



Guidance and Validation Requirements for Minerals & Waste Applications

Kent County Council

DRAFT

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Introduction

1. Kent County Council, as the County Planning Authority (CPA), has a statutory duty to determine three categories of development within Kent, those relating to:
 - mineral development including the extraction, processing and restoration of quarry development for a wide range of minerals found in Kent. These include soft and sharp sand, silica sand, gravels, chalk, clay and ragstone;
 - waste management development undertaken wholly or mainly for the purpose of managing, storing, treating, processing, recycling, recovering or disposing of waste; and
 - the County Council's own community development including schools, special needs housing, libraries, development in County Council Country Parks, and strategic highway and transport schemes. These developments are known as Regulation 3 applications.

The Purpose of this Document

2. This Guidance and Validation Note relates specifically to applications for mineral and waste management development. Separate advice is available for applications for the County Council's community development. Both Guidance and Validation Notes were adopted xxxxxxxx.
3. The Council's aim is to determine planning applications as swiftly as possible and in accordance with Government's expectation on determination timescales. Decisions are made in accordance with the Development Plan and other material planning considerations. Poor quality, conflicting or missing information causes delays in the planning application process, or the possibility of an application being refused as a result of insufficient information to demonstrate a development is acceptable. This Validation Note sets out the National Information requirements (the National List) and Local Information List requirements (the Local List) that need to be submitted with a planning application, so that the application can be accepted as valid and progress to determination as swiftly as possible.
4. In addition to the validation requirements, this document will provide useful information for those preparing application documents.
5. The Validation Note seeks to:
 - assist applicants and agents in ensuring greater clarity and certainty about the type and extent of information (including the Local List requirements) required as part of their application;
 - ensure applications are valid and include all the relevant documentation so that Committee Members and planning officers have timely and relevant information to enable consideration of the application;
 - improve efficiency in the decision-making process by reducing the need to request additional information from the applicant;
 - ensure greater consistency in registering and validating applications submitted to the County Planning Authority; and
 - provide improvement in the quality and consistency of the information available to the Planning Authority.

6. This Note explains what type of information will be required for certain types of applications considered by the County Planning Authority. If the required information from the National List and the Local List is not submitted with the application, then the application will not be accepted as valid and cannot be progressed to a decision. **Applicants should also be aware that following validation, further information, over and above that specified in this document, may be required to address matters raised during the consultation phase of the planning process. Such information will be requested on a case-by-case basis as necessary throughout the determination of the application.**
7. In addition to applications for planning permission other consents may also be required (e.g. Building Regulations approval, environmental permitting, Listed Building Consent, and Conservation Area Consent, from District/Borough Councils). The relevant District/Borough Council and Environment Agency websites should be referred to in preparing such applications.

National/Local Validation Requirements

8. The minimum validation requirements for planning applications are set out in the [Town and Country Planning \(Development Management Procedure\) \(England\) Order 2015 \(as amended\)](#) and further detailed by [Planning Practice Guidance](#).
9. The National Planning Policy Framework indicates that local planning authorities should publish a list of their information requirements for applications for planning permission. Local information lists set out the information required for different types of applications. Paragraph 44 of the [National Planning Policy Framework \(NPPF\) \(2023\)](#) makes it clear that planning authorities should only request supporting information that is relevant, necessary and material to the application.
10. This document sets out the County Council's Local Information List (the Local List). The Local List is extensive, covering a wide range of information requirements, not all of the reports / assessments will be required in every instance and the List sets out when an item is required in each instance.
11. Overall, the requirements for each planning application will depend on the nature and scale of the proposal and the characteristics of the surrounding environment and infrastructure. Pre-application advice can help determine the scope of the information required. If the applicant considers that it would be more appropriate for provision of one or more documents to be deferred and secured through a condition in the event of planning permission being granted (e.g. delaying a Construction Environmental Management Plan until a contractor has been appointed), this should be indicated in the planning application documentation. Officers will assess the suitability of this approach on a case-by-case basis.
12. There may be cases where the required supporting documents should cross refer to each other. This is encouraged, and consistency and clear referencing should be evident. For the avoidance of any doubt, it is important where a supporting report / assessment includes recommended actions or controls that the applicant confirms that any recommendations have / would be implemented as part of the proposed development. This should be covered within a supporting statement (see section within the Local List below).

13. Alternatively, it may be helpful to incorporate some of the required information, where it does not warrant a separate report/assessment (e.g. Green Belt Statement, Heritage Statement) within the Planning Statement rather than as stand-alone documents. As indicated above the information supplied in support of an application should be proportionate to the nature of the development, the character of the surrounding environment and the potential for any resulting impacts from the development proposed on surrounding land uses.
14. In preparing the Local List, the advice, guidance, and requirements set out in national policy and guidance and the Town and Country Planning (Development Management Procedure) Order 2015 (as amended) have been considered.

Validation Procedure/Invalid Applications

15. An application for planning permission submitted to the County Council will be checked against the National and Local Validation requirements. It will only be considered valid where it meets both the National Requirements for validation and the requirements of the Council's Local List. **If relevant information or the correct fee is missing, the Council will not be able to validate the application and the publicity and consultation stages of the planning process will not commence.** Applications will be validated as soon as practicable upon receipt. However, if an application is not considered to be valid by the County Council, the relevant case officer will inform you and explain the information that is required for validation as soon as possible.
16. Pre-application discussions can be a useful way for an applicant and the authority to agree what information is required before an application is submitted. This can help avoid disputes over the information necessary to validate an application and reduce associated delays.

Exclusions

17. The 'local requirements' set out in this document do not apply to applications for submission of details pursuant to a planning condition or non-material amendments. This does not however negate the need for a planning submission or the requirements of the National Planning Policy Guidance for these types of applications.
(<https://www.gov.uk/guidance/making-an-application>)

How to submit an application to Kent County Council

18. To submit an application for mineral or waste management development you will need to submit the information set out in the National Validation Requirements, and accompanying relevant documents required by the Local List, to the County Planning Authority. For waste applications this can be online via the Planning Portal. This is our preferred approach for applications. Alternatively, you can submit electronically by email via planning.applications@kent.gov.uk or by post as a hard copy. In the interests of efficiency, submission via the Planning Portal or via email is preferred.
19. Please keep each file below 10Mb and ensure all documents are in an unlocked format - i.e. not secured with a password. This enables the County Council to undertake any GDPR redaction required and split larger documents, if necessary, before publishing on our website.

20. Please note that the use of download links from cloud storage/file sharing sites can be problematic due to the Council's IT security measures. It is recommended that you contact us (via email or phone (see below)) to check or test in advance of sending files in this way. We cannot acknowledge applications as received until we have successfully downloaded the accompanying documents.
21. In addition to an electronic version, at least one paper copy is required for planning applications that are accompanied by an Environmental Impact Assessment. Please note further requests for paper copies are at the discretion of the County Planning Authority.
22. Application documents in hard copy format submitted by post should be sent to: Planning Applications Group, Kent County Council, Invicta House, County Hall, Maidstone, Kent, ME14 1XX.
23. Should you have any questions or require any information relating to the submission of an application please contact the County Planning Authorities Technical Support Team on 03000 413200 or via email at planning.applications@kent.gov.uk.
24. Where there is a need to submit information considered 'sensitive personal data' or 'special category data' under the General Data Protection Regulations (GDPR), this information should be submitted in a separate document without cross-referencing in documents that can be made public, and clearly marked as confidential. The definition of 'sensitive personal data' and 'special category data' can be found in the Information Commissioner's Office (ICO) Guide to the General Data Protection Regulation (GDPR) and will include for example personal circumstances and health information.
25. We welcome and encourage discussions before a developer submits a planning application. Please use the above contact details to arrange a pre-application discussion with a Planning Officer.
26. Kent County Council's Local List and Guidance will be regularly monitored for effectiveness and compliance with national policy and guidance and reviewed as necessary.

National Validation Requirements

Part (A) National Validation Requirements - required for all Full Applications

1) Application Form and Ownership Certificates

All full applications must satisfy the national requirements below, along with the relevant requirements from the local list section.

For waste management development, a completed planning application form. If applying online via the Planning Portal, the Planning Portal have an online ('1APP') form to use for this purpose. Downloadable application forms can be found on the [Planning Portal](#) and on the [County Councils website](#).

For mineral development, the relevant application form is available on the [County Council's website](#). Development for mineral extraction cannot be submitted online via the Planning Portal.

An agricultural holding declaration is required whether or not the application site forms part of or includes an agricultural holding. This requirement is included in the planning application form.

Land Ownership certificates are required and are also included within the relevant forms. The correct Certificate must be completed as follows:

- **Certificate A:** the applicant is the sole owner, no agricultural tenants;
- **Certificate B:** the applicant is not the sole owner, or there are agricultural tenants, and the details of all owners/ tenants are known;
- **Certificate C:** the applicant is not sole owner and does not know the name and address of all the owners and/ or agricultural tenants; and
- **Certificate D:** the applicant is not sole owners and does not know the name and address of any of the owners and/ or agricultural tenants.

If Certificates B, C or D are required, a notice to owners of the application site (that are not the applicant) must be completed and served in accordance with Article 13 of the Town and Country Planning (Development Management Procedure) (England) Order 2015. (<https://ecab.planningportal.co.uk/uploads/1app/notices/notice1.pdf>) It is best practice to include a copy of any notice served with the application.

For the avoidance of doubt, an 'owner' is anyone with a freehold interest or leasehold interest in the land and/or property concerned with an unexpired term of not less than seven years. All agricultural tenants must be notified prior to the submission of the application.

Please ensure that forms are signed and dated (electronically as appropriate), with all relevant sections of the forms completed and that any other accompanying documents specifically identified as being required by the form are included.

2) **Application Fee**

A Planning fee is required by Article 11 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 and set out in The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012, as amended. Fees are revised periodically in accordance with legislation.

If you are using the Planning Portal to make your application online, please note that in addition to the planning application fee which is set by Government, an additional service charge may be applied by the Planning Portal and this service charge is retained by the Planning Portal. No service charge is currently applied to planning applications made directly to Kent County Council. Information about planning fees when applying directly to Kent County Council can be found in the planning applications [fee guide](#).

Information about planning fees when applying via the Planning Portal can be found on the Planning Portal website, including their online [fee calculator](#).

Since 2018 all applications submitted using the Planning Portal must be paid using the Planning Portal Financial Transaction Service (FTS). For applications submitted direct to us (by post or by email) payment of the application fee can be paid by:

- BACS payment;
- Cheque payable to Kent County Council; and
- Internal Journal Transfer (where applicable).

Currently no cash or card payments can be accepted.

3) **Site Location Plan**

Location plan: The location plan is required at an identified scale (normally 1:1250 or 1:2500). The plan should be based on an up-to-date OS map (or equivalent) with the north point indicated and a unique drawing title and reference number. It is recognised that there are certain circumstances, such as development covering a large area, where location plans of a smaller scale may be more appropriate to enable the application site to be identified.

The application site is required to be edged clearly with a RED line. Where the proposal involves a new building or extension on a large application site the proposed building should be hatched in red to provide extra clarity for consultation purposes. The plan is to include all land necessary to carry out the proposed development – for example, land required for access to the site. A BLUE line is to be drawn around any other land owned by/under the control of the applicant, close to or adjoining the application site but not included within the application.

To assist in locating the site the plan should ideally show at least two named roads, surrounding buildings, and features. In the interests of clarity, the location plan is not required to include other information that is provided on other plans, such as topographical details.

4) **Other Plans and Drawings**

Site / Block plans of existing and proposed development.

The plans should be drawn to an identified scale (appropriate to the development proposed) including a suitable scale bar with written dimensions and, in the case of plans, a north point. The site plan should show: the proposed development in relation to the site boundaries and other existing buildings on site; all the buildings, roads and footpaths adjoining the site, including access arrangements; all public rights of way; the position of all trees on the site and those on the adjacent land; the extent and type of any hard/soft landscaping and any boundary treatment; unless these would not influence or be affected by the proposed development.

Other plans:

Additional plans and drawings necessary to describe the proposed development. This will vary according to the type of development proposed. For additional requirements, see Local Requirements within the relevant section below.

All plans are required to be drawn to an appropriate scale and include a unique drawing reference number and title. It would also be beneficial if plans specify critical dimensions (external measurements) such as building footprint and height to eaves/ridge.

Updated and superseded plans: Any plans or supporting documents which supersede those originally submitted should be clearly labelled and sent electronically to the County Council.

