

Revised Mineral and Waste Safeguarding Supplementary Planning Document – summary of representations received to 2020 Consultation Draft

<u>Unique ID</u>	<u>Organisation</u>	<u>Summary of Representation</u>	<u>Implications for Document-suggested amendments/additions</u>
SPD-01	Transport for London	No comments	N/A
SPD-02	Gloucestershire County Council	General Comments	
		Broadly supportive of Safeguarding Supplementary Planning Document (SPD).	Noted.
		- Provides clear instructions as to what the expectations are from developers; District Councils and Kent County Council (KCC) in relation to minerals and waste safeguarding.	Noted.
		- Flow diagrams are particularly helpful.	Noted.
SPD-03	New Romney Town Council	No comments and request to be kept informed.	Noted.
SPD-04	KCC Heritage Conservation	General Comments	
		- Note as an internal consultee, Kent County Council Heritage not listed among consultees & ask that Heritage Conservation team is consulted on all draft strategy, Development Management or site allocation documents.	Noted.
SPD-05	Gravesham Borough Council	General Comments	
		<ul style="list-style-type: none"> - The Supplementary Planning Document revision stems from the Early Partial Review (EPR) of Policies DM 7 and DM 8 of the Kent Minerals and Waste Local Plan 2013-30 (KMWLP); in doing so it fails to: <ul style="list-style-type: none"> o Provide guidance on those Mineral Safeguarding Areas (MSAs) where minerals are economically viable and environmentally acceptable for extraction and that are readily identified and can come forward. o Climate Emergency declaration of May 2019 by Kent County Council is not discussed, nor is the Kent and Medway Energy and Low Emissions Strategy, a missed opportunity for the document to contribute to this drive to reduce carbon emissions. o Insufficient clarity to interpret the implementation of Kent Minerals and Waste Local Plan safeguarding policy by the introduction of additional and unreasonable requirements instead of clarity and detailing what evidence is required for an applicant to demonstrate any mineral deposit is not economically viable or does not exist and that any extraction would not be viable or practicable, the process as outlined by Devon County Council is superior. 	<p>This is the reason for specific Mineral Assessments (MA). A comprehensive assessment of all Kent's Mineral Safeguarding Areas for precise economic viability assessment would not be realistic nor meaningful as market conditions change through time.</p> <p>Sustainable development includes finite economic mineral resource conservation through safeguarding; the Climate Emergency recognised by the County Council in May 2019 and the Kent and Medway Energy and Low Emissions Strategy are relevant in an overarching way; the Supplementary Planning Document does not need to discuss this any great detail and to do so would be a diversion from the main subject of minerals and waste safeguarding. Both the Climate Emergency and the Kent and Medway Energy and Low Emissions Strategy will be taken into account during the 5-yearly review of the Kent Minerals and Waste Local Plan.</p> <p>It is not the intention of the Supplementary Planning Document to determine what evidence is required for every safeguarded mineral at all locations in the Mineral Safeguarding Area coverage. It sets out the process, the way that the requirements can be met while not being overly prescriptive of how the evidence should be gathered and argued; to do so would suggest the Supplementary Planning Document should be a Mineral Assessment or Infrastructure Assessment (IA) for Kent in its entirety. Clearly this is beyond what the role of a Supplementary Planning Document should be.</p>

		Specific Comments	
		<p>- Para. 1.3 refers to Section 110 of the Localism Act, this simply inserts Section 33(A) into the Planning and Compulsory Purchase Act 2004, therefore it would be more appropriate to refer to the latter as the primary legislation.</p>	<p>Agreed. A footnote to explain the legislative relationship of the Duty to Cooperate and the primary legislation added to text for para.1.3</p>
		<p>- Para. 3.2 states that Mineral Safeguarding Area should be shown on district/borough Local Plan Policies Maps.</p> <ul style="list-style-type: none"> o Regulation 9 of the relevant 2012 local planning regulations¹ addresses what content this plan should have, which is to set out the spatial and geographical extent of policy coverage, the map thus needs to be consistent with the policies of the Local Plan, based on OS data and thus is part of any plan's 'soundness' at examination. However, it is not prescribed that this plan should take any particular form. To introduce Mineral Safeguarding Areas/Mineral Consultation Areas (MCA) details would potentially over complicate this plan and make interpretation problematic. o Interactive digitisation of the policies maps may not be sufficient to overcome confusing colour overlap. o Different plan review cycles of the Kent Minerals and Waste Local Plan and local plans could also complicate a local plan policy map coverage. o Kent County Council should ensure the most up to date and definitive Mineral Safeguarding Area/Mineral Consultation Area policies maps should be both available in printed and as online interactive formats, address 2018 accessibility regulations, allowing district/borough authorities to adequately reference their source in local plans. 	<p>Para. 3.2 states "Policies Maps" in the plural not the singular; the relevant Gravesham Mineral Safeguarding Areas proposal map can be reproduced and inserted as a separate map and/or layers to reduce visual confusion with the local plan's other Policies Maps for Gravesham.</p> <p>Noted. Separate policies maps for the Mineral Safeguarding Area/Mineral Consultation Area would reduce such difficulties.</p> <p>The geological data of the Mineral Safeguarding Area is unlikely to markedly alter with Kent Minerals and Waste Local Plan reviews.</p> <p>Noted. GIS layer giving Mineral Safeguarding Area data was provided to Gravesham in a GIS compatible format in 2016.</p>
		<p>Para. 3.5 states urban areas are exempt from safeguarding, but support for prior extraction if proposals come forward, Kent Minerals and Waste Local Plan at para. 5.5.9 states urban areas are exempt, the wording of Policies CSM 5 and DM 7 are silent on this issue. The Supplementary Planning Document has to be consistent with adopted policy, clarification of this exemption is required.</p>	<p>Agreed. An addition of the following text in para. 3.5 reads:</p> <p><i>'where these local plan allocations had considered mineral and waste management facility safeguarding at the time of their adoption'</i></p> <p>This follows <i>'...in adopted Local Plans...'</i> in the second sentence of the para. this addition will aid clarification on this important distinction.</p>
		<p>- The effect of changes to policies DM 7 and DM 8 and existing local plan allocations is that if an allocation is not assessed against Mineral Safeguarding Area policy when they were adopted, they will now require this at the planning application stage, the local authority wish to understand what will be required for the following allocations:</p> <ul style="list-style-type: none"> o Ebbsfleet Valley- A strategic allocation (and HS1 station) spanning both Gravesham and Dartford that has been allocated since the 1990s with an extant but soon to expire planning permission, would a Minerals Assessment (MA) be required? 	<p>These are matters beyond the scope of the Supplementary Planning Document. These matters will be picked up separately with Gravesham Borough Council.</p>

