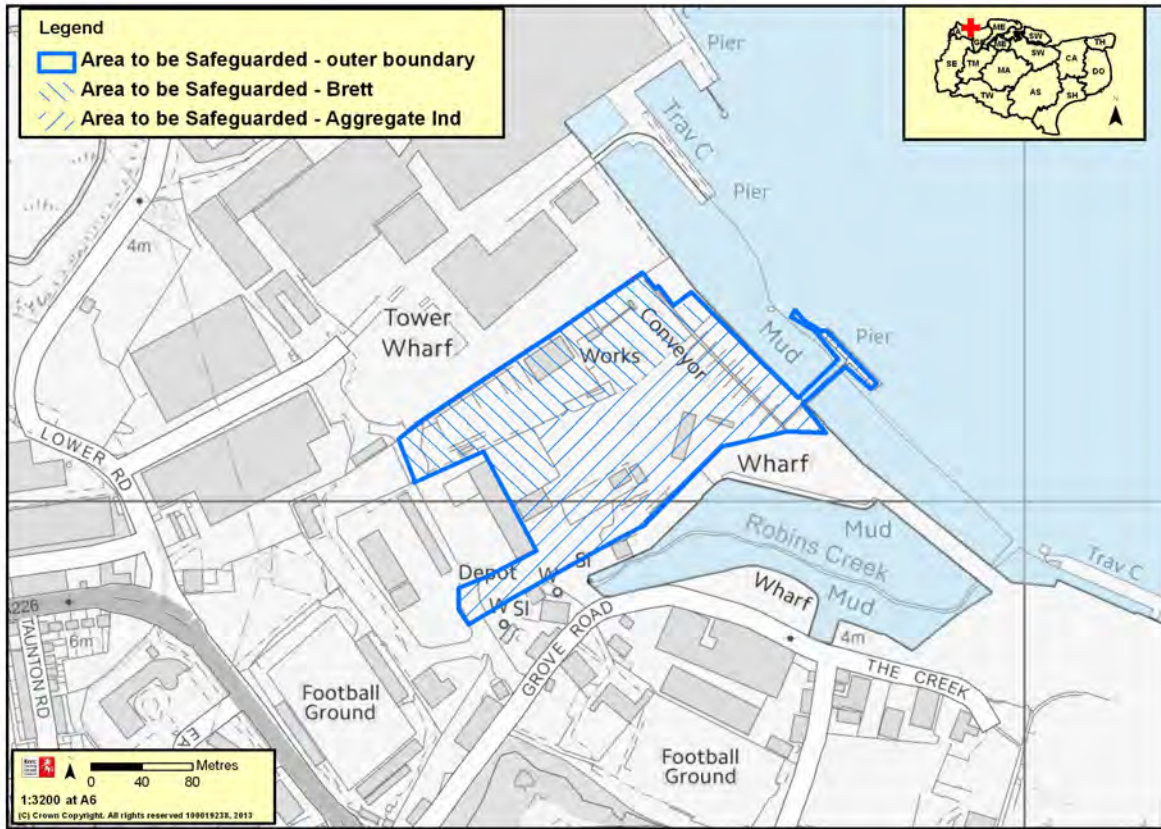


### Site F: Johnsons Wharf

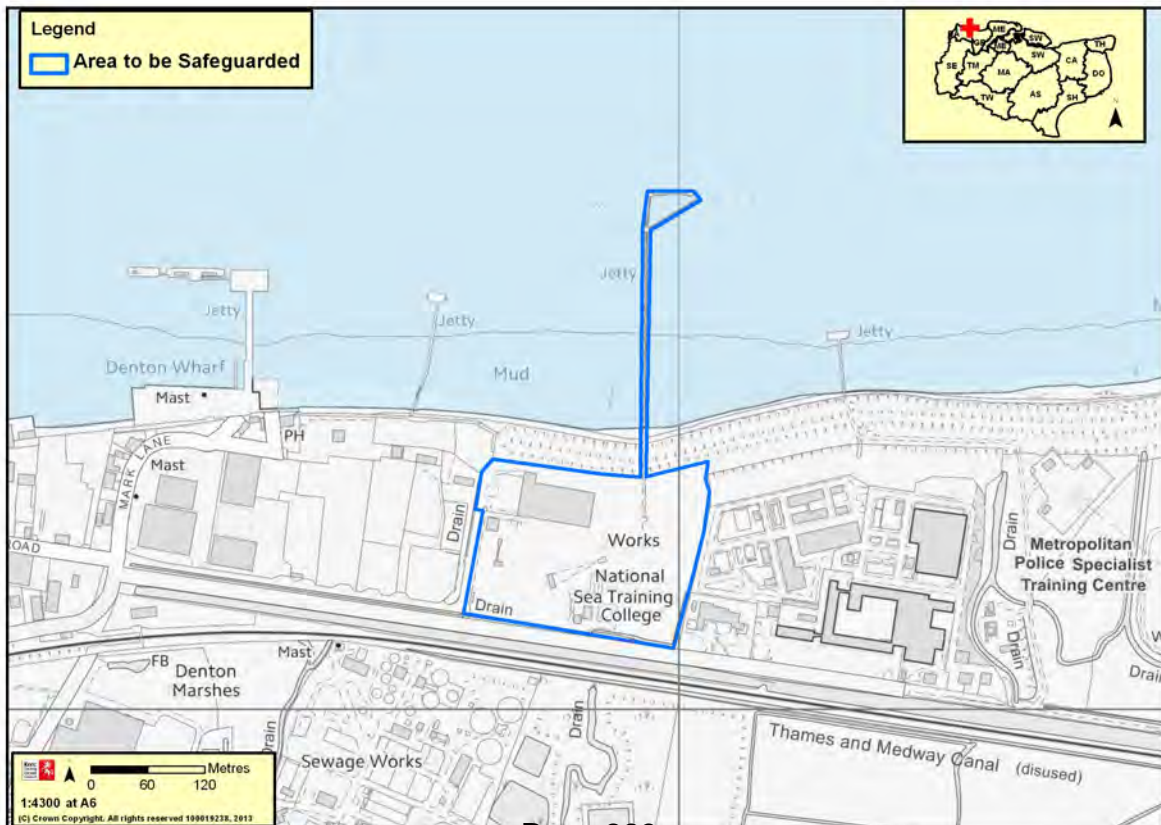




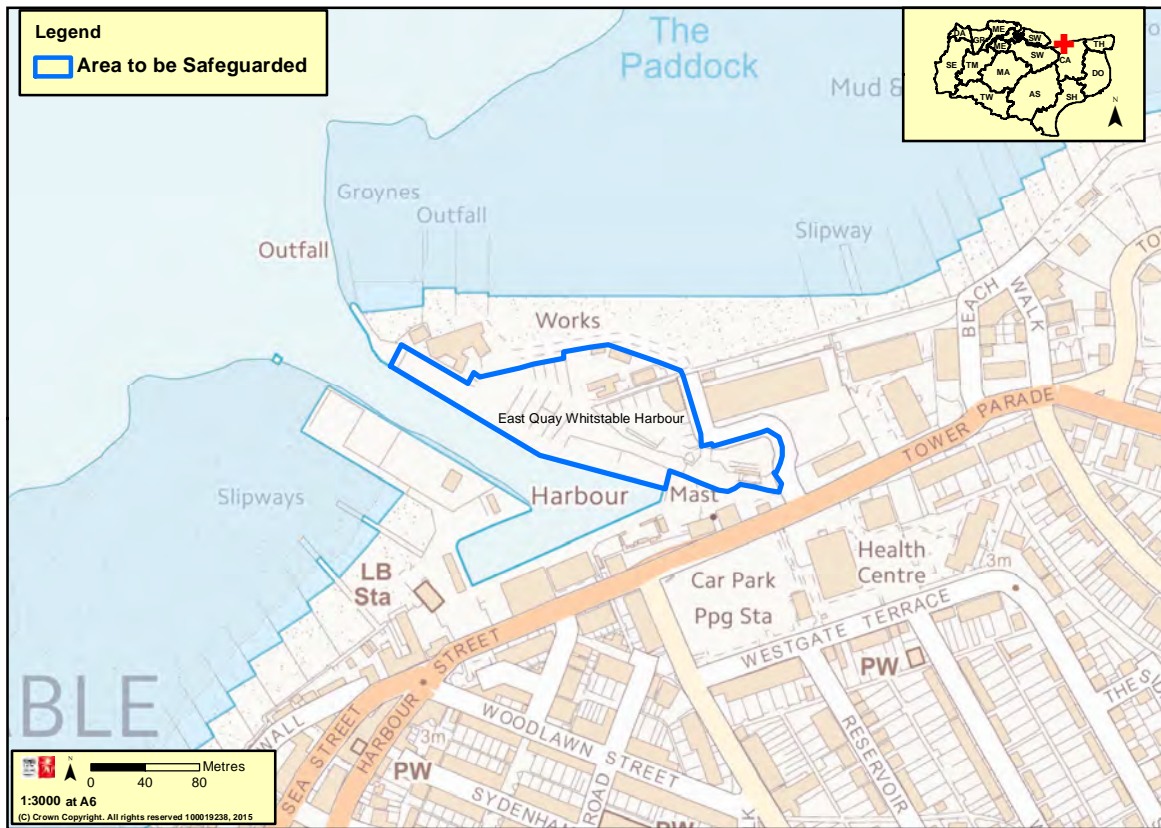
### Site G: Robins Wharf, Northfleet



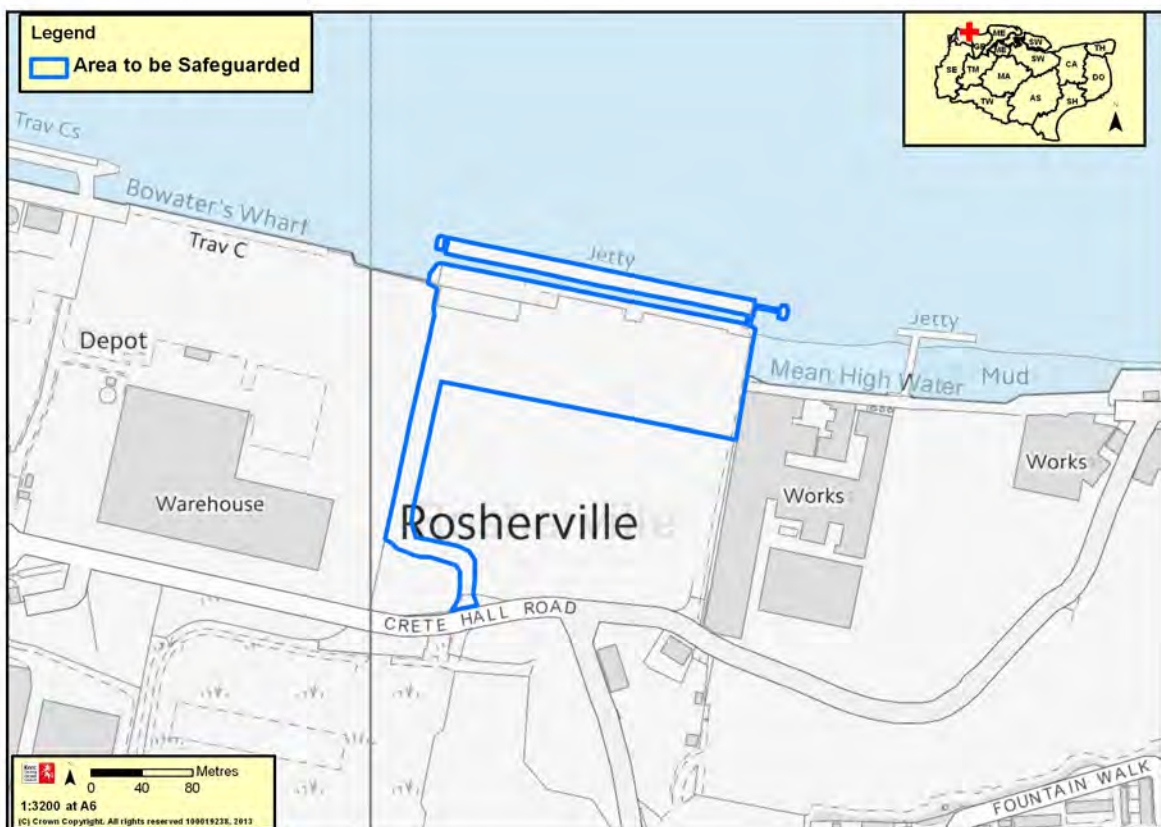
### Site H: Clubbs Marine Terminal



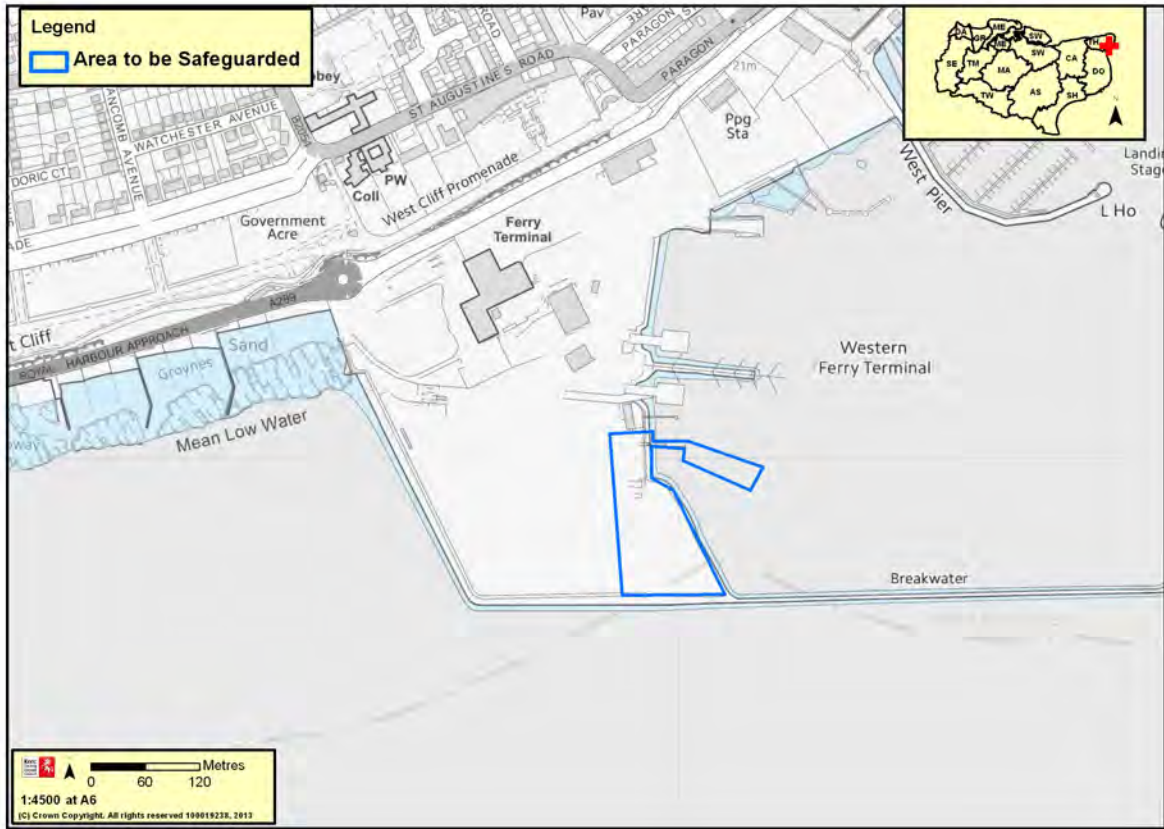
### Site J: East Quay, Whitstable



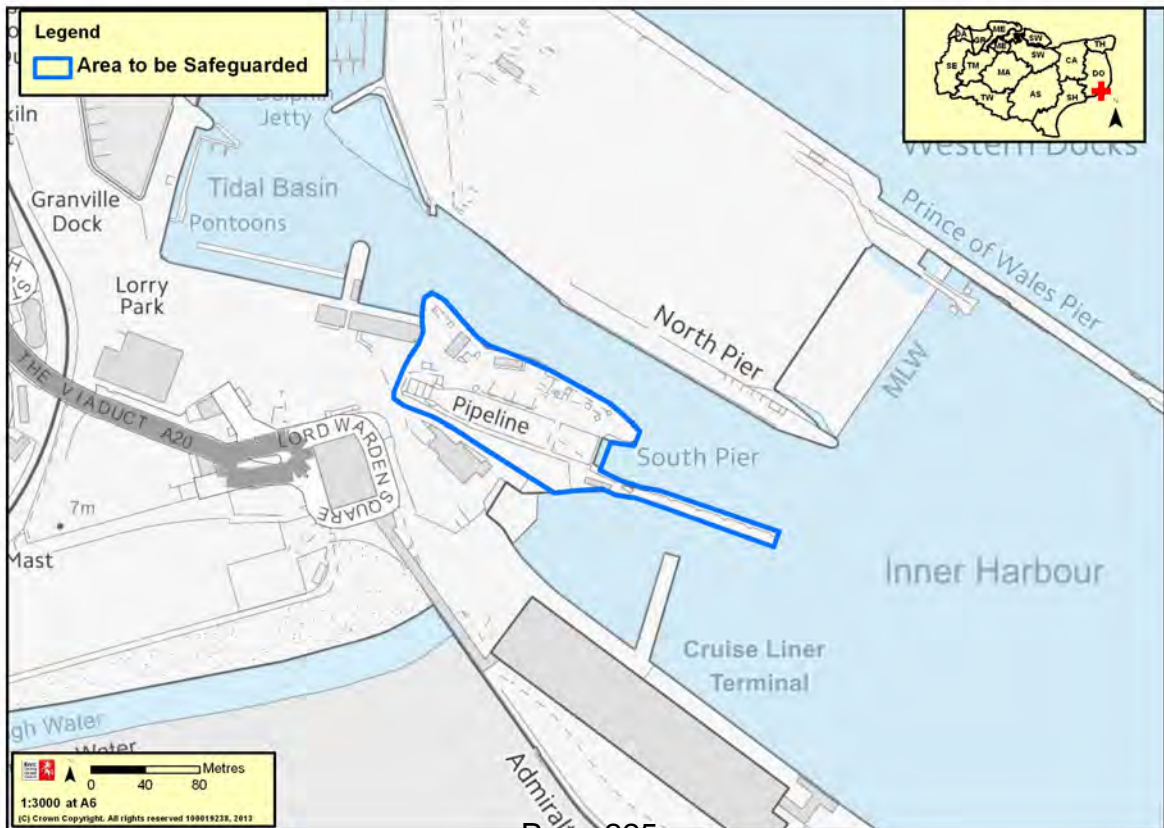
### Site K: Red Lion Wharf



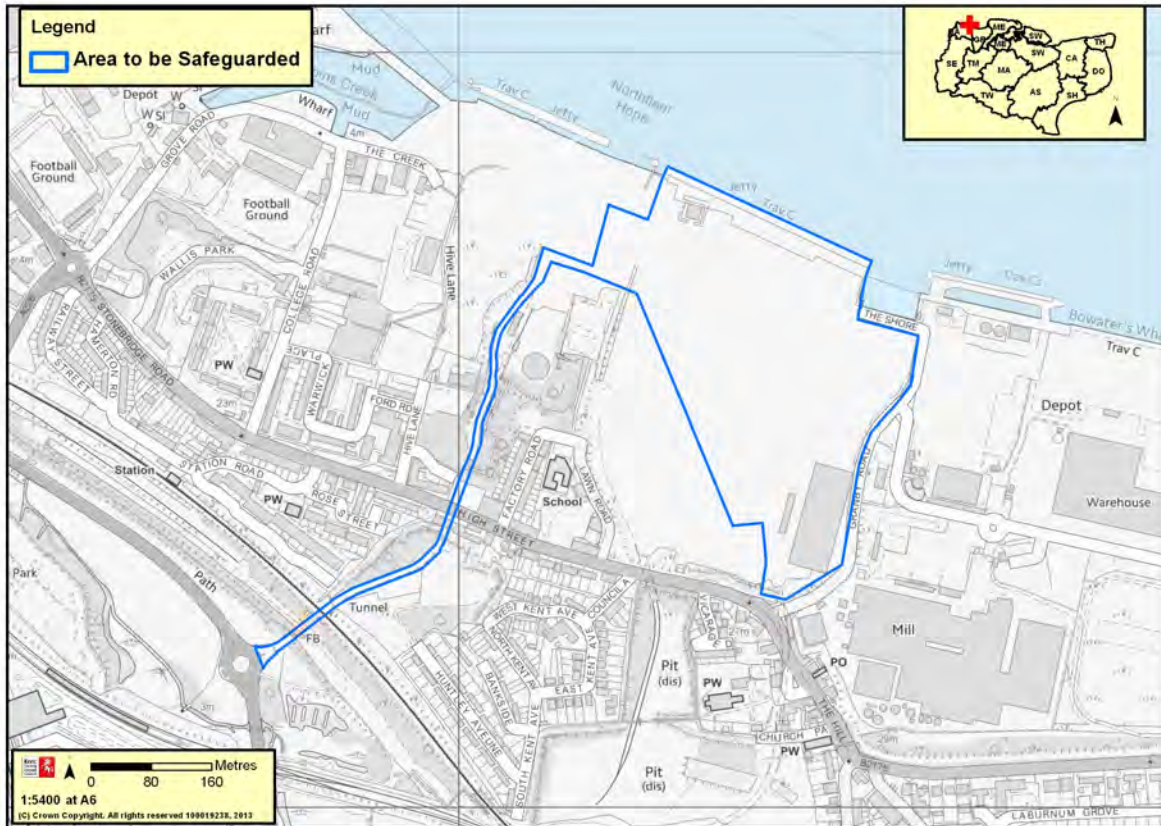
### Site L: Ramsgate Port



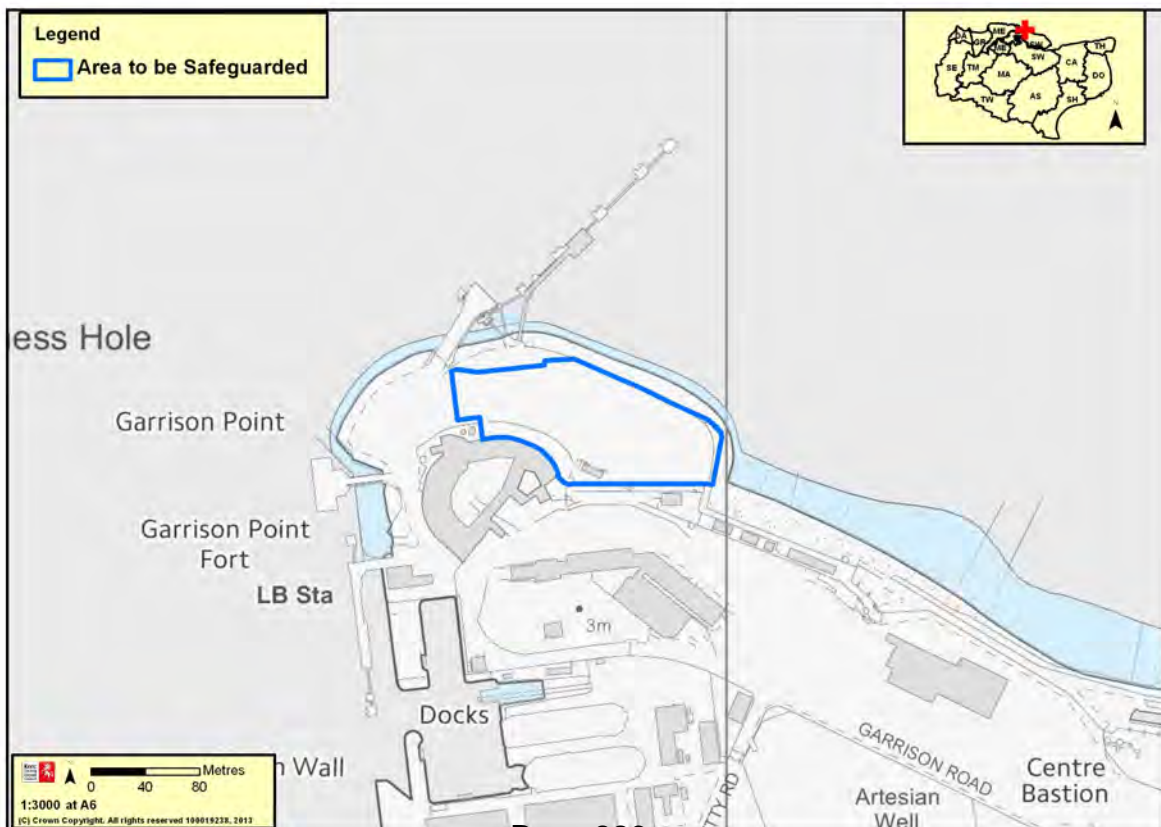
### Site M: Dunkirk Jetty, Dover Western Docks