5) **Biodiversity Net Gain**

When Required / Relevant Proposals

Biodiversity net gain is a national requirement under a statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021). This statutory framework is referred to as 'biodiversity net gain (BNG)' in Planning Practice Guidance to distinguish it from other or more general biodiversity gains and requirements. From the 12 February 2024 all major planning applications, with some limited exemptions for section 73 (s73) applications, will be subject to Biodiversity Net Gain (BNG)

Under the statutory framework for biodiversity net gain, subject to some exceptions, every grant of planning permission is deemed to have been granted subject to the condition that the biodiversity gain objective is met ("the biodiversity gain condition"). This objective is for development to deliver at least a 10% increase in biodiversity value relative to the pre-development biodiversity value of the onsite habitat. BNG must be measured using the adopted Defra Biodiversity Metric. BNG can be achieved through onsite biodiversity gains, registered offsite biodiversity gains or statutory biodiversity credits, with the habitats secured for at least 30 years.

Relevant exemptions from BNG include:

- Development granted planning permission by a development order, which includes permitted development rights;
- Development subject to the de minimis exemption - development that does not impact a priority habitat and impacts less than 25 square metres (e.g. 5m by 5m) of onsite habitat, or 5 metres of linear habitats such as hedgerows; and
- Section 73 applications where the original permission to which the section 73 relates to was either granted (or made) before 12 February 2024.

What is Required (Assessments / Reports / Surveys)

Where development would be subject to the general biodiversity gain condition, the application must be accompanied by minimum information set out in [Article 7 of The Town and Country Planning \(Development Management Procedure\) \(England\) Order 2015 \(as amended\)](#):

- Confirmation that the applicant believes that if planning permission is granted, the development would be subject to the biodiversity gain condition;
- The pre-development biodiversity value(s), either on the date of application or earlier proposed date (as appropriate);
- Where the applicant proposes to use an earlier date, this proposed earlier date and the reasons for proposing that date;
- The completed Defra Biodiversity Metric calculation tool showing the calculations of the pre-development biodiversity value of the onsite habitat on the date of application (or proposed earlier date) including the publication date of the biodiversity metric used to calculate that value;
- A statement whether activities have been carried out prior to the date of application (or earlier proposed date), that result in loss of onsite biodiversity value ('degradation'), and where they have:
 - A statement to the effect that these activities have been carried out;
 - The date immediately before these activities were carried out;
 - The pre-development biodiversity value of the onsite habitat on this date;
 - The completed metric calculation tool showing the calculations; and
 - Any available supporting evidence of this;
- A description of any irreplaceable habitat (as set out in column 1 of the Schedule to the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) on the land to which the application relates, that exists on the date of application, (or an earlier date); and
- Plan(s), drawn to an identified scale and showing the direction of North, showing onsite habitat existing on the date of application (or earlier proposed date), including any irreplaceable habitat (if applicable).

If this information has not been provided, the planning authority will likely refuse to validate the application. Within the planning application form applicants will be asked to confirm whether this information accompanies the application. Where these details have been provided elsewhere in accompanying documents, applicants

are encouraged to cross-reference to these rather than duplicate this information within the application form.

Should an applicant consider that the development could be within the scope of the 'de minimis exemption' it must include sufficient evidence to support the exception, this could include a description of the site and development, suitable plans, aerial or site photographs.

Development involving the winning and working of minerals or waste development does not qualify as a small development in BNG terms and as such all mineral and waste applications should use the full statutory biodiversity metric tool (and not the small sites metric).

Please note that under the provisions the Environment Act 2021, every planning permission granted for the development of land in England shall be deemed to have been granted subject to the [following] condition:

'The development may not be begun unless a biodiversity gain plan has been submitted to the planning authority and the planning authority has approved the plan.'

Applicants should note that the planning authority is likely to require further information relating to biodiversity net gain as part of the planning application. The nature of this information will vary depending on the type and scale of development, type of planning application, the onsite habitat impacted, and the extent of any significant onsite enhancements. In determining the application, the planning authority will need to consider, where relevant, whether the biodiversity gain condition is capable of being discharged successfully through the imposition of conditions and agreement of section 106 planning obligations to secure significant onsite biodiversity gains and registered offsite biodiversity gains. As a minimum, further requirements are set out in the Local Requirements BNG section below.

BNG Requirements for Section 73 applications

An application to vary a condition of a planning permission under section 73 which is made after 12 February 2024 (the commencement of the statutory framework for biodiversity net gain) is not in scope if the original permission (to which the section 73 application relates) was either granted or the application for the original permission was made before this date.

Section 73 applications are not required to be accompanied by the minimum information requirements such as the pre-development biodiversity value of the onsite habitat for biodiversity net gain set out in [Article 7 of The Town and Country Planning \(Development Management Procedure\) \(England\) Order 2015](#). This baseline information would have already been provided with the application for the original permission.

If a planning permission granted under section 73 does not affect the post development value of the onsite habitat (and in the case of a site containing

irreplaceable habitat any arrangements made to compensate for any impact) specified in an approved Biodiversity Gain Plan for planning permission to which the section 73 permission relates, the earlier plan is regarded as approved for the purpose of the new permission granted under section 73. In this circumstance, a new Biodiversity Gain Plan is not required to be submitted and approved prior to the commencement of the development subject to the section 73 permission.

However, if any conditions attached to the new planning permission granted under section 73 affect the post development biodiversity value, then a Biodiversity Gain Plan for the new permission must be submitted and approved prior to the commencement of the permission. A section 73 permission cannot be used to vary or remove the [biodiversity gain condition](#).

There are also further specific provisions for phased development and section 73 permissions. Further guidance is provided below.

Key Policy Drivers / Guidance

- Environment Act (2021);
- National Planning Policy Framework (NPPF) - Conserving and enhancing the natural environment;
- National Planning Policy for Waste (NPPW);
- Kent Minerals and Waste Local Plan (KMWLP) Policies; and
- District / Borough Local Plan Policies.

6) Environmental Impact Assessment (EIA)

When Required / Relevant Proposals

Required for all applications proposing development listed in [Schedule 1 of the Town & Country Planning \(EIA\) Regulations 2017 \(as amended\)](#), or [Schedule 2 of the EIA Regulations](#) where the development is likely to result in significant effects on the environment.

For all major development within or affecting a 'sensitive area' or for development that falls within Schedule 2 of the EIA Regulations, it is recommended that a 'Screening request' is made to the planning authority under Schedule 6 of the EIA Regulations, prior to preparing any application to establish whether an Environmental Impact Assessment is required. Where screening does not take place prior to an application being submitted, the planning authority is required to screen all minerals and waste applications as part of the planning assessment. If subsequently an application is found to be an EIA application requiring an environmental statement, the planning authority will write to the applicant to confirm that the submission of an environmental statement is required. Where this is the case, an application cannot be progressed until the environmental statement is received.

A 'sensitive area' is defined as a Site of Special Scientific Interest, Natura 2000 site, National Park, National Landscape (formerly known as Area of Outstanding Natural

Beauty), World Heritage Site or a scheduled monument. Local environmental designations may also be relevant in certain cases.

Where a Screening Opinion has been adopted by the Planning Authority (or the Secretary of State has issued a Screening Direction) stating that a Schedule 2 development **is not** 'EIA development'; an Environmental Statement and associated Non-Technical Summary document is not required as part of the application.

What is Required (Assessments / Reports / Surveys)

If Environmental Impact Assessment is required, prior to preparation of the Environmental Statement it is advised that a Scoping Opinion is sought from the planning authority under [Regulation 15 of the EIA Regulations](#). This will set out the information that the authority considers should be provided in the Environmental Statement to meet the requirements of Regulation 18 and Schedule 4 of the EIA Regulations.

Schedule 4 of the EIA Regulations sets out the information which should be included within the Environmental Statement and Non-Technical Summary (NTS).

Where Environmental Impact Assessment is required, the other assessments within the Local List may be required as part of the Environmental Statement.

The submitted Environmental Statement (ES) must contain all the information specified in [Regulation 18\(3\) of the EIA Regulations](#) and listed in [Schedule 4 of the EIA Regulations](#). A short summary and conclusion must be provided at the end of each section or chapter and incorporated into the NTS. The ES should identify the likely significant environmental effects of the proposal and the measures that will be taken to avoid or mitigate those effects.

Further information about EIA can be found in the [National Planning Practice Guidance for EIA](#).

When an application accompanied by an ES is submitted, details will also need to be provided for the person(s) to whom the public can write to obtain a copy of the ES, and of the charge that will be made for provision of copies of the ES, including the cost of post and packing. Where appropriate a web-site address should also be provided where the ES can be viewed, and an address in the locality of the site of the proposed development should be identified at which the ES can be inspected by members of the public. A paper copy of the planning submission and ES should be provided.

Key Policy Drivers / Guidance

- Required by the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended);
- National Planning Policy Framework (NPPF) - Decision-making; and
- Planning Practice Guidance (PPG) - Environmental Impact Assessment.

Part (B) National Validation Requirements (other applications)

These applications must satisfy the national requirements below, along with the relevant requirements from the local list section.

1) Details Pursuant Applications

This type of application/submission will be necessary where a condition(s) in a planning permission requires details of a specified aspect of the development to be approved by the Planning Authority. Often this will relate to details not fully described in the original application (for example details of materials to be used externally or a detailed landscaping scheme).

For all Details Pursuant applications, the following is required:

- The appropriate fee;
- A completed [application form](#); and
- Details and plans required by the condition(s) (drawings should be in the format set out above).

2) Section 73 Applications

Section 73 (S73) of the Town and Country Planning Act 1990 allows applications to be made for permission to develop without complying with a condition(s) previously imposed on a planning permission. A S73 application can propose to vary the wording of a condition or to remove a condition.

For all Section 73 applications, we require:

- The appropriate fee;
- Completed [application form](#) or sufficient information to enable the County Planning Authority to identify the previous grant of planning permission and the associated condition(s) which the applicant is seeking to vary;
- Appropriate ownership certificate and agricultural land declaration (see above);
- A site location plan and any other relevant drawings (drawings should be in the format as set out above);
- Where applicants are applying to vary the approved plans, they should clearly indicate the full extent of the proposed changes across the site;
- Supporting information required in relation to the changes sought. In most cases it will be appropriate to submit a supplementary statement to be read in conjunction with the documents that supported the original application (where appropriate, consideration should be given to including copies of the relevant original documents and the permission being varied); and
- Evidence to satisfy BNG requirements if required.

3) Non-Material Amendment Applications

A non-material amendment (NMA) may be applied for to approve a minor change to a planning permission that does not breach any conditions originally placed on the consent.

For all non-material amendment applications, we require:

- The appropriate fee;
- Completed [application form](#);
- Supporting information required in relation to the changes sought. In some cases, it will be appropriate to submit a supplementary statement to be read in conjunction with the documents that supported the original application; and
- Where plans and drawings are provided, please ensure all plans/drawings show the changes proposed (drawings should be in the format as set out above).

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Local Validation Requirements

The following section comprises the County Council's Local Information List (the Local List) for the purposes of validating planning applications submitted to the County Council. To be valid and to commence the planning process, applications should be accompanied by the national requirements and the relevant local requirements as set out below.

1) Validation Checklist

The submission of a Validation Checklist to accompany the planning application documentation is required on major applications and complex proposals. The validation checklist is available on the County Council's website.

2) Planning Statement

a) When Required / Relevant Proposals

- Mandatory for all planning applications;
- All applications will require a detailed description of the proposed development, operations and uses;
- Statements should be proportionate and specific to the development;
- For major applications and complex proposals, a more detailed Planning Statement would be expected, potentially cross referencing the other supporting documentation submitted with the application to demonstrate compliance with policy and confirming that the mitigation measures recommended by individual reports would be implemented, if permission were to be granted; and
- In cases that do not require an Environmental Impact Assessment, environmental information on the operations would need to be included in the planning statement.

b) What is Required (Assessments / Reports / Surveys)

Where relevant the planning statement should set out the context and justification for the development, including:

Context

- A description of the site and surroundings, including detail of all existing physical features or physical constraints, land uses (both within and on the land surrounding the site) (i.e., existing buildings, housing, hard standing, environmental features - rivers, open water, habitats);
- To support the above requirement, it would be beneficial to submit photographic evidence showing the site and its context;
- Details of existing planning permissions, including references, the nature of the use and the scope of activity permitted along with details of any associated vehicle movements;
- Confirmation as to whether the existing uses / development would be retained or replaced by the proposed development;

- Identification of any international, national and local environmental and planning designations and physical constraints applicable to the application site and surrounding land (e.g., SPA, SAC, SSSI, highway access, water courses, housing, Listed Buildings, National Landscapes (formerly Area of Outstanding Natural Beauty), public footpaths, Ancient Woodland, Flood Zone(s) etc); and
- Information on the geology and topography of the site, including (where relevant) land stability considerations, groundwater levels and quality, ground conditions, surface water drainage / flooding, geomorphological features, geohydrological information, heights and contours for the application site and surrounding area.