¹ Town and Country Planning (Local Planning) (England) Regulations 2012

		<ul style="list-style-type: none"> ○ Swanscombe Peninsula-Nationally Significant Infrastructure Project (NSIP) major leisure development planned in this location spanning both Gravesham and Dartford. Contamination from past cement industry is extensive, important for biodiversity, previous investigative work does not identify the need for a Minerals Assessment, is this required? ○ North East Gravesend- Mineral Safeguarding Area out of date, allocations being developed or have been completed, wastewater treatment plant in existence, waste sites have already sterilised minerals, is any Mineral Assessment/Infrastructure Assessment required? ○ Lower Thames Crossing- tunnelling under Mineral Safeguarding Area is assumed to sterilise minerals, therefore would Nationally Significant Infrastructure Project require Minerals Assessment? 	
		- Para. 3.6 - review extent of Mineral Safeguarding Area annually, this cannot change the Mineral Safeguarding Area on Policies Maps as they are set by policy, identification of additional sites/land should be part of a formal Kent Minerals and Waste Local Plan review.	The annual monitoring process check on the Mineral Safeguarding Area, as discussed by para.3.6, is intended to address the exempting effect of any changes of urban and settlement built up area boundaries; any changes to the boundaries of the Mineral Safeguarding Areas are a matter for formal reviews of the Kent Minerals and Waste Local Plan.
		- Para. 3.7 -typological error remove 'are' in penultimate line.	Agreed. Typological error of inclusion of 'are' corrected by deletion.
		- Para. 4.7 - local authority has safeguarding as part of the planning application validation process, the Ebbsfleet Development Corporation is separate, and Kent County Council should discuss this direct with the Ebbsfleet Development Corporation.	Noted.
		- Para. 4.12 - Port of London Authority (PLA) consultation; other similar authorities exist; Supplementary Planning Document should consider these, and the Marine Management Organisation (MMO) and the relevant Marine Management Organisation plans and how determinations in accordance with the Marine and Coastal Act 2009 (Section 58).	Agreed. Other port authorities exist and will be referenced in para. 4.12. The Marine Management Organisation has responsibilities for considering new development impacts on the marine system and coastlines. They are required to be consulted with regard to on-land mineral handling facilities, for which safeguarding is supported in the relevant Marine Management Organisation plans. However, the Marine Management Organisation does not have direct responsibility for safeguarding these facilities. The text of the Supplementary Planning Document is to be amended to clarify the relationship and lines of responsibility between the County Council, port authorities and the Marine Management Organisation.
		- Para. 4.12 - Full geological information safeguarding notes for all areas are not part of the Supplementary Planning Document; assumed that they will be supplied separately. To give weight to the Supplementary Planning Document they should have been comprehensively included in the consultation. The approach adopted by Warwickshire County Council is of note.	<p>The detailed analysis of the economic geology contained in the paper prepared by the British Geological Survey (BGS) for Warwickshire County Council is a type of document that should be seen as an evidence document for the preparation of a mineral local plan or a review of such a plan.</p> <p>Full geological information covering each district and borough is contained in Appendix 3 of the revised Supplementary Planning Document and is intended to be read in conjunction with the Safeguarding Proposals Maps for the Kent borough and district areas, as shown in the adopted Kent Minerals and Waste Local Plan 2013-30. It is intended that they are relatively 'high level' in that they are descriptive of the identified economic superficial and crustal geologic units. It was not the intention to detail the parts of any given geological resource that is very specifically more 'viable' than any other part, as this may vary in time with changes with markets and other economic considerations. Therefore, it would be inappropriate for the descriptive information in Appendix 3 to conclude that an identified safeguarded geology does not apply in the area of the Mineral Safeguarding Area.</p> <p>The detailed analysis of the viability of any deposit threatened with sterilisation can only be done at the Minerals Assessment stage. This provides the evidence that prior extraction is justified to ensure conservation of the economic geological resource is secured, alternatively it may demonstrate that</p>

		<p>economic viability is absent. A detailed analysis of the economic geology of the County of Kent, as such prepared by the British Geological Survey for Warwickshire County Council is beyond the scope of the Supplementary Planning Document.</p> <p>With regard to Minerals Assessment, it is the appropriate tool to assess if the minerals affected are of economic important on a site-by-site basis. This is also the position taken by the Mineral Products Association (MPA). Who, in collaboration with the British Geological Survey and the Coal Authority, have produced guidance for mineral safeguarding, that advocates detained mineral economic analysis for prior extraction of minerals. Page 41, Para 7.0.4 of <i>Mineral safeguarding in England: good practice advice (2011)</i> states:</p> <p><i>“Where an applicant proposes development within a Mineral Safeguarding Area, the planning authority should ensure that the applicant has considered all options to avoid the unnecessary sterilisation of minerals. This will include the consideration of other locations for development in areas that are outside the MSA. If this has been considered by the applicant, there is a need for the development and the Mineral Assessment (see section 6) has identified that the mineral is economic to extract in terms of quantity and quality the planning authority should ensure that the applicant has considered the possibility of prior extraction of the mineral ahead of the proposed development.”</i></p> <p>And par 7.0.5 page 41 states:</p> <p><i>“An assessment of all viability of prior extraction will need to take account of whether the environmental conditions are suitable to support extraction operations and whether extraction is achievable within an acceptable timescale. Additional considerations may include the availability of a market to deal with the increase in supply and the financial outlay required to develop the subsequent excavation. Certain minerals, such as coal, can be economically extracted from very small sites and over a very short time so development is not unduly delayed by prior extraction.”</i></p> <p>Therefore, it is considered that the revised Supplementary Planning Document is in accordance with this guidance and the level of economic geological understanding is to be applied at the Minerals Assessment stage and not prepared universally for the entire Mineral Safeguarding Area coverage of Kent.</p>	<p>economic viability is absent. A detailed analysis of the economic geology of the County of Kent, as such prepared by the British Geological Survey for Warwickshire County Council is beyond the scope of the Supplementary Planning Document.</p> <p>With regard to Minerals Assessment, it is the appropriate tool to assess if the minerals affected are of economic important on a site-by-site basis. This is also the position taken by the Mineral Products Association (MPA). Who, in collaboration with the British Geological Survey and the Coal Authority, have produced guidance for mineral safeguarding, that advocates detained mineral economic analysis for prior extraction of minerals. Page 41, Para 7.0.4 of <i>Mineral safeguarding in England: good practice advice (2011)</i> states:</p> <p><i>“Where an applicant proposes development within a Mineral Safeguarding Area, the planning authority should ensure that the applicant has considered all options to avoid the unnecessary sterilisation of minerals. This will include the consideration of other locations for development in areas that are outside the MSA. If this has been considered by the applicant, there is a need for the development and the Mineral Assessment (see section 6) has identified that the mineral is economic to extract in terms of quantity and quality the planning authority should ensure that the applicant has considered the possibility of prior extraction of the mineral ahead of the proposed development.”</i></p> <p>And par 7.0.5 page 41 states:</p> <p><i>“An assessment of all viability of prior extraction will need to take account of whether the environmental conditions are suitable to support extraction operations and whether extraction is achievable within an acceptable timescale. Additional considerations may include the availability of a market to deal with the increase in supply and the financial outlay required to develop the subsequent excavation. Certain minerals, such as coal, can be economically extracted from very small sites and over a very short time so development is not unduly delayed by prior extraction.”</i></p> <p>Therefore, it is considered that the revised Supplementary Planning Document is in accordance with this guidance and the level of economic geological understanding is to be applied at the Minerals Assessment stage and not prepared universally for the entire Mineral Safeguarding Area coverage of Kent.</p>
		<p>- Para. 5.6- for short term and minor developments the policy exemption applies and the need to consult the County Council need not be necessary; it is considered that any local authority should consult to establish that the exemption applies or not.</p>	<p>Noted. The local authority would be able to consult the County Council on the interpretation of ‘temporary’ to clarify the position if it was deemed appropriate.</p>
		<p>- Para. 5.10- Mineral Assessments (MA) text implies that intrusive investigation always required when a ‘lighter’ approach may be all that is required, appropriate desktop or pre-application discussions may also only be required, this should be reflected in the text.</p>	<p>If the evidence is available that negates a more ‘intrusive’ form of site investigation that clearly demonstrates that the mineral is present, though identified as economic and safeguarded by the Mineral Safeguarding Area, is not economic in type (e.g., Geological Memoirs as prepared by the British Geological Survey demonstrating its presence in detailed academic form but clearly lacking economic potential) or is indeed absent due to past extraction then an exemption from the presumption to safeguard may indeed be justified. The Supplementary Planning Document text has been amended to reflect the above.</p>
		<p>- Table 3 (page 23)- transparent economic analysis in Minerals Assessment where criterion 1 or 2 are being invoked; this to include when mineral would not be viable or practicable to extract. That detail could affect the viability of the development proposed also commercially sensitive/confidential matters could arise in this process. Text should address these concerns.</p>	<p>It is understood that commercial sensitivities are important to the efficient practice of private industry. The intention of having ‘transparent economic analysis’ in Minerals Assessments is to ensure that where an exemption to safeguarding is being invoked in accordance with criteria 1,2 or 3 of Policy DM 7, that the relationship between mineral extraction and processing is demonstrated to be at least ‘cost neutral’. That meaning the extraction, transportation, and processing of a mineral would generally not result in a</p>