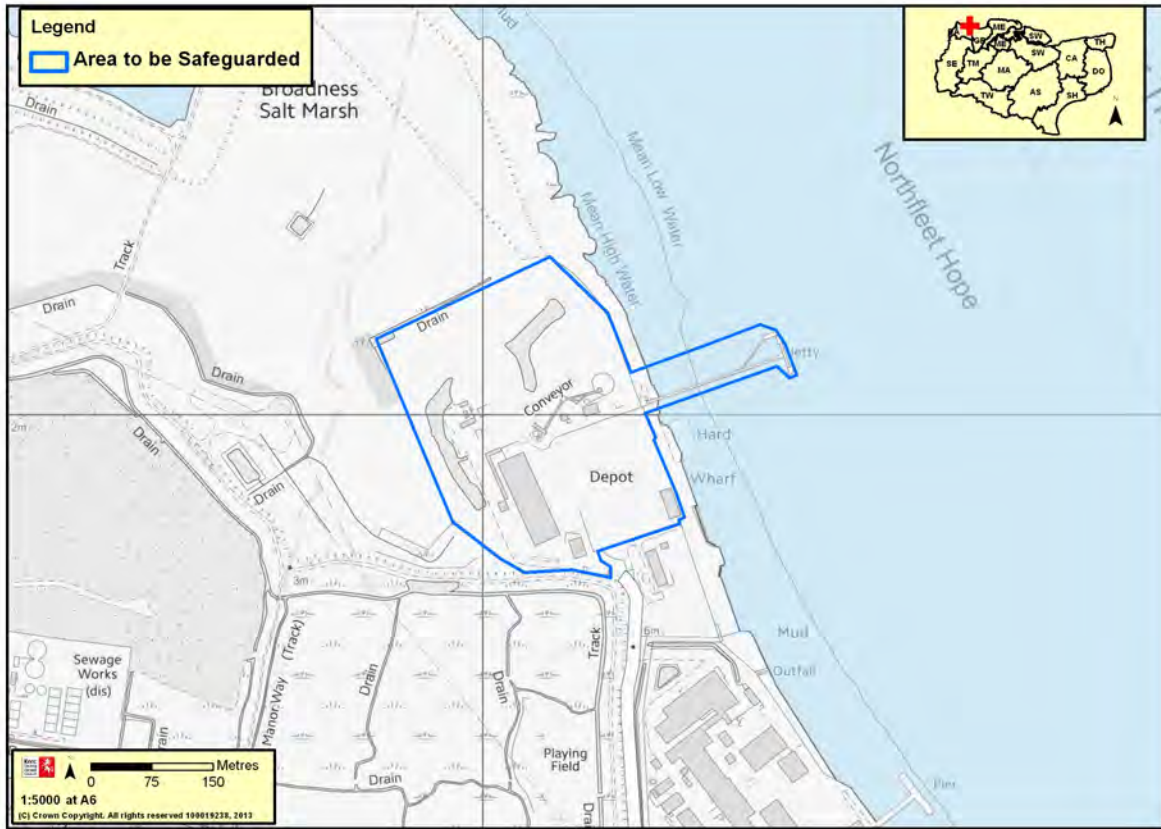
### Site N: Wharf 42, Northfleet



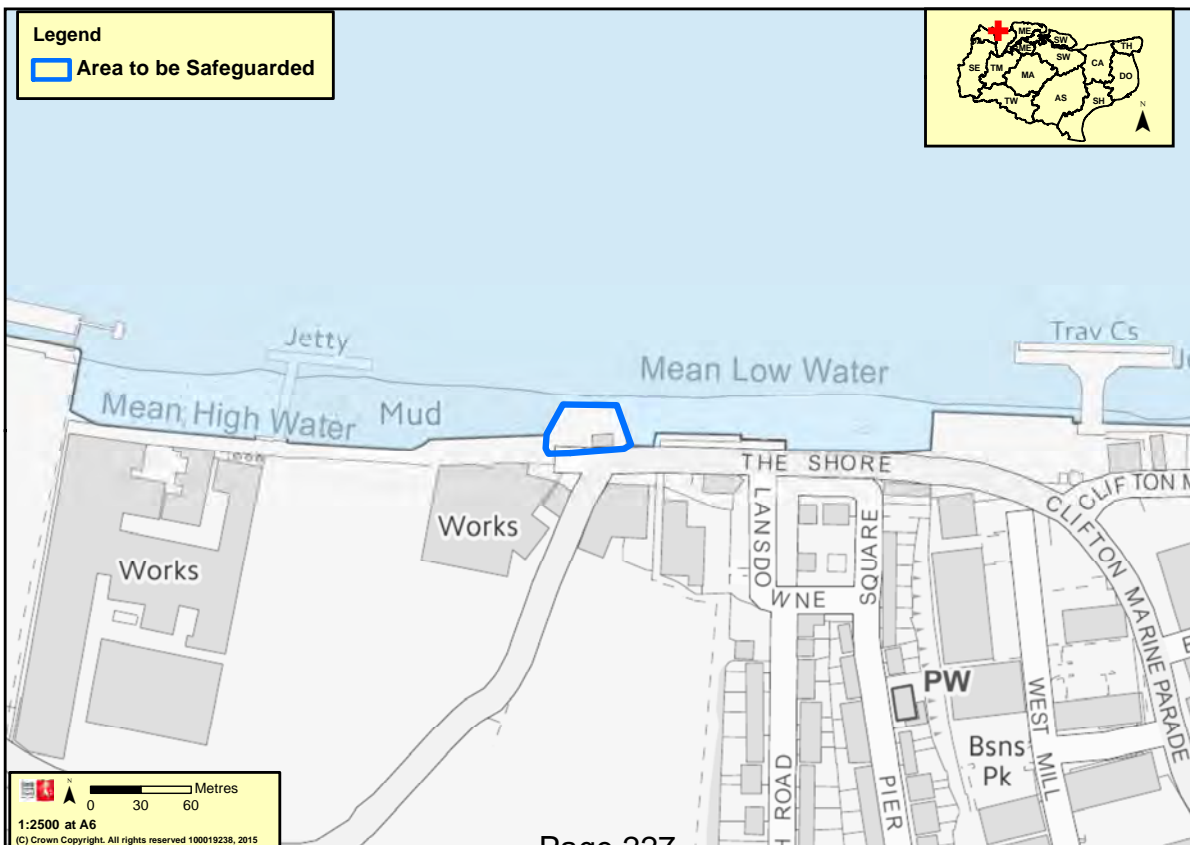
### Site O: Sheerness



### Site P: Northfleet Wharf



### Site Q: Old Sun Wharf

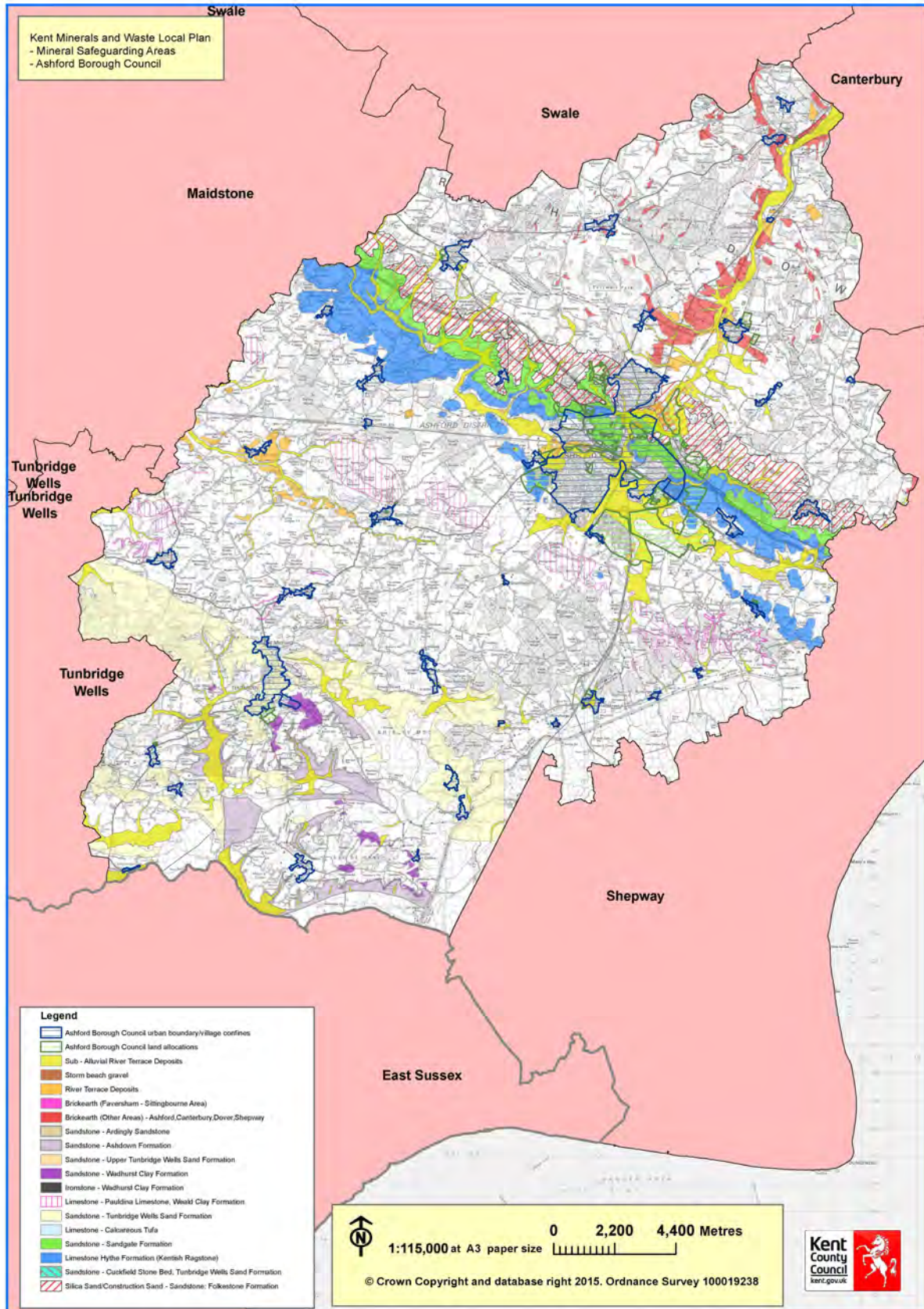


## 9.2 Mineral Safeguarding Areas

**9.2.1** The following Policies Maps display the Mineral Safeguarding Areas (MSAs) in Kent. The maps cover the following authority's areas in Kent:

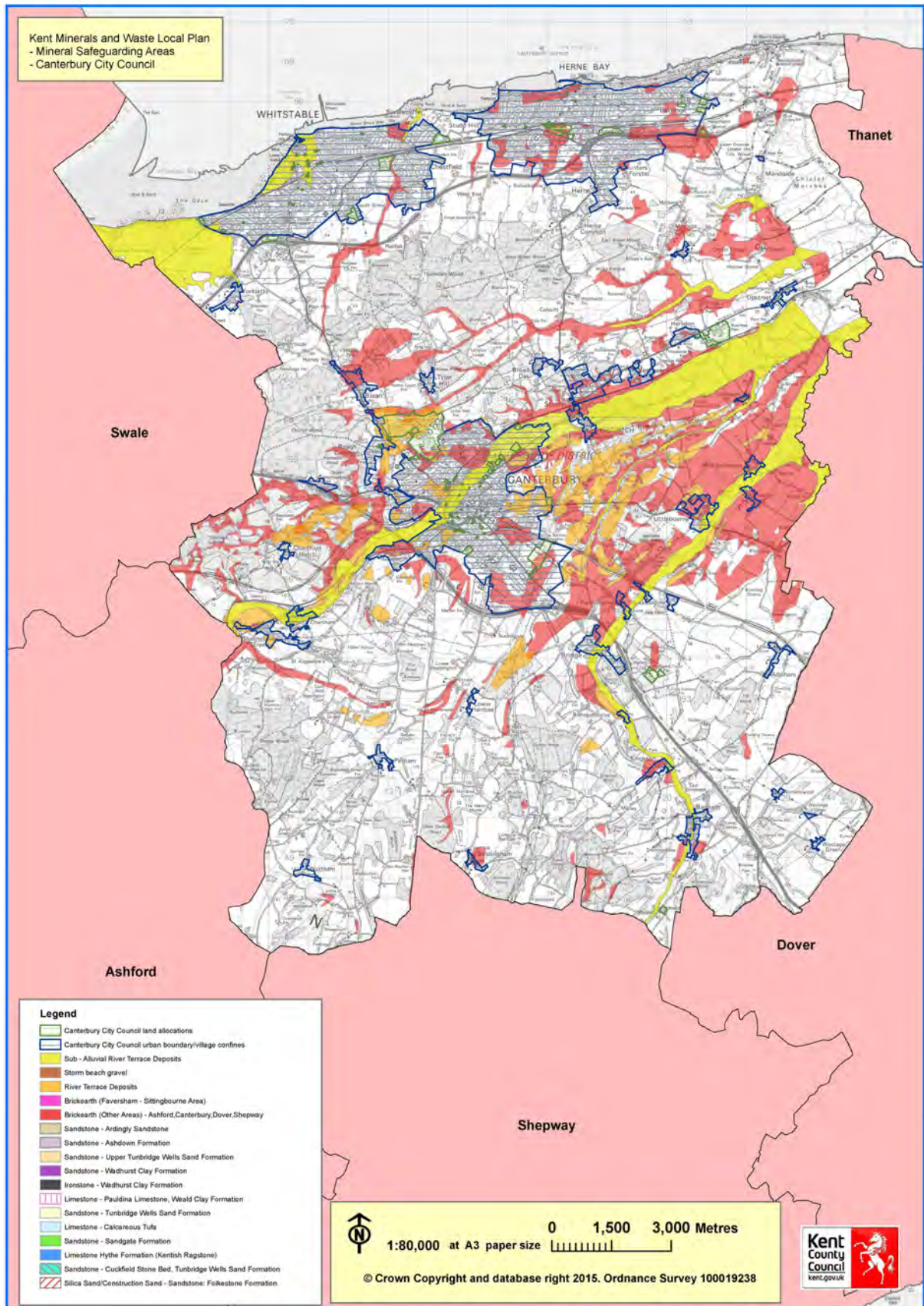
- Ashford Borough Council
- Canterbury City Council
- Dartford Borough Council
- Dover District Council
- Gravesham Borough Council
- Maidstone Borough Council
- Sevenoaks District Council
- Shepway District Council
- Swale Borough Council
- Thanet District Council
- Tonbridge & Malling Borough Council
- Tunbridge Wells Borough Council

### Ashford Mineral Safeguarding Areas



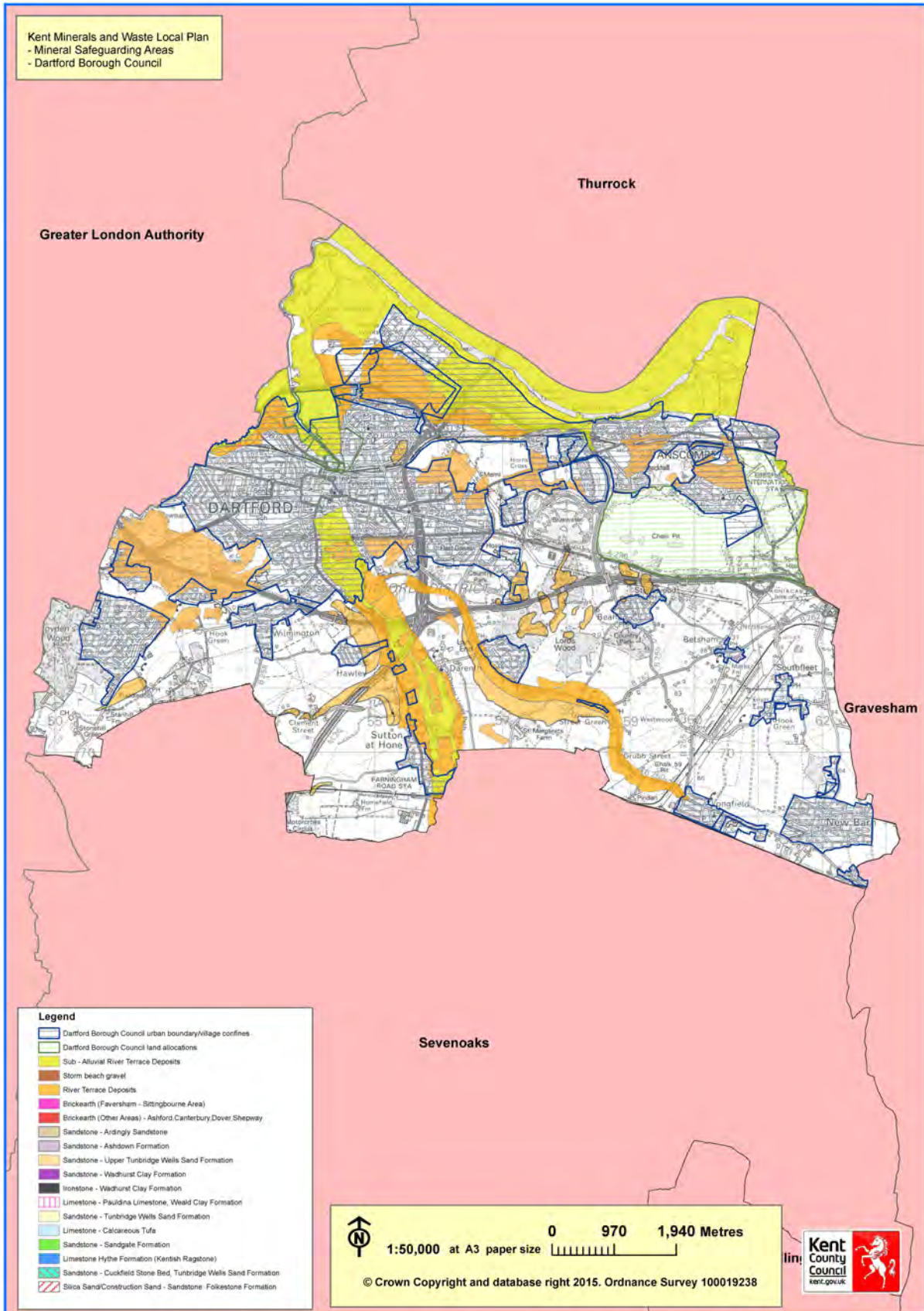
### Canterbury Mineral Safeguarding Areas