The Proposal

- A full description of the scope of the proposed development and subsequent operation of the site, including site layout, access points, buildings, necessary groundwork, drainage, boundary treatment, operational areas and details of existing and proposed external building materials;
- Summaries of any supporting and technical information submitted as part of the application, including confirmation that any recommendations have / would be implemented as part of the proposed development. Where relevant conditions or a legal agreement should be considered to demonstrate that the recommended mitigation can be secured if permission were to be granted;
- An assessment of the cumulative effect of the proposal in combination with other existing or permitted development in the vicinity;
- Context and need for the development. (i.e., existing demand, projected future demand, expected throughput for the proposal and maximum capacity, how the proposal would contribute towards identified need and predicted need;
- Details of monitoring and complaints procedures;
- Details of any pre- application consultations and community engagement, including how the findings / outcomes have been considered in the design of the development; and
- Any further supporting or background information not included on either the Application Form or in other accompanying documents that could reasonably be a material consideration in the determination of the application, having regard to the location, nature and scale of the proposals.

For Waste Management Development - an application will also require:

- Information on the maximum annual capacity of the facility and the types, quantities and sources of waste;
- Details of the nature of the waste materials to be imported to the site; the nature of end products to be generated; and how any residual materials would be managed or disposed;
- How the proposed facility would meet the need for sustainable waste management that drives waste up the waste hierarchy and does not undermine movement up the waste hierarchy (prevent, reuse, recycle, other recovery and disposal). Also see Waste Hierarchy Statement and Circular Economy Statement requirements below;
- Where the proposal includes landfilling and land raising, proposals should include the total volume of imported material required; its origin and type; the

total annual rate; void space capacity in metres cubed (m³); details of phasing and timeframes for filling;

- Details of the transport method (road / rail / water), the size and capacity of the vehicles, the frequency of the daily movements required and the distributions across the day (including at peak travel times);
- Details of stockpiles including heights;
- Details of site management, e.g. wheel wash facilities;
- Details of phased working and restoration, afteruses and aftercare management for temporary uses, including landfill schemes (see restoration and aftercare requirements section below); and
- Details of amenity and environmental impacts together with mitigation and management strategies; including types of waste, processes, capacity of site, storage arrangements, access details, impact on water resources and nature conservation interests.

For Mineral Development - an application will also require:

- Details of landbank need requirements for all new extraction proposals;
- Details of methods of extraction, materials handling, including soil stripping, temporary soil storage areas, ground and surface water management regime, processing equipment, blasting methodology and a monitoring regime (where relevant), temporary haul roads, finished material storage areas, a summary of restoration and aftercare, should be explained;
- Details of amenity and environmental impacts together with mitigation and management strategies and/or proposed controls or conditions; including access details, impact on water resources and nature conservation interests;
- Details of the transport method (road / rail / water), the size and capacity of the vehicles, the frequency of the daily movements required (maximum and average) and the distributions across the day (including at peak travel times);
- Details of stockpiles, including area(s), heights, management and mitigation measures;
- Details of site management, including controls, monitoring and mitigation measures (e.g. wheel wash facilities);
- Details of phased working and restoration, afteruses and aftercare management for temporary uses, including landfill schemes (see restoration and aftercare requirements section below); and
- For proposals relating to the extraction of silica sand a statement setting out how such material will be reserved for high end / industrial uses, as opposed to more general aggregate use.

Planning Policy and Guidance

- Identification and discussion of National Planning Policy Guidance, Development Plan policy, including relevant Development Plan Documents (DPDs) and any other material considerations applicable to the proposal, justifying why planning permission should be granted.

c) Key Policy Drivers / Guidance

- The Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended);

- National Planning Policy Framework (NPPF);
- National Planning Policy for Waste (NPPW) - Appendix B;
- Kent Minerals and Waste Local Plan (KMWLP);
- District / Borough Local Plan Policies; and
- Planning Practice Guidance - Determining an application.

3) **Drawings / Plans - Describing the existing site & proposed development**

a) **When Required / Relevant Proposals**

- All new development involving new built development, engineering work or operational changes (where required to describe the proposals).

b) **What is Required (Assessments / Reports / Surveys / Plans)**

- Plans and drawing must be provided to scale - it is the responsibility of the applicant/agent to provide accurate and updated plans and drawings within reasonable tolerances;
- Drawings must be sufficient to identify the building / development within its context;
- The information should be sufficient to show the proposals in context including the relationship with relevant existing on-site and off-site reference points/features - including the access points (pedestrian and vehicle), existing built development, hardstanding, habitats, species, position and spread of all existing trees within and on the boundary of the site;
- Full details of the site layout including all built development, full details of vehicular access routes from the site to the public highway; internal haul roads; extent and type of any hard surfacing; operational areas; flows of waste around the site; fixed plant and equipment; weighbridges; wheel wash; proposals for screening and landscaping operations, including details of screening bunds; boundary treatments, including walls or fencing where proposed; the location, number and form of vehicle or cycle parking; the location and shape of any vehicle turning area; the position of any diverted watercourses, lagoons, sources of water supply; means of drainage; the method, direction and phasing of landfilling/working and restoration (including estimated duration of each phase); the position of any landfill gas and leachate monitoring and control facilities (or other environmental control systems);
- Where a change in ground levels is proposed, illustrative drawings should be submitted to show existing and proposed levels across the site (with levels related to a national fixed datum point) – the level of detail should be proportionate to the development proposed, the extent of change and the sensitivity of the surrounding landform;
- For new built development details of elevations, floor plans, roof plans, foundation design, finished floor levels, eaves and ridge heights should be provided (as relevant);
- For large development or development in sensitive locations, cross sections through the proposed building/development at various stages/locations;

- For landfill proposals – drawings showing existing, pre-settlement and post settlement levels should be submitted (with levels related to a fixed datum point off site); the plans should include surrounding ground levels (to 250m from proposed changes) and plans showing phases of working and restoration, will be required; and
- For minerals proposals - plans showing extraction areas, soils/overburden storage areas, stand offs, temporary bunds, temporary haul roads, management of public rights of way, phased working and restoration plans including details of gradients of finished slopes/quarry faces, safeguarded ecological areas/translocation areas, ground and surface water management during extraction and restoration, processing areas and plant, will be required.

c) **Key Policy Drivers / Guidance**

- The Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended);
- National Planning Policy Framework (NPPF);
- National Planning Policy for Waste (NPPW);
- Kent Minerals and Waste Local Plan (KMWLP); and
- District / Borough Local Plan Policies.

4) **Ecology**

Draft Biodiversity Net Gain Plan

a) **When Required / Relevant Proposals**

- All development, unless able to demonstrate qualification for an exemption will be required to provide the minimum national information requirements for BNG (as set out in the national information requirements section above);
- For all minerals or waste development that does not qualify for an exemption, a draft Biodiversity Gain Plan and (where relevant) draft heads of terms for a legal agreement securing the gains should be submitted with the application;
- The applicants should be aware that the planning authority is likely to require further information relating to biodiversity net gain as part of the planning application. The authority will need to consider whether the biodiversity gain condition is capable of being discharged successfully. Where this is unclear, further supporting information will be necessary to enable an application to be determined. Applicants are encouraged to submit as much information as practicable as part of an application to address this statutory requirement;
- Net gain does not change existing legal protections for important habitats and wildlife species (referenced below). Biodiversity Net Gain follows the ecological mitigation hierarchy of avoid impacts first, then mitigate and only compensate as a last resort. This should be considered when selecting a site and designing any development;
- Applicants are encouraged to engage with the planning authority before submitting an application in order to identify, understand and seek to resolve issues; this will help to improve both the efficiency and effectiveness of the

planning application process, reduce issues around validation, and improve the quality of the application; and

- For some larger minerals applications where development is being in phases, there are different arrangements available for Biodiversity Gain Plan. In this instance applicants are encouraged to engage with the planning authority regarding a phased approach.

b) What is Required (Assessments / Reports / Surveys / Plans)

- As a minimum the application will need to include the national information requirements, outlined within the national information requirements section above. All qualifying development that is granted planning permission will be subject to the national pre-commencement condition securing BNG in connection with the development;
- For larger developments (or sites with higher existing ecological value), a draft Biodiversity Gain Plan should include the following matter;
 - Information about the steps taken or to be taken to minimise the adverse effect of the development on the biodiversity of the onsite habitat and any other habitat. (Except for onsite irreplaceable habitats) a description of how the biodiversity gain hierarchy will be followed and where to the extent any actions (in order of priority) in that hierarchy are not followed and the reason for that;
 - The pre-development biodiversity value of the onsite habitat, including:
 - the relevant date for purposes of calculating the pre-development biodiversity value of onsite habitats;
 - completed biodiversity metric calculation (pre-development);
 - pre-development plans showing the location of onsite habitat (including any irreplaceable habitat); and
 - The post-development biodiversity value of the onsite habitat, including:
 - completed biodiversity metric calculation for onsite;
 - post-development plans showing the location of onsite habitat;
 - Landscape plan(s) / drawings demonstrating an accurate post-development habitat value;
 - A description of arrangements for maintenance and monitoring of habitat enhancement (habitat enhancement must be maintained for at least 30 years after the development is completed). Draft habitat management and monitoring plan, which sets out the proposals for long term delivery and maintenance of habitats, to be secured through planning condition or planning obligation;
 - Any registered off-site biodiversity gain allocated to the development and the biodiversity;
 - Where units are being purchased from a local biodiversity habitat bank, information on the existing scheme. The level of detail required will be dependent on the rarity / value of the habitat being replaced;
 - Where a completely new off-site habitat area is proposed, pre-development and post-development plans and metrics for the off-site provision along with relevant description of the arrangements and the implementation, maintenance, and monitoring of the site / habitat(s) for at least 30 years;

- Any biodiversity credits purchased for the development (only to be used when national requirements are demonstrated);
- For any development involving significant onsite or any off-site habitat provision (unless conservation covenants are used), details of draft heads of terms for a legal agreement clearly setting out potential obligations required to secure the biodiversity gains, should permission be granted. These should include implementation, management, maintenance, and monitoring of the habitat(s) for at least 30 years. Please note that where a legal agreement is required it will need to be agreed and completed prior to the commencement of any development granted permission (alongside formal approval of the required Biodiversity Gain Plan).
- Government guidance confirms that no legal agreement is likely to be necessary for non-significant onsite BNG enhancements unless they contribute to locally important species or ecological networks. Non-significant enhancements are habitat enhancements whose loss will not significantly decrease the development's biodiversity value. Applications will still be included in the national application requirements for a valid application and would be subject to the national planning condition securing a Biodiversity Gain Plan.

c) Key Policy Drivers / Guidance

- Environment Act (2021);
- National Planning Policy Framework (NPPF) - Conserving and enhancing the natural environment;
- National Planning Policy for Waste (NPPW);
- Kent Minerals and Waste Local Plan (KMWLP);
- District / Borough Local Plan Policies;
- [Planning Practice Guidance - Biodiversity Net Gain](#);
- DEFRA Guidance – Biodiversity net gain;
- [DEFRA Guidance – Statutory biodiversity metric tools and guides](#); and
- [DEFRA Guidance – Creating a habitat management and monitoring plan for BNG](#).

Emerging Development Plan Policy – BNG

In preparing applications, it should be noted that the County Council's emerging policy in the Pre-Submission Draft of the Kent Minerals and Waste Local Plan 2024-39 proposes requirements in excess of the national requirement of 10% BNG. Draft Policy DM 3 Ecological Impact Assessment states that:

'All development shall achieve a net gain in biodiversity value in accordance with the requirements of the NPPF. All major development shall deliver at least a 10% net gain in biodiversity value with an expectation that the maximum practicable net gain is achieved. All planning applications must be supported by a Biodiversity Net Gain Plan and relevant supporting reports that demonstrate net gain will be achieved, implemented, managed and maintained'.