			<p>commercial loss rendering prior extraction unviable. Thus any 'cost loadings' to push prior extraction into a loss scenario are transparent, such as the imposition of royalties per tonne that would, it is reasonable to assume, significantly reduce the possibility of reaching a position where extraction on the basis of at least 'cost neutrality' can be effected. Thus, ensuring that the finite mineral resource is not lost to needless sterilisation.</p> <p>Moreover, a transparent economic analysis of the potential prior extraction of a mineral deposit threatened with sterilization in a Minerals Assessment is in accordance with the advice of the Mineral Products Association (see comments above to Para. 4.12.)</p>
		<ul style="list-style-type: none"> - Para. 6.9- the text addresses safeguarded sites assessment (IA) required by Policy DM 8. There appears to be a dual approach of the policy that is not explained. Policy DM 8 criteria are applicable to assessing if loss of a facility (paras. 7.6.4 -7.6.5) is justified and the policy also has a 250m boundary consideration for safeguarded sites where the determinant of acceptability is not concerned with the site directly, but the future occupants of the other development proposed within 250m of the safeguarded site. The Supplementary Planning Document text should clarify how the policy is intended to be interpreted more clearly. 	<p>It is correct that the policy should be seen as having two distinct parts. The first, where exemption criteria 1-7 may apply, is related to a consideration of direct loss of a safeguarded facility by new development (e.g., a safeguarded mineral importation wharf to housing). Here an IA would have to be prepared and an exemption argued as justified against the exemption criteria of Policy DM 8. The 'within 250m' test of acceptability part of the policy is to ensure that potentially incompatible development, proposed within 250m, will not result in the safeguarded facility's lawful operation being inhibited by the proposed development not considering the impact of its continued lawful operation (including highways accessibility) on the future occupants of the non-mineral/waste related development (housing being essentially the potentially most sensitive form of incompatible development) via Environment Act action to abate any defined statutory nuisances, that may include necessary highway accessibility. The text of para. 6.9 to be amended to make this distinction of the application of Policy DM 8 clear.</p>
		<ul style="list-style-type: none"> - Section 7-Information Requirements for Plan Making The authority would wish to pursue statements of common ground (SoCG) in relation to strategic sites mentioned above in relation to section 4 of the Supplementary Planning Document. Site allocations impacting safeguarded infrastructure the above comments on the interpretation of Policy DM 8 are relevant, including elaboration of the recognition at para. 7.20 that the matter may be addressed at the planning application stage; the development management policies of the plan would then need to have specific requirements to address safeguarding via design considerations at the planning application stage. 	<p>Noted. Statement of Common Ground in relation to the strategic sites (Ebbsfleet Valley, Swanscombe Peninsula, North East Gravesend and Lower Thames Crossing) are beyond the scope of the Supplementary Planning Document, as are changes to any development management policies of the Kent Minerals and Waste Local Plan. These matters are best addressed directly to the County Council as an expression to discuss and agree SoCG and for policy changes at a formal review of the Kent Minerals and Waste Local Plan.</p>
		<ul style="list-style-type: none"> - The Supplementary Planning Document should also clarify how the County Council understands the way safeguarding is to be addressed by the Nationally Significant Infrastructure Project decision making process, of which the document is silent on. 	<p>Agreed. Text of the Supplementary Planning Document amended to clarify this procedural matter. The applicant and examining authority will have information regarding all minerals and waste safeguarding matters brought to their attention at the relevant consultation stages and potentially during examination.</p>
SPD-06	Maidstone Borough Council	No comments	N/A
SPD-07	Bedfordshire Borough Council	General Comments	
		<ul style="list-style-type: none"> - Supports in principle protection of mineral resources from unnecessary development. 	Noted.
		<ul style="list-style-type: none"> - Supplementary Planning Document does not pose any strategic issues which may affect Central Bedfordshire or Bedford Borough & therefore not necessary to consult the Bedford Borough Planning Team or the Minerals & Waste Shared Service on future iterations of document. 	Noted.
SPD-08	KCC Biodiversity	No comments	N/A
SPD-09	Tonbridge and Malling Borough	General Comments	