9 Adopted Policies Maps



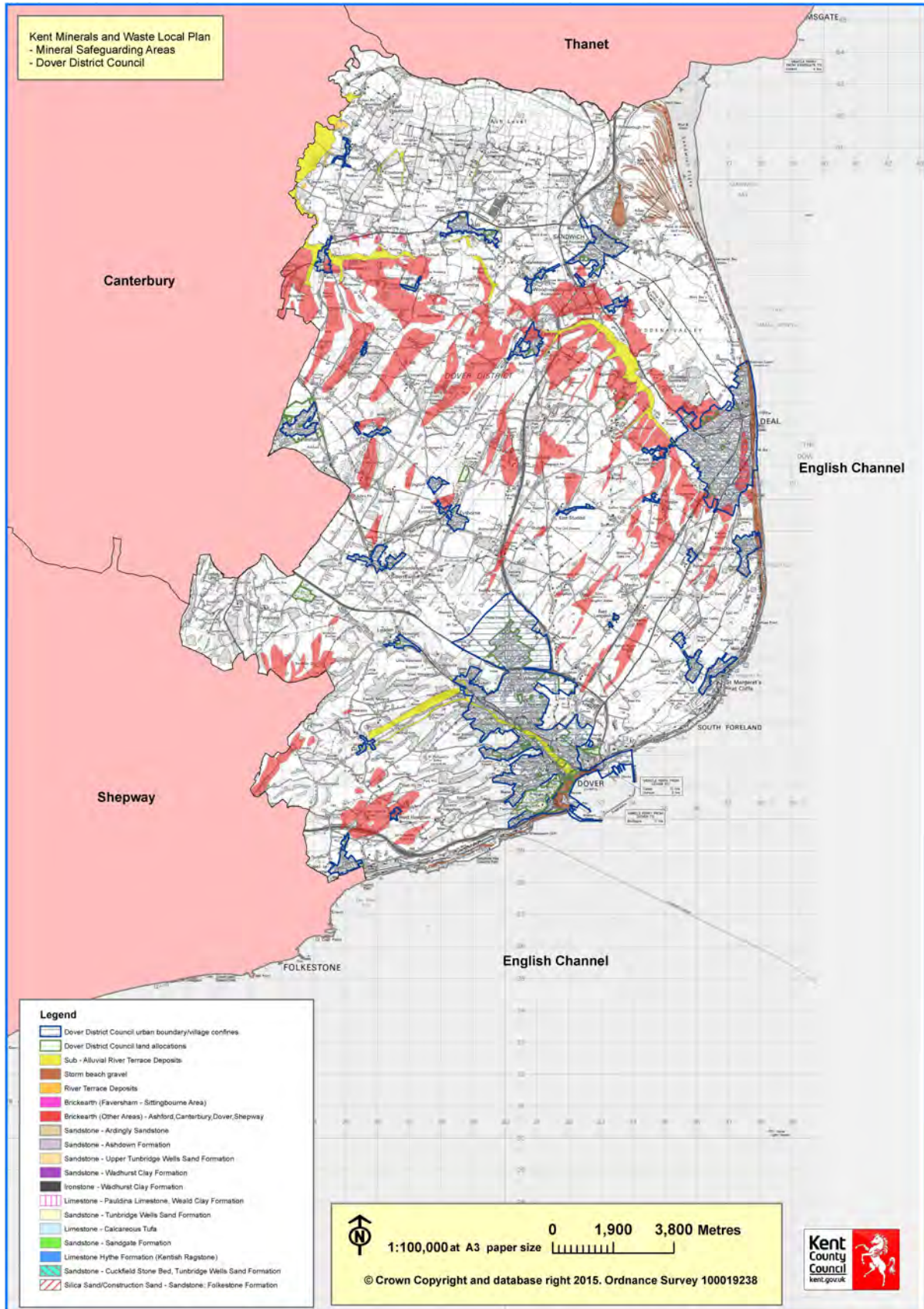


### Dartford Mineral Safeguarding Areas

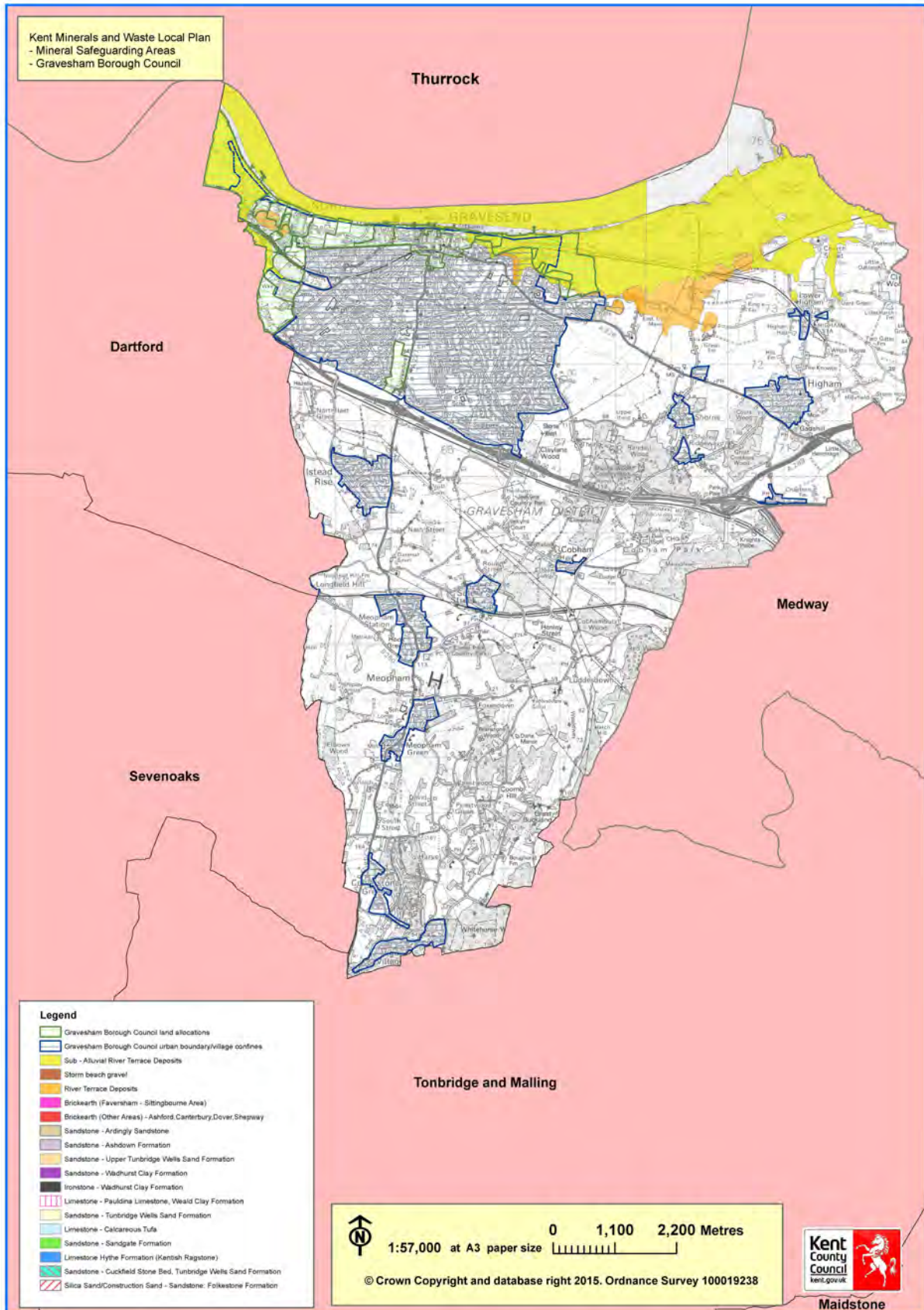


### Dover Mineral Safeguarding Areas

9 Adopted Policies Maps

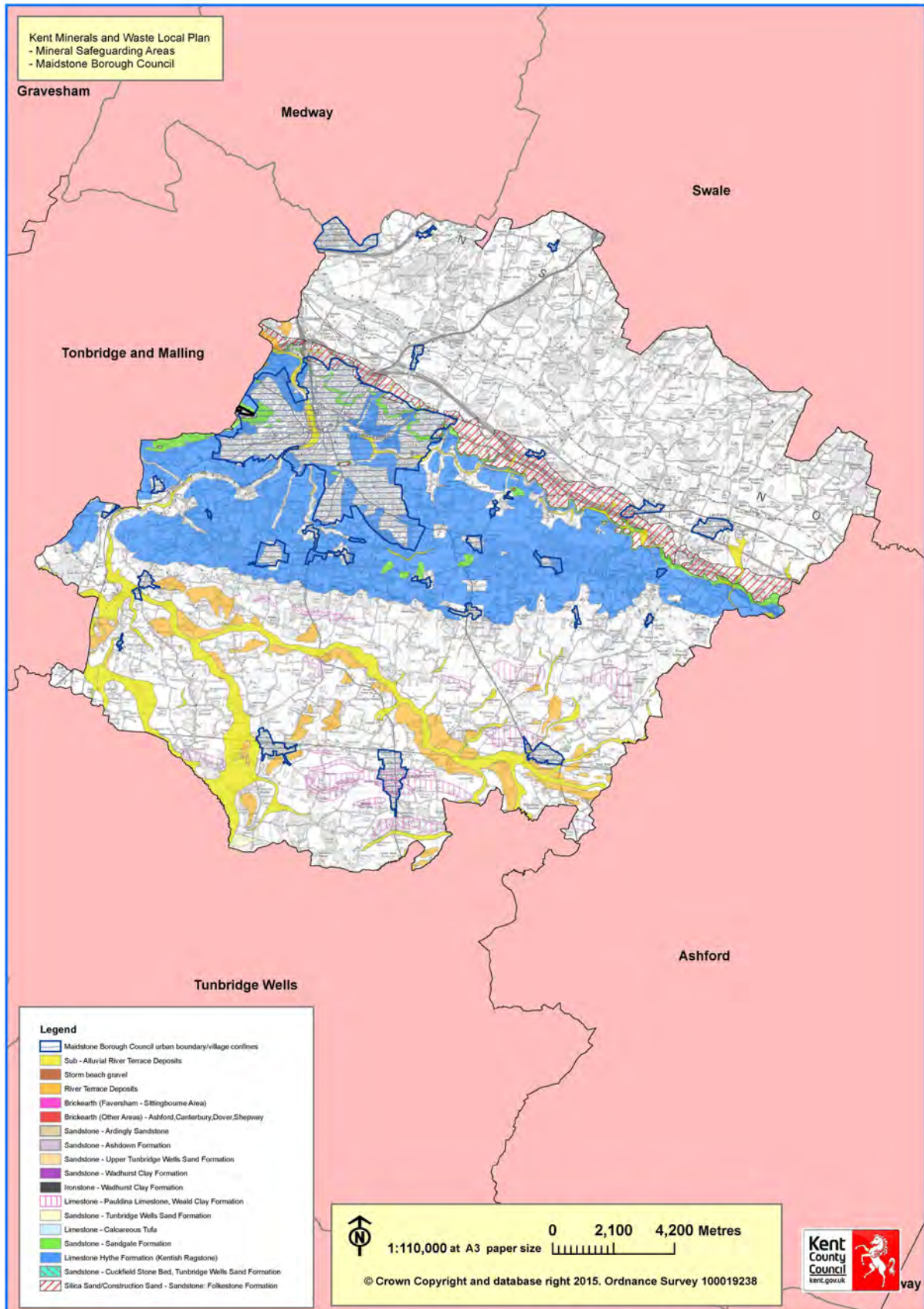


### Gravesham Mineral Safeguarding Areas

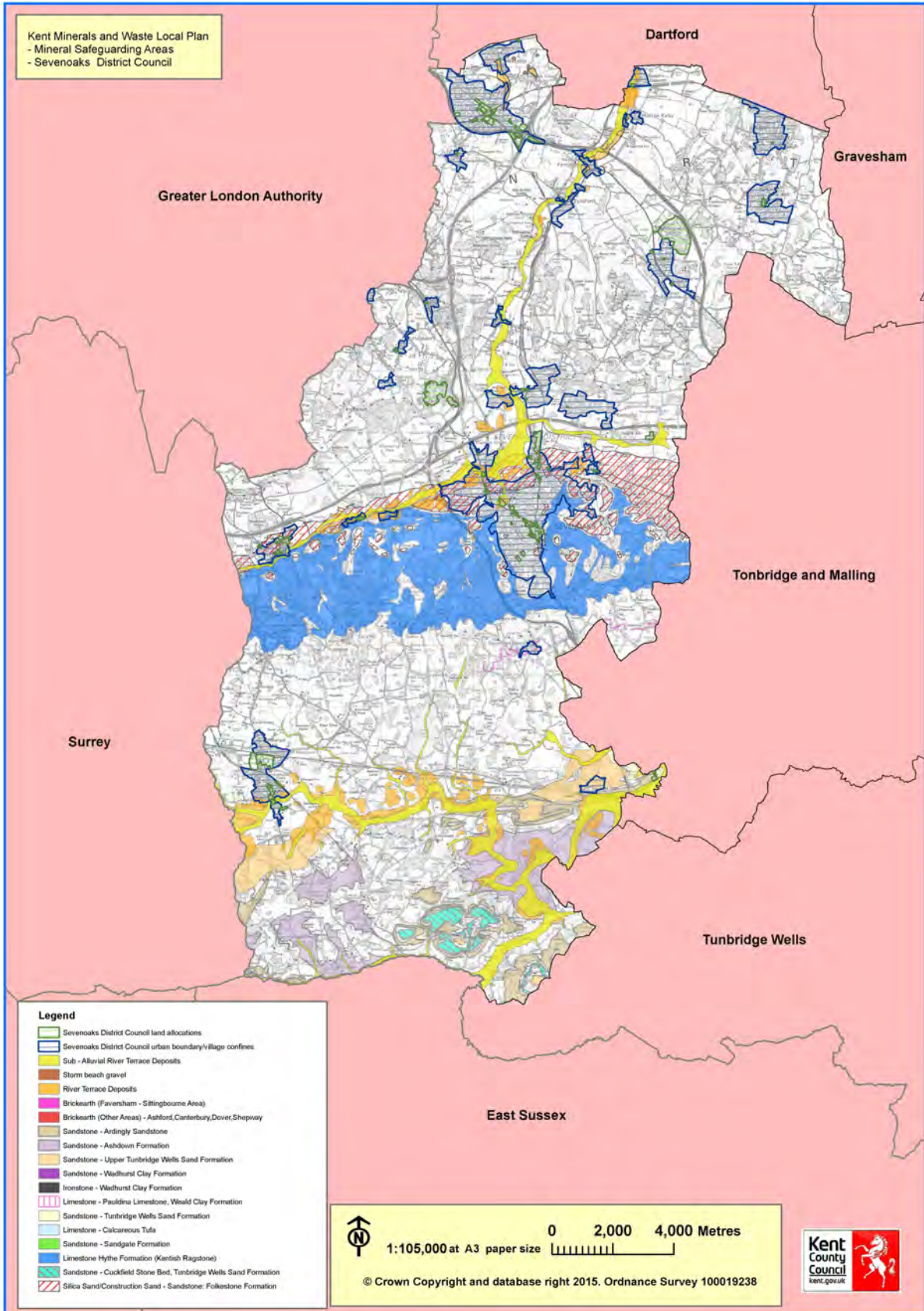


### Maidstone Mineral Safeguarding Areas

9 Adopted Policies Maps

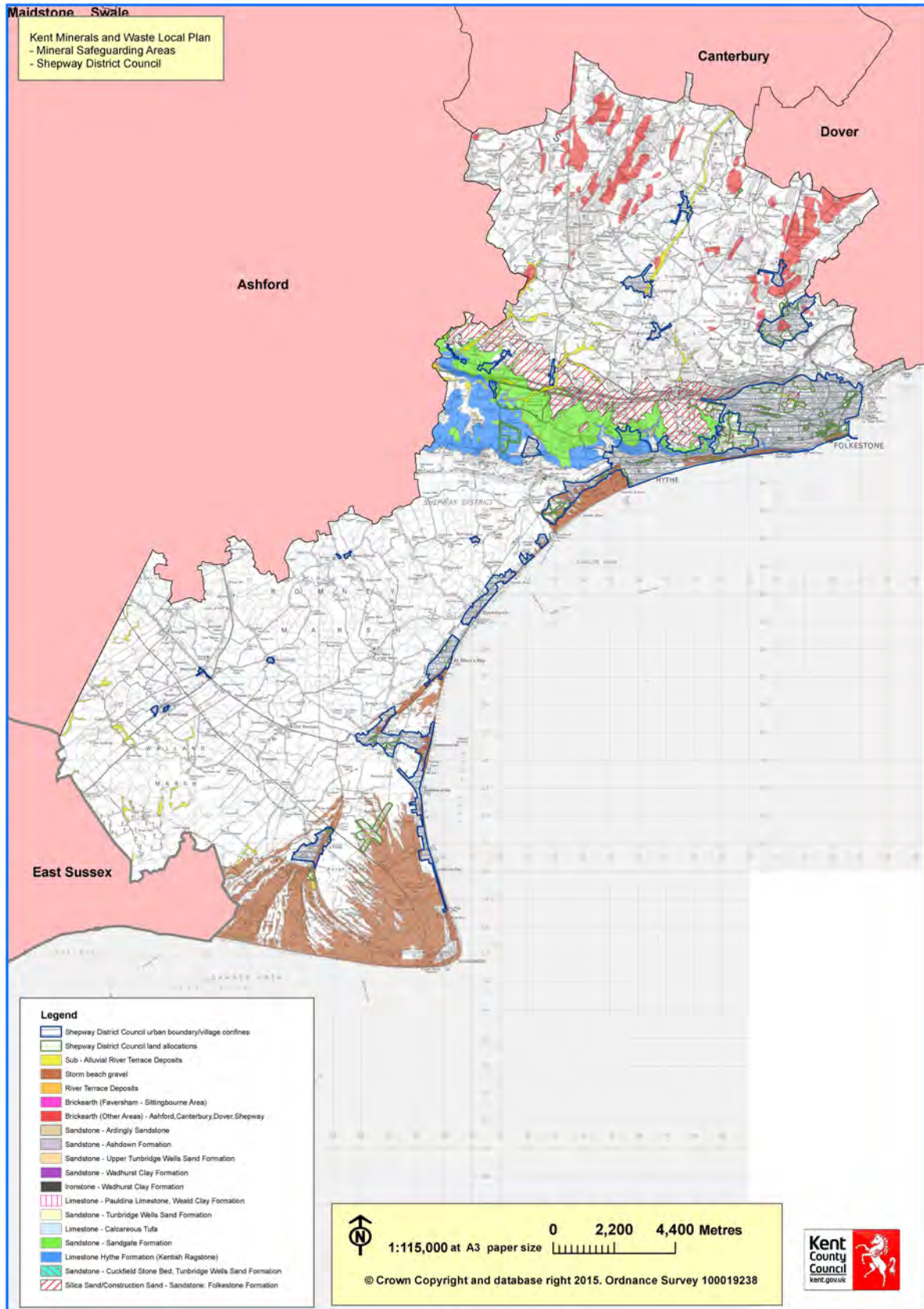


### Sevenoaks Mineral Safeguarding Areas

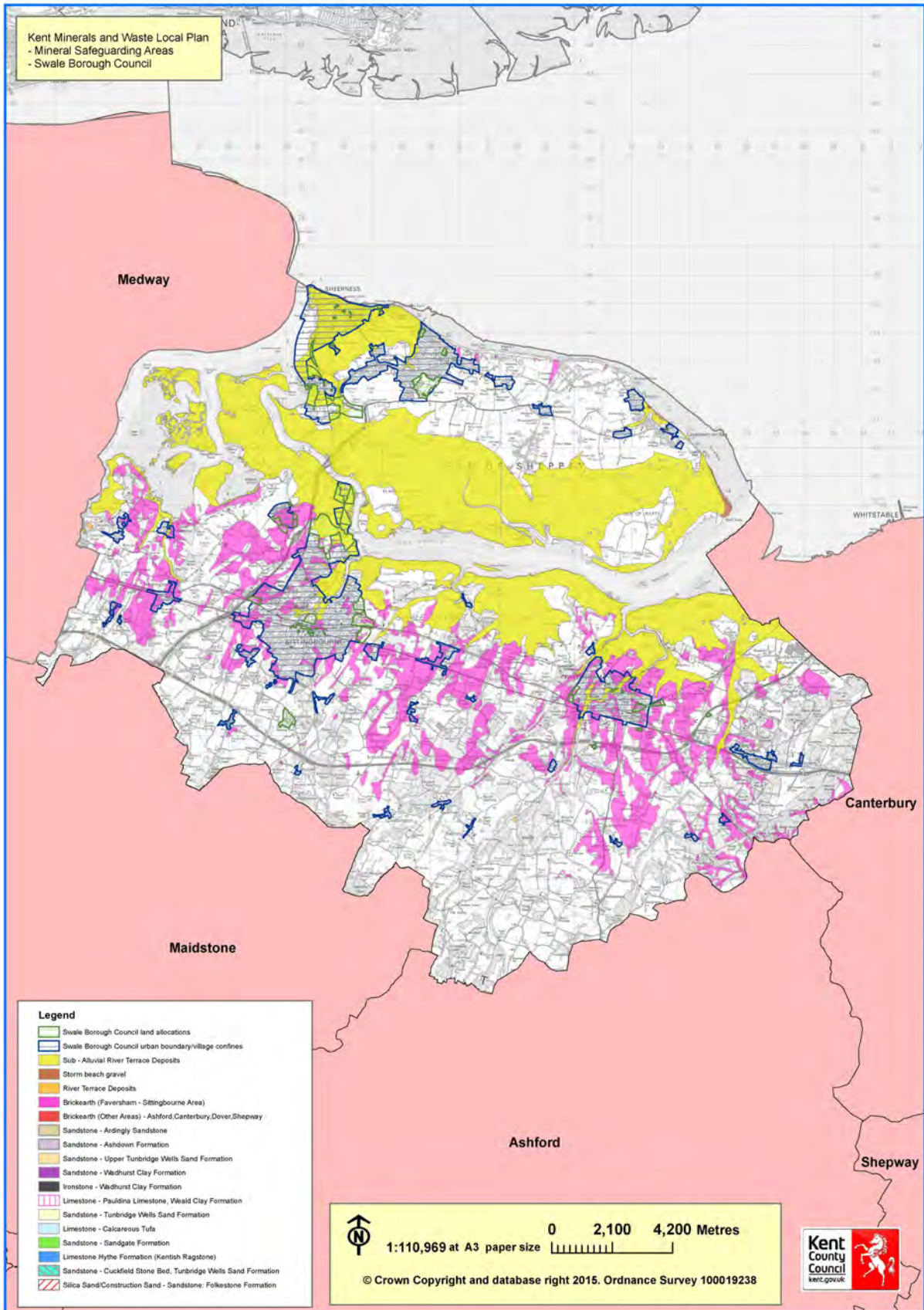


### Shepway Mineral Safeguarding Areas

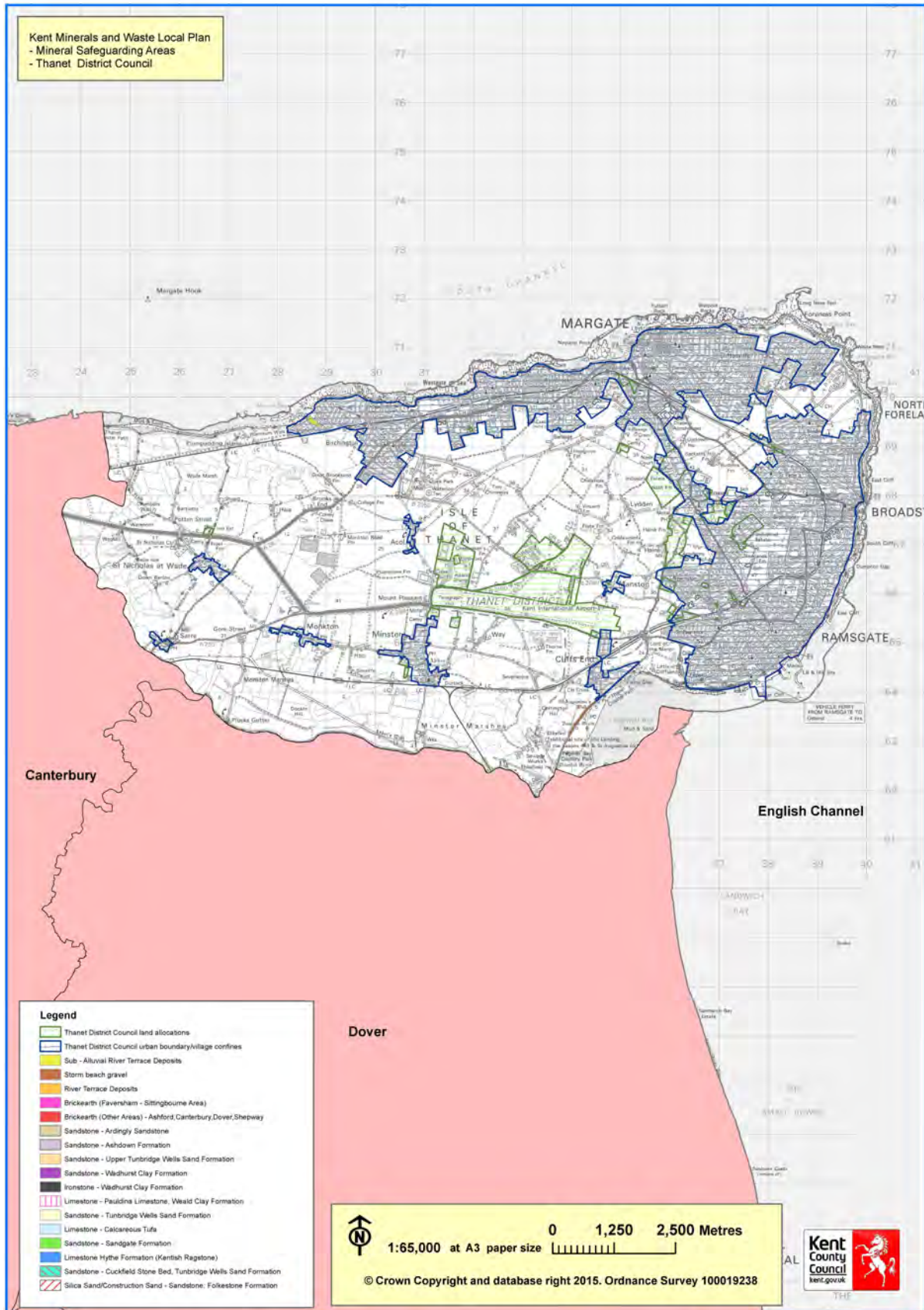
9 Adopted Policies Maps



### Swale Mineral Safeguarding Areas

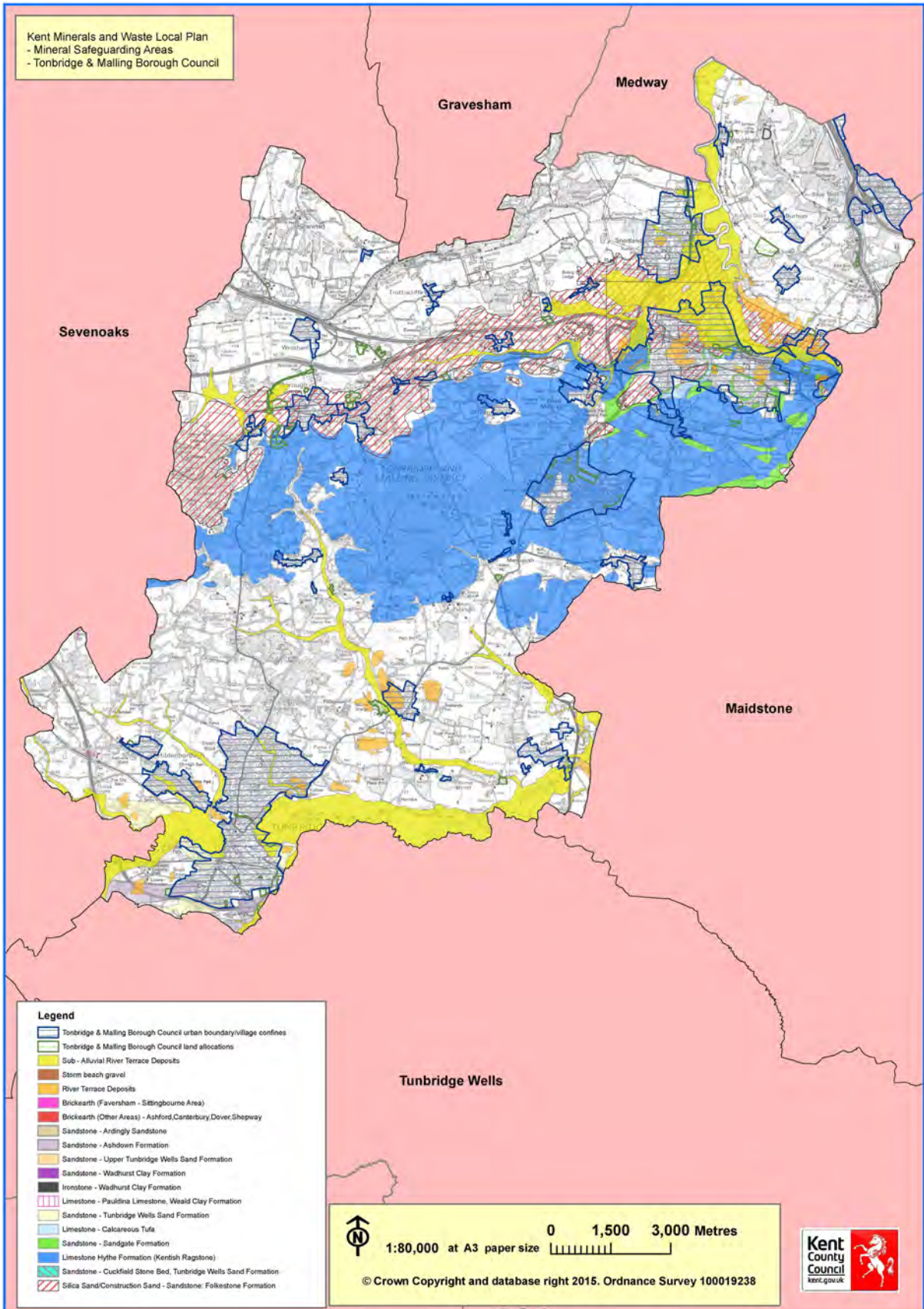


Thanet Mineral Safeguarding Areas

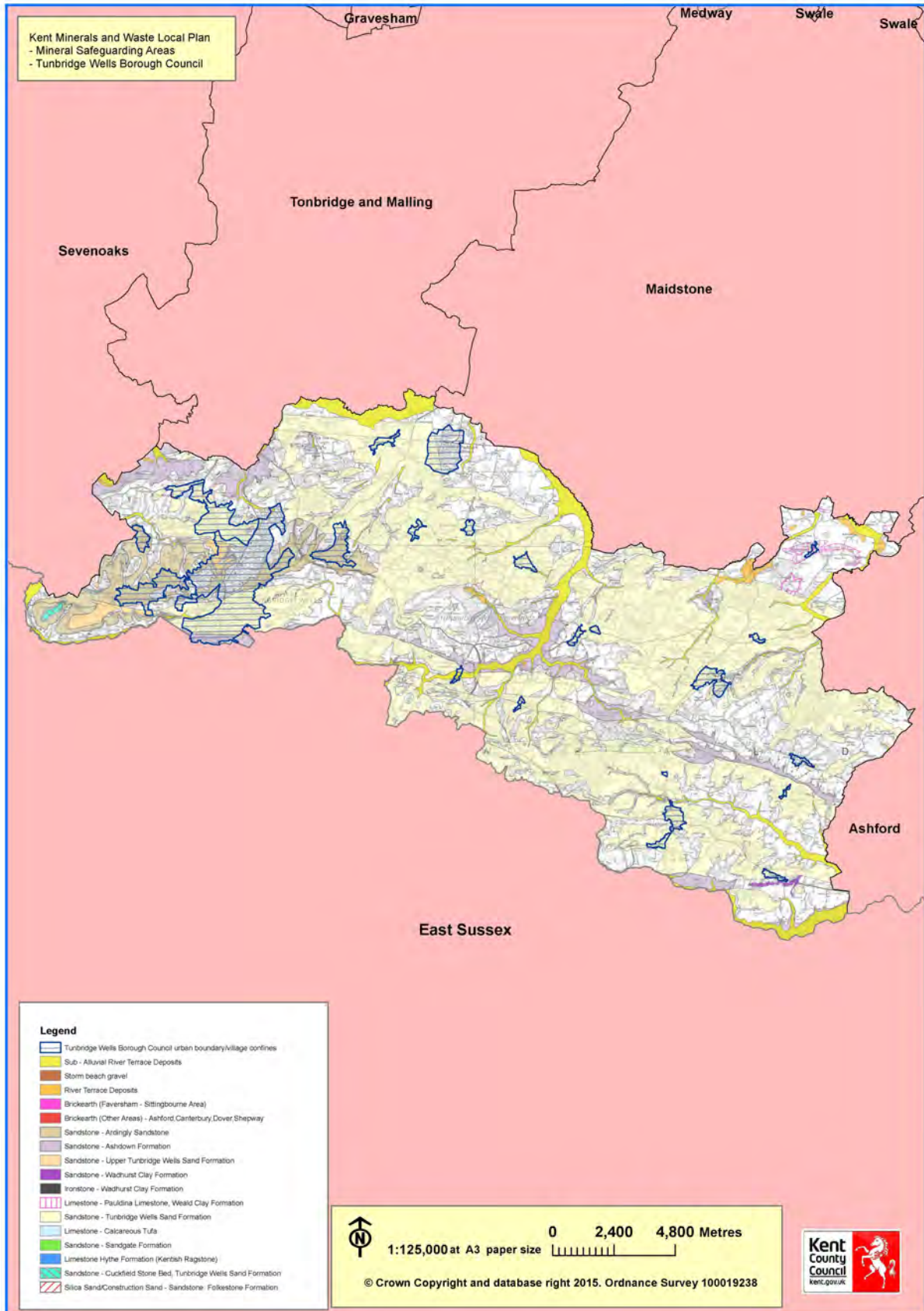




### Tonbridge & Malling Mineral Safeguarding Areas



### Tunbridge Wells Mineral Safeguarding Areas



## Appendix A: Glossary

<b>A</b>	
Aftercare	Measures to bring land up to the required standard following restoration which enables it to be used for the intended after-use. The aftercare period normally extends for 5 years following compliance with restoration conditions but may be extended where agreed between the applicant and the minerals planning authority.
After-use	The use to which a quarry or landfill site is put following its restoration, such as forestry, agriculture, recreation or biodiversity.
Aggregate	Inert particulate matter that is suitable for use (on its own or with the addition of cement or bituminous material) in construction as concrete, mortar, finishes, road stone, asphalt, or drainage course, or for use as constructional fill or railway ballast.
Aggregate Monitoring Survey	An annual survey undertaken by the MPAs in England to gather data on aggregate sales and reserves on behalf of the regional aggregate working parties. Each regional aggregate working party prepares an annual report which includes the results of the aggregate monitoring survey and which is submitted to the Government. The data from the aggregate monitoring survey is also used by the MPAs in their AMRs and their LAAs.
Aggregates and soils recycling	Rubble, hardcore and soil from construction and demolition projects can often be re-used on-site. Alternatively it can be taken to purpose-built facilities for crushing, screening and re-sale. There are also temporary facilities at some quarries and landfill sites where material can be recovered for re-sale or use on-site.
Agricultural waste	This mostly covers animal slurry/by products and organic waste, but also scrap metals, plastics, batteries, oils, tyres, etc. The regulations for this waste stream have been altered meaning farmers can no longer manage all of their own waste within the farm. The agricultural waste regulations affect whether or not waste can be burnt, buried, stored, used on the farm or sent elsewhere.
Amenity	Amenity is a broad concept and is not specifically defined in Planning legislation. It is a matter of interpretation by the local planning authority and is usually understood to be the pleasant or normally satisfactory aspects of a location which contribute to its overall character and the enjoyment of residents, business users and visitors. A land-use that is not productive agriculture, forestry or industrial development. This can include formal and informal recreation and nature conservation.

Anaerobic Digestion (AD)	A natural process comprising the breakdown of organic material in the absence of air. It is carried out in an enclosed vessel and produces methane that powers an engine used to produce electricity. The useful outcomes of AD are electricity, heat, and the solid material left over called the digestate. Both the heat and the electricity can be sold if there is a market and the digestate can either be sold or used for agricultural purposes (landspread). Its use is currently small-scale and it can only be used for part of the waste stream e.g. sewage sludge, agricultural waste and some organic municipal and industrial waste.
Annual Monitoring Report (AMR)	The AMR documents progress in meeting the milestones of the adopted Minerals and Waste Development Scheme and will monitor the impact of policies when the plans are adopted.
Apportionment	Related to Kent's share of the regional South East Plan's waste management capacity to be provided and Kent's share of the regional SEP's aggregate provision. The regional planning function has been repealed by the <i>Localism Act 2011</i> and the Regional Plan has been substantially revoked (certain habitat conservation elements still being in force) to date.
Appraisal of hydrocarbon extraction	This phase follows exploration when the existence of oil or gas has been proven, and the operator needs further information about the extent of the deposit or its production characteristics to establish whether it can be economically exploited.
Area of Search (AoS)	Broad areas where certainty of knowledge of mineral resources may be less than in other types of site allocations. Within these areas, planning permissions could be granted to meet any shortfall in mineral supply, if suitable applications are made. AoS are no longer being used in strategic planning in Kent.
<b>B</b>	
Becquerel	A Becquerel is a unit of radioactivity, representing one disintegration per second.
Biodegradable waste	Any waste that is capable of undergoing natural decomposition, such as food and garden waste, paper and cardboard.
Biodiversity	The variety of all life on earth (mammals, birds, fish, invertebrates, plants, etc).
Biodiversity Action Plan (BAP)	A plan that sets objectives and actions for the conservation of biodiversity, with measurable targets.
Brownfield site	Site previously used for or affected by development. It may be abandoned or in a derelict condition.