Similarly, as part of the Council's expectation that the highest possible standards of restoration and aftercare will be required, the revised Restoration, Aftercare and After-use policy (Policy DM 19) for considering proposals for minerals extraction and temporary waste management development seeks an enhancement to the national policy requirements regarding Biodiversity Net Gain. The draft DM 19 policy requires that all development should achieve at least 10% biodiversity net gain and demonstrate how maximum practicable on-site biodiversity net gain shall result from the development.

The above draft policies were agreed by Full Council in December 2023 and will be tested at the local plan examination in 2024. In light of the later issue of the PPG, it is therefore appropriate that prior to the conclusion of the local plan examination, that the validation of planning applications be carried out against the mandatory requirements, along with the requirement (where applicable) for a draft Biodiversity Net Gain Plan and where relevant draft heads of terms for any legal agreement. Assuming policies DM3 and DM 19 are found sound with an enhanced BNG requirements, then the local list would be revised to reflect the local plan policies. In the meantime, the local validation requirements include reference to the emerging local plan policy on an advisory basis.

Preliminary Ecological Assessment (PEA)

a) When Required / Relevant Proposals

Required for all applications for major development and recommended for any development where there may be material effects on biodiversity.

Required for all applications which have the potential to affect:

- Protected sites (Special Areas of Conservation (SACs), Special Protection Areas (SPAs), Ramsar Sites, Sites of Special Scientific Interest (SSSI), Local Wildlife Sites and Local Nature Reserves;
- Development specifically identified within SSSI Impact Risk Zone;
- European and National Protected Species protected under the Conservation of Habitats and Species Regulations 2017, the Wildlife & Countryside Act 1981 (as amended) and the Protection of Badgers Act (1992);
- Within 100m of Priority Habitats and Species - Habitats of Principal Importance in England (Priority Habitats) and Species of Principal Importance in England (Priority Species), Ancient Woodland, Important Hedgerows or Veteran Trees; and
- Proposals affecting natural or semi-natural vegetation/habitat (e.g., woodland, hedgerows, ponds, and grassland, etc.).

This section should be read in conjunction with the ancient woodland and veteran trees section below.

b) What is Required (Assessments / Reports / Surveys)

Preliminary Ecological Appraisal (PEA) is required in most instances. This should provide up-to-date information on habitats on the application site and links to other habitats, species present (or likely to be present), likely impacts, mitigation and

enhancement opportunities. A PEA should also cross reference any biodiversity net gain requirements, on or offsite. For all but the most minor applications, the PEA should include the results of a search from the Kent and Medway Biological Records Centre. Unless there are exceptional circumstances, if an initial PEA is submitted with the application that confirms that further surveys for protected species are required, the application will not be valid unless the required survey is carried out in full, and a report of the findings are submitted with the application (see below).

c) **Key Policy Drivers / Guidance**

- National Planning Policy Framework (NPPF) - Conserving and enhancing the natural environment;
- National Planning Policy for Waste (NPPW) - Appendix B;
- Kent Minerals and Waste Local Plan (KMWLP);
- District / Borough Local Plan Policies on biodiversity;
- Section 40 of the Natural Environment and Rural Communities Act (2006);
- Conservation of Habitats and Species Regulations (2017);
- Environment Act (2021);
- Kent Nature Partnership Biodiversity Strategy 2020 to 2045;
- Planning Practice Guidance - Natural Environment /Appropriate Assessment
- Circular 06/05: Biodiversity and Geological Conservation - Statutory Obligations and Their Impact Within the Planning System;
- Natural England - Standing Advice on Protected Species and Development;
- Natural England – SSSI (SAC, SPA and Ramsar) Impact Risk Zones (available via DEFRA’s MAGIC website);
- Biodiversity Action Plan (UK BAP).

Ecological Impact Assessment (EclA)

a) **When Required / Relevant Proposals**

An **Ecological Impact Assessment (EclA)** will be required where the PEA identifies the need for habitat and species surveys, these need to be carried out and assessed in an EclA. In addition, all development proposals including works as set out below will trigger the need for a protected species survey:

Proposed development which includes the modification, conversion, demolition or removal of buildings and structures (especially roof voids) involving the following;

- Permanent agricultural buildings;
- Buildings with wooden cladding or hanging tiles within 200m of woodland or water;
- Pre-1960 buildings within 200m of woodland or water;
- Pre-1919 buildings within 400m of woodland or water;
- Tunnels, mines, kilns, ice houses, adits, military fortifications, air raid shelters, cellars and similar underground ducts and structures, bridges, aqueducts and viaducts;
- Lighting of churches and listed buildings or floodlighting within 50 metres of woodland, water or hedgerows / lines of trees with an obvious connection to woodland or water;

- Works affecting woodland, or hedgerows / lines of trees with an obvious connection to woodland or water;
- Works that involve the felling or lopping of veteran trees, trees with obvious cracks, holes and cavities or trees with a diameter greater than 1m at chest height;
- Works affecting gravel pits, quarries, natural cliff faces, or rock outcrops with crevices or caves; and
- Major proposals within 500 metres of the perimeter of a pond, or 200 metres of rivers, streams, canals, lakes or other aquatic habitats.

b) What is Required (Assessments / Reports / Surveys)

- The EclA should establish the presence and absence of protected species / habitats, the population levels, any likely impacts and include a scheme of mitigation and compensation;
- Any survey(s) should meet the CIEEM Guidelines and the British Standard for Biodiversity. The work should be undertaken by competent person(s) with suitable qualifications and experience and must be carried out at an appropriate time and month of year, in suitable weather conditions and using nationally recognised survey guidelines / methods where available. In all cases the documents should demonstrate that ecological mitigation hierarchy has been applied (Avoidance, Mitigation, Compensation, Enhancement). Measures for mitigation, compensation and net gain should be set out in a Biodiversity Mitigation Plan in a way that enables them to be covered by condition.

c) Key Policy Drivers / Guidance

- National Planning Policy Framework (NPPF) - Conserving and enhancing the natural environment;
- National Planning Policy for Waste (NPPW) - Appendix B;
- [Section 40 of the Natural Environment and Rural Communities Act \(2006\)](#);
- [Conservation of Habitats and Species Regulations \(2017\)](#);
- [Environment Act \(2021\)](#);
- Kent Minerals and Waste Local Plan (KMWLP);
- District / Borough Local Plan Policies on biodiversity;
- [Kent Nature Partnership Biodiversity Strategy 2020 to 2045](#);
- [Planning Practice Guidance - Natural Environment](#);
- [Planning Practice Guidance - Appropriate Assessment](#);
- [Natural England - Standing Advice on Protected Species and Development](#);
- [Natural England - SSSI \(SAC, SPA and Ramsar\) Impact Risk Zones](#) (available via DEFRA's MAGIC website); and
- [Biodiversity Action Plan \(UK BAP\)](#).

Shadow Habitat Regulation Assessment

a) When Required / Relevant Proposals

- A '**Shadow**' **Habitat Regulations Assessment** is required for any project that may affect the protected features of a Natura 2000 or 'Habitat Site' designated for its nature conservation interest (Special Areas of Conservation (SAC), Special Protection Areas (SPA) or Ramsar sites). This includes land or watercourses located beyond the boundaries of a habitat site which support or has the potential to affect the populations for which the habitat site(s) was designated or classified (functionally linked habitat);
- Natural England's Site of Special Scientific Interest (SSSI) Impact Risk Zones should be used as a guide to identify projects that need to be considered in accordance with the Habitat Regulations;
- The following table identifies the screening distances from Habitat Sites associated with impact pathways. Development projects that will lead to the pathways and fall within these zones will require HRA screening and any application will need to address the potential impacts. The table does not preclude HRA being required in other circumstances.

Pathway	Screening Distance from a Habitat Site
Air Quality - Energy from Waste	10 km
Air Quality - Landfill Gas Flares	1 km
Air Quality - Biopathogens	1 km
Air Quality - Dust	500 m
Air Quality - Vehicle Exhaust Emissions	200 m
Water Quality and Flow	No standard distance (use source/pathway/receptor approach)
Disturbance (noise/visual)	1 km from a Habitat Site supporting disturbance sensitive species/populations
Coastal Squeeze	No standard distance - evaluate on a case-by-case basis

- The integrity of a Habitat site will be adversely affected if a proposal could, for example:
 - destroy, damage or significantly change all or part of a designated habitat;

- significantly disturb the population of a designated species, for example, its breeding birds or hibernating bats;
 - harm the site's ecological connectivity with the wider landscape, for example, harm a woodland that helps to support the designated species from a nearby European site;
 - harm the site's ecological function, or its ability to survive damage, and reduce its ability to support a designated species;
 - change the site's physical environment, for example, by changing the chemical makeup of its soil, increasing the risk of pollution or changing the site's hydrology;
 - restrict access to resources outside the site that are important to a designated species, for example, food sources or breeding grounds; and
 - prevent or disrupt restoration work, or the potential for future restoration, if it undermines the site's conservation objectives.
- If there is a likely impact the assessment will need to rule out all reasonable scientific doubt that the proposal would not have an adverse effect on the integrity of the site before the proposal can proceed.

b) What is Required (Assessments / Reports / Surveys)

The 2019 Regulations require the applicant to provide sufficient information to enable the local planning authority to complete a Habitat Regulations Assessment, this is normally in the form of a Shadow Habitat Regulations Assessment.

Stage 1 Screening

This step is a simple assessment to screen if a proposal:

- is directly connected with or necessary for the conservation management of a European site; and
- risks having a significant effect on a European site on its own or in combination with other proposals.

This will include consideration of the proposal's design features or characteristics, such as its layout, timing and location to inform the screening decision. These may mean that any risk to a European site is avoided, and an appropriate assessment is not required.

At the screening stage, it is not possible to consider any mitigation measures included by the applicant for the purpose of avoiding or minimising risk to a European site. These mitigation measures need to be considered at the appropriate assessment stage below.

Stage 2 Appropriate Assessment

An appropriate assessment informed by a Shadow Habitat Regulations Assessment prepared in support of the applications is required where:

- there is a risk of a likely significant effect on a European site; or
- there is not enough evidence to rule out a risk.

The scope and content of an assessment will depend on the nature, location, duration and scale of the proposed plan or project and the interest features of the relevant site. An assessment should be proportionate and sufficient to support the task of the

competent authority in determining whether the project will adversely affect the integrity of a Habitat Site.

An assessment must contain complete, precise, and definitive findings and conclusions to ensure that there is no reasonable scientific doubt as to the effects of the proposed plan or project. This includes considering the indirect effects on the designated features and conservation objectives, including the following principles:

- an assessment must catalogue the entirety of habitat types and species for which a site is protected; and
- an assessment must identify and examine the implications of the proposed plan or project for the designated features present on that site, including for the typical species of designated habitats as well as the implications for habitat types and species present outside the boundaries of that site and functionally linked; insofar as those implications are liable to affect the conservation objectives of the site.

Where it cannot be concluded that there will be no adverse effects on a site's integrity, there is a need to consider potential mitigation. Mitigation measures are protective measures forming part of a project and are intended to avoid or reduce any direct adverse effects that may be caused by a plan or project, to ensure that it does not have an adverse effect on the integrity of a habitats site(s). Any measures used to inform the decision about the effects on the integrity need to be sufficiently secured and likely to work in practice.

In the first instance effort should be made to avoid an adverse effect on site integrity altogether; however, if this is not possible impact reduction measures should be applied. For example, this may involve:

- switching to a less damaging method of construction;
- undertaking works at a less sensitive time of year (e.g. outside a breeding season);
- not proceeding with some parts of the plan or project; and
- incorporating additional works into the plan or project to avoid or reduce its impact.

Any proposal for an Energy from Waste facility within 10 km of a Habitat site will need to demonstrate that either:

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

Any minerals or waste development that is likely to result in an increase of HGVs on any road that lies within 200 m of a Habitat Site should evaluate air quality impacts within the context of the critical load, and the 1% criterion referred to above.

A proposal will pass the integrity test if an appropriate assessment can show that there is no reasonable scientific doubt that the proposal will not have an adverse effect on the integrity of the designated site(s).