	Council		
		- Tonbridge and Malling Borough Council supports the Supplementary Planning Document and has the following comments to make on the relevant parts of the Supplementary Planning Document.	Noted.
		Specific Comments	
		Minerals Safeguarding in Kent - Para 3.4- Mineral Safeguarding Areas are compared to Areas of Outstanding Natural Beauty, Mineral Safeguarding Areas do not have the same status and are not equivalent to national designations created through law. Para. 3.4 rewording is advised.	Noted. The Supplementary Planning Document text amended to clarify the status of Mineral Safeguarding Areas.
		Planning applications-Information requirements for development affecting land-won minerals safeguarding - Para. 5.30- conditional requirement to use incidental mineral extraction if prior extraction of sterilised mineral in total is not viable on assessment, is not possible. The condition would be unreasonable (see para 55 National Planning Policy Framework) Tonbridge and Malling Borough Council does not support this element of the Supplementary Planning Document.	Noted. The text of the Supplementary Planning Document to be amended to change the text to reflect that a condition of planning consent is unreasonable and that an 'informative' as part of the planning consent would be more appropriate.
		Planning applications-Information requirements for development affecting minerals waste safeguarding infrastructure - Para. 6.9- The need to refuse development affecting the operation of safeguarded infrastructure as required by Policy DM 8 is too absolute. Given that all development has impacts to some degree, permission should be refused only when the impacts cannot be mitigated through conditions of planning permission. Par 6.9 should be re-worded to reflect this potential outcome.	The need to ensure an effective safeguarding of mineral infrastructure from loss is considered by the County Council as salient to its function as the minerals planning authority. As required by Section17 Para. 203 e) of the National Planning Policy Framework 2019. However, the exemption criteria of Policy DM 8 are sufficient to ensure that other material planning considerations are taken into account when considering development applications that may result in the loss of facilities or their inhibition to lawfully and viably operate.
		Information Requirements for safeguarding: Plan Making - Tonbridge and Malling Borough Council supports this new section on plan making as it provides further clarification.	Noted
		Appendix 3 - Tonbridge and Malling Borough Council regards the individual geological notes as a helpful addition to the Supplementary Planning Document.	Noted.
SPD-10	Seal Parish Council	Specific Comments	
		- The lack of any discussion of Neighbourhood Plans is an omission of the Supplementary Planning Document. The Parish Council comments that the Sevenoaks Local Plan Review identified housing at Greatness Quarry (Tarmac) and though the plan was found unsound it is understood that the Sevenoaks	Noted. The Supplementary Planning Document is a material consideration in the formulation of local plans and neighbourhood plans. The text has been amended to clarify this point.

		Neighbourhood Development Plan identifies the site for housing and water sports.	
		- The Parish Council wishes the site allocation in this plan to be assessed against the need to safeguard the current permitted reserves of the site and to maintain the undeveloped eastern part of the site as Green Belt.	Noted. The issues relating to the planning and/or mineral safeguarding of specific sites are not matters that the revised Supplementary Planning Document can address. This is to be achieved through the process of consideration of any required Minerals Assessment that is submitted as part of the process required by the safeguarding policies of the adopted and partially reviewed Kent Minerals and Waste Local Plan 2013-30.
SPD-11	Canterbury City Council	General Comments	
		- Canterbury City Council does not consider the revised Supplementary Planning Document provides sufficient clarity on how the safeguarding process is addressed at local plan formulation stages; within Section 7 there is scope to reference the potential use of economic geological information as provided in Appendix 3. There should be information in these notes that override British Geological Survey data to clarify that Minerals Assessment will not be required for all mineral types. Clarification is sought to have a more proportionate and tailored approach to land-won mineral safeguarding through the development of local plans.	<p>The geological information contained in Appendix 3 of the revised Supplementary Planning Document is intended to be read in conjunction with the Safeguarding Proposals Maps for the Kent borough and district areas, as shown in the adopted Kent Minerals and Waste Local Plan 2013-30. It is intended that they are relatively 'high level' in that they are descriptive of the identified economic superficial and crustal geologic units. It was not the intention to detail the parts of any given geological resource that is very specifically more 'viable' than any other part as this may vary in time with changes with markets and other economic considerations. Therefore, it would be inappropriate for the descriptive information in Appendix 3 to conclude that an identified safeguarded geology does not apply in the area of the MAS.</p> <p>The detailed analysis of the viability of any deposit threatened with sterilisation can only be done at the Minerals Assessment stage. This provides the evidence that prior extraction is justified to ensure conservation of the economic geological resource is secured, alternatively it may demonstrate that economic viability is absent. Also, any greater detailed analysis of the economic geology of the County is beyond the scope of the Supplementary Planning Document and would be an evidence base exercise to support a mineral local plan, or a review of an adopted plan of this type.</p>
		Specific Comments	
		- Para. 3.4- Mineral Safeguarding Area is not a constraint, but a factor to be considered, not comparable to Area of Outstanding Natural Beauty where development is restricted by national policy.	Mineral Safeguarding Areas are not an absolute constraint, the text of the Supplementary Planning Document has been altered accordingly to correctly identify the difference between the status of Area of Outstanding Natural Beauty and Mineral Safeguarding Areas.
		- Para. 3.6- Support an annual review process.	Noted.
		- Para. 4.2-4.3- the use of the term 'incompatible' is misinterpretation of scope of the policy; there maybe 'conflict' but Minerals Assessment process and consideration of exemption criteria of policy (DM 7) determines whether the conflict is surmountable or not.	Agreed. The text of the Supplementary Planning Document has been altered accordingly to use the term 'conflict' in place of 'incompatible'.
		- Para. 4.14- suggested change of text from "safeguarded mineral resources" to minerals within "mineral safeguarding areas" where the policies apply.	Agreed. The text of the Supplementary Planning Document has been altered accordingly to use the phrase 'minerals within mineral safeguarding areas' in place of 'safeguarded mineral resources'.
		- Para. 4.17- it is considered that there needs to be a more proportionate approach to the level of detail required for local plan allocation stages; the Mineral Safeguarding Area would be weighed against other strategic scaled objectives such as housing supply, climate change, etc is advocated.	The need to conserve finite economic minerals, including through planning policies of the Development Plan is required by the National Planning Policy Framework (Section 17, Para. 203, Para 204 c) – d)) 2019. Therefore, the assessment of the relative economic viability and importance against other planning material considerations is done via a Minerals Assessment process. Policy DM 7 has sufficient exemption criteria to enable all relevant planning matters to be considered when deciding upon invoking an exemption from the presumption to safeguard.