Buffer zone	A zone or area that separates minerals and/or waste management facilities from other land-uses to safeguard local amenity.
Building sand or soft sand	A naturally formed deposit where the sand grains are rounded in shape. The individual grains tend towards being equidimensional and the particle size variation is low. When soft sands are mixed with cement the mixture (called mortar) can be easily smoothed by hand to facilitate brick and block laying in construction.
<b>C</b>	
Call for sites	The call for sites is an early opportunity for individuals and organisations to suggest sites within the administrative area of a local planning authority which could be identified for development in a local plan. The call for sites exercise does not in itself determine whether a site should be allocated for development. This is determined by the local planning authority and the sites promoted in the call for sites exercise have no status until they are identified in an adopted local plan.
Certificate of Lawful Use	This is also known as a Lawful Development Certificate. These certificates exist in two forms: <ol style="list-style-type: none"> <li>1. a determination by a local planning authority as to whether an unauthorised development or use has become lawful through the passage of time, and can be continued without the need for planning permission</li> <li>2. a determination by a local planning authority as to whether a proposed use or building can occur or be built without the need for planning permission</li> </ol>
Combined Heat and Power	A technology producing power (electricity) while capturing the usable heat produced in the process.
Commercial waste	Waste from premises used mainly for trade, business, sport, recreation or entertainment, as defined under Section 5.75(7) of the <i>Environmental Protection Act 1990</i> . For example, it is likely to include timber, metal, paints, textiles, chemicals, oils and food waste, as well as paper, card, plastic and glass.
Composting	The breakdown of plant matter by the action of micro-organisms and other organisms into usable end-products. It is an important method of processing organic waste because it reduces the amount of potentially polluting waste going to landfill or incineration.
Conformity	In conformity means being in compliance.

Construction waste (also see demolition waste)	Unwanted material arising from construction projects. It includes vegetation and soils from land clearance, discarded materials and off-cuts from building sites, road schemes and landscaping projects. It is mostly made up of stone, concrete, rubble and soils but may include timber, metal and glass.
Critical load or Level	Critical load or level as the threshold below which emissions from a facility or changes in road emissions can be considered to be sufficiently small as to be essentially trivial whether alone or in combination with other projects and plans.
<b>D</b>	
Degradable or putrescible waste	This is also called non-hazardous waste. This is a waste that will biodegrade or decompose, releasing environmental pollutants. For example this includes wood and wood products, paper, plasterboard, cardboard, vegetable matter, food processing wastes and vegetation.
Demolition waste	This is also called construction waste. This is a waste arising from any development, redevelopment, or demolition of existing schemes. It includes vegetation and soils from land clearance, discarded materials and off-cuts from building sites, road schemes and landscaping projects. It is mostly made up of stone, concrete, rubble and soils but may include timber, metal and glass.
Development Plan	The Kent MWLP forms part of the statutory Development Plan for Kent together with the adopted local plans prepared by the Kent district planning authorities. The development plan has statutory status as the starting point for decision making. Section 38(6) of the <i>Planning and Compulsory Purchase Act 2004</i> and Section 70(2) of the TCPA 1990 require that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise.
<b>E</b>	
Energy from Waste (EfW)	The use of waste to generate energy (power and/or heat) or produce a gas that can be used as a fuel including the processing of waste to produce a fuel suitable for use in such plants.
Environmental Impact Assessment (EIA)	The process by which the impact on the environment of a proposed development can be assessed. Certain types and scale of waste proposals will require an Environmental Statement (ES) to be prepared. <i>The Town and Country Planning (Environmental Impact Assessment) Regulations 2011</i> (as amended) and the <i>Planning Practice Guidance</i> on Environmental Impact Assessment set out the circumstances when planning applications will be required to be accompanied by an EIA. The information contained in the EIA will be taken into account when local planning authorities determine such proposals.

Appendix A: Glossary

<p>European Sites</p>	<p>These are defined by Regulation 8 of the <i>Habitat Regulations 2010</i> and originate from a list of designated areas produced by the European Community which can be amended. These include fully designated Special Areas of Conservation (SAC) and Sites of Community Importance (SCIs). Also included in the list of such sites are: sites hosting a priority habitat or species during the period in which the EC is consulting the UK Government as to its inclusion in the list of SCIs and pending a decision of the Council of the EU as to its inclusion, classified Special Protection Areas (SPAs), sites submitted by the UK government or the EC as eligible for identification as an SCI until such time as it is placed on the list of SCIs (usually referred to as candidate SACs).</p> <p>In England, as a matter of Government policy, the following sites should be given the same protection as statutory European Sites: a potential SPA, a possible or proposed SAC, a listed or a proposed Ramsar site, and sites identified or required as compensatory measures for adverse effects on (statutory) European Sites, SPAs, SAC and listed or proposed Ramsar sites.</p>
<p>Examination in Public</p>	<p>The process in which all local plans are subject to an independent examination by a planning inspector before they can be adopted.</p>
<p>Exempt sites</p>	<p>Sites of small-scale waste management activities that do not require a licence or permit from the Environment Agency. They still require planning permission before they can operate and are subject to general rules (e.g. types and quantities of waste).</p>
<p>Exploratory phase of hydrocarbon extraction</p>	<p>The exploratory phase seeks to acquire geological data to establish whether hydrocarbons are present. It may involve seismic surveys, exploratory drilling and in the case of shale gas, (possibly) hydraulic fracturing.</p>
<p><b>G</b></p>	
<p>Gasification</p>	<p>A technology that converts carbon containing material into gas (mostly methane). The gas can either be used as a substitute for natural gas or used to power electricity generation.</p>
<p>Geodiversity</p>	<p>The variety of rocks, minerals, fossils, soils and landforms, together with the natural processes that shape the landscape.</p>
<p>Geological Disposal Facility (GDF)</p>	<p>This is a secure facility which the Government is working towards finding a location for and which will be used for either the long-term storage or disposal of higher-activity radioactive wastes. Site selection is a process to determine sites where the geological conditions are suitable to contain the wastes and to find a site where the local community are in agreement with the development of a GDF.</p>

Geomorphological	The scientific study of landforms and the processes that shape them.
Gigabecquerel	A becquerel is a unit of radioactivity, representing one disintegration per second. A gigabecquerel is 1,000 becquerels.
Greenhouse gas	Gases such as carbon dioxide and methane which when their atmospheric concentrations exceed certain levels can contribute to climate change by forming a barrier in the earth's atmosphere that traps the sun's heat.
Gross Value Added (GVA)	A measure of output i.e. the value of the goods and services produced in the economy. It is primarily used to monitor the performance of the national economy and is now the measure preferred by the Office for National Statistics to measure the overall economic wellbeing of an area. While the Gross Domestic Product and the GVA are both measures of value, the GVA excludes taxes and subsidies.
Groundwater	Water contained within underground strata (aquifers) of various types across the country. Groundwater is usually of high quality and often requires little treatment prior to use. It is however vulnerable to contamination from pollutants. Aquifer remediation is difficult, prolonged and expensive and therefore the prevention of pollution is important.
<b>H</b>	
Hazardous waste	Controlled waste that is dangerous or difficult to treat, keep, store or dispose of, so that special provision is required for dealing with it. Hazardous wastes are the more dangerous wastes and include toxic wastes, acids, alkaline solutions, asbestos, fluorescent tubes, batteries, oil, fly ash (flue ash), industrial solvents, oily sludges, pesticides, pharmaceutical compounds, photographic chemicals, waste oils, wood preservatives. If improperly handled, treated or disposed of, a waste that, by virtue of its composition, carries the risk of death, injury or impairment of health, to humans or animals, the pollution of waters, or could have an unacceptable environmental impact. It should be used only to describe wastes that contain sufficient of these materials to render the waste as a whole hazardous within the definition given above.
Heritage assets	A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. Heritage asset includes designated heritage assets and assets identified by the local planning authority (including local listing).
Heritage Coast	Areas of undeveloped coastline that are managed to conserve their natural beauty where appropriate, to improve accessibility for visitors.



High Level Wastes (HLW)	One of four broad categories of radioactive waste, HLW are wastes in which the temperature may rise significantly as a result of their radioactivity, so that this factor has to be considered in designing storage and disposal facilities.
Household waste	This is also known as Municipal Solid Waste (MSW). This is a waste from a domestic property, caravan, residential home or from premises forming part of a university or school or other educational establishment and premises forming part of a hospital or nursing home.
<b>I</b>	
Impact pathways	In carrying out a Habitat Regulations Assessment it is important to determine the various ways in which land-use plans can impact on European Sites by following the pathways along which development can be connected with European Sites. Impact pathways are routes by which a change in activity associated with a development can lead to an effect upon a European Site.
Imported minerals	Minerals imported through wharves and rail depots. In Kent this includes Marine Dredged Aggregates, crushed rock, sand and gravel, secondary aggregates and cement.
Industrial waste	Waste from any of the following premises: factory, provision of transport services (land, water and air), purpose of connection of the supply of gas, water, electricity, provision of sewerage services, provision of postal or telecommunication services.
Inert waste	Waste that will not biodegrade or decompose (or will only do so at a very slow rate). Types of materials include uncontaminated topsoil, subsoil, clay, sand, brickwork, stone, silica and glass.
Intermediate Level Wastes (ILW)	One of four broad categories of radioactive waste, ILW are wastes with radioactivity levels exceeding the upper boundaries of LLW that are retrieved and processed to make them passively safe and then stored pending the availability of the GDF.
<b>L</b>	
Landbank	A stock of mineral reserves with planning permission for their winning and working.
Landfill	The deposition of waste onto hollow or void space in the land, usually below the level of the surrounding land or original ground level in such a way that pollution or harm to the environment is prevented. Former mineral workings have historically been used for this purpose.

Landfill gas	A by-product from the digestion by anaerobic bacteria (rotting) of biodegradable matter present in waste deposited on landfilled sites. The gas is predominantly methane together with carbon dioxide and trace concentrations of a range of other vapours and gases.
Land-won minerals	Mineral extracted from a quarry situated on the mainland, as opposed to off-shore mineral supplies such as MDAs.
Local Aggregate Assessment (LAA)	A public report prepared annually by MPAs to gather together up-to-date information on aggregate sales and reserves from land-won sources together with data on secondary and recycled aggregates and mineral imports.
Local Development Scheme	The timetable for the preparation of the local plans.
Local Geological Sites	Any geological or geomorphological sites, excluding SSSIs, that are considered worthy of protection for their educational, research, historical or aesthetic importance. They are broadly analogous to non-statutory wildlife sites and are often referred to locally by the same name. They can include important teaching sites, wildlife trust reserves, LNRs and a wide range of other sites. They are not regarded as inferior to SSSIs but as sites of regional importance in their own right.
Local Plan	A Local Plan is a Development Plan Document that includes planning policies for a local area. A Local Plan forms part of the Development Plan for an Area.
Low-carbon Economy (LCE) or low-fossil-fuel economy	An economy that has a minimal output of greenhouse gas emissions into the biosphere, but specifically refers to the greenhouse gas carbon dioxide.
Low Level Radioactive Waste (LLW)	One of four broad categories of radioactive waste that reflect the degree of radioactivity and hazard. LLW does not normally require shielding during handling or transport. It consists largely of paper, plastics and scrap metal items that have been used in hospitals, research establishments and the nuclear industry.
<b>M</b>	
Marine Dredged Aggregates (MDA)	Aggregates excavated from the seabed, as opposed to aggregate minerals extracted from the earth on the mainland.
Materials Recovery Facility	A facility where waste can be taken in bulk for separation, recycling or recovery of waste materials. This is usually Municipal Solid Waste, but some sites take Commercial & Industrial waste. Some may also take Construction and Demolition waste to be crushed and screened.

Appendix A: Glossary

Methane	A colourless, odourless, flammable gas, formed during the decomposition of biodegradable waste.
Mineral Consultation Area (MCA)	An area identified in order to ensure consultation between the relevant local planning authority and the MPA before certain non-mineral planning applications made within the area are determined.
Mineral resources	Natural concentrations of minerals or bodies of rock that are, or may become, of potential economic interest due to their inherent properties.
Mineral Safeguarded Area (MSA)	Known areas of mineral resources that are of sufficient economic value to warrant protection for generations to come. There is no presumption that any areas within an MSA will ultimately be environmentally acceptable for mineral extraction. The purpose of MSAs is not to automatically preclude other forms of development, but to make sure that mineral reserves are considered in land-use planning decisions.
Municipal Solid Waste (MSW)	Waste collected and disposed of by or on behalf of a local authority. It will generally consist of household waste, some commercial waste, and waste taken to Household Waste Recycling Centres (HWRCs) by the general public. In addition, it may include road and pavement sweepings, gully emptying wastes, and some construction and demolition waste arising from local authority activities. It is typically made up of card, paper, plastic, glass, kitchen and garden waste.
<b>N</b>	
Natura 2000 Sites	All EU member states are required to create a network of protected wildlife areas, known as Natura 2000 Sites, consisting of SACs and SPAs, established to protect wild birds under the European Birds Directive. These sites are part of a range of measures aimed at conserving important or threatened habitats and species. In the UK they are also known as European Sites.
Natural Improvement Areas (NIAs)	Areas designated for creating more and better-connected habitats, recreational opportunities, flood protection, cleaner water and carbon storage as well as uniting local stakeholders.
Non-hazardous Waste (Non-inert Waste)	This is also called non-inert waste. This is a waste that will biodegrade or decompose, releasing environmental pollutants. Examples include wood and wood products, paper and cardboard, vegetation and vegetable matter, leather, rubber and food precessing wastes.

<b>O</b>	
Operation Stack	The process used to park lorries on a part of the M20 when cross channel services from the Port of Dover or through the Channel Tunnel are disrupted.
<b>P</b>	
Permitted reserves	Saleable minerals in the ground with planning permission for winning and working. Usually expressed in million tonnes.
Planning conditions	Conditions attached to a planning permission for the purpose of regulating and controlling the development.
Primary aggregates	Naturally occurring sand, gravel and crushed rock used for construction purposes, which have either been extracted from the sea bed or the earth's crust.
Production phase of Hydrocarbon Extraction	This normally involves the drilling of a number of wells. This may be wells used at the sites at the exploratory and/or appraisal phases of hydrocarbon development, or from a new site. Associated equipment such as pipelines, processing facilities and temporary storage tanks are also likely to be required.
Prospecting	Prospecting is the first stage of the geological analysis of a territory or area. It includes the physical search for minerals, fossils, precious metals or mineral specimens. Prospecting can be a small-scale form of mineral exploration that can extend to an organised, large scale effort undertaken by commercial mineral companies to find economically viable materials such as ores, gas, oil, coal and aggregates.
Putrescible waste	Waste readily able to be decomposed by bacterial action. Landfill gas and leachate can occur as by-products of decomposition.
Pyrolysis and Gasification	Both systems involve heating the waste in varying amounts of oxygen to produce a gas. The gas could either be used as a substitute for natural gas or used to power electricity generation.
<b>R</b>	
Ramsar sites	Sites of international importance to birds that inhabit wetlands. Ramsar is the name of the place where the Wetlands Convention was signed.
Reclamation of mineral workings	The combined processes of restoration and aftercare following completion of mineral working.
Recovery	The collection, reclamation and separation of materials from the waste stream.

Recovery facilities	A facility that recovers value, such as resources and energy, from waste prior to disposal, includes recycling, thermal treatment, biological treatment and composting facilities.
Recycled aggregates	Aggregates produced from recycled CD waste such as crushed concrete and planings from road surfacing.
Recycling	The collection and separation of materials from waste and subsequent processing to produce new marketable products.
Reduction	The use of technology requiring less waste generation from production, or the production of longer lasting products with lower pollution potential, or the removal of material from the waste stream, e.g. paper being taken straight from a waste producer to a paper re-processing facility, avoiding it being handled at any waste management operation.
Reserve	The remaining concentration or occurrence of workable material of intrinsic economic interest. Generally used for those economic mineral deposits that have the benefit of planning permission.
Resource	A concentration or occurrence of material of intrinsic economic interest in or on the Earth's crust in such a form, quality and quantity that they are reasonable prospects for eventual economic extraction.
Residual waste	The elements of the waste streams that remain following recovery, recycling or composting operations.
Resource recovery	The extraction of useful materials or energy from solid waste.
Restoration	Operations designed to return an area to an acceptable environmental state, whether for the resumption of the former land-use or for a new use following mineral working. Involves the reinstatement of land by contouring, the spreading of soils or soil making materials, etc.
Reuse	Reuse of waste is encouraged by the Government's national waste policy requirements. Typically it involves re-using materials so that they can be used again without further processing.
<b>S</b>	
Safeguarding	The process of protecting sites and areas that have potential for relevant development (minerals and waste ) from other forms of development.
Saved policies	Retaining a local plan (or policies from it) until replacement by a new local plan. Normally lasts for three years only, but extended saving can occur if policies need to stay in place for a longer period.

Scheduled Ancient Monument	Nationally important monuments and archaeological areas that are protected under the <i>Ancient Monuments and Archaeological Areas Act 1979</i> .
Secondary aggregates	Construction materials that are produced as by-products of other processes and used instead of primary aggregates. Secondary aggregates include boiler ashes, colliery shale, burned clay, pulverised fuel ash, chalk and shale.
Self-sufficiency	A key aim of sustainable waste management is self-sufficiency in waste disposal, i.e. the waste generated within the region can be disposed or managed within the same region.
Sensitive receptors	Habitable residential accommodation including, but not limited to, hospitals, schools, childcare facilities, elderly housing, churches and convalescent facilities.
Shale gas	Mostly methane (CH <sub>4</sub> ) and is found in the pore spaces of shale, a fine grained sedimentary rock, that contains hydrocarbon materials. Methane, often referred to as natural gas has an occurrence that is geologically variable in that it can be found in a reservoir as well as held within the source rock such as shale. It is combustible and is used to generate electricity and for domestic heating and cooking. Shale gas is often referred to as an unconventional hydrocarbon as it is extracted using technologies developed since the 1940s that has enabled gas to be recovered from shale (a fine grained sedimentary rock mainly of marine origin) that were previously considered to be unsuitable or uneconomic for the extraction of natural gas. One process, hydraulic fracturing (often called fracking) is a technique where water (and additives) is pumped under pressure into productive shale rocks via a drilled bore to open up pore spaces and allow the shale gas to be pumped to the surface for collection. <sup>(125)</sup>
Sharp sand and gravel	A naturally occurring mineral deposit found in Kent and elsewhere. When extracted it is mainly used in the production of concrete products.
Silica sand or industrial sand	A naturally occurring mineral deposit that is extracted and used in industrial processes including glass manufacture and the production of foundry castings. It is also used in horticulture and for sports surfaces including horse menages and golf course bunker sand. It is also known as industrial sand. It is a mineral of national importance.
Sites of Special Scientific Interest (SSSIs)	These sites are notified under Section 28 of the <i>Wildlife and Countryside Act 1981</i> by English Nature (now Natural England) whose responsibility is to protect these areas. These are

## Appendix A: Glossary

	important areas for nature conservation i.e. valuable flora, fauna or geological strata. Natural England needs to be notified of planning proposals in or adjacent to the designated areas. National Nature Reserves, terrestrial Ramsar sites, SPAs and SACs are also SSSIs under national legislation.
Soft sand	See Building sand.
Statement of Community Involvement	A document setting out how a local authority is to ensure that suitable sufficient consultation occurs for different elements of the planning process. This is a requirement as amended under the <i>Planning and Compulsory Purchase Act 2004</i> .
Sterilisation	When a change of use or the development of land on or near a minerals or waste facility prevents possible mineral extraction or continued use of a wharf, rail depot or other facility in the foreseeable future.
Strategic Environmental Assessment	An evaluation process for assessing the environmental impacts of plans and programmes. This is a statutory requirement of the Kent MWLP system.
Submission	A stage of the plan preparation process where the document is submitted to the Secretary of State for independent examination by a planning inspector. The document is published for public consultation prior to submission.
Surrounding environment	Aspects of the surrounding environment include such features as water resources including surface water, groundwater and rivers and their settings, heritage interests including listed buildings, conservation areas and their settings, and World Heritage Sites, nature reserves, local sites designated for biodiversity and geodiversity, species and habitats of importance for conservation and biodiversity, nationally designated areas including SSSIs and AONBs and their setting, internationally designated sites including SPAs, SACs, Ramsar sites, Heritage Coast and NIAs. The surrounding environment also includes those areas that are non designated but contribute to the whole environment.
Sustainability Appraisal (SA)	An evaluation process for assessing the environmental, social, economic and other sustainability effects of plans and programmes from the outset of the preparation process. This is a statutory requirement.
Sustainable development	Development that meets the needs of the present without compromising the ability of future generations to meet their own needs. The definition also encompasses the efficient use of natural resources.

<b>T</b>	
Transfer stations	Facilities that receive waste (normally from a local area), where the waste is bulked up and transported further afield in larger lorries for disposal or recovery. Some transfer stations sort out the recoverable wastes, such as CD waste and scrap metal prior to onward transportation for disposal or processing.
<b>V</b>	
Very Low Level Radioactive Waste (VLLW)	One of four broad categories of radioactive waste that reflect the degree of radioactivity and hazard. The radioactive concentration of VLLW is similar to the natural activity of soils and is well within the normal range of natural radioactivity in the Earth's crust.
Void space	A hole created by mineral working or nature that may have potential for landfilling with waste.
<b>W</b>	
Waste	<p>The TCPA 1990 has been amended so there is no dispute over whether waste, in terms of the planning regime, is defined in accordance with European law. It states that: Waste includes anything that is waste for the purposes of Directive 2006/12/EC of the European Parliament and of the Council on waste, and that is not excluded from the scope of that Directive by Article 2(1) of that Directive.</p> <p>Waste is therefore defined as any substance or object that the holder or the possessor either discards or intends or is required to discard. <sup>(126)</sup></p>
Waste arisings	The amount of waste generated in a given locality over a given period of time.
Waste Collection Authority (WCA)	A local authority with a statutory responsibility to provide a waste collection service to each household in its area, and on request, to local businesses.
Waste Disposal Authority	A local authority that is legally responsible for the safe disposal of household waste collected by the WCAs. Long-term contracts are let to private sector companies who provide the facilities to handle this waste. These contracts are awarded on the basis of detailed cost and environmental criteria as well specific targets for recycling and reducing landfill.

126 This definition is inserted into s.336(1) of the TCPA 1990, as part of the consequential amendments made by the Environmental Permitting (England and Wales) Regulations 2007 SI 2007/3528 (the EPR 2007), as from 6 April 2008. See Schedule 21, para 19 of the EPR 2007 (and its commencement - see reg.1).



Appendix A: Glossary

Waste electrical and electronic equipment	Discarded electrical or electronic equipment, including all components, sub-assemblies and consumables that are part of the product at the time of discarding.
Waste hierarchy	A concept devised by EUWFD (2008/98/EC) conveying waste management options in order of preference; waste prevention (most preferred) followed by reduction, recycling, recovery and disposal (least preferred). Figure 18 shows the Waste Hierarchy in Chapter 6.
Waste management permit	A permit granted by the Environment Agency (EA) authorising treatment, keeping or disposal of any specified description of controlled waste in or on specified land by means of specified plant.
Waste Management Unit (WMU)	A KCC department that manages all aspects of MSW (household waste) arisings in Kent.
Waste minimisation	The reduction of unwanted outputs from the manufacturing and construction processes that are likely to result in less waste being produced.
Waste Planning Authority (WPA)	A local authority with responsibility for waste planning, including the determination of waste related planning applications. In areas with two tiers of local government (counties and districts), the county councils are the WPAs. National Parks are also WPAs. Unitary authorities, such as Medway Council, deal with waste planning and all other planning issues within their areas.
Waste reduction	To make waste production and waste management practices more sustainable. Key national objectives are to reduce the amount of waste that is produced, make the best use of waste produced and choose practices which minimise the risks of pollution and harm to human health. Waste reduction is concerned with reducing the quantity of solid waste that is produced and reducing the degree of hazard represented by such waste.
Wastewater	Water discharged to the sewers and includes MSW, C&I waste in addition to surface water run off. This raw wastewater is collected in sewers and transferred to wastewater treatment works where it is treated in such a way that it produces largely reusable sewage sludge and effluent that is discharged to watercourses.

## Appendix B: List of Replaced, Deleted and Retained Policies

**B.1** All the previously adopted minerals and waste policies are replaced by the Kent MWLP 2013-30 and the Mineral 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)

**B.2** All of these plans were prepared before Medway Council was formed and these plans therefore covered areas which are now within Medway.

**B.3** 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 Mineral 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.

**List of Saved Policies in Previously Adopted Plans to be Deleted**

This list identifies the saved policies within the previously adopted minerals and waste plans for Kent alongside the new policies in the Kent MWLP 2013-2030 that will replace them. These policies will be deleted upon the adoption of the Kent MWLP 2013-2030.