Stage 3: Derogations

If the proposal fails the integrity test the development will be refused, unless it can pass three legal tests and be granted an exception, known as a 'derogation'. To decide if the proposal qualifies for a derogation, further information will be requested to address the three legal tests below:

- There are no feasible alternative solutions that would be less damaging or avoid damage to the site;
- The proposal needs to be carried out for imperative reasons of overriding public interest; and
- The necessary compensatory measures can be secured.

c) **Key Policy Drivers / Guidance**

- The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations (2019) (the Habitat Regulations);
- National Planning Policy Framework (NPPF) - Conserving and enhancing the natural environment;
- Kent Minerals and Waste Local Plan (KMWLP);
- District / Borough Local Plan Policies;
- [Planning Practice Guidance - Habitats regulations assessments: protecting a European site](#);
- [Planning Practice Guidance - Appropriate Assessment](#);
- [Natural England - SSSI \(SAC, SPA and Ramsar\) Impact Risk Zones](#) (available via DEFRA's MAGIC website); and
- [Chartered Institute of Ecology and Environmental Management \(CIEEM\)](#).

Construction Environmental Management Plan

a) **When Required / Relevant Proposals**

- Any development proposing significant new built development, construction period / setting out phase. For smaller scale development unlikely to involve significant construction phases this matter could be covered with the planning statement or by pre-commencement condition;
- Depending on the circumstances and the sensitivity of the surrounding land uses / environment, it may be possible to provide a commitment to address this matter by way of a condition if planning permission were to be granted.

b) **What is Required (Assessments / Reports / Surveys)**

The Plan should include, amongst other relevant matters, initial details on:

- Traffic management plan;
- Layout plan of access onto the public highway, including any temporary construction access arrangements, haul roads or hardstanding;

- Site compound and associated temporary development, including details of any contractors' cabins, generators / plant and equipment;
- Parking for site personnel, operatives, visitors and construction traffic (where relevant);
- Specifications for vehicle turning within the site to enable vehicles to leave the site in forward gear;
- Area(s) for loading and unloading of plant and materials;
- Storage of plant and materials;
- Programme of works including measures for traffic management, vehicle routing, hours of operation (including the avoidance of peak travel / school travel times where necessary), numbers of HGVs and design of delivery area;
- Provision of boundary hoarding / temporary boundary treatment, including visual and acoustic screening (where necessary);
- Hours of working during construction operations;
- Mitigation measures identified in other environment reports – including ecological mitigation measures, protection water resources, transport statement, air quality assessment, etc.);
- Measures for the suppression and control of dust and/or noise during construction;
- Wheel washing facilities (or where relevant measures to prevent mud and debris from construction reaching the highway);
- Details of any construction plant or equipment required on site; and
- Tree / habitat protection measures during construction; and
- Management and enforcement.

c) Key Policy Drivers / Guidance

- National Planning Policy Framework (NPPF) - Promoting sustainable transport;
- National Planning Policy for Waste (NPPW);
- Kent Minerals and Waste Local Plan (KMWLP); and
- District / Borough Local Plan Policies on local amenity and highway safety.

Landscape and Ecological Management Plan (LEMP)

a) When Required / Relevant Proposals

- Major schemes where there is a need to ensure landscape, ecological and other environmental mitigation is sustained into the future; where adverse environmental impacts of a proposal are made acceptable through reliance upon protection, establishment and/or management of vegetation and wildlife habitats; and where there is a need to integrate ecological, landscape and other environmental mitigation for the benefit of those responsible for ongoing site maintenance and management following construction;
- For minor schemes, such information may be included in the information required for landscape and ecology.

b) What is Required (Assessments / Reports / Surveys)

- A Landscape and Ecological Management Plan (LEMP) is a document that is intended for use by those responsible for ongoing maintenance and management of the site landscape and should include the proposed mitigation measures and details of on-going management and maintenance.

c) Key Policy Drivers / Guidance

- National Planning Policy Framework (NPPF);
- Kent Minerals and Waste Local Plan (KMWLP);
- Local Development Plan Policies relating to landscape and ecology;
- Planning Practice Guidance: Natural Environment.

To ensure that the mitigation measures that make the scheme environmentally acceptable can be delivered and sustained into the future in accordance with policy. This includes the appropriate protection and management of existing vegetation, habitats and linkages within and adjoining the site as well as proposed new vegetation.

5. Water Environment

Flood Risk Assessment

a) When Required / Relevant Proposals

- Any new development which lies within Flood Zones 2 or 3;
- Any development of 1ha or greater in any flood zone category;
- Any development of less than 1ha in Flood Zone 1 (including a change of use to a development type to a more vulnerable class) that could be affected by a source of flooding other than rivers and the sea (i.e. surface water, reservoirs);
- Development in designated critical drainage areas or where the Environment Agency, Internal Drainage Body or other relevant bodies have indicated there may be a drainage problem;
- Any applications for engineering operations or land raising which may significantly increasing surface water run-off to watercourses and soakaways; and
- Any significant extensions or increases in areas of hard surfacing within the floodplain or adjacent to a main river.

The Environment Agency's standing advice should be followed for minor development or involving a change of use, including in relation to the Flood risk vulnerability classification (Annex 3 of NPPF).

b) What is Required (Assessments / Reports / Surveys)

A **site-specific flood risk assessment** should be carried out to assess the flood risk to and from a development site. The assessment should demonstrate how flood risk will be managed now and over the development's lifetime, taking climate change into

account, and with regard to the vulnerability of its use. The flood risk assessment does not need to be carried out in a specific format and should be proportionate to the scale, nature and location of the development and the level of risk.

The assessment should include (as appropriate):

- A location plan showing street names, any rivers, streams, ponds, wetlands, other bodies of water or areas at risk of surface water flooding and other geographical features;
- Site plan showing the existing site, the development proposal and structures which could affect water flow or flood storage capacity;
- Survey showing the existing site levels (Above ordnance datum) and the levels of the proposed development;
- A cross section of the site showing post mineral extraction levels, finished floor or road levels and any other levels that inform the flood risk (e.g., existing raised banks and flood defence walls);
- Whether a proposed development is likely to be affected by current or future flooding from any source;
- An assessment of surface water runoff from the site and whether the development will increase flood risk elsewhere;
- How these flood risks will be managed now and over the lifetime of the development;
- Details of the proposed drainage system and management of surface water runoff;
- Whether the measures proposed to deal with these effects and risks are appropriate;
- Consideration of climate change and how this will be taken into account within the design of the development;
- Opportunities to reduce the probability and consequences of flooding;
- Mitigation measures and emergency evacuation procedures necessary;
- Whether the development type is appropriate for the proposed location given the level of risk and the Flood risk vulnerability classification;
- Where applicable, details demonstrating that the sequential test has been applied - demonstrating that development is located in an area with the lowest risk of flooding given the sites available; and
- Where applicable, details demonstrating the development passes the Exception Test (i.e., the development would provide wider sustainability benefits to the community that outweigh the flood risk; and the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall).

c) **Key Policy Drivers / Guidance**

- National Planning Policy Framework (NPPF) - Meeting the challenge of climate change, flooding and coastal change;
- National Planning Policy for Waste (NPPW) - Appendix B;
- Kent Minerals and Waste Local Plan (KMWLP);
- Local Development Plan Policies on Flood Risk / drainage;
- Flood and Water Management Act 2010;

- National Planning Policy Guidance - Flood Risk and Coastal Change; and
- Environment Agency guidance on River maintenance, flooding and coastal erosion.

Hydrological and Hydrogeological Assessment

a) When Required / Relevant Proposals

- Any development which involves disturbance to the ground that could affect the water table and the movement of water (under and around the site) or involves the use of materials and processes that could result in the pollution of the water environment, particularly development within groundwater Source Protection Zones, Groundwater Vulnerability areas and/or Aquifer Designation areas.

b) What is Required (Assessments / Reports / Surveys)

Applications should include:

- Details of existing groundwater levels and surface water drainage within the site;
- Impacts of the development on existing water levels / flows within site and on surrounding land;
- Mitigation measures and management of the impacts;
- Any necessary drainage and flood control measures; and proposed monitoring measures, including any requirements for the provision of settlement lagoons; the way in which surface water is to be disposed of; the avoidance of impairing drainage from adjoining areas; and the prevention of material entering open watercourses; and
- For applications within a groundwater source protection zone, a risk assessment will be required considering the impact on water quality and resources.

For applications involving dewatering or abstraction, the assessment should also include:

- Calculations of the extent and volumes of dewatering; details of topography and surface drainage, artificial ground, superficial deposits, landslip deposits, rockhead depth, bedrock geology and details of any borehole reports including any information regarding both licensed and unlicensed abstractions, where necessary;
- Details of the natural water table including its depth, source catchment areas and characteristics;
- Consideration of the potential impact upon any wetland SSSIs;
- Evidence that third parties will not be affected by the dewatering, and where there is a potential impact upon public and private water supplies, water bodies or watercourses details of mitigating measures must be included in the application;
- Details of proposed methods of dewatering and proposed methods of water disposal;

- Proposed measures to control potential pollution to protect ground and surface water;
- Any necessary drainage and flood control measures; and proposed monitoring measures, including any requirements for the provision of settlement lagoons; the way in which surface water is to be disposed of; the avoidance of impairing drainage from adjoining areas; and the prevention of material entering open watercourses; and
- Monitoring of the existing water regime for at least 12 months prior to submission of the application may be necessary, taking account of seasonal variations and in order to ensure that surface and groundwater can be safeguarded.

c) **Key Policy Drivers / Guidance**

- National Planning Policy Framework (NPPF) - Conserving and enhancing the natural environment & Meeting the challenge of climate change, flooding and coastal change;
- National Planning Policy for Waste (NPPW) - Appendix B;
- Kent Minerals and Waste Local Plan (KMWLP);
- District / Borough Local Plan Policies on Flood Risk / drainage / groundwater protection; and
- Planning Practice Guidance - Water supply, wastewater and water quality/ Flood risk and coastal change/ Water management.

Drainage Details - Foul / Surface Water Drainage Assessment / Sustainable Drainage Systems (SuDS)

a) **When Required / Relevant Proposals**

- All new development proposals will be expected to provide details of foul and surface water drainage arrangements – whether connecting to existing systems or developing new arrangements – and to confirm that the proposed drainage scheme has sufficient capacity to cope with the demands of the development, taking into account forecasted increased flows due to climate change;
- All major developments should incorporate sustainable drainage systems (SuDS) unless there is clear evidence that this would be inappropriate (including in relation to any contaminated land or the nature of the proposed development);
- All waste management operations in flood risk areas and where a known drainage problem exists;
- For minor applications, a proportionate assessment of the surface water requirements should be undertaken and any opportunity for the inclusion of SuDS reviewed;
- Drainage assessments may be incorporated in the Flood Risk Assessment where one is required; and
- Any works to be proposed which would affect the flow or storage of water within, or which place or alter a structure/obstruction within, an ordinary

watercourse will require Ordinary Watercourse Consent from the County Council as the Lead Local Flood Authority.

b) What is Required (Assessments / Reports / Surveys)

- A **surface water drainage assessment** should be carried out to demonstrate that the development will not create an increased risk of flooding from surface water to the development site and the surrounding area and where appropriate makes use of SuDS.
- An assessment (taking into account different factors including the layout of the site, the topography and geology) demonstrating how any surface water generated from the development will be controlled as near to its source as possible. A drainage strategy (including FRA where applicable, proposed drainage layout and calculations) shall be submitted to demonstrate that the development does not flood or increase flooding downstream (allowing for climate change).
- Sustainable drainage for the site shall be proposed in accordance with SuDS surface water management hierarchy of prevention, reduction, source control, site control and regional control (the accepted hierarchy of surface water discharge options is infiltration, then attenuation and discharge to watercourse, surface water sewer, another sewer). Evidence shall be provided to demonstrate that the most sustainable strategy is proposed taking into account flood risk, site layout, topography, geology, etc.
- Where the intention is to incorporate infiltration SUDS, their feasibility shall be demonstrated through approved intrusive geotechnical surveys to establish infiltration rates, ground water levels and ground contamination. Should actual infiltration rates (via intrusive tests) not be readily available (reason to be stated in drainage strategy), desktop study demonstrating evidence of likely ground conditions (from British Geological Survey or other sources) of the site should be used. In such instance, an alternative strategy shall also be submitted to demonstrate how the site would drain if infiltration is not feasible or acceptable.
- Should it be proposed to dispose of surface water into a watercourse, surface water sewer, highway drain or another drainage system, the application should be accompanied by evidence that the runoff rates are being restricted to greenfield values and the system has adequate capacity downstream and is in a suitable state to accept the water. Where an application is part of a larger site which already has planning permission it is essential that the application demonstrates that the development would not compromise the drainage scheme already approved.
- The application / assessment should include confirmation of land ownership for all land required for drainage and any relevant permissions.
- Scale plans of the drainage arrangements will need to be provided.