		- Table 1- District Council Box-should be updated to exempt the allocations identified at para. 4.18.	Table 1 defines the roles of the relevant authorities in Kent, not the outcomes of discharging those roles.
		- Para. 5.7- query use of ‘incompatible’.	Concern addressed by amending the title to ‘ <u>Acceptability of Development within Mineral Safeguarding Areas</u> ’
		- Para. 5.9- Again, a more proportionate approach to local plan allocation formulation is advocated (see comments for para. 4.17).	The need to conserve finite economic minerals, including through planning policies of the Development Plan is required by the Nation Planning Policy Framework (Section 17, Para. 203, Para 204 c) – d)) 2019. Therefore, the assessment of the relative economic viability and importance against other planning material considerations is done via a Minerals Assessment process. Policy DM 7 has sufficient exemption criteria to enable all relevant planning matters to be considered when deciding upon invoking an exemption from the presumption to safeguard, for planning applications and local plan allocation formulation.
SPD-12	Port of London Authority	Specific Comments	
		- Specific Comments Broadly supportive of the revised Supplementary Planning Document.	Broad support noted
		- Para 1.4 and Chapter 6 (information requirements). Early engagement mentioned in para 1.4 should include with minerals and waste site operators to ensure adequate assessment of potential impacts which should made taking account of ‘worst case’ scenario.	Agreed. Para 1.4 and Chapter 6 (paras 6.9 and 6.19) amended accordingly.
		- Various potential impacts, such as noise, vibration, odour, dust, lighting should be specifically referenced in the Supplementary Planning Document.	This matter is addressed by paras 6.19, 2.8, 2.10, 3.12, 7.21. of the document.
		- Supplementary Planning Document should reference 24-hour operation of wharves according to tidal movements.	Agreed. Reference added in para. 6.14.
		- Para 4.12. Not all safeguarded wharves within Kent are within Port of London Authority’s area of jurisdiction	Agreed. Para 4.12 amended to reflect this point to accurately address the other port authorities in the Kent area.
		- Para 6.16. Viability criteria for Safeguarded wharves in London are set out at 9.15.8 of the new London Plan and would be appropriate for wharves in Kent and should be considered for inclusion in the Supplementary Planning Document.	Agreed. Following viability considerations criteria added to paragraph 6.16 in line with suggestion to include: <i>“ Factors to be considered in assessing the viability of a safeguarded wharf include:</i> <ul style="list-style-type: none"> • <i>its size, shape, navigational access, road access, rail access (where possible), planning history, environmental impact and surrounding land use context</i> • <i>its geographical location, in terms of proximity and connections to existing and potential market areas.</i> • <i>the existing and potential contribution it can make towards reducing road-based freight movements.</i> • <i>existing and potential relationships between the wharf and other freight-handling sites or land uses.</i> • <i>the location and availability of capacity at comparable alternative wharves, having regard to current and projected wharf capacity and market demands.”</i>
		Para 6.19. The Supplementary Planning Document must highlight that criteria in para 6.19 applies to vacant and/or underutilised safeguarded sites to ensure that the required	Agreed. Para 6.16 amended accordingly.

		assessments review an appropriate 'worst case scenario' to ensure that proposed developments are robustly designed in the event of the future reactivation and maximisation of use of the areas safeguarded sites.	
SPD-13	Ashford Borough Council	Specific Comments	
		- Greater clarity needed to provide certainty in relation to the extent of information that needs to be submitted at the plan making stage vs the planning application stage. Would early consultation with County Council facilitate a more flexible approach to the extent of information required at plan-making stage. Would expect less detail to be required at plan making stage. If similar level of detail, then may not be necessary to distinguish between plan-making and planning application stages.	The Supplementary Planning Document is clear that a similar level of detail is needed at plan making and planning application stages. This is the case regardless of whether early consultation takes place with the Mineral Planning Authority. Once a site is allocated in a Local Plan, proposals for development are exempt from safeguarding and so the assessments at plan-making stage must be rigorous.
		- Requiring similar level of detail to be applied at planning application stage to plan making stage would be disproportionate.	Separate sections on plan making and planning applications have been provided to make it clear that assessments are needed at both stages – it had been suggested previously that the need to undertake assessments at plan-making stage was unclear, hence the revised layout.
		- Do not accept that Mineral Safeguarding Areas should be considered in a manner consistent with the weight to be attached to the preservation and enhancement of constraints such as an Area of Outstanding Natural Beauty designation and or high flood risk areas. Due to the extent of the Mineral Safeguarding Area, application of such a stringent constraint will make allocation of housing difficult in Ashford.	<p>As stated in para 5.10 there is a requirement in the National Planning Policy Framework that development proposals in Mineral Safeguarding Areas that might constrain potential future minerals use should not normally be permitted.</p> <p>Planning Officers' Society guidance includes the following: <i>'Safeguarding of mineral resources, minerals transport, processing and supply infrastructure is, therefore, essential to help ensure that resources and infrastructure are not un-necessarily sterilised or constrained, and are available for use now and, importantly, for future generations.'</i> And <i>'Allocation of sites for non-minerals development within MSAs and proximate to safeguarded minerals infrastructure sites should be avoided where possible.'</i></p> <p>Suitable caveats are included in the application of the safeguarding policy which mean that the need to provide for housing/infrastructure is included in the balance when the policy is applied. This is similar to approach taken to constraints such as an Area of Outstanding Natural Beauty designation and or high flood risk areas. However, the text is amended to note that a similar level of consideration (rather than weight) is required. Proposed amended text to Para 3.4.to state:</p> <p><i><u>"They will also play an important role in forward planning as a high-level consideration constraint, to be taken into account when conducting assessments of the main areas of potential for future development and where to avoid, similar to the consideration given to approach taken consideration of the restrictive effects of other land designations such as AONB designation and areas identified as high flood risk"</u></i></p> <p>Underlined text is the proposed new content and struck out text is the existing text to be deleted.</p>
		- There is a lack of clarity about whether previously allocated sites can come forward without needing further Minerals Assessment. A Statement of Common Ground (SCG) between Ashford Borough Council and Kent County Council exempts all but one of the allocations from mineral safeguarding but this isn't addressed in the Supplementary Planning Document.	The policy and the Supplementary Planning Document are clear that where assessments of the need to safeguard mineral have not been undertaken when allocating sites then such assessments will be needed when a development proposal comes forward in that allocation. Policy DM7 criterion 7 states that safeguarding of mineral resources is not required where the proposed development is <i>'on a site allocated in the adopted development plan, where consideration of the criteria 1-6 of the policy concluded that mineral resources will not be needlessly sterilised.'</i>