**Saved Policies being Deleted**

Kent Minerals Local Plan Construction Aggregates (1993) Saved Policies		Equivalent Policies in the Kent MWLP 2013-2030	
CA1	Access Considerations (for aggregate wharves and rail depots)	CSM 12	Sustainable Transport of Minerals
CA2C	Primary Planning Constraints (for aggregate wharves and rail depots)	-	No new sites came forward in the call for sites but Policy CSM 11 identifies safeguarded sites for wharves and rail depots for the plan period
CA3	Local Considerations (for aggregate wharves and depots)	CSM 12	Sustainable Transport of Minerals
CA4	Proposed Locations (for aggregate wharves and depots)	-	No new sites came forward in the call for sites but Policy CSM 11 identifies safeguarded sites for wharves and rail depots for the plan period
CA7	Provision of Geological Information in Support of an Application	DM 16	Information Required in Support of an Application
CA8D	Exceptions to Areas of Search	CSM 4	Non-identified Land-won Mineral Sites
CA9	Borrow Pits	-	Policy will be deleted. However borrow pits can be considered as part of Policy CSM 4

CA10	Mineral Consultation Areas (safeguarding mineral resources and potential supply points)	CSM 5, CSM 11 DM 7	Land-won Mineral Safeguarding, Safeguarded Wharves and Rail Depots, and Safeguarding Mineral Resources and Importation Infrastructure
CA12	The Structure Plan (regarding silica sand)	CSM 2	Supply of Land-won Minerals in Kent
CA13	Location for Mining and Processing Carboniferous Limestone	CSM 11	Prospecting for Carboniferous Limestone
CA16	Traffic Considerations	DM 13	Transportation of Minerals and Waste
CA18	Noise, Vibration and Dust	DM 11	Health and Amenity
CA19	Plant and Building	DM 1	Sustainable Design
CA20	Plant and Building	DM 11	Health and Amenity
CA20A	Ancillary Operations	DM 20	Ancillary Development
CA21	Public Rights of Way	DM 13	Public Rights of Way
CA22	Landscaping	DM 19	Restoration, Aftercare and After-use
CA23	Working and Reclamation	DM 19	Restoration, Aftercare and After-use

## Appendix B: List of Replaced, Deleted and Retained Policies

Kent Minerals Local Plan Chalk and Clay(1997) Saved Policies		Equivalent Policies in the Kent MWLP 2013-2030	
CC1	Provision for Development	CSM 2	Supply of Land-won Minerals in Kent
CC1A	Provision for Development (secondary or waste material re-use)	-	Policy is deleted. There is no need for a policy supporting the preparation of suitable secondary or waste chalk or clay materials for re-use. It is considered that this is related to potential supply of recycled or secondary materials for cement workings
CC5	Safeguarding existing working areas in the south-eastern and western parts of Eastern Quarry	-	All potential reserves are now exhausted. Policy will be deleted
CC9	Cement Wharves (safeguarding)	CSM 6 DM 7 DM 8	Safeguarded Wharves and Rail Depots and Safeguarding Mineral Resources  Safeguarding Minerals Management, Transportation & Waste Management Facilities
CC10A	Minerals Consultation Areas (safeguarding)	CSM 5	Land-won Mineral Safeguarding
CC12	Noise, Vibration and Dust	DM 11	Health and Amenity
CC14	Land Drainage, Flood Control and Land Stability	DM 10	Water Environment
CC15	Nature Conservation	DM 19	Restoration, Aftercare and After-use
CC16	Plant and Buildings	DM 1	Sustainable Design
CC18	Ancillary Operations	DM 20	Ancillary Development

CC20	Public Rights of Way	DM 14	Public Rights of Way
CC24	Road, Traffic and Access	DM 13	Transportation of Minerals and Waste
CC26	Landscaping	DM 19	Restoration, Aftercare and After-use
CC27	Aftercare	DM 19	Restoration, Aftercare and After-use
<b>Kent Minerals Local Plan Oil and Gas(1997) Saved Policies</b>			
<b>Equivalent Policies in the Kent MWLP 2013-2030</b>			
OG1AA	Coastal Planning		Policy will be deleted
OG2	Exploration	CSM 10	Oil, Gas and Coal-bed Methane
OG3	Appraisal	CSM 10	Oil, Gas and Coal-bed Methane
OG4	Development	CSM 10	Oil, Gas and Coal-bed Methane
OG5	Noise, Vibration, Dust and Gas	DM 11	Health and Amenity
OG7	Land Drainage, Flood Control and Unstable Land	DM 10	Water Environment
OG8	Nature Conservation	CSM 10 DM 19	Oil, Gas and Coal-bed Methane Restoration, Aftercare and After-use
OG9	Plant and Buildings	DM 1	Sustainable Design

## Appendix B: List of Replaced, Deleted and Retained Policies

OG10	Hours of Working	DM 16 DM 11	Information required in Support of an Application and Health and Amenity
OG11	Public Rights of Way	DM 14	Public Rights of Way
OG15	Road, Traffic and Access	DM 13	Transportation of Minerals and Waste
OG16	Road, Traffic and Access	DM 11	Health and Amenity
OG17	Landscaping	DM 19	Restoration, Aftercare and After-use
OG18	Working and Restoration/Aftercare	DM 19	Restoration, Aftercare and After-use
<b>Kent Minerals Local Plan: Brickearth (1986) Saved Policies</b>			
<b>Equivalent Policies in the Kent MWLP 2013-2030</b>			
B2	Safeguarded Land	CSM 5 DM 7	Land-won Mineral Safeguarding Safeguarding Mineral Resources
B3	Development Land	DM 9	Extraction of Minerals in Advance of Surface Development
B4	Economically Workable Reserves	DM 16	Information Required in Support of an Application
B5	Material Required for Restoration (soil depths)	DM 16	Information Required in Support of an Application
B6	Working and Restoration Scheme Requirements	DM 19	Restoration, Aftercare and After-use
B7	Agricultural Aftercare	DM 19	Restoration, Aftercare and After-use
B9	Access	DM 12	Transportation of Minerals and Waste
B10	Mud and Stones on the Public Highway	DM 16	Information Required in Support of an Application
B11	General Policy on Environmental Impact	DM 11	Health and Amenity

B12	Noise, Dust and Traffic	DM 11 DM 13	Health and Amenity and Transportation of Minerals and Waste
B13	Landscaping	DM 16 DM 19	Information required in Support of an Application, Restoration, Aftercare and After-use
B14	Public Rights of Way	DM 14	Public Rights of Way
<b>Kent Waste Local Plan (1998) Saved Policies</b>			
W3	Locational Criteria	CSW 6	Location of Built Waste Management Sites Facilities
W5	Land Raising	CSW 9 CSW 11	Non Inert Waste Landfill in Kent Permanent Deposit Inert Waste
W6	Need (for waste facilities outside identified locations)	CSW 6	Location of Built Waste Management Sites Facilities
W7	Locations Suitable in Principle for Inert Waste to be Prepared for Recycling or Reuse	N/A	Policy Deleted
W8A	River Dredgings	CSW 14	Disposal of Dredgings
W9	Locations Suitable in Principle for Waste Separation and Transfer Proposals	N/A	Policy Deleted
W10	Composting and Digestion	CSW 7	Waste Management for Non-hazardous Waste
W11	Locations with Potential for Efw Proposals	N/A	Policy Deleted
W12	Landfill of Mineral Voids	CSW 9 CSW 10	Non Inert Waste Landfill in Kent Development at Closed Landfill Sites
W13	PFA	DM 1	Sustainable Design



Appendix B: List of Replaced, Deleted and Retained Policies

W17	Incineration		DM 11	Health and Amenity
W18	Noise, Dust, Odours etc		DM 11	Health and Amenity
W19	Water Resources/ Leachate/ Groundwater		DM 10	Water Environment
W20	Landfill: Surcharging/Unstable Land/Land Water, Drainage and Flood Control		DM 10 DM 19	Water Environment Restoration, Aftercare and After-use
W21	Nature Conservation Policy		DM 19	Restoration, Aftercare and After-use
W22	Road Traffic and Access		DM 12	Transportation of Minerals and Waste
W25	Plant and Buildings		DM 1	Sustainable Design
W25A	Plant and Buildings		CSW 6	Location of Built Waste Management Sites Facilities
W26	Public Rights of Way		DM 14	Public Rights of Way
W30	Landscaping		DM 19	Restoration, Aftercare and After-use
W32	Restoration/Aftercare		DM 19	Restoration, Aftercare and After-use

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.

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

## Appendix C: List of Mineral Sites that are included in Landbank Calculations

**C.1** The table below lists the permitted land-won mineral working sites in Kent included in landbank calculations at the time of plan preparation. Sites that have been inactive for more than 10 years are not included in the landbank calculations. Sites that were inactive in 2013 are shown in *italics*.

**Table 3 Land-Won Mineral Sites in Kent included in calculations of permitted reserves**

Sites	Predominant Aggregate Type	Operator Details
<b>1. Aggregate Sites</b>		
Hermitage Quarry, Maidstone	Crushed Rock	Gallagher Aggregates Ltd
Blaise Farm, West Malling	Crushed Rock	Hanson Aggregates Ltd
<i>Stone Castle Farm, Whetsted</i>	<i>Sandstone Sand and Gravel</i>	<i>Lafarge Aggregates Ltd</i>
Faversham Quarries, Faversham	Sharp Sand and Gravel	Brett Aggregates Ltd
Lydd Quarry (Scotney Court Farm), Lydd	Sharp Sand and Gravel	Brett Aggregates Ltd
<i>Allens Bank, Lydd</i>	<i>Sharp Sand and Gravel</i>	<i>Brett Aggregates Ltd</i>
<i>Conningbrook Quarry</i>	<i>Sharp Sand and Gravel</i>	<i>Brett Aggregates Ltd</i>
<i>Highstead Quarry, Chislet</i>	<i>Sharp Sand and Gravel</i>	<i>Brett Aggregates Ltd</i>
Denge Quarry, Lydd	Sharp Sand and Gravel	CEMEX UK
Darenth & Joyce Green Quarry, Dartford	Sharp Sand and Gravel	J Clubb Ltd

Sites	Predominant Aggregate Type	Operator Details
East Peckham Quarry, East Peckham	Sandstone Sand and Gravel	J Clubb Ltd
<i>Joyce Green Quarry, Dartford</i>	<i>Sharp Sand and Gravel</i>	<i>Hanson (Joyce Green Aggregates) Ltd</i>
<i>Aylesford Quarry, Aylesford</i>	<i>Soft Sand</i>	<i>Aylesford Heritage Ltd</i>
Borough Green Sand Pit, Sevenoaks	Soft Sand	Borough Green Sandpits Ltd
Charing Quarry, Charing	Soft Sand	Brett Aggregates Ltd
Lenham Quarry, Maidstone	Soft Sand	Brett Aggregates Ltd
Ightham Sand Pit, Sevenoaks	Soft Sand	H&H Ltd
Wrotham Quarry (Addington Sand Pit), Wrotham	Soft Sand	Hanson Aggregates
Nepicar Sand Quarry, Sevenoaks	Soft Sand	J Clubb Ltd
Greatness Farm, Sevenoaks	Soft Sand	Tarmac Ltd
<b>2. Silica Sand</b>		
Nepicar Sand Pit, Wrotham	Silica sand	J Clubb Ltd
Addington Sand Pit (Wrotham Quarry), Addington	Silica sand	Hanson Aggregates Ltd
<b>3. Brickearth and Brickclays</b>		
Claxfield Farm, Sittingbourne	Brickearth	Wienerberger Ltd
Hempstead House, Sittingbourne	Brickearth	Ibstock Brick Ltd
Babylon Tileworks, Tonbridge	Tiles (Weald Clay)	Mr M Gash
<b>4. Clay</b>		
Norwood Quarry, Isle of Sheppey	Engineering (London Clay)	FCC Environment (UK) Ltd

Sites	Predominant Aggregate Type	Operator Details
<b>5. Chalk</b>		
<i>Medway Works, Holborough</i>	<i>Cement</i>	<i>Lafarge Cement Ltd</i>
Darenth Rd Quarry, Dartford	Agricultural uses	J Clubb Ltd
Pinden Quarry, Dartford	Agricultural uses	SBS Ltd
Detling Quarry, Maidstone	Agricultural uses	John Bourne & Co Ltd
Beacon Hill Quarry, Ashford	Agricultural uses	John Bourne & Co Ltd
Crundale Quarry, Ashford	Agricultural uses	C Peach
Hegdale Quarry, Ashford	Agricultural uses	R H Ovenden Ltd
Rowling Quarry, Dover	Agricultural uses	R H Ovenden Ltd

**C.2** Table 3 gives the sand and gravel and agricultural chalk permitted reserve calculations based on the data for the 2013 calendar year. The total permitted reserve figure per mineral type is given where data is available. Reserve details for the individual sites cannot be published due to operator confidentiality requirements. Table 4 shows hard rock, clay and brickearth quarries where there is commercial sensitivity due to there being less than three operational sites (or simply limited data). These reserves are expressed as an estimated supply in years rather than an available tonnage.<sup>(127)</sup>

**C.3** Permitted reserve figures for all the economic minerals in Kent are reviewed annually in the Kent AMR. Further details of these calculations are given in the Kent LAA (updated annually) and in topic report TRM3: Other Minerals.<sup>(128)</sup>

127 The years of supply are estimates based on the data from ten year sales averages, operator surveys or planning application information.

128 Available from: [www.kent.gov.uk/mwlp](http://www.kent.gov.uk/mwlp).

**Table 4 Mineral Reserves in Kent without Tonnage Confidentiality Restriction (2013)**

<b>Mineral Reserves in Kent without Confidentially Restrictions</b>	<b>Millions of tonnes (mt) <sup>(1)</sup></b>
Soft Sand	10.6 mt
Soft Sand (non-aggregate uses including silica or industrial sand)	2.2 mt
Sharp Sand and Gravel	3.61 mt
Sharp Sand and Gravel (non-aggregate uses)	0.50 mt
Chalk (for agricultural uses)	1.9 mt

1. Figures rounded to nearest decimal place

**Table 5 Kent Mineral Landbank Subject to Tonnage Confidentiality Restriction (2013)**

<b>Mineral Reserves in Kent with Confidentially Restrictions</b>	<b>Landbank expressed as supply in years</b>
Hard Rock (that can be crushed to form aggregate)	Over 20 years supply
Hard Rock (that is only suitable for construction fill and/or industrial uses)	Over 46 years supply
Chalk (for cement manufacture)	Over 25 years supply
Brick Clay (peg tile manufacture)	Over 25 years supply
Brickearth (brick manufacture)	Less than 15 years supply
Clay for engineering uses	Approximately 12 years supply



# Early Partial Review of the Kent Minerals and Waste Local Plan 2013-30 – Proposed textual changes

July 2020

This document sets out the elements of the KMWLP which would be amended by the Early Partial Review, demonstrating how the text has been altered.

## **1 Introduction**

**[Paragraphs 1.0.1 – 1.1.2 remain unchanged and as shown in the adopted Kent Minerals and Waste Local Plan 2013-30]**

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

**[Paragraphs 1.1.4 – 1.2.1 remain unchanged and as shown in the adopted Kent Minerals and Waste Local Plan 2013-30]**

**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.~~

**[Paragraphs 1.2.3 – 1.5 remain unchanged and as shown in the adopted Kent Minerals and Waste Local Plan 2013-30]**



## **5 Delivery Strategy for Minerals**

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

**[Paragraphs 5.2.1 – 5.2.29 remain unchanged and as shown in the adopted Kent Minerals and Waste Local Plan 2013-30]**

#### **Brickearth and Clay for Brick and Tile Manufacture**

**5.2.30** At the time of plan preparation, Kent only has one operational brickworks near Sittingbourne, which is supplied by brickearth extracted from sites in the Sittingbourne to Faversham area to make yellow London stock bricks. Brickearth extracted from another site in north Kent provides the raw materials for a brickworks in East Sussex. National planning policy requires the provision of a stock of permitted reserves of at least 25 years for brick clay. (53) There is a need to identify **ensure** sufficient sites **reserves are available** to provide brickearth for these two brickworks to ensure that the locally characteristic yellow London stock bricks can continue to be manufactured.

**[Paragraphs 5.2.31 – 5.2.34 remain unchanged and as shown in the adopted Kent Minerals and Waste Local Plan 2013-30]**

#### **Chalk**

**5.2.35** Chalk is abundant in Kent. It is used for agricultural and construction purposes (primarily as a bulk fill material) across the county. (57) Since there are no plants dependant on the supply of chalk there is no policy requirement to make provision. However local sales data for agricultural and engineering use combined indicates that sales vary considerably from year to year. The indicative Kent landbank of chalk for agricultural and engineering use is estimated to be around 49.4 **17.6** years according to 2013 sales rates **as of 2018** (58). In view of the possible under reporting of sales for certain uses it is considered that some provision for additional chalk supplies should be made and sufficient chalk extraction sites, based on an assessment at that time, of likely future requirements, will be identified in the Mineral Sites Plan **Reserves of chalk and rates of demand will be monitored and reported in the Annual Monitoring Report and taken into account when any proposals for new sites come forward.**

[Footnote 58] KCC (2015) Kent's 10<sup>th</sup> Annual Kent Minerals and Waste Monitoring Report 2013/14 **KCC (2018) Kent's 12th Annual Kent Minerals and Waste Monitoring Report 2017/18.**

**[Paragraphs 5.2.36 – 5.2.37 remain unchanged and as shown in the adopted Kent Minerals and Waste Local Plan 2013-30]**

#### **Policy CSM 2**

#### **Supply of Land-won Minerals and Kent**

[Parts 1, 3 and 5 of Policy CSM 2 remain unchanged and as shown in the adopted Kent Minerals and Waste Local Plan 2013-30]

## 2. Brickearth and Clay for Brickearth Tile Manufacture

Sites will be identified in the Mineral Sites Plan for the supply of brickearth by providing a stock of permitted reserves of at least 25 years to support the level of actual and proposed investment required for new or existing plant and the maintenance and improvement of existing plant and equipment. The stock of existing planning permissions for clay for brick and tile making is sufficient for the plan period. **The stock of existing planning**

**permissions at Paradise Farm, Orchard Farm, Hempstead House and Claxfield Road for brickearth clay for brick and tile making is sufficient for the plan period.**

**Applications for sites supplying brickearth and clay for brick and tile making will be dealt with in accordance with the policies of this Plan. The existence of a stock of permitted reserves of at least 25 years (as reported in the latest Annual Monitoring report) to support the level of actual and proposed investment required for new or existing plant and the maintenance and improvement of existing plant and equipment will be a material consideration.**

## 4. Chalk for Agriculture and Engineering Purposes

Sites will be identified to enable sufficient chalk extraction to continue through the plan period to supply Kent's requirement for agricultural and engineering chalk. **The stock of existing planning permissions for chalk is sufficient to supply Kent's requirements for agricultural and engineering chalk over the plan period. Applications for sites supplying chalk for agriculture and engineering purposes will be dealt with in accordance with the policies of this Plan. The need for additional supplies of chalk will be assessed based on the latest assessment of supply and demand set out in the Annual Monitoring Report.**

## 6 Delivery Strategy for Waste

[Policy CSW1 and paragraphs 6.1.1- 6.1.2 remain unchanged and as shown in the adopted Kent Minerals and Waste Local Plan 2013-30]

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

[Paragraph 6.2.1, 6.2.2 and Figure 18 Waste Hierarchy remains unchanged and as shown in the adopted Kent Minerals and Waste Local Plan 2013-30]

**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 **BPP Consulting Waste Needs Assessment 2018**.

[Policies CSW 2 and CSW 3 remain unchanged and as shown in the adopted Kent Minerals and Waste Local Plan 2013-30]

### 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 ~~3~~ 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).

	<b><u>Milestone Year</u></b>			
	<b><u>2015/16</u></b>	<b><u>2020/21</u></b>	<b><u>2025/26</u></b>	<b><u>2030/31</u></b>
<b><u>Local Authority Collected Waste</u></b>				
<b><u>Recycling/composting<sup>8</sup></u></b>	<b><u>n/a</u></b>	<b><u>50%</u></b>	<b><u>55%</u></b>	<b><u>60%</u></b>
<b><u>Other Recovery</u></b>	<b><u>n/a</u></b>	<b><u>48%</u></b>	<b><u>43%</u></b>	<b><u>38%</u></b>
<b><u>Remainder to Landfill</u></b>	<b><u>n/a</u></b>	<b><u>2%</u></b>	<b><u>2%</u></b>	<b><u>2%</u></b>
<b><u>Commercial &amp; Industrial Waste</u></b>				
<b><u>Recycling/composting<sup>9</sup></u></b>	<b><u>n/a</u></b>	<b><u>50%</u></b>	<b><u>55%</u></b>	<b><u>60%</u></b>

**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**

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

**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 CSW 5

### 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. **Unless criterion 1 below is satisfied**, 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**, 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 polices 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~~ Employment 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~~ Certain 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 if the nature of the proposed waste management activity requires an isolated location.

**[Paragraph 6.6.1 remains unchanged and as shown in the adopted Kent Minerals and Waste Local Plan 2013-30]**

## **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** There is no intention to restrict the amount of new capacity for waste management for recycling or preparation of waste for reuse or recycling (87A), or for the provision of additional capacity for green and/or kitchen waste treatment since the sooner it is delivered, the greater the impact will be on reducing organic waste going to landfill, the most significant source of methane production.

**6.7.4** 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.~~

**[Footnote 87A -A definition of recycling is included in the glossary. Recycling includes composting]**

## **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)**

[Footnote 89 - For example, if 100 tonnes is fed into the plant: 20 tonnes are lost as moisture; 30 tonnes are diverted as recycle; 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 Directive (90) 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.

[Footnote 90 – Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives]

## **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 and as shown in the adopted Kent Minerals and Waste Local Plan 2013-30]**

**[Policy CSW 10: Development at Closed Landfill Sites including paragraph 6.10.1 preamble remain unchanged and as shown in the adopted Kent Minerals and Waste Local Plan 2013-30]**

## **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 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~~ **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~~ **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.**

**[Paragraph 6.11.3 and Policy CSW11 remains unchanged and as shown in the adopted Kent Minerals and Waste Local Plan 2013-30]**

## **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 and as shown in the adopted Kent Minerals and Waste Local Plan 2013-30]**

## **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





## **7 Development Management Policies**

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

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

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

**7.5.23** 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.

**7.5.4 The process of Local Plan formulation, including consultation, independent examination and subsequent adoption provides the opportunity to take account of, and address, the need for the safeguarding of mineral resources. In doing so, it can make a clear judgement that where land is allocated in a Local Plan for surface development, such as housing, the presence of a mineral resource, and the need for its safeguarding, has been factored into the consideration of whether the allocation is appropriate. For sites allocated for non-mineral development it will therefore usually be the case that an assessment of the relevant considerations (criteria 1 to 6 in Policy DM7) has already taken place. In some cases, the assessment will conclude that an allocated site should be exempt from mineral safeguarding. The approach to be taken to mineral assessment during the plan-making stage will be set out in the Safeguarding SPD.**

**7.5.45** **However, applications for non-mineral development located in MSAs, which are promoted as a 'windfall site' (sites not allocated in a development plan) or which are being promoted on allocated sites that have not been the subject of a 'Minerals Assessment,** Proposals located in MSA's will usually need to be accompanied by **such an assessment.** A Minerals Assessment **This assessment will be** prepared by the promoter ~~which~~ **and** 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)

**7.5.56** 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, **amongst**

~~**other things**, the overriding importance of the development, such as whether the development is of strategic national importance, and why the **identified** need cannot practically be met elsewhere.~~

**7.5.67** 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 including during preparation of Strategic Housing Land Availability Assessments.

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

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

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

## **Policy DM 7**

### **Safeguarding Mineral Resources**

#### 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.**

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

[Footnote 112] In this context 'mineral safeguarding' should be taken to mean safeguarding certain minerals identified within a Mineral Safeguarding Area shown in the policies maps in Chapter 9 and allocations in the Mineral Sites Plan.

## **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 is included in a Supplementary Planning Document.

## **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 KCCs intention to replace a~~ All the previously adopted minerals and waste policies **are replaced by** ~~plans with the Kent MWLP 2013-30 and the Mineral 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 polices 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 Mineral ~~and Waste 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.

~~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.~~

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# Non-Technical Summary – SA of the draft Kent Minerals Sites Plan

Report to Environment and Transport Committee

C004300759




June 2020

ameyconsulting



**Document Control Sheet**

<b>Project Name:</b>	Report to Environment and Transport Committee
<b>Project Number:</b>	CO04300759
<b>Report Title:</b>	Non-Technical Summary – SA of the draft Kent Minerals Sites Plan
<b>Report Number:</b>	SR4

<b>Issue Status/Amendment</b>	<b>Prepared</b>	<b>Reviewed</b>	<b>Approved</b>
Rev 0	Name: Hilary Livesey Signature:  Date: 25/6/20	Name: Jenefer Taylor Signature:  Date: 26/6/20	Name: Jenefer Taylor Signature:  Date: 26/6/20
	Name:  Signature:  Date:	Name:  Signature:  Date:	Name:  Signature:  Date:
	Name:  Signature:  Date:	Name:  Signature:  Date:	Name:  Signature:  Date:

## Executive Summary

Amey is commissioned to undertake Sustainability Appraisal (SA) in support of the Kent Minerals and Waste Local Plan (KMWLP) Minerals Sites Plan (MSP) preparation process. This report presents a non-technical summary of the final outcome of this process up to Main Modifications stage. The full findings of the SA are set out in a separate SA Report, the purpose of which is to provide information to the Kent County Council Environment and Transport Committee about the sustainability of the MSP as proposed and its likely impacts when adopted.

The Kent Minerals and Waste Local Plan (KMWLP) was adopted in July 2016 and sets out the vision and objectives for Kent's minerals supply and waste management capacity from 2013 to 2030. It identified that the specific sites for minerals developments would be set out in the separate MSP which is the subject of this SA Report. The MSP is a land use plan produced by Kent County Council which identifies and allocates mineral sites within the county for the working and winning of minerals. The main objective of the MSP is to ensure that Kent has enough permitted mineral reserves over the plan period (until 2030) and 7 years beyond to meet plan making requirements. The following sites are proposed for allocation in the MSP:

- M3 Chapel Farm (western part only)
- M10 Moat Farm
- M13 Stonecastle Farm Quarry Extension

Various environmental, social and economic issues have been identified through reviewing a wide variety of plans and strategies, collecting baseline information and identifying sustainability issues and problems. These issues have informed the development of the sustainability appraisal framework, which consists of a set of sustainable development policy objectives as set out in Table 1 of the report. The Main Modifications MSP has been appraised against this set of sustainability objectives.

Each of the sites contain or are adjacent to some form of biodiversity asset or biodiversity value and impacts are possible in each case. It will be important for planning applications to fully assess the impacts on biodiversity and to provide mitigation and a net gain in biodiversity. Restoration proposals at two of the sites aim to restore the site to biodiversity habitat which will help to mitigate any potential loss.

Some negative impacts are possible on community wellbeing, mainly due to the potential for negative impacts on residential amenity from operations and transport, and also on the diversion of footpaths. Developments are required to adequately minimise impacts from dust, noise, vibration, light and visual impacts and cumulative impacts are not likely to be significant.

Minerals sites generate vehicle movements accessing and leaving the sites. The scale of the cumulative impact of the MSP overall is not expected to be great given the predicted number of movements and the

context of all traffic movements in the county.

Each of the minerals sites have the potential for significant impacts on hydrology/hydrogeology and water quality. However, the cumulative impacts from all sites in the Minerals Sites Plan is not expected to be significant for the county as a whole.

Two of the minerals sites lie within Flood Zone 3. In these cases, it must be demonstrated that development can take place without adversely affecting flood risk and where possible contributing to a reduction in overall flood risk.

Two of the sites lie within the Metropolitan Green Belt, in which case it must be demonstrated that operations will not constitute inappropriate development or constitute very special circumstances. Given that sites will be restored to wetland habitat, lasting cumulative impacts on the Green Belt are not envisaged.