Foul Drainage Assessment – For proposals involving the disposal of trade waste or the disposal of foul sewage effluent, a more detailed foul drainage assessment will be required including details of the method of storage, storage capacity, management, treatment and disposal of foul drainage.

SuDS Management Plan should be provided in support of any proposed system, this should include:

- Details of the body responsible for different elements of the Surface Water; Drainage System and maintenance for individual aspects of the drainage proposals;
- A management statement outlining the management goals for the site and required maintenance;
- Description of maintenance schedule; and
- A site plan including access points, easements and outfalls.

If planning permission is granted for a development including new or amended drainage arrangements, a condition securing a verification report on completion of the development demonstrating that the scheme(s) have been implemented as agreed is likely to be included on any planning permission.

c) Key Policy Drivers / Guidance

- National Planning Policy Framework (NPPF) - Meeting the challenge of climate change, flooding and coastal change;
- Kent Minerals and Waste Local Plan (KMWLP);
- District / Borough Local Plan Policies on flood risk and drainage;
- The Water Environment Regulations (2017);
- Planning Practice Guidance - Water supply, wastewater and water quality;
- Planning Practice Guidance - Flooding and Coastal Change;
- The Environment Agency.

6. Air Quality

Air Quality Assessment

a) When Required / Relevant Proposals

- Any application that would result in new emissions to air from waste management processes, mineral extraction, processing facilities and/or proposals likely to generate dust emissions - including applications involving screening, crushing, chipping, blending, grading, composting land raising, landfilling, or construction;
- Applications inside or adjacent to an Air Quality Management Area (AQMA), including where vehicles associated with a development would pass through a local AQMA to reach the site;
- Applications that are likely to generate significant vehicle movements (as defined by the Institute of Air Quality Management (IAQM) guidance (or subsequent updates)) Indicative criteria requiring an Air Quality Assessment:
 - An increase of 25 Heavy Duty Vehicle (HDV) (>3.5t) or 100 Light Duty Vehicles (LDV) (<3.5t) movements within/adjacent to AQMA; or
 - An increase of 100 HDV or 500 LDV anywhere.
- Sites within or adjacent to (within 500m) sensitive nature conservation designations (SACs, SPAs, RAMSARs, SSSI's, etc);

- Development likely to generate dust where there are sensitive human or ecological receptors within 350m of the site boundary or within 50m of access route(s) used by HGVs (including on the public highway up to 500m from the site entrance(s)); and
- Any application likely to result in odours or bioaerosols due to the waste streams that would be managed.

b) What is Required (Assessments / Reports / Surveys)

Air Quality Assessment - The Assessment should be proportionate to the nature and scale of the proposed development and the level of concern about air quality. The following information could be included in the assessment:

- A description of baseline conditions and how these could change;
- Relevant air quality concerns;
- Sensitive locations and receptors (including human and ecological receptors);
- Assessment methods to be adopted and any requirements around verification of modelling air quality;
- The basis for assessing impact and determining the significance of the impact;
- Assessment of mineral extraction, including phased working, any other operational and construction phase impacts;
- Assessment of any vehicle emission to air including nitrogen dioxide (NO₂) and suspended particulate matter (PM_{2.5} and PM₁₀);
- Acceptable mitigation and/or compensation measures that will be applied to avoid adverse impacts, including where necessary: appropriate design and layout of the site; management of the site (e.g. Dust Management Plans); use of appropriate equipment; appropriate control and mitigation measures; details of any ventilation or extraction equipment; and an appropriate scheme of on-going dust monitoring;
- Where a local Air Quality Action Plan is in place the proposed development should demonstrate compliance with that Plan;
- Measures to monitor and report on emissions to ensure compliance with the appropriate environmental standards;
- Measures and action plan to enable an effective response to complaints; and
- Also see dust impact assessment / odour impact assessment / management plan / bioaerosol management plan sections below (where relevant these considerations can be considered in a suitable air quality assessment or separately).

c) Key Policy Drivers / Guidance

- National Planning Policy Framework (NPPF);
- National Planning Policy for Waste (NPPW) - Appendix B;
- Kent Minerals and Waste Local Plan (KMWLP);
- District / Borough Local Plan Policies on air quality;
- Locally designated Air Quality Management Areas (AQMAs) / Air Quality Action Plans; and
- Planning Practice Guidance - Air quality.

Dust Impact Assessment / Odour Impact Assessment / Management Plan

a) When Required / Relevant Proposals

- Any application that would result in new emissions to air from mineral extraction and processing or waste management processes and/or proposals likely to generate dust emissions (where these requirements are not covered by an air quality assessment) – including applications involving screening, crushing, chipping, blending, grading, composting land raising, landfilling, or construction;
- Sites within or adjacent to (within 500m) sensitive nature conservation designations (SACs, SPAs, RAMSARs, SSSI's, etc);
- Development likely to generate dust or odour where there are sensitive human or ecological receptors within 350m of the site boundary or within 50m of access route(s) used by HGVs (including on the public highway up to 500m from the site entrance(s)); and
- Any application likely to result in odours or bioaerosols due to the waste streams that would be managed.

b) What is Required (Assessments / Reports / Surveys)

Dust Impact Assessment / Odour Impact Assessment / Management Plan (if not covered by Air Quality Assessment) will normally be required where dust or odour is likely to be an issue. Any assessment(s) should include:

- Details of baseline conditions of the existing climate around the site (including meteorological characteristics);
- Identification of the receptors that could be affected by the emissions arising from the proposed operation;
- Details of potential emission sources associated with the proposed development (both during construction and once operational) including the activities and materials involved (including a brief outline of quantities, duration, methods of handling and storage, etc.);
- Details indicating the change to baseline conditions resulting from the proposed development (including magnitude of emissions (after control by measures incorporated into the scheme); dispersion and dilution taking into account distance, orientation, local terrain and features, and other relevant factors; sensitivity of the receptors (including health and/or ecology effects); any likely cumulative effects;
- Details of avoidance, management and mitigation measures, including design features, management controls (e.g., Management Plan) and, where appropriate, engineering controls;
- A conclusion on the significance of the overall residual air quality effect;
- Details of a reporting and monitoring mechanism to enable effective response to any complaints; and
- Where appropriate, proportionate dust monitoring and reporting to check the ongoing effectiveness of controls and mitigation.

c) **Key Policy Drivers / Guidance**

- See Air Quality Assessment section above.

Bioaerosols Risk Assessment

a) **When Required / Relevant Proposals**

- Any application proposing the management of putrescible waste not previously assessed (where bioaerosols are not covered by an air quality assessment); or
- Any application that has the potential to suspend biologically active particles in the air and there are sensitive receptors (a place where people live or work) within 350m of the site boundaries. Proposed uses requiring assessment include composting facilities, anaerobic digestion, chipping or shredding activities, wastewater treatment, waste transfer stations, materials recycling facilities and putrescible landfill sites.

b) **What is Required (Assessments / Reports / Surveys)**

- A Bioaerosols Risk Assessment should include quantity of waste to be handled, method of waste treatment (open / enclosed), an assessment of the potential impacts and information demonstrating that bio-aerosols could be maintained no higher than acceptable levels at the sensitive receptors. This should follow best practice, including details of the method of assessment, a Source – Pathway – Receptor model, proposed control measures and a risk assessment based on the above information.

c) **Key Policy Drivers / Guidance**

- See Air Quality Assessment section above.

Ventilation/ Extraction Details

a) **When Required / Relevant Proposals**

- Any new or extended building developments where substantial ventilation or extraction equipment is to be installed.

b) **What is Required (Assessments / Reports / Surveys)**

- Details of the position and design of any ventilation or extraction equipment, including dust management and odour abatement techniques and acoustic characteristics.

c) **Key Policy Drivers / Guidance**

- National Planning Policy Framework (NPPF);
- National Planning Policy for Waste (NPPW) - Appendix B;

- Kent Minerals and Waste Local Plan (KMWLP); and
- District / Borough Local Plan.

Health Impact Assessment

a) When Required / Relevant Proposals

- Any applications where development proposals have potential to impact on the health and well-being of communities and health infrastructure.
- Proposals to manage hazardous waste or for waste to energy facilities.

b) What is Required (Assessments / Reports / Surveys)

An assessment should consider the potential health impacts of a proposed development. It should include:

- Consideration of the potential for emissions to the environment, taking account of any emissions to air, ground or water, noise impacts, vehicle movements, vibration, nighttime working, external lighting, amongst other matters;
- Consideration as to whether the development could have direct or indirect impacts on health, mental health or wellbeing of the local community or environmental living conditions; and
- Recommendations to help avoid or minimise any negative consequences and where possible enhance the positive consequences for health.

Any assessment should be informed by the conclusions of any relevant assessment prepared in response to the other local requirements within this list.

Depending on the nature and scale of the application, this information could reasonably be included as a separate statement or form a section within the Planning Statement.

c) Key Policy Drivers / Guidance

- National Planning Policy Framework (NPPF) - Promoting healthy and safe communities;
- National Planning Policy for Waste (NPPW);
- Health Impact Assessment Tools - Department of Health; and
- Health Impact Assessment in spatial planning: a guide for local authority public health and planning teams.

Noise Impact Assessment / Vibration Assessment (Including vibration from traffic / plant / equipment)

a) When Required / Relevant Proposals

- All applications for potentially noisy developments and uses where the development is likely to raise issues of disturbance to the occupants of nearby

buildings and in certain circumstances noise sensitive species, habitat or rural landscapes.

- Proposals involving:
 - the use of mobile site plant, processing plant or machinery (for example crushers, screeners, conveyors, or trommels);
 - Engineering activities such as earth moving, bund creation or soil stripping;
 - A regular and significant increase in movements of larger vehicles; and
 - A material increase in operations at night or outside normal working hours.
- Sites within or adjacent to designated (International, National or Local) Nature Conservation sites, a National Landscape (AONB) or tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value are likely to be more sensitive to noise.
- Any waste proposals where either operational development or construction activities have the potential to cause impacts or nuisance from vibration, including significant piling operations, use of large plant to compact a site or a significant increase in HGV movements close to sensitive receptors.
- Any mineral proposals where preparation, extraction, processing and restoration operations have potential to cause impacts or nuisance from noise and vibration from enabling earthworks, (including use of heavy earthmovers and other plant), creation of haul roads, use of equipment for digging, scraping or blasting, use of plant and equipment for processing operations and HGV movements to and from the site close to sensitive receptors.

b) **What is Required (Assessments / Reports / Surveys)**

The **Noise Impact Assessment** should be carried out in accordance with best practice and guidance. The assessment should include:

- Relevant existing background noise levels (normally established by measurements carried out at a similar time of day to the potential impacts);
- Details of the surrounding topography and prevailing wind conditions;
- Indicative noise levels for the proposed development, including likely sources of noise (including plant, machinery, vehicle movements);
- Potential impacts on neighbouring properties (particularly noise sensitive properties) and/or natural environment/ ecological receptors, including noise from the proposed development (including cumulative effects) using prediction and measurement techniques as appropriate for any potential noise sensitive development in the locality;
- Proposed measures to mitigate and reduce to a minimum potential adverse impacts resulting from noise – and avoid noise giving rise to significant adverse impacts on health and the quality of life for the duration of the proposed development;
- An assessment of the impact of noise on receptors following implementation of the mitigation measures;
- Measures to monitor and report noise emissions to ensure compliance with the appropriate environmental standards and to enable an effective response to complaints; and

- Based on the conclusions of the noise assessment, suggested noise conditions and controls that could be put in place to ensure a development does not have adverse impacts.

A **Vibration Assessment** of risk or nuisance from any source of vibration to sensitive receptors. The assessment should be carried out by a competent person(s) with suitable qualifications and experience in accordance with best practice (including the relevant British Standards).

c) **Key Policy Drivers / Guidance**

- National Planning Policy Framework (NPPF) - Conserving and enhancing the natural environment;
- National Planning Policy for Waste (NPPW) - Appendix B;
- Noise Policy Statement for England;
- Kent Minerals and Waste Local Plan (KMWLP);
- District / Borough Local Plan Policies on noise and pollution impacts;
- Noise Policy Statement for England;
- Planning Practice Guidance – Noise;
- British Standard BS4142:2014+A1:2019 – Methods for rating and assessing industrial and commercial sound;
- British Standard BS5228-1:2009+A1:2014 “Code of practice for noise and vibration control on construction and open sites. Noise”;
- Advice should be sought from a qualified acoustic specialist;
- British Standard BS 6472-1:2008 – Guide to evaluation of human exposure to vibration in buildings - Vibration sources other than blasting;
- British Standard BS 7385-2:1993 – Evaluation and measurement for vibration in buildings - Guide to damage levels from ground-borne vibration; and
- British Standard BS 5228-2:2009+A1:2014 - Code of practice for noise and vibration control on construction and open sites - Vibration.