			Para 3.7 of the Supplementary Planning Document states that where allocations are considered by Kent County Council as not requiring safeguarding this will be reported in the Annual Monitoring Report. The latest Annual Monitoring Report is currently being prepared and this will clarify the position in Ashford Borough by reflecting that in the Statement of Common Ground.
		- Periodic review and refinement of Mineral Safeguarding Areas is welcome however, clarity is needed on the approach to reviews.	<p>The confusion is perhaps related to conflation of the terms 'review' and 'update'. A 'review' of Mineral Safeguarding Areas establishes whether an 'update' is needed and does not necessarily lead to a change ('update') of the Mineral Safeguarding Area.</p> <p>Para 3.6 has been amended to clarify the position. Para 3.6 states:</p> <p><i><u>'The coverage of the MSA designations will be reviewed by the County Council on an annual basis. The reviews will be to ensure that the urban and settlement boundaries are correct (given that they have an exemption effect on land-won safeguarded minerals within them) and also that the safeguarded minerals are still of economic importance and whether additional mineral resources require to become safeguarded given changes in the economics of minerals. A review will not necessarily lead to an update of the MSA – this will occur when the review identifies that substantive changes to the MSA are required and will invoke a formal policy update process.'</u></i></p> <p>Underlined text is the proposed new content.</p>
SPD-14	Sevenoaks District Council	General Comments	
		- Agree with principles of Supplementary Planning Document.	Noted.
		- Comments made on 24 July 2019 on the Early Partial Review remain. Position on Minerals and Waste is set out in Statement of Common Ground (SCG) with Kent County Council (19th September 2019) which recognises the revised approach to safeguarding, need to avoid sterilisation of soft sand at Sevenoaks Quarry and the needs to Mineral Resource Assessments to be submitted with proposals at allocations within Mineral Safeguarding Areas.	The Statement of Common Ground addresses specific safeguarding considerations and it is noted that it is consistent with the approach set out in the draft Supplementary Planning Document.
SPD-15	Ebbsfleet Development Corporation (EDC)	General Comments	
		The Ebbsfleet Development Corporation is not a plan making authority, that is the responsibility of Dartford and Gravesham authorities in the Ebbsfleet Development Corporation area. The Ebbsfleet Development Corporation wishes to be given the GIS data for the area's safeguarded minerals and waste features.	Noted.
		Specific Comments	
		- Mineral Safeguarding Area coverage - the maps show the administrative boundaries but not the MAS assumed that this the colour wash on the map, clarification required in the Supplementary Planning Document.	The Minerals Safeguarding Areas are defined by the colour and key information on the Kent Minerals and Waste Local Plan Safeguarding Proposals Maps for the entire Kent borough and district administrative areas. Para 4.2 amended to include a reference to this point.
		- Para. 3.5 - The wording of the text is explicit in saying that the local plan allocated areas are not included on the MSP, yet the Supplementary Planning Document discusses how adopted local plan allocations will need Minerals Assessment. There	<p>Agreed. An addition of the following text in para. 3.5 is inserted:</p> <p><i>'where these local plan allocations had considered mineral and waste management facility</i></p>

		is a contradiction that requires clarification.	<i>safeguarding at the time of their adoption'</i> after '...in adopted Local Plans...' in the second sentence of the para. to aid clarification on this important distinction.
		- Para. 4.2- This part of the Supplementary Planning Document does not correctly identify the Ebbsfleet Development Corporation as the determining authority for minerals and waste development in the Ebbsfleet Development Corporation area, though the processing function of applications is being carried out by the County Council for the Ebbsfleet Development Corporation on a Service Level Agreement. Supplementary Planning Document needs to be amended to accurately reflect this.	Agreed. Additional text added to clarify the current arrangements between the authorities will be added.
		- Para. 4.4- Text states that any objection to an application on safeguarding grounds by the County Council has weight as a statutory objection. This is questioned, the weight given to such an objection may not be statutory; clarification to support this is required.	The County Council has a statutory duty as the Minerals Planning Authority for the County of Kent, pursuant to the Town and Country Planning (Minerals) Act 1981. Therefore, any objection on the safeguarding of minerals is of statutory weight.
		- Para. 4.9 – Comments on applications should be full/formal within 21 days, not only restricted to 'initial' in type. Complex application consideration requiring longer are to be negotiated with case officer, 'initial' should be deleted from para.	There may be need for further information on consideration of an application with safeguarding implications, thus an 'initial response' that would detail this need for further information is a provision that should be retained as this would address this possibility.
		- Para. 4.9- the text states that in the event that on consultation with the County Council on an application no response within 21 days would indicate that the information (on safeguarding) was adequate. This is potentially problematic as it could arise that the information has not been seen and thus a definitive response is required, text should be amended to express this.	Agreed. Text to para. 4.9. amended to include: <i>'.....it can reasonably be assumed that the information provided is adequate, this can be subject to any request for confirmation of this conclusion'.</i> In the last sentence.
		- Para. 5.5- Typological error 'or' between resource and has, requires deletion.	Agreed. 'or' deleted.
		- Table 1 page 16- What does 'KCC community development' refer to, clarification required.	The phrase 'KCC community development' includes such development as education establishments, highways and country parks.
		- Para. 5.30- condition controlling 'incidental' extraction is 'encouraged' this type of condition may be inappropriate and unable to be enforced, deletion of last sentence is required.	Agreed. Word 'condition' changed to ' <i>informative</i> '.
		- Para. 6.7 and 6.8 – The Supplementary Planning Document addresses how an exemption to safeguarding can be invoked for development proposals when the relevant allocation has been the subject of safeguarding considerations prior to adoption. The Ebbsfleet Development Corporation wishes to have it confirmed that what the County Council's position is on the safeguarding status of allocations in the relevant parts of the local plan coverage for the Ebbsfleet Development Corporation area.	These are matters beyond the scope of the Supplementary Planning Document. They will be picked up separately with the Ebbsfleet Development Corporation. Para 3.7 of the Supplementary Planning Document states that where allocations are considered by Kent County Council as not requiring further safeguarding consideration these will be reported in the Annual Monitoring Report. The latest Annual Monitoring Report is currently being prepared and this will clarify the position in Ebbsfleet Development Corporation in this regard.
SPD-16	Dartford Borough Council	Specific Comments	
		- Request for up-to-date GIS layers which show permitted mineral plant infrastructure	GIS shape file layers can be provided.