There is the potential for the sites to have limited impacts on landscape and on the historic environment. However, it will be possible to provide mitigation such that the significance of impacts is minimised. Adverse impacts on the AONBs are not likely to be significant.

The Minerals Sites Plan will help to contribute to economic growth by providing a supply of minerals to support construction and potentially other economic sectors that depend on aggregates. By facilitating the extraction of primary aggregates, the Minerals Sites Plan is exploiting a non-renewable resource, which cannot be considered sustainable.

The Minerals Sites Plan is likely to increase emissions of greenhouse gases overall by generating additional HGV movements and increasing the energy requirements for mineral processing on site. However, these are not significant when considered in the context of emissions from the county as a whole.

Recommendations are made in the report for measures to prevent, reduce and offset the likely significant adverse effects of the sites proposed for allocation in the MSP. These recommendations are for measures that must be addressed in detailed proposals submitted at planning application stage.

In November 2017, Kent County Council identified a longer list of 9 site allocation options following a consultation and gathering of more detailed information on the potential sites. These site options have been appraised as 'reasonable alternatives' for the MSP.

In addition to site alternatives, it was considered that there was potential to consider an alternative to allocating some sites for land-won aggregates in Kent. This alternative is to increase the supply of secondary and recycled aggregates, marine dredged aggregates and land-won aggregates from outside of Kent. This alternative has also been appraised and the results of this are set out in this report.

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# 1. Non-Technical Summary

## 1.1. Background

Amey is commissioned to undertake Sustainability Appraisal (SA) in support of the Kent Minerals and Waste Local Plan (KMWLP) Minerals Sites Plan (MSP) preparation process. SA is a mechanism for considering and communicating the likely effects of a draft plan, and alternatives, with a view to avoiding and mitigating adverse effects and maximising positives. This report presents the final outcomes of this process up to Main Modifications stage. The purpose of the report is to provide information to the Kent County Council Environment and Transport Committee about the sustainability of the MSP as proposed and its likely impacts when adopted.

## 1.2. What is the plan seeking to achieve?

The MSP is a land use plan produced by Kent County Council which identifies and allocates mineral sites within the county for the working and winning of minerals. From 11 'Reasonable Alternatives', the following sites are proposed for allocation:

- M3 Chapel Farm
- M10 Moat Farm
- M13 Stonecastle Farm Quarry Extension

The main objective of the MSP is to ensure that Kent has enough permitted mineral reserves over the plan period (until 2030) and 7 years beyond to meet plan making requirements. Site M3 is a soft sand site and M10 and M13 are sharp sand and gravel sites.

The Kent Minerals and Waste Local Plan (KMWLP) was adopted in July 2016 and sets out the vision and objectives for Kent's minerals supply and waste management capacity from 2013 to 2030. The KMWLP did not allocate specific sites suitable for minerals and waste development except for two strategic sites - one for cement production (and related mineral reserves) at Holborough in the Medway Valley and one for hazardous waste disposal at Norwood Quarry on the Isle of Sheppey). The KMWLP identified that the specific sites for minerals developments would be set out in the separate MSP which is the subject of this SA Report. The selection of sites will be based on the policies of the KMWLP and sites proposed for development will be required to comply with the policies of the KMWLP.

In parallel with the development of the MSP, Kent County Council is also undertaking a Partial Review of the KMWLP. Policies CSW7, CSW8, CSW 12 and CSW 14 of the KMWLP 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 review of the future needs for waste management facilities in Kent has recently been undertaken and this has concluded that there is now no need for the development of this additional

capacity. The policies will be amended by the Partial Review to reflect this updated understanding. Policies DM7 and DM8 set out criteria to allow development that may affect safeguarded sites to proceed in certain prescribed circumstances. Policies DM 7 and DM 8 will be amended by the Partial Review to ensure that the safeguarding is not unduly rigid in its application. Policy CSM 2 will also be amended by the Partial Review to remove the requirement for the MSP to identify and allocate sites for the extraction of brickearth and chalk as existing permitted reserves of these minerals are sufficient to meet demand. The Partial Review has been subject to SA and the results of this are set out in a separate SA Report.

### 1.3. What's the situation now and how would it change without the plan (sustainability 'baseline')?

The following is a summary of the sustainability baseline characteristics in Kent.

#### Environmental baseline

- Kent is considered to be one the UK's most wildlife-rich counties. This is a result of its varied geology, long coastline, landscape history and southerly location / proximity to mainland Europe.
- Natura 2000 habitat is concentrated around the coast, particularly around the Thames Gateway (much within Medway UA), the Isle of Thanet, the Stour Estuary and Dungeness. Sites of Special Scientific Interest (SSSI) cover 8.5% of the county. The county contains c.10% of England's ancient woodland.
- The Thames Gateway is also acknowledged for its national importance due to 'brownfield' biodiversity.
- The last century has seen major losses and declines of species within Kent. Amongst the most important drivers of biodiversity loss in Kent are: the direct loss of land of value to wildlife to built-development or intensive farming, which has reduced and fragmented populations; and the effects of climate change.
- Analysis at the County level has informed the location of 16 Biodiversity Opportunity Areas (BOAs) across Kent covering 40% of the land area (BOAs cover 35% of the South East).
- Since 2008 there has been a reduction in carbon dioxide emissions of 0.8 tonnes per capita. Nonetheless, this figure remains higher than regional and national emission levels.
- In 2010 it is estimated that 1050 early deaths occurred as a result of just PM2.5 air pollution across Kent & Medway [KMAQM, 2015]
- Kent is considered to be the most at risk local flood authority in England. Flooding has a significant impact on residents and the economy, with such effects predicted to worsen due to climate change.
- In Kent there are many catchments where there is little or no water available for abstraction during dry periods. Pressures are particularly notable in Kent as it is one of the driest parts of England and Wales, coupled with high population density and household water use. Over the next few decades, there will be increasing pressures from the rising population and associated development. Looking further ahead, climate change could have a major impact on the water that will be available for consumption. [EA, 2012]

#### Social baseline

- Kent had an estimated population of 1,466,500 in mid-2011. By 2021 the population of Kent is projected to increase by 9.4% from 2012. The age group with the greatest projected percentage change in population is 65+ (21.2%).

- In mid-2011, Kent had the largest rural population of any county in the South East (29%) and identified problems of 'rural deprivation', e.g. associated with access to services, facilities and housing affordability.
- In terms of the 'Index of Multiple Deprivation', Kent ranks within England's least deprived third of authorities. However, significant areas within Kent are amongst England's most deprived 20%. Life expectancy is 8.2 years lower for men and 4.5 years lower for women in the most deprived areas of Kent than in the least deprived areas.
- Early death rates from cancer, heart disease and stroke have fallen and are better than the England average. About 18.4% of Year 6 children are classified as being obese, lower than the average for England. However, estimated levels of adult obesity are worse than the England average.
- Climate change projections highlight an increase in risk to people from flooding; and hotter and sunnier summers leading to public health risks.

#### Economic baseline

- In 2011, the Gross Domestic Household Income (GDHI) in Kent was £16,855, 5.1% above the UK average, while the South East region was 12.8% above the UK average.
- 2011 was the first year since 2008 that the 'birth' of enterprises in the Kent exceeded the number of 'deaths'.
- During the period October 2011 to September 2012, the employment rate for residents of Kent was 71.1%, a lower figure than that for the South East (74.6%) and close to that for England (70.7%).
- In Kent, the unemployment rate for October 2011 to September 2012 was 7.4% of the population aged 16 years and over; greater than the rate for the South East (5.8%) and close to the rate for England (7.9%).
- The 'public administration, education and health' sector employs the highest proportion of persons aged 16 to 64 (30.7%). Agriculture and fishing employs the lowest proportion of the population aged 16 to 64 (1.6%). These are also the lowest / highest employers at regional and national levels.

#### How would the baseline change without the Minerals Sites Plan?

There is a degree of uncertainty about how the baseline might change without the adoption of the MSP. Mineral sites will still come forward for development and these will be required to comply with the development management policies of the KMWLP. This includes policies on the protection and enhancement of: biodiversity value, landscape, Green Belt, heritage assets, the water environment, health and amenity (including air quality) and transportation. Long term trends in environmental quality are likely to continue.

However, without the MSP there will be less certainty that Kent would be able to provide enough minerals to support the expected future demand for minerals from construction and industry. In such an event, there would be a need to source minerals from elsewhere. This may mean importing minerals from other parts of the country, which will have adverse effects on transport networks and air quality. Alternatively, increased quantities may need to be secured from secondary and recycled aggregates and/or marine dredged aggregates. If sufficient minerals of the right type cannot be found, construction and industrial growth may be checked. This could lead to insufficient homes being provided with adverse effects on people and communities. Minerals in Kent would not provide sufficient material to support economic growth, in which case employment levels could reduce and GDP and household incomes may fall.



Emissions of carbon dioxide may be unchanged without the MSP. Mineral sites will still be developed and emissions of carbon dioxide from mineral operations will continue largely the same as at current levels. However, if imports from other parts of the country are required, this will lead to increased carbon dioxide emissions associated with mineral transport and associated risks to people and communities.

The social baseline is unlikely to be affected without the adoption of the MSP. Population, levels of deprivation and health are unlikely to be significantly different with or without the MSP. Mineral sites will still come forward for development and these must comply with the policies of the KMWLP, including on health and amenity.

#### **1.4. Characteristics of areas likely to be significantly affected**

The SEA Directive requires that the appraisal describes the characteristics of areas likely to be significantly affected by the MSP. In deciding which areas are likely to be significantly affected by the MSP, the SA has made reference to the spatial distribution of the proposed minerals sites to determine whether there are any areas of Kent which contain a particular concentration of minerals sites that could give rise to significant effects. This was not found to be the case.

#### **1.5. Areas of Particular Environmental Importance**

There are five European sites designated under European Directives 79/409/EEC and 92/43/EEC and which are located within a 20km radius of the 8 sites which have been considered as 'reasonable alternatives' for the MSP. These are:

- Dungeness SAC;
- Dungeness, Romney Marsh & Rye Bay SPA & Ramsar site;
- Ashdown Forest SAC and SPA;
- North Downs Woodlands SAC and
- Peter's Pit SAC.

The characteristics of these designated sites are described in detail in Section 3.6 of the main report.

#### **1.6. SA Framework and Sustainability Objectives**

Various environmental, social and economic issues have been identified through reviewing a wide variety of plans and strategies, collecting baseline information and identifying sustainability issues and problems. These issues have informed the development of the sustainability appraisal framework, which consists of a set of sustainable development policy objectives (sustainability objectives) as set out in Table 1. Following due diligence in terms of the context and baseline conditions, the Framework and Sustainability Objectives for the SA of the MSP has been developed using that produced by URS (2013). The relationship between the 2010 Scoping and 2013 SA Report objectives is presented in Table 1 below, which also expands on the detail

of the objectives and the additions made following the 2017 Scoping exercise and review of the recent key policy developments at national level<sup>1</sup>.

Sustainability Objectives (URS, 2013)		Corresponding SO (Scott Wilson, 2010)	Detail – including additions resulting from MPS SA Scoping (Amey, 2017) and additions resulting from review of recent key policy developments
1	Biodiversity	SO2	<p>Ensure that development will not impact on important elements of the biodiversity resource and where possible contributes to the achievement of the Kent BAP and other strategies</p> <ul style="list-style-type: none"> <li>– Add to the biodiversity baseline by creating opportunities for targeted habitat creation (which, ideally, contributes to local or landscape scale habitat networks).</li> <li>– Avoid hindering plans for biodiversity conservation or enhancement</li> <li>– Support increased access to biodiversity</li> </ul>
2	Climate change	SO5	<p>Address the causes of climate change through reducing emissions of greenhouse gases through energy efficiency and energy generated from renewable sources</p> <ul style="list-style-type: none"> <li>– Promote sustainable design and construction of facilities and support wider efforts to reduce the carbon footprint of minerals operations.</li> </ul>
3	Community and well-being	SO9, SO7	<p>Support efforts to create and sustain sustainable communities, particularly the improvement of health and well-being; and support the delivery of housing targets</p> <ul style="list-style-type: none"> <li>– Help to redress spatial inequalities highlighted by the Index of Multiple deprivation.</li> <li>– Help to tackle more hidden forms of deprivation and exclusion, such as that which is experienced in rural areas and particular socio-economic groups within communities.</li> <li>– Ensure that the necessary aggregates are available for building, and that the necessary waste infrastructure is in place to support housing growth</li> <li>– Ensure that minerals development does not contribute to poor air quality <b>particular reference to PM2.5 and NOx</b></li> <li>– <b>Protect and enhance public rights of way and access</b></li> <li>– <b>Protect local green space</b></li> </ul>
4	Sustainable economic growth	SO11	<p>Support economic growth and diversification</p> <ul style="list-style-type: none"> <li>– Support the development of a dynamic, diverse and knowledge-based economy that excels in innovation with higher value, lower impact activities</li> </ul>

<sup>1</sup> NPPF 2019; 25 Year Environment Plan; Clean Air Strategy; Our Waste, Our Resources: A Strategy for England; Amendment to Climate Change Act

			<ul style="list-style-type: none"> <li>– Stimulate economic revival and targeted employment generation in deprived areas</li> </ul>
5	Flood risk	SO1	<p>Reduce the risk of flooding and the resulting detriment to public wellbeing, the economy and the environment</p> <ul style="list-style-type: none"> <li>– Ensure that development does not lead to increased flood risk on or off site</li> <li>– Seek to mitigate or reduce flood risk through developments that are able to slow water flow and promote groundwater recharge</li> </ul>
6	Land	SO8	<p>Make efficient use of land and avoid sensitive locations</p> <ul style="list-style-type: none"> <li>– Make best use of previously developed land</li> <li>– Avoid locations with sensitive geomorphology</li> <li>– Recognise the economic and other benefits of the best and most versatile agricultural land</li> <li>- Prevent inappropriate development in the Green Belt</li> </ul>
7	Landscape and the historic environment	SO3	<p>Protect and enhance Kent’s countryside and historic environment</p> <ul style="list-style-type: none"> <li>– Protect the integrity of the AONBs and other particularly valued or sensitive landscapes</li> <li>– Take account of the constraints, opportunities and priorities demonstrated through landscape characterisation assessments and other studies at the landscape scale.</li> <li>– Protect important heritage assets and their settings, as well as take account of the value of the character of the wider historic environment</li> </ul>
8	Transport	SO6	<p>Reduce and minimise unsustainable transport patterns and facilitate the transport of minerals and waste by the most sustainable modes possible</p> <ul style="list-style-type: none"> <li>– Minimise minerals and waste transport movements and journey lengths; and encourage transport by rail and water.</li> <li>– Ensure that minerals and waste transport does not impact on sensitive locations, including locations already experiencing congestion and locations where planned growth or regeneration is reliant on good transport networks.</li> </ul>
9	Water	SO4	<p>Maintain and improve the water quality of the Kent’s rivers, ground waters and coasts, and achieve sustainable water resources management</p> <ul style="list-style-type: none"> <li>– Ensure that minerals and waste development seeks to promote the conservation of water resources wherever possible particular reference to abstraction.</li> <li>– Avoid pollution of ground or surface waters, particularly in areas identified as being at risk or sensitive</li> </ul>

Scoped out of URS (2013)	SO10 [waste]	
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Table 1 SA Framework

**1.7. Likely Significant Effects of the Main Modifications MSP**

The sites that are proposed for allocation are M3 Chapel Farm (western part only), M10 Moat Farm and M13 Stonecastle Farm Quarry Extension. The following table summarises the conclusions about the impact of the MSP overall with these three sites proposed for allocation.

Site	Sustainability Objective								
	1 Biodiversity	2 Climate change	3 Community and wellbeing	4 Sustainable economic growth	5 Flood risk	6 Land	7 Landscape and the historic environment	8 Transport	9 Water
M3 Chapel Farm	+	-	-/?	++/-	0	-	-/0	?	0
M10 Moat Farm	+	0	0/-	++/-	?	?	-/0	0/?	-
M13 Stonecastle Farm Quarry	+	0	0	++/-	?	0/?	?	0/?	0
<b>Overall impacts</b>	<b>+</b>	<b>-</b>	<b>-/?</b>	<b>++/-</b>	<b>?</b>	<b>?</b>	<b>-/?</b>	<b>?</b>	<b>0</b>

Table 2: Summary of Findings of SA of MSP Overall

Each of the sites contain or are adjacent to some form of biodiversity asset or biodiversity value and impacts are possible in each case. Planning applications are required to fully assess the impacts on biodiversity, to provide mitigation to ensure no unacceptable adverse impacts and to provide a net gain in biodiversity. Restoration proposals at two of the sites aim to restore the site to biodiversity habitat which will help to mitigate any potential loss.

The Minerals Sites Plan is likely to increase emissions of greenhouse gases overall by generating additional HGV movements and increasing the energy requirements for mineral processing on site. However, these are insignificant when considered in the context of emissions from the county as a whole.

Some negative impacts are possible on community wellbeing, mainly due to the potential for negative impacts on residential amenity from operations and transport, and also on the diversion of footpaths. However, development management criteria require mitigation to adequately minimise impacts from dust, noise, vibration, light and visual impacts and cumulative impacts are not likely to be significant.

The Minerals Sites Plan will help to contribute to economic growth by providing a supply of minerals to support construction and potentially other economic sectors that depend on aggregates. By facilitating the

extraction of primary aggregates, the Minerals Sites Plan is exploiting a non-renewable resource, which cannot be considered sustainable.

Two of the minerals sites lie within Flood Zone 3. In these cases, it must be demonstrated that development can take place without adversely affecting flood risk and where possible contributing to a reduction in overall flood risk.

One of the minerals sites contains soil which is classed as the best and most versatile agricultural land, although restoration to agricultural land is proposed and therefore the impact of the MSP on soil quality is not likely to be significant. Two of the sites lie within the Metropolitan Green Belt, in which case it must be demonstrated that operations will not constitute inappropriate development or constitute very special circumstances. Given that sites will be restored to wetland habitat, lasting cumulative impacts on the Green Belt are not envisaged.

There is the potential for the sites to have limited impacts on landscape and on the historic environment. However, it will be possible to provide mitigation such that the significance of impacts is minimised. Adverse impacts on the AONBs are not likely to be significant.

Minerals sites generate vehicle movements accessing and leaving the sites. The majority of these are HGV movements and it is estimated that these will range between 4 movements per hour to 8 movements per hour depending on the site. In addition, staff vehicles will access the sites, around an estimated 10 movements per day. For sites M10 and M13, operations are planned to run sequentially with existing extraction in the locality so that the impacts from vehicles are likely to be no greater than existing impacts. The scale of the cumulative impact of the MSP overall is not expected to be great given the predicted number of movements and the context of all traffic movements in the county. It is unlikely that the Minerals Sites Plan will support the use of sustainable modes of transport for minerals, although the KMWLP safeguards railheads and wharves to support rail and water transport of minerals.

Each of the minerals sites have the potential for significant impacts on hydrology/hydrogeology and water quality. Restoration to wetland could affect local hydrology. However, development management criteria for the sites require assessment and mitigation of impacts and the cumulative impacts from all sites in the Minerals Sites Plan is not expected to be significant for the county as a whole.

### **1.8. Recommendations for Mitigating Adverse Effects**

Recommendations are made in the detailed appraisal of sites in Appendix D for measures to prevent, reduce and offset the likely significant adverse effects of the sites proposed for allocation in the MSP. These recommendations are for measures that must be addressed in detailed proposals submitted at planning application stage. These measures address impacts on:

- Biodiversity habitats and species
- Amenity, including on public access, noise, dust, vibration, visual impacts and light

- Air quality
- Flood risk
- Green Belt
- Landscape
- Designated and undesignated heritage assets
- Road network
- Water quality and hydrology

### 1.9. Reasons for Selecting Alternatives Dealt With

A Refresh Call for Sites took place from December 2016 to March 2017, resulting in 38 sites being submitted to KCC for selection assessment, accompanied by a wide range of detailed technical and operational impact data from applicants. For a site to be considered to be a Mineral Site Option it had to:

- Align with the objectives of the adopted KMWLP and scope of the Sites Plan: The KWMLP sets out the minerals supply needs and waste management capacity provision over the period 2013-2030 and the Sites Plan needs to identify sufficient sites to contribute to this requirement.
- Be justified: The site should represent an appropriate option based on a desktop assessment of the opportunities and constraints associated with its location.
- Be deliverable: Development of the site should not result in severe adverse effects that would affect its deliverability, and its development should also be supported by the landowner

A number of sites were ruled out of consideration as reasonable alternatives and therefore were not subject to KCC's Regulation 18 'Minerals Sites Plan Options Consultation'.

Kent County Council published a short list of options<sup>2</sup> for minerals sites being considered as allocations in the MSP. These sites were subject to an initial screening as stage 2 of the KCC Site Selection Methodology, known as the 'RAG' assessment. The following sites were published as options for consultation with a summary of the results of the Stage 2 RAG assessment:

- site M2 Lydd Quarry Extensions
- site M3 Chapel Farm
- site M7 Central Road
- site M8 West Malling Sandpit
- site M9 The Postern

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<sup>2</sup> Mineral Sites Plan Options Consultation, Kent County Council, September 2017

- site M10 Moat Farm
- site M11 Joyce Green Quarry
- site M12 Postern Meadows
- site M13 Stonecastle Farm Quarry Extension

In November 2017, Kent County Council identified site allocation options following a review of the information obtained through the above consultation on options and gathering of more detailed information on the sites. M9 was no longer being progressed because it was withdrawn by the promoter. Therefore, the following options remained as 'reasonable alternatives' to be considered for site allocations:

- site M2 Lydd Quarry Extensions
- site M3 Chapel Farm
- site M7 Central Road
- site M8 West Malling Sandpit
- site M10 Moat Farm
- site M11 Joyce Green Quarry
- site M12 Postern Meadows
- site M13 Stonecastle Farm Quarry Extension

These reasonable alternatives have been subject to SA in this report.

Following detailed technical assessment, review of further submissions to Kent County Council in relation to the sites and the findings of this SA, several of the sites listed as reasonable alternatives were ruled out as proposed allocations Main Modifications draft MSP. Three sites are proposed for allocation in the Main Modifications draft MSP. These sites are judged to have acceptable or mitigable impacts following detailed technical assessment, consultation and review of the findings of the SA:

- M3 Chapel Farm

The western part of the site is suitable for allocation in the Main Modifications draft MSP, subject to meeting development management criteria at planning application stage. The eastern part of the site has been withdrawn by the promoter due to likely unacceptable impact on heritage asset.

- M10 Moat Farm

Suitable for allocation in Main Modifications draft MSP, subject to meeting development management criteria at planning application stage.

- M13 Stonecastle Farm Quarry Extension

Suitable for allocation in Main Modifications draft MSP, subject to meeting development management criteria at planning application stage.

In addition to site alternatives, it was considered that there was potential to consider an alternative to allocating some or any sites for land-won aggregates in Kent.

With its coastal location, Kent fulfils an important role in the importation of minerals including a range of construction aggregates from mainland Europe, as well as marine dredged aggregates (MDA) and imported recycled and secondary materials. Kent benefits from a number of aggregate wharves, into which significant quantities of MDA and crushed rock are landed. Land-won sharp sand and gravel is also imported by rail and road from areas beyond Kent. Assurances regarding the security of these minerals imports during the Plan period were obtained in developing the KMWLP.

In addition to the land-won maintenance of landbanks to support a steady future supply of aggregate in Kent, the KMWLP contains strategic objectives and policies to

- Promote and encourage the use of recycled and secondary aggregates in place of land-won minerals.
- Safeguard existing, planned and potential sites for mineral infrastructure including wharves and rail depots across Kent to enable the on-going transportation of marine dredged aggregates, crushed rock and other minerals as well as other production facilities.

It is therefore reasonable to assume that an increased supply of secondary and recycled aggregates and MDA is an alternative to the extraction of some land-won sharp sand and gravels. It is also reasonable to assume that some land-won aggregates could be imported into Kent from sites outside of Kent. This has therefore been appraised as an alternative to the allocation of sites for sharp sand and gravel. The results of this appraisal are set out in detail in Appendix E and summarised in Section 6.3.

### 1.10. Methodology

The SA has appraised each of the sites considered as reasonable alternatives, as well as the alternative to allocating some or any land-won aggregate sites in Kent against the appraisal framework set out in Table 1. The SA has also appraised the Kent site selection methodology against this framework. The appraisal was done by assessing each site, other alternatives and elements of methodology against the appraisal objectives in turn and making a largely qualitative assessment, with reference also to the baseline data from the Scoping Report.

In reporting the results of the appraisal, the following symbols have been used to indicate the broad nature of the predicted effect:



	Symbol
Significant positive effect	++
Some positive effect	+
No effect	0
Some adverse effect	-
Significant adverse effect	--
Uncertain effect	?

Further details on the methodology, including assumptions made, are given in Section 6 of the main report. Information on the difficulties encountered is provided in Section 4 of the main report. These relate to the lack of available data in some instances, and uncertainties about detailed matters of implementation.

### 1.11. Monitoring Recommendations

The sustainability appraisal has developed a set of recommendations for monitoring the predicted and unforeseen impacts of implementation of the Main Modifications draft MSP as proposed. These are set out as a series of indicators related to the sustainability appraisal framework based on the likely and possible impacts of the Main Modifications draft MSP. The recommended indicators should be incorporated into the Annual Monitoring Report for the Local Plan and are set out in Section 7.

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# Non-Technical Summary – SA of the draft Early Partial Review of the Kent Minerals and Waste Plan 2013-30

Report to Environment and Transport Committee  
C004300759

June 2020




ameyconsulting

**Kent  
County  
Council**  
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**Document Control Sheet**

<b>Project Name:</b>	Report to Environment and Transport Committee
<b>Project Number:</b>	CO04300759
<b>Report Title:</b>	Non-Technical Summary – SA of the draft Early Partial Review of the Kent Minerals and Waste Plan
<b>Report Number:</b>	SR4

Issue Status/Amendment	Prepared	Reviewed	Approved
Rev 0	Name: Hilary Livesey Signature:  Date: 25/6/20	Name: Jenefer Taylor Signature:  Date: 26/6/20	Name: Jenefer Taylor Signature:  Date: 26/6/20
	Name:  Signature:  Date:	Name:  Signature:  Date:	Name:  Signature:  Date:
	Name:  Signature:  Date:	Name:  Signature:  Date:	Name:  Signature:  Date:

## Executive Summary

Amey is commissioned to undertake Sustainability Appraisal (SA) in support of the Kent Minerals and Waste Local Plan (KMWLP) Early Partial Review preparation process. This report presents a non-technical summary of the final outcome of this process up to Main Modifications stage. The full findings of the SA are set out in a separate SA Report, the purpose of which is to provide information to the Kent County Council Environment and Transport Committee about the sustainability of the Early Partial Review as proposed and its likely impacts when adopted. The Kent Minerals and Waste Local Plan (KMWLP) was adopted in July 2016 and sets out the vision and objectives for Kent's minerals supply and waste management capacity from 2013 to 2030. The Early Partial Review seeks to amend the KMWLP in several respects:

- The adopted Plan identifies a shortfall in capacity for some types of waste facility over the Plan period, however a review of the future needs for waste management facilities in Kent has recently been undertaken and this has concluded that there is now no need for the development of this additional capacity. Through the Early Partial Review there will be no commitment by Kent County Council to prepare a Waste Sites Plan.
- Two policies in the KMWLP set out criteria to allow development that may affect safeguarded sites to proceed in certain prescribed circumstances. These will be amended by the Early Partial Review to ensure that the Council's safeguarding approach is effective.
- The Early Partial Review proposes to add a clause providing for assurances that the Strategic Site Allocation at Norwood Quarry can be suitably restored in the event that the void space may no longer be used for management of flue dust residues. In addition, it is proposed to delete the requirement for an assessment of alternative management methods for flue ash given that significant tonnages are already being managed through other treatment routes.
- The Early Partial Review amends a policy in the KMWLP which states that sites will be identified and allocated in the Mineral Sites Plan for the extraction of brickearth and chalk. Data shows that existing permitted reserves of these minerals are in fact sufficient to meet needs.