7. Transport Statement / Transport Assessment / Vehicle Parking Arrangements / Travel Plan and Public Rights of Way

Transport Statement

a) **When Required / Relevant Proposals**

A **Transport Statement (TS)** is required for smaller scale development that is unlikely to have major impacts on the transport network, however, are still likely to have an impact at a local level on the immediate transport network.

b) **What is Required (Assessments / Reports / Surveys)**

The detail in a **TS** is a simplified version of a transport assessment where the transport issues arising from development proposals are limited and a full transport assessment is not required. The content will vary from site to site and should be proportionate to scale of the development proposed. In general following should be considered:

- Details of the proposed development, site layout (particularly proposed transport access and layout access across all modes of transport);
- Information on the existing or proposed access arrangements, including the width of the access and details of associated visibility splays (shown on a plan). If the access is to be altered or a new one proposed details should be included with the method of construction;
- Where the proposed development would replace an existing land use (in part or fully), details of the current land use and the maximum volumes of traffic resulting from the existing use, including details of associated planning permissions and any previous assessment or existing planning conditions mitigating any highway impacts;
- Details of neighbouring land uses, amenity and character;
- A summary of the routes to be used by the application site vehicles between the site and the primary road network, or alternatively, roads which the applicant may seek to prohibit site vehicles using, should be provided. This should include details of the classification and character of the routes required to access the site;
- Information about existing public transport provision, including provision/frequency of services and proposed public transport changes;
- A description of the travel characteristics of the proposed development including movements across all modes of transport that would result from the development. Where transportation by means other than by road details should be provided;
- The likely average and maximum daily vehicle movements generated by the proposed development; a breakdown of quantity and type of traffic associated with the various activities (i.e. Heavy Goods Vehicles (HGVs), Light Goods Vehicles (LGVs) or cars);
- Details of the average and maximum load capacity of the HGVs / LGVs proposed (in tonnes and/or cubic metres) and how this relates to the maximum annual throughput of the proposal;
- Details of how the vehicle movements would be spread over a typical working day particularly in relation to any peak periods, and any variations during the construction / operational phases of the development;
- A description of the parking facilities in the area and the parking strategy of the development, including on-site parking provisions (shown on a plan);
- Details demonstrating provision for loading/unloading on site and manoeuvring of vehicles entering, exiting and within the site allowing for the maximum vehicle size and number of vehicles waiting to load or unload;
- Ways of encouraging environmental sustainability by reducing the need to travel (including measures to encourage walking and cycling, cycle parking and changing facilities);
- Measures to mitigate the residual impacts of development (such as such as deployment of low emission vehicles and environmentally sustainable vehicle technologies, installation of electric vehicle charging points (where appropriate) and vehicle scheduling to avoid movements in peak hours, improvements to the public transport network, provision of facilities to encourage walking and cycling, and physical improvements to existing roads);
- Details of traffic management during construction, including access arrangements, vehicle manoeuvring on site, loading and unloading, parking,

wheel cleaning (also see Construction Environmental Management Plan section above);

- Measures proposed to minimise/prevent the deposit or spread of mud, debris, or waste materials onto the public highway; and
- Where a public of way is affected by the proposed development, detail should be provided.

c) **Key Policy Drivers / Guidance**

- National Planning Policy Framework (NPPF) - Promoting sustainable transport;
- National Planning Policy for Waste (NPPW) - Appendix B;
- Kent Minerals and Waste Local Plan (KMWLP);
- District / Borough Local Plan Policies on highway safety and capacity, transport management and vehicle parking; and
- Planning Practice Guidance – Travel Plans, Transport Assessments and Statements.

Transport Assessment

a) **When Required / Relevant Proposals**

A **Transport Assessment (TA)** is required for all major development where the traffic or person trips are significant in both volume and area of impact. A Transport Assessment is likely to be required for development:

- Generating a 10% increase in HGV movement (considered on a case-by-case basis);
- Generating 30 or more two-way vehicle movements per hour. 100 plus two-way vehicle movements per day; and
- Any development proposing HGV movements within or adjacent to an AQMA (also see Air Quality section).

Applicants are advised to discuss this matter during pre-application discussions. If the proposals have an impact on the Strategic Road Network, the applicant should discuss the proposals with National Highways and the Local Highway Authority.

b) **What is Required (Assessments / Reports / Surveys)**

The detail in a **TA** will vary from site to site and should be proportionate to scale of the development proposed. A TA is a comprehensive and systematic process that sets out transport issues relating to a proposed development. It identifies measures required to improve accessibility and safety for all modes of travel, particularly for alternatives to the car such as walking, cycling and public transport, and measures that will be needed to deal with the anticipated transport impacts of the development.

When a development is EIA, a Transport Assessment can be included with the Environmental Statement. When this is the case, it will, however, need to consider the environmental impact of the traffic not just the impact on the highway network.

The TA should include all of the information required to be submitted in a TS in addition to the following:

- Details of the proposed development, site layout (particularly proposed transport access and layout access across all modes of transport);
- Transport access across all modes of transport;
- Where the proposed development would replace an existing land use (in part or fully), details of the current land use and the maximum volumes of traffic resulting from the existing use, including details of associated planning permissions and any previous assessment or existing planning conditions mitigating any highway impacts;
- Details about neighbouring uses, amenity and character;
- Existing functional classification of the nearby road network including the routes to site from the primary road network;
- Information about existing public transport provision, including provision/frequency of services and proposed public transport changes;
- A qualitative and quantitative description of the travel characteristics of the proposed development allowing for a worse-case scenario, including movements across all modes of transport that would result from the development. Details of average and maximum daily vehicle movements generated; a breakdown of quantity and type of traffic associated with the various activities (i.e. Heavy Goods Vehicles (HGVs), Light Goods Vehicles (LGVs) or other private motor vehicles (staff / visitors));
- Details of the average and maximum load capacity of the HGVs / LGVs proposed (in tonnes and/or cubic metres) and how this relates to the maximum annual throughput of the proposal;
- Details of how the vehicle movements would be spread over a typical working day particularly in relation to any peak periods, and any variations during the construction / operational phases of the development;
- Details of traffic management during construction, including access arrangements, vehicle manoeuvring on site, loading and unloading, parking, wheel cleaning (also see Construction Environmental Management Plan section above);
- A summary of the routes to be used by the application site vehicles between the site and the primary road network, or alternatively, roads which the applicant may seek to prohibit site vehicles using, should be provided. This should include details of the classification and character of the routes required to access the site;
- An assessment of trips from all directly relevant committed development in the area (i.e. development that there is a reasonable degree of certainty will proceed within the next 3 years);
- Information about current traffic flows on links and at junctions (including by different modes of transport and the volume and type of vehicles) and within the study area and identification of critical links and junctions on the highways network;
- An analysis of the injury accident records on public highway in the vicinity of the site access for the most recent 3-year period or 5-year period if the proposed site has been identified as within a high accident area;

- An assessment of the likely associated environmental impacts of transport related to the development, particularly in relation to proximity to environmentally sensitive or residential areas (such as AQMAs);
- Measures to improve the accessibility of the location (such as provision/enhancement of nearby footpath and cycle path linkages) where these are necessary to make the development acceptable in planning terms;
- A description of the parking facilities in the area and the parking strategy of the development;
- Details demonstrating provision for loading/unloading on site and manoeuvring of vehicles entering, exiting and within the site allowing for the maximum vehicle size and number of vehicles waiting to load or unload;
- Ways of encouraging environmental sustainability by reducing the need to travel;
- Measures to mitigate the residual impacts of development (such as such as deployment of low emission vehicles and environmentally sustainable vehicle technologies, installation of electric vehicle charging points (where appropriate) and vehicle scheduling to avoid movements in peak hours, improvements to the public transport network, provision of facilities to encourage walking and cycling, and physical improvements to existing roads);
- Measures proposed for to minimise/prevent/ the deposit or spread of mud, debris, or waste materials onto the public highway; and
- Existing and proposed access details (including visibility splays).

Assessments should be based on normal traffic flow and usage conditions (e.g., non-school holiday periods, typical weather conditions etc.). It may be necessary to consider the implications for any regular peak traffic and usage periods (such as rush hours).

c) **Key Policy Drivers / Guidance**

- National Planning Policy Framework (NPPF) - Promoting sustainable transport;
- National Planning Policy for Waste (NPPW) - Appendix B;
- Kent Minerals and Waste Local Plan (KMWLP);
- District / Borough Local Plan Policies on highway safety and capacity, transport management and vehicle parking; and
- Planning Practice Guidance – Travel Plans, Transport Assessments and Statements.

Vehicle Parking Arrangements

a) **When Required / Relevant Proposals**

- Details of **parking arrangement** are required for all new, or major extensions to, development, allowing for staff, visitors and commercial / operational parking arrangements on site.

b) What is Required (Assessments / Reports / Surveys)

- Plans showing layout of existing and proposed parking arrangements for HGV's, staff and visitor parking.

c) Key Policy Drivers / Guidance

- National Planning Policy Framework (NPPF);
- Kent Minerals and Waste Local Plan (KMWLP); and
- District / Borough Local Plan Policies relating to local amenity and highway safety.

Travel Plan

a) When Required / Relevant Proposals

- A **Travel Plan** is required for development likely to create significant new employment and/or significant visitors to a development.

b) What is Required (Assessments / Reports / Surveys)

- **Travel Plan** – For development proposals likely to generate significant travel movements, a Travel Plan will be required to demonstrate how travel generated by the development (including during construction/development phase as appropriate), and how use of sustainable transport options, would be encouraged. The Travel Plan must set out a strategy for managing and reducing the dependency on the private car, which shall include objectives and modal-splits targets, a programme of implementation and provision for monitoring, review and improvement.

c) Key Policy Drivers / Guidance

- National Planning Policy Framework (NPPF) - Promoting sustainable transport;
- Kent Minerals and Waste Local Plan (KMWLP); and
- District / Borough Local Plan Policies relating to local amenity and highway safety.

Public Rights of Way Statement (including byways, bridleways and public footpaths)

a) When Required / Relevant Proposals

- Any development proposal that has the potential to directly affect a public right of way either by obstructing it or potentially causing inconvenience or other risk to its users.

b) What is Required (Assessments / Reports / Surveys)

The statement should detail:

- How the development or proposal would affect the public right of way network (including relevant plans and drawings);
- How the development would incorporate / mitigate any rights of way on site;
- Any requirements for diversion or stopping up of any part of the network with details of the timescales and period of closure;
- Provision of acceptable alternative route(s) that is both safe and convenient for users, during operations and following restoration of the site; and
- Opportunities to improve the right of way network, including wherever possible improved access into and within the countryside.

Please note that changes or temporary closure of the public footpath, including any disturbance of the surface of the right of way, or obstruction of its use, either during or following any approved development requires a separate permission from the local Highway Authority. Please contact Kent Public Rights of Way and Access Service to discuss this requirement.

c) Key Policy Drivers / Guidance

- National Planning Policy Framework (NPPF) - Open space and recreation;
- Kent Minerals and Waste Local Plan (KMWLP);
- District / Borough Local Plan Policies; and
- Kent County Council Public Rights of Way.

8. Green Belt Statement

a) When Required / Relevant Proposals

- All new built development, change of use or extended use proposals located in the Green Belt. Essential for proposals that would be considered inappropriate development as defined by the NPPF.

b) What is Required (Assessments / Reports / Surveys)

The **Green Belt Statement** should include:

- A justification for the proposed development and its location in the Green Belt;
- Consideration as to whether the proposals should be considered appropriate or inappropriate development in the Green Belt;
- For inappropriate development, details of alternative sites outside the Green Belt that have been investigated and reasons for rejection as an alternative proposal;
- For inappropriate development, factors that (alone or in combination) amount to very special circumstances which clearly outweighs harm by reason of inappropriateness and any other harm to the Green Belt;
- How the proposed development has been designed and located to reduce the impact on the openness of the Green Belt; and

- For extensions to buildings or replacement buildings in the Green Belt, volume calculations (measured externally) of the existing building, the proposed extension/replacement building and any previous extensions to the building.

c) **Key Policy Drivers / Guidance**

- National Planning Policy Framework (NPPF) - Protecting Green Belt Land;
- Kent Minerals and Waste Local Plan (KMWLP);
- District / Borough Local Plan Policies in west Kent relating to the Metropolitan Green Belt; and
- Planning Practice Guidance - Green Belt.