		and waste management sites to ensure that Dartford Borough Council can consult Kent County Council on relevant applications Requirement for assessments for Local Plan allocations within 250m of safeguarded Minerals and Waste Infrastructure and Facilities is unreasonable and should be removed.	
		- Para 1.1 Reference to 'or in close proximity to' does not reflect the wording in policy DM7 and should be deleted.	Agreed. Text amended to ensure consistency with Policy.
		- Para 3.4 delete reference to Area of Outstanding Natural Beauty and high flood risk areas. As the Mineral Safeguarding Areas are based on British Geological Survey maps, and given the info in para 3.5, it would be misleading to consider them as restrictive as Area of Outstanding Natural Beauty/high flood risk areas.	Agreed. Text amended to note that a similar level of consideration (rather than weight) is required. Proposed amended text to Para 3.4 <i>"They will also play an important role in forward planning as a high level consideration constraint, to be taken into account when conducting assessments of the main areas of potential for future development and where to avoid, similar to the consideration given to approach taken consideration of the restrictive effects of other land designations such as AONB designation and areas identified as high flood risk".</i> Underlined text is the proposed new content and struck out text is the existing text to be deleted.
		- Para 3.6 How will the reviews of Mineral Safeguarding Areas be done given that they are based on British Geological Survey maps? Is there a more accurate way of defining Mineral Safeguarding Areas?	Reviews will take account of revisions to the extent of the urban area, site investigation which provides further details of the geology and whether the geology remains economically important.
		- Para 4.14 Is it correct to say that "the adopted Policies Maps display the Mineral Safeguarding Areas in all the administrative areas of Kent, detail the location of all the economic safeguarded minerals, in conjunction with the information provided in Appendix 3" when earlier parts of the document state that the Mineral Safeguarding Areas are based on British Geological Survey maps?	The adopted Policies Maps include the Mineral Safeguarding Areas as they are a spatial expression of policy. The British Geological Survey data provides the basis for the Mineral Safeguarding Areas as recommended in guidance.
		- Further guidance is needed on prior extraction and how that works in practice at DM stage.	Agreed. Text added to at para. 5.15 to clarify the overall approach to prior extraction in the delivery of development.
		- Para 5.38 and the flowchart does not seem to flow naturally from the 'Prior Extraction' sub-heading as the flow chart does not refer to prior extraction. The flow chart is more generally about planning applications and local plan allocations within a Mineral Safeguarding Area or Mineral Consultation Area and would perhaps be more logically located after para 5.32.	Agreed. Para 5.38 and flow chart moved to follow para 5.16 of the Supplementary Planning Document.
		- Clarification is needed in para 6.11 on what 'minor works' are under policy DM8. Does this include section 73 minor material amendment applications?	Criterion 1 of policy DM 8 exempts development of a minor nature as follows: Advertisement applications; reserved matters applications; minor extensions and changes of use and buildings; minor works; and non-material amendments to current planning permissions. Clarification added to para 6.11 of the Supplementary Planning Document to the effect that this includes Section 73 minor material amendment applications. applications.
		- Should the flowchart on page 33 refer to potential conditions? The application process does not end after Kent County Council provide their comments, but the flowchart seems to imply that it does.	Flowchart has been amended to show that application process does not end after Kent County Council provide their comments and related conditions may be applied.
SPD-17	Historic England	Specific Comments	

		Historic England does not wish to comment on the Supplementary Planning Document in detail, though makes the following comments:	
		<ul style="list-style-type: none"> - Mineral safeguarding should take account of the historic environment as it is an irreplaceable asset (para 184 National Planning Policy Framework 2019), therefore any Minerals Assessments should take account of any significant or special interest historic assets to be identified. This may be part of the allocation of development in local plan stage or during site selection. 	If a Minerals Assessment (pursuant to Policy DM 7 as reviewed) any historic assets that are potentially affected by either prior extraction of a mineral deposit would be material to the consideration of the acceptability of any prior extraction. Policy DM 9 requires any prior extraction to be acceptable in its impacts on the environment or communities. The interpretation of the 'environment' would include any historic assets at the site.
		<ul style="list-style-type: none"> - Historic England recommends that the advice contained in the publication 'Mineral Extraction and Archaeology' be consulted to ensure safeguarding methodology take account of the requirements of the historic environment. 	Noted.
		<ul style="list-style-type: none"> - Historic England wishes to be consulted in the future to ensure that there is no doubt of the obligations Historic England has to protect the historic environment and this will not affect Historic England obligation to provide further advice and potentially to object to specific proposals which may arise that affects the historic environment. 	Noted.
SPD-18	David Lock Associates/Tarmac	General Comments	
		Tarmac welcomes the revision of the Supplementary Planning Document and the changes to the document offer further clarity to how the relevant policies (DM 7 and DM 8) are to be applied. The need to have transparent economic analysis in Minerals Assessment is not objected to, but commercial sensitivities will need to be respected, and the County Council should confirm this. The avoiding of any future 'fettering' of lawful operations at permitted sites through the safeguarding process is strongly supported.	Commercial sensitivities are important to the efficient practice of private industry. The intention of having 'transparent economic analysis' in Minerals Assessments is to ensure that where an exemption to safeguarding is being invoked (in accordance with criteria 1,2 or 3 of Policy DM 7), the relationship between mineral extraction and processing is demonstrated to be at least 'cost neutral'. This means the extraction, transportation, and processing of a mineral would not result in a commercial loss, making prior extraction unviable and that any 'cost loadings' that may 'push' extraction into loss are made clear.
		Specific comments Specific support is afforded to:	
		<ul style="list-style-type: none"> - The editorial changes to make the Supplementary Planning Document clarified, e.g., para. 2.10; 	Noted.
		<ul style="list-style-type: none"> - Inclusion of Mineral Safeguarding Area designations within Annual Monitoring Report framework, offering the opportunity to review operational circumstances of safeguarded sites and make adjustments to protected areas as sites are progressively restored and does the County Council have any thoughts how that would work from a practical standpoint? 	It is intended that where mineral sites are worked out the Mineral Safeguarding Area economic mineral boundaries are adjusted accordingly.
		<ul style="list-style-type: none"> - The additional clarity and explanation given (para. 6.9 to 6.22) to the assessing the potential impact on Mineral Safeguarding Areas; 	Noted.
		<ul style="list-style-type: none"> - The additional clarity and explanation given (Section 7) to the approach to local plan preparation and mineral safeguarding; 	Noted.
		<ul style="list-style-type: none"> • The provision at para. 6.17 to 7.19 are welcomed as they require demonstration of 	Noted.

		<ul style="list-style-type: none"> How new development will not be impacted to an 'unacceptable level' by established lawful permitted operational facilities that are safeguarded. However, the term 'unacceptable' lacks any metric of analysis and is open to interpretation. Further clarity is required. 	Noted.
SPD-19	Dover District Council	Specific comments	
		- Clarification requested on information provided on mineral assessments and is concerned the level of detail and proposed timings of mineral assessment in the Supplementary Planning Document are disproportionate for the local plan stage.	The Supplementary Planning Document is clear that a similar level of detail is needed at plan making and planning application stages. This is the case regardless of whether early consultation takes place with the Mineral Planning Authority. Once a site is allocated in a Local Plan, proposals for development are exempt from safeguarding and so the assessments at plan-making stage must be rigorous.
		- Need for information for each District.	<p>Separate sections on plan making and planning applications have been provided to make it clear that assessments are needed at both stages – it had been suggested previously that the need to undertake assessments at plan-making stage was not unclear, hence the revised layout.</p> <p>Geological information for each District has now been included in the Supplementary Planning Document and GIS layers can be provided which show the location of infrastructure.</p>
		- Concerned about Supplementary Planning Document appears to give equal weight to Mineral Safeguarding Areas and Area of Outstanding Natural Beauty	<p>As stated in para 5.10 there is a requirement in the National Planning Policy Framework that development proposals in Mineral Safeguarding Areas that might constrain potential future minerals use should not normally be permitted. Planning Officers' Society guidance includes the following:</p> <p><i>'Safeguarding of mineral resources, minerals transport, processing and supply infrastructure is, therefore, essential to help ensure that resources and infrastructure are not un-necessarily sterilised or constrained, and are available for use now and, importantly, for future generations.'</i></p> <p>And</p> <p><i>'Allocation of sites for non-minerals development within Mineral Safeguarding Areas and proximate to safeguarded minerals infrastructure sites should be avoided where possible.'</i></p> <p>Suitable caveat (see criterion 5 in policy DM7) is included in the application of the safeguarding policy which mean that the need to provide for housing/infrastructure is included in the balance when the policy is applied. This is similar to approach taken to constraints such as an Area of Outstanding Natural Beauty designation and or high flood risk areas however the text is amended to note that a similar level of consideration (rather than weight) is required. Proposed amended text to Para 3.4:</p> <p><i>"They will also play an important role in forward planning as a high level <u>consideration</u> constraint, to be taken into account when conducting assessments of the main areas of potential for future development and where to avoid, <u>similar to the consideration given to approach taken</u> consideration of the restrictive effects of other land designations such as AONB designation and areas identified as high flood risk."</i></p> <p>Underlined text is the proposed new content and struck out text is the existing text to be deleted.</p>
SPD-20	Environment Agency	Specific comments	