Various environmental, social and economic issues have been identified through reviewing a wide variety of plans and strategies, collecting baseline information and identifying sustainability issues and problems. These issues have informed the development of the sustainability appraisal framework, which consists of a set of sustainable development policy objectives as set out in Table 1 of the report. The Early Partial Review has been appraised against this set of sustainability objectives and the findings of that appraisal are as follows.

The Early Partial Review will promote increased reuse, recycling and recovery, which will have climate change benefits and support the move towards a circular economy.

Ensuring restoration of the landfill in the event that insufficient flue-ash is available to complete the landform

will help to improve the landscape impacts of the site and remove any amenity impacts on communities from an unrestored site. Restoration plans include biodiversity benefits and these would be secured earlier than with original plans.

Promotion of energy recovery and heat will reduce emissions of greenhouse gases, helping to attenuate the effects of climate change, particularly the pressures resulting on biodiversity and communities including from flood risk. Energy recovery will also recover economic benefits from waste and provide heat for homes and communities.

Improved safeguarding of mineral resources will help to ensure the availability of aggregates to support housing construction to sustain communities and support economic/industrial activity, although encouraging use of a non-renewable resource is not sustainable. Improved safeguarding of infrastructure for minerals and waste management and transport will also help to support communities and economic/industrial activity and help to ensure the economic transport of materials and availability of sustainable modes of transport. Not allocating sites for brickearth and chalk will have no impacts.

The SA has considered whether there is scope for making recommendations for measures to prevent, reduce and as fully as possible offset any significant adverse effects of the Early Partial Review. In practice, no significant adverse effects have been identified and therefore no mitigation recommendations are made.

The SA is required to appraise reasonable alternatives to the Early Partial Review as proposed. The reasonable alternatives that have been identified largely derive from a 'do nothing' option, in other words, not to make the changes proposed by the Early Partial Review. The following have been identified as reasonable alternatives to the Early Partial Review, here referred to as 'options'.

#### Option A

- To allocate land for waste facilities and for extraction of brickearth and chalk as envisaged in the adopted KMWLP;

#### Option B

- Option B1: To retain the targets for recycling, recovery and landfill in policy CSW 4 of the adopted KMWLP;
- Option B2: To retain targets for recycling and reduce targets for landfill in policy CSW 4 of the adopted KMWLP;

#### Option C

- Not to strengthen safeguarding in policies DM 7 and DM 8.

These alternatives have been appraised against this set of sustainability objectives and the findings of that appraisal are set out in the report.

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# 1. Non-Technical Summary

## 1.1. Background

Amey is commissioned to undertake Sustainability Appraisal (SA) in support of the Kent Minerals and Waste Local Plan (KMWLP) Early Partial Review preparation process. SA is a mechanism for considering and communicating the likely effects of a draft plan, and alternatives, with a view to avoiding and mitigating adverse effects and maximising positives. This report presents the final outcome of this process up to Main Modifications stage. The purpose of the report is to provide information to the Kent County Council Environment and Transport Committee about the sustainability of the Early Partial Review as proposed and its likely impacts when adopted.

## 1.2. What is the plan seeking to achieve?

The Kent Minerals and Waste Local Plan (KMWLP) was adopted in July 2016 and sets out the vision and objectives for Kent's minerals supply and waste management capacity from 2013 to 2030. 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.

Policies CSW 7, CSW 8, CSW 12 and CSW 14 of the KMWLP 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 review of the future needs for waste management facilities in Kent has recently been undertaken and this has concluded that there is now no need for the development of this additional capacity. Through the Early Partial Review there will be no commitment by Kent County Council to prepare a Waste Sites Plan.

Policies DM 7 and DM 8 set out criteria to allow development that may affect safeguarded sites to proceed in certain prescribed circumstances. Policies DM 7 and DM 8 will be amended by the Early Partial Review to ensure that the Council's safeguarding approach is effective.

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. The Early Partial Review proposes 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 flue dust 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 for flue ash given that significant tonnages are already being managed through other treatment routes.

Policy CSM2 states that sites will be identified in the Mineral Sites Plan for the supply of brickearth and chalk. However, information shows that the existing permissions for these minerals are sufficient to meet needs and additional reserves are not required.

In parallel with the development of the Early Partial Review, Kent County Council is also developing a Minerals Sites Plan. This has identified three sites in the county as being suitable for new mineral extraction.

### 1.3. What's the situation now and how would it change without the plan (sustainability 'baseline')?

The following is a summary of the sustainability baseline characteristics in Kent.

#### Environmental baseline

- Kent is considered to be one the UK's most wildlife-rich counties. This is a result of its varied geology, long coastline, landscape history and southerly location / proximity to mainland Europe.
- Natura 2000 habitat is concentrated around the coast, particularly around the Thames Gateway (much within Medway UA), the Isle of Thanet, the Stour Estuary and Dungeness. Sites of Special Scientific Interest (SSSI) cover 8.5% of the county. The county contains c.10% of England's ancient woodland.
- The Thames Gateway is also acknowledged for its national importance due to 'brownfield' biodiversity.
- The last century has seen major losses and declines of species within Kent. Amongst the most important drivers of biodiversity loss in Kent are: the direct loss of land of value to wildlife to built-development or intensive farming, which has reduced and fragmented populations; and the effects of climate change.
- Analysis at the County level has informed the location of 16 Biodiversity Opportunity Areas (BOAs) across Kent covering 40% of the land area (BOAs cover 35% of the South East).
- Since 2008 there has been a reduction in carbon dioxide emissions of 0.8 tonnes per capita. Nonetheless, this figure remains higher than regional and national emission levels.
- In 2010 it is estimated that 1050 early deaths occurred as a result of just PM2.5 air pollution across Kent & Medway [KMAQM, 2015]
- Kent is considered to be the most at risk local flood authority in England. Flooding has a significant impact on residents and the economy, with such effects predicted to worsen due to climate change.
- In Kent there are many catchments where there is little or no water available for abstraction during dry periods. Pressures are particularly notable in Kent as it is one of the driest parts of England and Wales, coupled with high population density and household water use. Over the next few decades, there will be increasing pressures from the rising population and associated development. Looking further ahead, climate change could have a major impact on the water that will be available for consumption. [EA, 2012]

## Social baseline

- Kent had an estimated population of 1,466,500 in mid-2011. By 2021 the population of Kent is projected to increase by 9.4% from 2012. The age group with the greatest projected percentage change in population is 65+ (21.2%).
- In mid-2011, Kent had the largest rural population of any county in the South East (29%) and identified problems of 'rural deprivation', e.g. associated with access to services, facilities and housing affordability.
- In terms of the 'Index of Multiple Deprivation', Kent ranks within England's least deprived third of authorities. However, significant areas within Kent are amongst England's most deprived 20%. Life expectancy is 8.2 years lower for men and 4.5 years lower for women in the most deprived areas of Kent than in the least deprived areas.
- Early death rates from cancer, heart disease and stroke have fallen and are better than the England average. About 18.4% of Year 6 children are classified as being obese, lower than the average for England. However, estimated levels of adult obesity are worse than the England average.
- Climate change projections highlight an increase in risk to people from flooding; and hotter and sunnier summers leading to public health risks.

## Economic baseline

- In 2011, the Gross Domestic Household Income (GDHI) in Kent was £16,855, 5.1% above the UK average, while the South East region was 12.8% above the UK average.
- 2011 was the first year since 2008 that the 'birth' of enterprises in the Kent exceeded the number of 'deaths'.
- During the period October 2011 to September 2012, the employment rate for residents of Kent was 71.1%, a lower figure than that for the South East (74.6%) and close to that for England (70.7%).
- In Kent, the unemployment rate for October 2011 to September 2012 was 7.4% of the population aged 16 years and over; greater than the rate for the South East (5.8%) and close to the rate for England (7.9%).
- The 'public administration, education and health' sector employs the highest proportion of persons aged 16 to 64 (30.7%). Agriculture and fishing employs the lowest proportion of the population aged 16 to 64 (1.6%). These are also the lowest / highest employers at regional and national levels.

## How would the baseline change without the Early Partial Review?

There is a degree of uncertainty about how the baseline might change without the adoption of the Early Partial Review. Developments will still be required to comply with the development management policies of the KMWLP. This includes policies on the protection and enhancement of: biodiversity value, landscape, Green Belt, heritage assets, the water environment, health and amenity (including air quality) and transportation. Long term trends in environmental quality are likely to continue.

However, without the Early Partial Review there is the potential for oversupply in waste capacity as policies in the KMWLP identify a capacity need. This may result in waste being transported from outside the county to provide inputs to waste facilities which will have which will have adverse effects on transport networks, air quality and greenhouse gas emissions.

Without the Early Partial Review it is possible that some mineral resources will be lost to other developments through weaker safeguarding policy. Kent may be less able to provide enough minerals to support the expected future demand for minerals from construction and industry. In such an event, there would be a need to source minerals from elsewhere. This may mean importing minerals from other parts of the country, which will have adverse effects on transport networks, air quality and cost. Alternatively, increased quantities may need to be secured from secondary and recycled aggregates and/or marine dredged aggregates. If sufficient minerals of the right type cannot be found, construction and industrial growth may be checked. This could lead to insufficient homes being provided with adverse effects on people and communities. Minerals in Kent would not provide sufficient material to support economic growth and industrial activity, in which case employment levels could reduce and GDP and household incomes may fall.

Loss of transport and other infrastructure for minerals and waste without the Early Partial Review is likely to result in materials being transported further with consequent impacts on air quality and transport networks and could result in the loss of sustainable transport modes. This would increase transport and material costs which would adversely affect the profitability of industry. It would also result in loss of capacity and increased demand for new sites.

Without the adoption of the Early Partial Review, emissions of carbon dioxide will be greater than with its adoption. The aim is to reduce the targets for the percentage of waste going to landfill and to manage it at higher levels of the waste hierarchy and to promote the recovery of energy from waste. Without this, there could be increased climate change effects including flooding with risks for communities, wildlife and habitats. Other climate change pressures may be increased with effects on biodiversity and communities, including increased temperatures and more frequent extreme weather events.

Landscape in the locality of the strategic site for waste could be negatively affected if the Early Partial Review is not adopted. If insufficient flue ash is available to restore the landfill, the landfill may not be restored in line with original plans which could have lasting landscape impacts and may affect the amenity of nearby residents.

The social baseline is unlikely to be affected without the adoption of the Early Partial Review. Population, levels of deprivation and health are unlikely to be significantly different with or without the Early Partial Review.

#### **1.4. Characteristics of areas likely to be significantly affected**

The SEA Directive requires that the appraisal describes the characteristics of areas likely to be significantly affected by the Early Partial Review. In deciding which areas are likely to be significantly affected, the SA has considered whether there is a spatial element to the proposed policy changes and therefore whether some parts of the county will be particularly affected. There is only one policy with a spatial element and that is the policy relating to Norwood Quarry, the strategic site for waste. The appraisal of the change to

this policy has not identified any significant effects arising from change to the policy. It is therefore concluded that there are no areas likely to be significantly affected.

### 1.5. Areas of Particular Environmental Importance

A Habitats Regulations Assessment has been undertaken for the Early Partial Review<sup>1</sup>. This identified that impacts from one strategic site, Norwood Quarry Extension, requires consideration because of the potential for impact on two designated sites:

- Medway Estuary and Marshes SPA and Ramsar;
- Swale SPA and Ramsar

The characteristics of these designated sites are described in detail in Section 3.6 of the main report.

### 1.6. SA Framework and Sustainability Objectives

Various environmental, social and economic issues have been identified through reviewing a wide variety of plans and strategies, collecting baseline information and identifying sustainability issues and problems. These issues have informed the development of the sustainability appraisal framework, which consists of a set of sustainable development policy objectives (sustainability objectives) as set out in Table 1. Following due diligence in terms of the context and baseline conditions, the Framework and Sustainability Objectives for the SA of the Early Partial Review has been developed using that produced by URS (2013). The relationship between the 2010 Scoping and 2013 SA Report objectives is presented in Table 1 below, which also expands on the detail of the objectives and the additions made following the 2017 Scoping exercise and review of recent key policy developments at national level<sup>2</sup>.

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<sup>1</sup> Early Partial Review of the Kent Minerals and Waste Local Plan 2013-30 & Kent Mineral Sites Plan: Appropriate Assessment, Ecus Ltd, November 2018

<sup>2</sup> NPPF 2019; 25 Year Environment Plan; Clean Air Strategy; Our Waste, Our Resources: A Strategy for England; Amendment to Climate Change Act

Sustainability Objectives (URS, 2013)		Corresponding SO (Scott Wilson, 2010)	Detail – including additions resulting from MPS SA Scoping (Amey, 2017) and additions resulting from review of recent key policy developments
1	Biodiversity	SO2	<p>Ensure that development will not impact on important elements of the biodiversity resource and where possible contributes to the achievement of the Kent BAP and other strategies</p> <ul style="list-style-type: none"> <li>– Add to the biodiversity baseline by creating opportunities for targeted habitat creation (which, ideally, contributes to local or landscape scale habitat networks).</li> <li>– Avoid hindering plans for biodiversity conservation or enhancement</li> <li>– Support increased access to biodiversity</li> </ul>
2	Climate change	SO5	<p>Address the causes of climate change through reducing emissions of greenhouse gases through energy efficiency and energy generated from renewable sources</p> <ul style="list-style-type: none"> <li>– Promote sustainable design and construction of facilities and support wider efforts to reduce the carbon footprint of minerals operations.</li> </ul>
3	Community and well-being	SO9, SO7	<p>Support efforts to create and sustain sustainable communities, particularly the improvement of health and well-being; and support the delivery of housing targets</p> <ul style="list-style-type: none"> <li>– Help to redress spatial inequalities highlighted by the Index of Multiple deprivation.</li> <li>– Help to tackle more hidden forms of deprivation and exclusion, such as that which is experienced in rural areas and particular socio-economic groups within communities.</li> <li>– Ensure that the necessary aggregates are available for building, and that the necessary waste infrastructure is in place to support housing growth</li> <li>– Ensure that minerals development does not contribute to poor air quality <b>particular reference to PM2.5 and NOx.</b></li> <li>– <b>Protect and enhance public rights of way and access</b></li> <li>– <b>Protect local green space</b></li> </ul>
4	Sustainable economic growth	SO11	<p>Support economic growth and diversification</p> <ul style="list-style-type: none"> <li>– Support the development of a dynamic, diverse and knowledge-based economy that excels in innovation with higher value, lower impact activities</li> <li>– Stimulate economic revival and targeted employment generation in deprived areas</li> </ul>
5	Flood risk	SO1	<p>Reduce the risk of flooding and the resulting detriment to public wellbeing, the economy and the environment</p>

			<ul style="list-style-type: none"> <li>– Ensure that development does not lead to increased flood risk on or off site</li> <li>– Seek to mitigate or reduce flood risk through developments that are able to slow water flow and promote groundwater recharge</li> </ul>
6	Land	SO8	<p>Make efficient use of land and avoid sensitive locations</p> <ul style="list-style-type: none"> <li>– Make best use of previously developed land</li> <li>– Avoid locations with sensitive geomorphology</li> <li>– Recognise the economic and other benefits of the best and most versatile agricultural land</li> <li>- Prevent inappropriate development in the Green Belt</li> </ul>
7	Landscape and the historic environment	SO3	<p>Protect and enhance Kent’s countryside and historic environment</p> <ul style="list-style-type: none"> <li>– Protect the integrity of the AONBs and other particularly valued or sensitive landscapes</li> <li>– Take account of the constraints, opportunities and priorities demonstrated through landscape characterisation assessments and other studies at the landscape scale.</li> <li>– Protect important heritage assets and their settings, as well as take account of the value of the character of the wider historic environment</li> </ul>
8	Transport	SO6	<p>Reduce and minimise unsustainable transport patterns and facilitate the transport of minerals and waste by the most sustainable modes possible</p> <ul style="list-style-type: none"> <li>– Minimise minerals and waste transport movements and journey lengths; and encourage transport by rail and water.</li> <li>– Ensure that minerals and waste transport does not impact on sensitive locations, including locations already experiencing congestion and locations where planned growth or regeneration is reliant on good transport networks.</li> </ul>
9	Water	SO4	<p>Maintain and improve the water quality of the Kent’s rivers, ground waters and coasts, and achieve sustainable water resources management</p> <ul style="list-style-type: none"> <li>– Ensure that minerals and waste development seeks to promote the conservation of water resources wherever possible particular reference to abstraction.</li> <li>– Avoid pollution of ground or surface waters, particularly in areas identified as being at risk or sensitive</li> </ul>
Scoped out of URS (2013)		SO10 [waste]	

Table 1 SA Framework

## 1.7. Likely Significant Effects of the Main Modifications Early Partial Review

The SA has appraised each of the policy amendments which are proposed by the Early Partial Review. The methodology and assumptions used in undertaking the appraisal are set out in Section 5.

The detailed findings of the SA of policy changes are set out in Appendix B and summarised below.

Policy	Sustainability Objective								
	1 Biodiversity	2 Climate change	3 Community and wellbeing	4 Sustainable economic growth	5 Flood risk	6 Land	7 Landscape and the historic environment	8 Transport	9 Water
CSM 2	0	0	0	0	0	0	0	0	0
CSWS 4	+	0	+	+	0	0	0	?	0
CSW 5	+	0	?	0	0	0	+	0	0
CSW 6	0	0	0	0	0	0	0	0	0
CSW 7	+	0	+	+	0	0	0	?	0
CSW 8	+	+	+	+	+	0	0	0	0
CSW 12	0	0	0	0	0	0	0	0	0
CSW 14	0	0	0	0	0	0	0	0	0
DM 7	0	0	++	++/-	0	0	0	0	0
DM 8	0	0	+	++/-	0	0	0	+	0
<b>Overall impacts</b>	<b>+</b>	<b>+</b>	<b>++</b>	<b>++/-</b>	<b>+</b>	<b>0</b>	<b>+</b>	<b>+</b>	<b>0</b>

Table 2: Summary of Findings of SA of Partial Review Overall

Increased reuse, recycling and recovery will have climate change benefits and support the move towards a circular economy.

Ensuring restoration of the landfill in the event that insufficient flue-ash is available to complete the landform will help to improve the landscape impacts of the site and remove any amenity impacts on communities from an unrestored site. Restoration plans include biodiversity benefits and these would be secured earlier than with original plans.

Promotion of energy recovery and heat will reduce emissions of greenhouse gases, helping to attenuate the effects of climate change, particularly the pressures resulting on biodiversity and communities including from flood risk. Energy recovery will also recover economic benefits from waste and provide heat for homes and communities.

Improved safeguarding of mineral resources will help to ensure the availability of aggregates to support housing construction to sustain communities and support economic/industrial activity, although encouraging use of a non-renewable resource is not sustainable. Improved safeguarding of infrastructure for minerals and waste management and transport will also help to support communities and economic/industrial activity and help to ensure the economic transport of materials and availability of sustainable modes of transport. Not allocating sites for brickearth and chalk will have no impacts.

### 1.8. Recommendations for Mitigating Adverse Effects

The SA has considered whether there is scope for making recommendations for measures to prevent, reduced and as fully as possible offset any significant adverse effects of the Early Partial Review. In practice, no significant adverse effects have been identified and therefore no mitigation recommendations are made.

### 1.9. Reasons for Selecting Alternatives Dealt With

The SA is required to appraise reasonable alternatives to the Early Partial Review as proposed. The reasonable alternatives that have been identified largely derive from a 'do nothing' option, in other words, not to make the changes proposed by the Early Partial Review. The following have been identified as reasonable alternatives to the Early Partial Review, here referred to as 'options'.

#### Option A

- To allocate land for waste facilities and for extraction of brickearth and chalk as envisaged in the adopted KMWLP;

#### Option B

- Option B1: To retain the targets for recycling, recovery and landfill in policy CSW 4 of the adopted KMWLP;
- Option B2: To retain targets for recycling and reduce targets for landfill in policy CSW 4 of the adopted KMWLP;

#### Option C

- Not to strengthen safeguarding in policies DM 7 and DM 8.

Option A would be to produce a Waste Sites Plan as originally envisaged in the KMWLP. It would be possible for Kent County Council to identify and allocate sites as suitable for waste-related development even though no capacity gap has been identified and therefore this has been appraised as a reasonable alternative. Option A also includes the option to identify sites for the extraction of brickearth and chalk as stated in the adopted KMWLP. It would be possible for Kent County Council to identify and allocate sites for extraction of these resources even though existing permitted reserves are sufficient.



Options B1 and B2 are alternative waste hierarchy targets to those proposed by the Early Partial Review. The Early Partial Review proposes a reduced target for landfill and recycling and an increased target for other recovery. It would be reasonable to retain the targets set by the adopted KMWLP, as these were considered reasonable when it was adopted in 2016. However, a reduced recycling target in the Early Partial Review could be considered a reduction in ambition for sustainable waste management, while retaining a higher landfill target in the adopted KMWLP could similarly be seen as insufficient ambition for sustainable waste management. A third option would therefore be to avoid both of these situations, retaining the recycling ambition of the KMWLP and reducing the landfill target to promote more sustainable waste management.

Option C constitutes the 'do nothing' option in regard to safeguarding.

The 'do nothing' option in respect of the restoration of the landfill at Norwood Quarry is not considered a reasonable alternative to that proposed in the Partial Review. To leave the landfill unrestored would not be an acceptable approach to waste management activity.

### 1.10. Methodology

The SA has appraised each of the changes to policy proposed by the Early Partial Review, as well as the alternatives described in the previous section. The appraisal was done by assessing each policy amendment and each alternative against the appraisal objectives in turn and making a largely qualitative assessment, with reference also to the baseline data from the Scoping Report.

In reporting the results of the appraisal, the following symbols have been used to indicate the broad nature of the predicted effect:

	Symbol
Significant positive effect	++
Some positive effect	+
No effect	0
Some adverse effect	-
Significant adverse effect	--
Uncertain effect	?

Further details on the methodology, including assumptions made, are given in Section 5 of the main report. Information on the difficulties encountered is provided in Section 4 of the main report. These relate to the lack of available data in some instances, lack of quantification and uncertainties about the scale and nature of some impacts.

### 1.11. Monitoring Recommendations

The sustainability appraisal has developed a set of recommendations for monitoring the predicted and unforeseen impacts of implementation of the Early Partial Review as proposed. These are set out as a series of indicators related to the sustainability appraisal framework based on the likely and possible impacts of the Early Partial Review. The recommended indicators should be incorporated into the Annual Monitoring Report for the KMWLP and are set out in Section 7.

## Appendix G

### Kent Minerals and Waste Local Plan – Proposed Planning Policy Activities Post Adoption of Kent Mineral Sites Plan and Early Partial Review of Kent Minerals and Waste Local Plan 2013-30

Stages	Dates
Evidence gathering to inform review	June 2020 – March 2021
Consultation with key stakeholders on need for review of policies	December 2020 - March 2021
Report outcome of review to Members including recommendations on the need to update policies	June – July 2021
<i>If policy update required:</i>	
Consultation on draft updated policy (Regulation 18)	October-November 2021
Publication of draft updated policy (Regulation 19) for representations on soundness	March-April 2021
Submission to Secretary of State	July 2021
Independent Examination Hearings	October 2021
Inspector's Report	December 2021
Adoption	January 2022

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**KCC - Growth, Environment and Transport Directorate (GET)**

**Kent Minerals and Waste local Plan 2013-30 (KMWLP)  
Early Partial Review (EPR)  
Equality Analysis / Impact Assessment (EqIA)**

## GET Document Control

### Revision History

Version	Date	Authors	Comment
V0.1	19 May 2020	Bryan Geake	
V1 (this should be assigned to the version the Director signs off)			

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### Equality Analysis/Impact Assessment (EqIA)

**Directorate/Service: Growth, Environment and Transport Directorate; Environment, Planning & Enforcement**

**Name of decision, policy, policy, procedure or service: Early Partial Review of the adopted Kent Mineral and Waste Local Plan 2013-30 (the Plan)**

**Responsible Owner/Senior Officer: Stephanie Holt-Castle, Interim Director Environment, Planning and Enforcement**

**Author: Sharon Thompson, Head of Planning Applications**

**Pathway of Equality Analysis:**

**Summary and recommendations of equality analysis/impact assessment**

- **Context**

The County Council is required by statute to produce a development plan for the delivery of mineral resources and the management of waste up to 2030. The adopted Kent Minerals and Waste Local Plan 2013-30 (KMWLP or the Plan) sets out the vision and strategy to achieve this. Early experience with implementing policies of the adopted Plan demonstrated that waste management recovery targets and certain criteria of the safeguarding policies that allow exemptions from the presumption to safeguard land-won minerals, waste management and mineral processing and transportation facilities were not considered effective.

The work was informed by more recent waste arisings data that did not support the adopted Plan's policy for net self-sufficiency. Monitoring of future waste capacity requirements in the county indicated that a Waste Sites Plan that allocated specific sites for waste management activity was no longer required. With regard to the safeguarding policies and the criteria to exempt from the presumption to safeguard mineral and waste resources it was considered that the policies were open to interpretation, reducing their effectiveness in ensuring adequate minerals and waste safeguarding. To address these matters, the adopted Plan has been subject to an Early Partial Review (EPR) of the relevant waste management and safeguarding policies. In doing so, it must be certain that the outcome of such a plan review does not have any inherent adverse impacts on persons with a protected characteristic.

- **Aims and Objectives**

The adopted KMWLP is prepared in accordance with national planning policy and guidance. The KMWLP identifies the amount of waste to be managed according to the principle of net self-sufficiency and how much land-won mineral is to be supplied to meet objectively identified need. Both objectives are to be achieved over the adopted Plan period. Safeguarding of both land-won mineral resources and waste management, and minerals processing and transportation facilities are an ongoing objective of the Plan. Both have to be underpinned by effective policies supported by up-to-date data and how they are being implemented in the light of experience. Where policies are shown to be no longer effective, either the entire Plan should be reviewed or alternatively depending upon the evidence a partial review.