		<ul style="list-style-type: none"> - Further information needed on priority given to accessing mineral resources compared to other factors. Concerned that economics of a site may be given more weight than ecology/ biodiversity when considering a site location. 	<p>The principle of the need for mineral development is accepted in the National Planning Policy Framework that states (at para 203):</p> <p><i>'It is essential that there is a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs.'</i></p> <p>This is recognised in the Kent Minerals and Waste Local Plan which allows mineral development to come forward subject to the need to avoid unacceptable impacts on ecology/biodiversity. The Supplementary Planning Document does not revisit these principles and instead is focussed on the implementation of specific policies on safeguarding mineral resources and mineral and waste infrastructure.</p>
SPD-21	Barton Willmore for Borough Green Gardens Consortium and Countryside Properties	General Comments	
		<ul style="list-style-type: none"> - Updated guidance is broadly welcomed. 	Noted
		Specific Comments	
		<ul style="list-style-type: none"> - Consider issues of viability and whether other material considerations should override safeguarding should be addressed at the decision-taking stage rather than at plan-making because the situation on these matters may not be fully known until an advanced stage in the development/design process. 	It is true to say that these matters may not be fully understood, however it is possible that they are and so it is possible that they could be adequately considered, and appropriate conclusions reached at the plan making stage. It is important to note that the change sought by this comment relates to the adopted policy which has recently been found sound by the Planning Inspectorate at examination in 2020.
		<ul style="list-style-type: none"> - Support for explanation of the implementation of Policy DM 8. 	Noted
		<ul style="list-style-type: none"> - Supplementary Planning Document is considered to provide a sufficient level of information on local geology. 	Noted
SPD-22	Matthews & Sons for J Clubb	Specific Comments	
		<p>Consultation Q 1</p> <p>It is considered that the revision of the Supplementary Planning Document places a welcome emphasis on that minerals/waste infrastructure safeguarding at the local plan formulation stage, the additional narrative at para. 1.3 and new Section 7 is supported. As it identifies that in the process of local plan formulation minerals/waste safeguarding is a material consideration to the process like other planning matters.</p>	Noted.
		<p>Para. 3.14 narrative is reassuring, in that adopted local plan allocations not mineral safeguarding assessed should not be exempt from policy requirements DM 7 criterion (7). Allocations that have been assessed as compliant and reported in the Annual Monitoring Report (para. 4.18) is supported as a positive measure.</p>	Noted.
		<p>Consultation Q 2</p> <p>The process of validation of planning applications to include a consideration of Mineral Safeguarding Areas/Mineral Consultation Areas and within 250m of a safeguarded facility is supported. Table 3 additional text that requires 'transparent economic analysis' to invoke criteria 1 or 2 of policy DM 7 is helpful. Minerals Assessment at the local plan stage is not considered a duplication of that required at the planning application stage given variations of geology, viability, working conditions from site to site. The Supplementary Planning Document encourages discussion on the outline parameters for inclusion in a Mineral</p>	Noted.

		Assessment.	
		<p>Consultation Q 3 British Geological Survey data is an essential resource for high level assessment, the details given in Appendix 3 provides descriptive local geological information. It provides information for those without direct background knowledge, though it is somewhat generic and not site specific. This limits usefulness to highlighting the existing minerals in the administrative area, it does not identify specific areas to be protected nor does it consider possible new resources. Though trial trenching/bore hole analysis (required for planning applications) would be impractical across the whole county.</p> <p>Use of high-level geological data reduces the understanding of precise extent and scope of mineral resources, local variation will greatly affect both quality and quantity of a resource. The Supplementary Planning Document encourages both desk-based and detailed site analysis, it is this detail that ensures viable resources are not lost to sterilisation.</p>	<p>The geological information contained in Appendix 3 of the revised Supplementary Planning Document is intended to be read in conjunction with the Safeguarding Proposals Maps for the Kent borough and district areas, as shown in the adopted Kent Minerals and Waste Local Plan 2013-30. It is intended that they are relatively 'high level' in that they are descriptive of the identified economic superficial and crustal geologic units. It was not the intention to detail the parts of any given geological resource that is very specifically more 'viable' than any other part. As this may not only vary in time with changes with markets and other economic considerations.</p> <p>This 'high level' assessment is to be done when a Minerals Assessment is triggered by safeguarding policy. Then a fully detailed analysis of quantity and quantity of the deposit threatened with sterilisation is to be done. This may then provide evidence that prior extraction is justified to ensure conservation of the economic geological resource is secured, alternatively it may demonstrate that economic viability is absent. Also, any greater detailed analysis of the economic geology of the County is beyond the scope of the Supplementary Planning Document and would be an evidence base exercise to support a mineral local plan, or a review of an adopted plan of this type.</p>
		<p>Consultation Q 4 The Supplementary Planning Document includes prior extraction (para 5.35-5.37) which is supported, the acknowledgment that an experienced mineral operator is of value in the safeguarding process, in these circumstances, is supported/commended. The revised Supplementary Planning Document's heightened emphasis and reinforcement of the importance to safeguard mineral and waste management infrastructure is commended.</p>	Noted.
SPD-23	Barton Willmore for Maidstone Borough Council and Homes England	General Comments	
		Mineral safeguarding has been fully taken into account throughout the planning of the Heathland Garden Settlement proposals as promoted in the Maidstone Local Plan Review Preferred Approach, December 2020 and it will continue to be a key consideration.	The representation is concerned with ensuring that a particular proposal for an allocation in a Local Plan has addressed safeguarding requirements rather than providing a comment on the explanation of the safeguarding process as set in the draft Supplementary Planning Document. The comments made should be directed to the Council at the appropriate stage of plan-making with a specific request for the Council's view on the consistency of the proposal with the adopted policy on mineral safeguarding.