Changes to the waste recovery targets, as indicated by recent waste arisings data and experience with implementing mineral and waste safeguarding policies have demonstrated that a partial review of the adopted KMWLP is justified at this time. This EqIA has been prepared to comply with the County Council's statutory obligations to ensure equality impact issues have been properly assessed.

- **Summary of Equality Impact**

**Adverse Equality Impact Rating: Low**

### Attestation

I have read and paid due regard to the Equality Analysis/Impact Assessment. I agree with the actions to mitigate any adverse impact(s) that has /have been identified.

Name	Signature	Title	Date of Issue
Stephanie Holt-Castle	<i>Stephanie Holt-Castle</i>	Director (Interim) Environment, Planning and Enforcement	29 <sup>th</sup> June 2020



Sharon Thompson	<i>Sharon Thompson</i>	Head of Planning Applications	26 <sup>th</sup> June 2020
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## **Part 1 - Screening**

Could this policy, procedure, project or service, or any proposed changes to it, affect any Protected Group (listed below) less favourably (negatively) than others in Kent?

Could this policy, procedure, project or service promote equal opportunities for this group?

There is no justification for direct discrimination; and indirect discrimination will need to be justified according to the legal requirements

### **Screening Grid Analysis**

Protected Group	You <b>MUST</b> provide a brief commentary as to your findings, or this EqlA will be returned to you unsigned			
	High Negative Impact	Medium Negative Impact	Low negative Impact	High/Medium/Low Favourable Impact
Age			The KMWLP establishes that the principle of mineral and waste development required in order to address the needs of the whole community for	Enhanced effectiveness of the Plan's policies will deliver positive outcomes for the whole community, in terms of enhanced sustainable waste

			<p>sustainable waste management and mineral supply (including safeguarding of finite resources and facilities) is acceptable.</p> <p>Any impacts on the differing age elements of the community would be no different to impacts on the wider general population.</p> <p>Before development can take place, planning permission would be required. Applications would be considered against the adopted KMWLP development management policies.</p>	<p>management and the safeguarding of finite resources and the required waste and mineral infrastructure. Thus, the impact of the Plan's review on age would be beneficial.</p>
<b>Disability</b>			<p>The KMWLP establishes that the principle of mineral and waste development required</p>	<p>Enhanced effectiveness of the Plan's policies will deliver positive outcomes for the</p>

			<p>in order to address the needs of the whole community for sustainable waste management and mineral supply (including safeguarding of finite resources and facilities) is acceptable.</p> <p>Any impacts on individuals with a disability would be no different to impacts on the wider general population.</p> <p>Before development can take place, planning permission would be required. Applications would be considered against the adopted KMWLP development management policies</p>	<p>whole community, in terms of enhanced sustainable waste management and the safeguarding of finite resources and the required waste and mineral infrastructure. Thus, the impact of the Plan's review on any disability within the community age would be beneficial</p>
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<p><b>Sex</b></p>			<p>The KMWLP establishes that the principle of mineral and waste development required in order to address the needs of the whole community for sustainable waste management and mineral supply (including safeguarding of finite resources and facilities) is acceptable.</p> <p>Any impacts on individuals of different sex in the community would be no different to impacts on the wider general population.</p> <p>Before development can take place, planning permission would be required. Applications would be considered against the</p>	<p>Enhanced effectiveness of the Plan's policies will deliver positive outcomes for the whole community, in terms of enhanced sustainable waste management and the safeguarding of finite resources and the required waste and mineral infrastructure. Thus, the impact of the Plan's review would be beneficial</p>
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			adopted KMWLP development management policies	
<b>Gender identity/ Transgender</b>			<p>The KMWLP establishes that the principle of mineral and waste development required in order to address the needs of the whole community for sustainable waste management and mineral supply (including safeguarding of finite resources and facilities) is acceptable.</p> <p>Any impacts on individuals of different gender identity/transgender in the community would be no different to impacts on the wider general population.</p>	<p>Enhanced effectiveness of the Plan's policies will deliver positive outcomes for the whole community, in terms of enhanced sustainable waste management and the safeguarding of finite resources and the required waste and mineral infrastructure. Thus, the impact of the Plan's review on the gender identity/transgender elements in the community would be beneficial.</p>

			<p>Before development can take place, planning permission would be required. Applications would be considered against the adopted KMWLP development management policies</p>	
<b>Race</b>			<p>The KMWLP establishes that the principle of mineral and waste development required in order to address the needs of the whole community for sustainable waste management and mineral supply (including safeguarding of finite resources and facilities) is acceptable.</p> <p>Any impacts on individuals of different race in the community would be no different</p>	<p>Enhanced effectiveness of the Plan's policies will deliver positive outcomes for the whole community, in terms of enhanced sustainable waste management and the safeguarding of finite resources and the required waste and mineral infrastructure. Thus, the impact of the Plan's review on race in the community would be beneficial.</p>

			<p>to impacts on the wider general population.</p> <p>Before development can take place, planning permission would be required. Applications would be considered against the adopted KMWLP development management policies</p>	
<b>Religion and Belief</b>			<p>The KMWLP establishes that the principle of mineral and waste development required in order to address the needs of the whole community for sustainable waste management and mineral supply (including safeguarding of finite resources and facilities) is acceptable.</p>	<p>Enhanced effectiveness of the Plan's policies will deliver positive outcomes for the whole community, in terms of enhanced sustainable waste management and the safeguarding of finite resources and the required waste and mineral infrastructure. Thus, the impact of the Plan's review on religion and belief in the community would</p>

			<p>Any impacts on individuals of different religion and belief in the community would be no different to impacts on the wider general population.</p> <p>Before development can take place, planning permission would be required. Applications would be considered against the adopted KMWLP development management policies</p>	<p>be beneficial.</p>
<b>Sexual Orientation</b>			<p>The KMWLP establishes that the principle of mineral and waste development required in order to address the needs of the whole community for sustainable waste management and mineral supply (including safeguarding of finite</p>	<p>Enhanced effectiveness of the Plan's policies will deliver positive outcomes for the whole community, in terms of enhanced sustainable waste management and the safeguarding of finite resources and the required waste and mineral infrastructure.</p>



			<p>resources and facilities) is acceptable.</p> <p>Any impacts on individuals of different sexual orientation in the community would be no different to impacts on the wider general population.</p> <p>Before development can take place, planning permission would be required. Applications would be considered against the adopted KMWLP development management policies</p>	<p>Thus, the impact of the Plan's review would be beneficial.</p>
<b>Pregnancy and Maternity</b>			<p>The KMWLP establishes that the principle of mineral and waste development required in order to address the needs of the whole community for sustainable waste management and</p>	<p>Enhanced effectiveness of the Plan's policies will deliver positive outcomes for the whole community, in terms of enhanced sustainable waste management and the safeguarding of finite</p>

			<p>mineral supply (including safeguarding of finite resources and facilities) is acceptable.</p> <p>Any impacts on individuals falling into the category of being within the pregnancy and maternity category in the community would be no different to impacts on the wider general population.</p> <p>Before development can take place, planning permission would be required. Applications would be considered against the adopted KMWLP development management policies</p>	<p>resources and the required waste and mineral infrastructure. Thus, the impact of the Plan's review on pregnancy and maternity in the community would be beneficial.</p>
<b>Marriage and Civil Partnerships</b>	Not Applicable			

<p><b>Carer's Responsibilities</b></p>			<p>The KMWLP establishes that the principle of mineral and waste development required in order to address the needs of the whole community for sustainable waste management and mineral supply (including safeguarding of finite resources and facilities) is acceptable.</p> <p>Any impacts on individuals who are exercising carer's responsibilities in the community would be no different to impacts on the wider general population.</p> <p>Before development can take place, planning permission would be required. Applications would be</p>	<p>Enhanced effectiveness of the Plan's policies will deliver positive outcomes for the whole community, in terms of enhanced sustainable waste management and the safeguarding of finite resources and the required waste and mineral infrastructure. Thus, the impact of the Plan's review on the ability of carer's to provide care within the community is beneficial.</p>
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			considered against the adopted KMWLP development management policies	
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## **Part 2 - Full Equality Analysis /Impact Assessment**

**From the screening grid, identify the Protected Groups impacted**

**Given that planning for sustainable waste management and mineral supply is undertaken in the interests of the whole population, all groups are being represented through the KMWLP's Early Partial Review and the plan making process pursuant to the Town and Country Planning (Local Planning) (England) Regulations 2012).**

### **Information and Data used to carry out your assessment**

Ensuring that the required waste management infrastructure matches the known and reasonably anticipated waste arisings will ensure that overall, net waste management self-sufficiency is achieved over the Plan period. Assessing the actual and predicted waste arisings data and matching this to Kent's waste capacity is part of the ongoing annual monitoring that the County Council undertakes. Applying this data to the KMWLP's Early Partial Review was undertaken in an objective manner to ensure that the Plan's original objectives of sustainable waste management are realised.

It is accepted that landwon minerals can only be sourced where they occur and require effective safeguarding to ensure the future sustainable supply of needed and finite minerals. Known geological data on these finite resources was sourced from the British Geological Survey (BGS) and this information is integral to the adopted Plan's evidence base. The relevant safeguarding policy (Policy DM 7) and its explanatory text is the matter of the Plan's Early Partial Review, not the geological data itself.

The same applies to the relevant policy exemption criteria (of Policy DM 8) from the presumption to safeguard the waste management and minerals processing and transportation infrastructure. In that the location of these facilities is well known as they

are identified and safeguarded by the adopted Plan. The KMWLP Early Partial Review is concerned with the soundness of the policy's explanatory wording to ensure their effective safeguarding is maintained throughout the Plan period as a whole.

### **Who have you involved consulted and engaged with?**

The community has been engaged with using a variety of communication methods as set out in the County Council's Statement of Community Involvement. All relevant groups within the county were notified of the KMWLP's Early Partial Review process without bias to any one definable group within the community as a whole.

In addition to local communities, all statutory consultees have been consulted including, where relevant:

- **Parish Councils**
- **Borough and District Council**
- **Environment Agency**
- **Natural England**
- **Historic England**
- **Highways England**
- **Health and Safety Executive,**
- **Health Protection Agency (Public Health England)**
- **Campaign to Protect Rural England**
- **Civil Aviation Authority ((Head of Aerodromes Standards Department),**
- **Kent Wildlife Trust**
- **Gardens Trust**
- **Ministry of Defence**
- **Network Rail**
- **The respective water authority (e.g. South East Water)**
- **UK Power Networks**
- **Sports England**
- **Ramblers Association**

## **Analysis**

Any impacts on identifiable groups under equality legislation would essentially be no different to those impacts that would be borne by the wider general population.

### **Adverse Impact,**

It is considered that the adopted Plan's Early Partial Review is unlikely to have any significant adverse impact compared to that of the adopted Plan in its unmodified state.

### **Positive Impact:**

Ensuring that the required waste management infrastructure matches the known and reasonably anticipated waste arisings will ensure that overall net waste management self-sufficiency is achieved over the remaining Plan period. This will help to ensure that the community is not subjected to impacts that would otherwise occur if greater than necessary waste capacity was developed and managed in Kent that went beyond attaining net self-sufficiency in waste management. Assessing waste arisings data and matching this to Kent's waste capacity is a matter that is part of ongoing annual monitoring that the County Council undertakes. The safeguarding of mineral infrastructure is integral to this objective.

Continued effective safeguarding of finite minerals (and their importation facilities) to ensure needed supply to the communities of Kent will facilitate the maintenance of the infrastructure and enable efficient use of local resources for the required new level of development to the benefit of all defined groups of the general population of Kent. Similarly, the continued effective safeguarding of mineral supply and transportation and waste management facilities will enable sustainable minerals and waste development will be maintained over the Plan period to the benefit of all defined groups of the general population of Kent.

## **JUDGEMENT**

It is considered that the adopted Plan's Early Partial Review is likely to have a positive impact on persons with a protected characteristic. The aims of the adopted KMWLP and its policies remain the same, the Early Partial Review of the Plan is to ensure the Plan remains sound, effective and justified over its remaining Plan period. It is considered that the Plan, as amended by the Early Partial Review will both meet the identified needs of the community for sustainable waste and minerals planning for the benefit of the community as a whole, and thus help to eliminate discrimination and inequality and foster good community relations.

# **Kent County Council**

**Growth, Environment and Transport Directorate (GET)  
Kent Minerals and Waste Local Plan 2013-30 (KMWLP)  
Mineral Sites Plan  
Equality Analysis / Impact Assessment**



## GET Document Control

### Revision History

Version	Date	Authors	Comment
V0.1	18 May 2020	Bryan Geake	
V1 (this should be assigned to the version the Director signs off)			

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### Equality Analysis/Impact Assessment (EqIA)

**Directorate/Service: Growth, Environment and Transport Directorate; Environment, Planning & Enforcement**

**Name of decision, policy, policy, procedure or service: Kent Mineral Sites Plan (the Plan)**

**Responsible Owner/Senior Officer:** Stephanie Holt-Castle, Interim Director Environment, Planning and Enforcement

**Author:** Sharon Thompson, Head of Planning Applications

## **Pathway of Equality Analysis:**

### **Summary and recommendations of equality analysis/impact assessment**

- **Context**

The County Council is required by statute to produce a development plan for the delivery of mineral resources up to 2030. This is to be done by the allocation of sites in the plan to deliver the mineral supply needs identified as required in the adopted Kent Minerals and Waste Local Plan 2013-30. In doing so, it has to be certain that such a plan does not have any inherent adverse impacts on persons with a protected characteristic.

- **Aims and Objectives**

The Mineral Sites Plan forms part of the adopted Kent Minerals and Waste Local Plan strategy (KMWLP) that identifies the sites required to ensure that the objectives and vision of the adopted KMWLP are met and comply with the National Planning Policy Framework's requirement to provide for a "steady and adequate supply of aggregates" for construction purposes. This EqlA has been prepared to comply with the County Council's statutory obligations to ensure equality impact issues have been properly assessed.

- **Summary of Equality Impact**

**Adverse Equality Impact Rating:** **Low**

**Attestation**

I have read and paid due regard to the Equality Analysis/Impact Assessment. I agree with the actions to mitigate any adverse impact(s) that has /have been identified.

<b>Name</b>	<b>Signature</b>	<b>Title</b>	<b>Date of Issue</b>
Stephanie Holt-Castle	<i>Stephanie Holt-Castle</i>	Director (Interim)	June 2020
Sharon Thompson	<i>Sharon Thompson</i>	Head of Planning Applications	June 2020

**Part 1 - Screening**

**Regarding the decision, policy, procedure, project or service under consideration, could this policy, procedure, project or service, or any proposed changes to it, affect any Protected Group (listed below) less favourably (negatively) than others in Kent?**

**Could this policy, procedure, project or service promote equal opportunities for this group?**

There is no justification for direct discrimination; and indirect discrimination will need to be justified according to the legal requirements

**Screening Grid Analysis**

Protected Group	You <b><i>MUST</i></b> provide a brief commentary as to your findings, or this EqlA will be returned to you unsigned			High/Medium/Low Favourable Impact
	High Negative Impact	Medium Negative Impact	Low negative Impact	
<b>Age</b>			<p>Any impacts on the differing age elements of the community would be no different to impacts on the wider general population</p> <p>The Mineral Sites Plan establishes that the principle of mineral development is acceptable in the allocated sites. In order for quarrying development to take place, planning permission would also be required</p>	<p>The supply of the appropriate amount of aggregate mineral will enable the efficient maintenance of infrastructure required by society. It will provide the right amount of materials to enable the delivery of needed development (i.e. homes, hospitals, employment retail, roads and community facilities) to come forward for the benefit of all age ranges of the community. Thus, the impact of the Plan on age is beneficial to neutral</p>
<b>Disability</b>			<p>Any impacts on individuals with a disability would be no different to impacts</p>	<p>The supply of the appropriate amount of aggregate mineral will enable the efficient maintenance of infrastructure required by society. It will provide the</p>

			<p>on the wider general population.</p> <p>The Mineral Sites Plan establishes that the principle of mineral development is acceptable in the allocated sites. In order for quarrying development to take place, planning permission would also be required.</p>	<p>right amount of materials to enable the delivery of needed development (i.e. homes, hospitals, employment retail, roads and community facilities) to come forward for the benefit of the community, irrespective of a disability.</p> <p>The amenity and health impacts of any mineral operation on any of the Plan's allocated sites have been assessed by a detailed technical assessment of each site with consultation with statutory consultees and community engagement. The appropriateness of the sites, including amenity and health impacts were subject to Independent Examination. Therefore, if any of the sites had the potential to adversely impact any particular disability in the population, this would have been apparent and considered appropriately at this time.</p> <p>Moreover, if any planning applications for the allocated sites were to come forward the impacts on health and amenity, and thus any specific groups with any disability would be considered through local authority and parish council consultations and publicity requirements. The adopted</p>
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			<p>Plan's Policy DM 11 states:  <i>Minerals and waste development will be permitted if it can be demonstrated that they are unlikely to generate unacceptable adverse impacts from noise, dust, vibration, odour, emissions, bioaerosols, illumination, visual intrusion, traffic or exposure to health risks and associated damage to the qualities of life and wellbeing to communities and the environment. This may include production of an air quality assessment of the impact of the proposed development and its associated traffic movements and necessary mitigation measures required through planning condition and/or planning obligation. This will be a particular requirement where a proposal might adversely affect the air quality in an AQMA. (See Figure 15) Proposals for minerals and waste development will also be required to ensure that there is no unacceptable adverse impact on the use of other land for other purposes</i></p> <p>This would further ensure that the Plan's effect is not adverse on any disability represented in the population. Thus, the impact of the</p>
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				Plan on disability is beneficial to neutral
<b>Sex</b>			<p>Any impacts on individuals of different sex in the community would be no different to impacts on the wider general population</p> <p>The Mineral Sites Plan establishes that the principle of mineral development is acceptable in the allocated sites. In order for quarrying development to take place, planning permission would also be required.</p>	<p>The supply of the appropriate amount of aggregate mineral will enable the efficient maintenance of infrastructure required by society. It will provide the right amount of materials to enable the delivery of needed development (i.e. homes, hospitals, employment retail, roads and community facilities) to come forward for the benefit of the community irrespective of sex. Thus, the impact of the Plan on sex is beneficial to neutral</p>
<b>Gender identity/ Transgender</b>			<p>Any impacts on individuals of different gender identity/transgender in the community would be no different to impacts on the wider general</p>	<p>The supply of the appropriate amount of aggregate mineral will enable the efficient maintenance of infrastructure required by society. It will provide the right amount of materials to enable the delivery of needed development (i.e. homes, hospitals, employment retail, roads and community facilities) to</p>

			<p>population</p> <p>The Mineral Sites Plan establishes that the principle of mineral development is acceptable in the allocated sites. In order for quarrying development to take place, planning permission would also be required.</p>	<p>come forward for the benefit of different gender status and transgender members of the community. Thus, the impact of the Plan on gender identity/transgender is beneficial to neutral</p>
<b>Race</b>			<p>Any impacts on individuals of different race in the community would be no different to impacts on the wider general population</p> <p>The Mineral Sites Plan establishes that the principle of mineral development is acceptable in the allocated sites. In order for quarrying development to take place, planning</p>	<p>The supply of the appropriate amount of aggregate mineral will enable the efficient maintenance of infrastructure required by society. It will provide the right amount of materials to enable the delivery of needed development (i.e. homes, hospitals, employment retail, roads and community facilities) to come forward for the benefit of all racial groups. Thus, the impact of the Plan on race is beneficial to neutral</p>



			permission would also be required	
<b>Religion and Belief</b>			<p>Any impacts on individuals of different religion and belief in the community would be no different to impacts on the wider general population</p> <p>The Mineral Sites Plan establishes that the principle of mineral development is acceptable in the allocated sites. In order for quarrying development to take place, planning permission would also be required</p>	<p>The supply of the appropriate amount of aggregate mineral will enable the efficient maintenance of infrastructure required by society. It will provide the right amount of materials to enable the delivery of needed development (i.e. homes, hospitals, employment retail, roads and community facilities) to come forward for the benefit of all of the community. Thus, the impact of the Plan on religious belief is beneficial to neutral</p>
<b>Sexual Orientation</b>			<p>Any impacts on individuals of different sexual orientation in the community would be no different to impacts on the wider general population</p>	<p>The supply of the appropriate amount of aggregate mineral will enable the efficient maintenance of infrastructure required by society. It will provide the right amount of materials to enable the delivery of needed development (i.e. homes, hospitals, employment retail, roads and community facilities) to</p>

			<p>The Mineral Sites Plan establishes that the principle of mineral development is acceptable in the allocated sites. In order for quarrying development to take place, planning permission would also be required</p>	<p>come forward for the benefit of all the community. Thus, the impact of the Plan on sexual orientation within the community is beneficial to neutral</p>
<p><b>Pregnancy and Maternity</b></p>			<p>Any impacts on individuals falling into the category of being within the pregnancy and maternity category in the community would be no different to impacts on the wider general population</p> <p>The Mineral Sites Plan establishes that the principle of mineral development is acceptable in the allocated sites. In order for quarrying development to take</p>	<p>The supply of the appropriate amount of aggregate mineral will enable the efficient maintenance of infrastructure required by society. It will provide the right amount of materials to enable the delivery of needed development (i.e. homes, hospitals, employment retail, roads and community facilities) to come forward for the benefit of all the community. Thus, the impact of the Plan on pregnancy and maternity within the community is beneficial to neutral</p>

			place, planning permission would also be required	
<b>Marriage and Civil Partnerships</b>	Not applicable			

<p><b>Carer's Responsibilities</b></p>			<p>Any impacts on individuals who are exercising carer's responsibilities in the community would be no different to impacts on the wider general population</p> <p>The Mineral Sites Plan establishes that the principle of mineral development is acceptable in the allocated sites. In order for quarrying development to take place, planning permission would also be required</p>	<p>The supply of the appropriate amount of aggregate mineral will enable the efficient maintenance of infrastructure required by society. It will provide the right amount of materials to enable the delivery of needed development (homes, hospitals, employment retail and community facilities) to come forward for the benefit of all the community. Thus, the impact of the Plan on carers operating within the community would be beneficial</p> <p>If there are specific impacts on carer's responsibilities as a result of a site allocated in the Plan coming forward, the Independent Examination, which included local community consultation, would have identified them. In addition, the adopted Plan's Policy DM 11 states:</p> <p><i>Minerals and waste development will be permitted if it can be demonstrated that they are unlikely to generate unacceptable adverse impacts from noise, dust, vibration, odour, emissions, bioaerosols, illumination, visual intrusion, traffic or exposure to health risks and associated damage to the qualities of life and wellbeing to</i></p>
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				<p><i>communities and the environment. This may include production of an air quality assessment of the impact of the proposed development and its associated traffic movements and necessary mitigation measures required through planning condition and/or planning obligation. This will be a particular requirement where a proposal might adversely affect the air quality in an AQMA. (See Figure 15) Proposals for minerals and waste development will also be required to ensure that there is no unacceptable adverse impact on the use of other land for other purposes</i></p> <p>This would further ensure that the Plan's effect would not result in an adverse impact on any carer's operating in the community. Thus, the impact of the Plan on the ability of carer's to provide care within the community is considered beneficial to neutral</p>
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## **Part 2 - Full Equality Analysis /Impact Assessment**

**From the screening grid, identify the Protected Groups impacted**

**Given that planning for sustainable waste management and mineral supply is undertaken in the interests of the whole population, all groups are being represented through the Mineral Sites Plan and the plan making process pursuant to the Town and Country Planning (Local Planning) (England) Regulations 2012).**

**Information and Data used to carry out your assessment**

Landwon minerals can only be sourced where they occur. Sites allocated in the Plan are the result of the process of local plan formulation, consultation and examination in accordance with guidance and legislative requirements. Engagement has taken place with the community, including those in the locality of the proposed site allocations. The County Council used the available OS data to conduct the required public consultations and all groups within the locality of the Plan's proposed allocated sites in question were notified of the Mineral Sites Plan process without bias to any one definable group within the community.

**Who have you involved, consulted and engaged with?**

In addition to local communities, all statutory consultees have been consulted during the Mineral Site Assessment process, including, where relevant:

- **Parish Councils**
- **Borough and District Council**
- **Environment Agency**
- **Natural England**
- **Historic England**
- **Highways England**
- **Health and Safety Executive,**
- **Health Protection Agency (Public Health England)**
- **Campaign to Protect Rural England**

- **Civil Aviation Authority ((Head of Aerodromes Standards Department),**
- **Kent Wildlife Trust**
- **Gardens Trust**
- **Ministry of Defence**
- **Network Rail**
- **The respective water authority (e.g. South East Water)**
- **UK Power Networks**
- **Sports England**
- **Ramblers Association**

### **Analysis**

Any impacts on identifiable groups under equality legislation would essentially be no different to those impacts that would be borne by the wider general population. Furthermore, Policy DM 11: Health and Amenity of the adopted Kent Minerals and Waste Local Plan 2013-30 would require any planning application at the allocated sites of the Plan to be fully assessed to ensure that it can be demonstrated that it is unlikely to generate unacceptable adverse impacts from noise, dust, vibration, odour, emissions, bioaerosols (though this impact is unlikely with mineral development and applicable to waste development assessments), illumination, visual intrusion, traffic or exposure to health risks and associated damage to the qualities of life and wellbeing to communities and the environment. Therefore, the Plan's allocated sites would be subject to further detailed assessment to ensure their acceptability prior to any development (quarrying) taking place.

### **Adverse Impact,**

Sites that may have had a significant adverse impact on the local population and where adequate mitigation was not considered possible were not allocated in the Submission Mineral Sites Plan. The allocated sites (Chapel Farm, Lenham, Moat Farm, Five Oak Green and Stonecastle Farm, Hadlow), are those that have been found following detailed assessment acceptable. In that, amongst other matters, they have been assessed as not having the probability of significant adverse impact on the identifiable groups by the process of Independent Examination.

**Positive Impact:**

A sustainable community requires good infrastructure including roads, rail, housing, hospitals, schools etc. Continued supply of minerals to the communities of Kent will facilitate the maintenance of this infrastructure and enable efficient use of local resources for required new development to the benefit of all defined groups of the general population of Kent.

**JUDGEMENT**

It is considered that the Plan is likely to have a positive or neutral impact(s) on persons with a protected characteristic. The aims of the adopted Kent Minerals and Waste Local Plan 2013-30 and its policies, including the provision of an adequate supply of aggregates to meet identified requirements, whilst protecting communities and the environment is accepted. It is considered that the Mineral Sites Plan will both realise materials to meet the identified need and thus help to eliminate discrimination and inequality and foster good community relations.