9. **Landscape, Landscaping & Trees**

National Landscape Statement (formerly Area of Outstanding Natural Beauty (AONB))

a) **When Required / Relevant Proposals**

- All applications for development within or affecting the setting of a National Landscape (AONB).

b) **What is Required (Assessments / Reports / Surveys)**

For **all applications**, the statement should include an assessment of:

- The existing site and how it contributes to the wider landscape's natural beauty and special qualities with reference to relevant landscape character assessments and AONB Management Plans;
- The nature of the impact of the development (i.e. negative, neutral or positive) and resulting site character;
- Measures that would mitigate adverse effects on the National Landscape (AONB), natural beauty and special qualities; and
- The statement should cross-refer to relevant content within submitted Landscape and Visual Impact Assessments, Lighting Impact Assessments and Noise Impact Assessments where these are also required.

For **all new minerals and significant waste development**, the statement should also demonstrate exceptional circumstances by including an assessment of:

- the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
- the cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way; and
- any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.

c) **Key Policy Drivers / Guidance**

- National Planning Policy Framework (NPPF);

- Planning Practice Guidance: Natural Environment;
- Countryside and Rights of Way Act 2000; and
- Kent Downs and/or High Weald AONB Management Plans and associated policies and guidance.

Landscape and Visual Impact Assessment / Townscape Assessment / Landscape Visual Appraisal

a) When Required / Relevant Proposals

- Required for any proposal that due to its size, scale or location may have a significant visual impact on surrounding landscapes or townscapes having regard to public viewpoints and the sensitivity of the landscape, including the Kent Downs National Landscape (AONB), the High Weald National Landscape (AONB) and their setting, landscape designations, Conservation Areas, listed buildings, historic landscapes and/or rural lanes.
- In most cases a full Landscape and Visual Impact Assessment will be required, however in some cases a Landscape Visual Appraisal may be sufficient.
- For simpler developments, the appraisal could be achieved within a planning statement accompanied by photographs from identified public viewpoints, to provide an informal assessment.
- For significant development within a National Landscape (AONB) the presumption is to refuse permission, other than in exceptional circumstances and where it can be demonstrated that the development is in the public interest.

b) What is Required (Assessments / Reports / Surveys)

An Assessment should include:

- An assessment and evaluation of the landscape / townscape character and the potential impact the proposed development may have on landscape / townscape features;
- Details of visual receptors (e.g. PROWs, public open spaces / public vantage points, residential properties, other sensitive locations) should be included together with other important features and views;
- Details of relevant Landscape / Townscape Character Assessment undertaken;
- Photographs, visualisations and photomontages to be provided as appropriate.
- Proposed mitigation measures (e.g. screening, landscaping, design etc), addressing any phased development as appropriate; and
- Landscape/Townscape and Visual Impact Assessments should be carried out by an appropriate professional in accordance with best practice.

Additional for major proposals the assessments should include Site Restoration Plans, a Landscape Strategy and an Aftercare Strategy.

- For major development within a National Landscape (AONB) the application needs to include an Exceptional Circumstances Test is required. This should seek to demonstrate that the development is in the public interest. The submitted information should address:
 - a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
 - b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and
 - c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.

c) Key Policy Drivers / Guidance

- National Planning Policy Framework (NPPF) - Achieving well-designed places & Conserving and enhancing the natural environment;
- National Planning Policy for Waste - Appendix B;
- Kent Minerals and Waste Local Plan (KMWLP);
- District / Borough Local Plan Policies on landscape/countryside character, Areas of Outstanding Natural Beauty (AONB), Special Landscape Areas, Conservation Areas, Listed Buildings, historic landscapes, rural lanes, etc;
- National Planning Practice Guidance – Natural environment;
- Natural England & DEFRA guidance on Landscape;
- Kent Downs Area of Outstanding Natural Beauty (AONB) Management Plan 2021-2026;
- The High Weald AONB Management Plan 2019-2024; and
- Landscape Institute Guidelines for Landscape and Visual Impact Assessment.

Landscaping Scheme / Strategy

a) When Required / Relevant Proposals

- Likely to be required for most mineral and waste proposals. Details should be proportionate to the size, nature and scale of the proposal. Details of any proposed landscape planting should be included on the submitted site plans.
- Where landscape planting/screening is integral to the development proposals (for example, as identified within a LVIA report) then a detailed landscape strategy will also be required.
- In some cases, this requirement could be secured by planning condition, however, for more complex applications and those affecting sensitive locations (such as Green Belt or National Landscapes (AONB), full details may be required to demonstrate that the strategy is adequate to mitigate the landscape and visual impacts of the development proposed.
- Where proposals involve development close to or over the footprint of established trees the application will require a suitable assessment (proportionate to the potential level of impact). Please see Tree Survey (Arboricultural Assessment) section below. This should be prepared in tandem with any Landscaping Scheme or Strategy.

- Where the proposed landscape plan also forms part of any ecological mitigation proposed the scheme needs to support the biodiversity assessments, biodiversity net gain and any requirements under the Habitat Regulations (see sections above).

b) What is Required (Assessments / Reports / Surveys)

A Landscaping Scheme / Strategy should include:

- Details of any existing landscape features, trees and hedgerows on the site;
- Proposed finished ground levels, sections and soil management strategy where significant earthworks are required;
- Details of any trees and hedgerows to be retained and measures for their protection during the period of works/construction;
- Seeding details for temporary bunds;
- Details of areas to be planted with native species of local provenance [with species such as Ash and Elm avoided where possible] and as a minimum, a schedule of plants, noting species, plant or stock size, and proposed spacing, numbers or planting densities, notes on cultivation, protection and timing of planting;
- Details of maintenance and management of the scheme; and
- Details of hard landscaping (e.g. paving, fencing, retaining walls etc) including materials, colours etc.

For larger and more complex applications:

- A landscape scheme should show how the proposal reflects any landscape assessment, and/or is informed by, the existing features and landscape character both within, and in the vicinity of, the site;
- A landscape management plan may be required consisting of a plan, showing management areas for each landscape type or feature, and a report with descriptions of each landscape type of feature, management objectives, prescriptions and annual operations (accounting for any phased development), a matrix indicating timing of annual operations, and responsibilities and timescales for implementation, monitoring and review; and/or
- Landscape and Ecology Management Plan (LEMP) is likely to be required for nature conservation-based restoration schemes. Where relevant it should include landscape/habitat restoration and enhancement and new landscape features to compensate for those lost to development.

c) Key Policy Drivers / Guidance

- National Planning Policy Framework (NPPF) - Achieving well-designed places & Conserving and enhancing the natural environment;
- National Planning Policy for Waste (NPPW) - Appendix B;
- Kent Minerals and Waste Local Plan (KMWLP);
- District / Borough Local Plan Policies on landscape, tree and hedge protection;
- Kent Design Guide;
- [Kent Downs](#) or [High Weald](#) National Landscape Management Plans;

- [Landscape Institute Guidelines for Landscape and Visual Impact Assessment; and](#)
- Landscape and Ecological Management Plan (LEMP).

Tree Survey / Tree Constraints Plan / Arboricultural Assessment / Tree Protection Plan

a) When Required / Relevant Proposals

- Any development proposal which is likely to affect trees or hedgerows within and adjacent to the development site, either directly by loss or damage, or indirectly by developing in close proximity to trees and therefore potentially reducing their lifespan. This section should be read in conjunction with the ecology and biodiversity sections above.

b) What is Required (Assessments / Reports / Surveys)

- Where a proposal involves work that affect any trees or hedgerows within the application site, the position, species, spread and roots of trees should be shown accurately on a plan. The location of any trees within adjacent sites, including highway trees, which may be affected by the application should be shown;
- Any trees which are to be felled or are otherwise affected by the proposed development should be identified;
- Information regarding which trees are to be retained and the means of protecting retained trees during construction works / proposed operations should be provided, including a root protection plan;
- Development involving the loss of trees should include provision for suitable replace / mitigation measures as part of a landscape or restoration plan;
- For large scale proposals, or those on sites with significant tree coverage, it may be appropriate to submit a detailed tree survey and arboricultural report with the application. The report is generally required to assess the impacts on trees affected, their health, their value to local amenity / local landscapes and how tree loss / damage will be mitigated. Any survey prepared in support of an application would benefit from preparation by a suitably qualified and experienced arboriculturist; and
- A biodiversity assessment is likely to be required where significant trees or important hedgerows are to be removed (impacting upon important habitats for protected species such as breeding birds and bats – also see ecology section).

c) Key Policy Drivers / Guidance

- National Planning Policy Framework (NPPF) - Achieving well-designed places & Conserving and enhancing the natural environment;
- Kent Minerals and Waste Local Plan (KMWLP);
- District / Borough Local Plan Policies on tree and hedgerow protection;
- Planning Practice Guidance – Planning applications affecting trees and woodland;

- Planning Practice Guidance – Tree Preservation Orders and trees in conservation areas;
- Planning Practice Guidance – Ancient woodland, ancient trees and veteran trees: advice for making planning decisions;
- British Standard BS 5837:2012 - Trees in relation to design, demolition and construction; and
- Forestry Commission, including information on Fell Licences.

Ancient Woodland/Veteran Trees

- Development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) will be refused, unless there are wholly exceptional reasons, and a suitable compensation strategy exists (see NPPF for further guidance).
- This section should be read in conjunction with the ecology and biodiversity sections above.

a) When Required / Relevant Proposals

- Where Preliminary Ecological Appraisal (PEA) (see ecology section above) identifies that the development would have adverse impacts on an ancient woodland. See National Ancient Woodland Inventory, published and updated by Natural England.
- Ancient trees are trees in the ancient stage of their life. Veteran trees may not be very old but exhibit decay features such as branch death or hollowing. Trees become ancient or veteran because of their age, size or condition. Not all of these three characteristics are needed to make a tree ancient or veteran as the characteristics will vary from species to species. Tree surveys and site assessments may be needed to identify the ancient and veteran trees on a site (also see Tree Survey section). Further guidance on ancient and veteran trees is set out in the [Forestry Commission and Natural England standing advice](#) and the Woodland Trusts Ancient Tree Inventory.
- Note this also applies to ‘ancient’, ‘aged’ or ‘veteran’ trees on site or within 100m of the development.

b) What is Required (Assessments / Reports / Surveys)

- An impact assessment to be provided. To consist of an appraisal of the biodiversity and historic features of the ancient woodland or veteran tree(s) and an assessment of how they are affected by the development. This assessment should include ecological and historic surveys;
- Ecological surveys should follow terrestrial habitats guidance approved by the Chartered Institute of Ecology and Environmental Management (CIEEM);
- The assessment will need to cover direct impacts on the habitat(s), species, and archaeological features, as well as secondary impacts resulting from changes in air, soil and water quality, disturbance, or fragmentation; and

- The assessment should state the controls and mitigation, including a 15m buffer zone between the development and the edge of the ancient woodland and veteran trees that will be applied to avoid adverse effects (see Natural England and Forestry commission standing advice - GOV.UK). Tree surveys should be in accordance with guidance in British Standard BS:5837 2012 'Trees in relation to demolition, design and development'.

c) **Key Policy Drivers / Guidance**

- National Planning Policy Framework (NPPF) - Conserving and enhancing the natural environment;
- Kent Minerals and Waste Local Plan (KMWLP);
- District / Borough Local Plan Policies on tree and hedgerow protection;
- Planning Practice Guidance – Planning applications affecting trees and woodland;
- Planning Practice Guidance – Tree Preservation Orders and trees in conservation areas;
- Planning Practice Guidance – Ancient woodland, ancient trees and veteran trees: advice for making planning decisions;
- British Standard BS 5837:2012 - Trees in relation to design, demolition and construction;
- Forestry Commission;
- Natural England and Forestry Commission Standing Advice on Ancient Woodland and veteran trees including information on Fell Licences;
- Veteran Trees: A Guide to Good Management; and
- [Managing ancient and native woodland in England.](#)

10. Lighting Assessment / Details of Lighting Scheme

a) **When Required / Relevant Proposals**

- All development proposing external lighting within a National Landscape (formerly AONB), or which has potential to impact either neighbouring property / land uses, protected species or the visual amenity of more sensitive locations (including on dark skies);
- Installation of external lighting on buildings may only require submission of outline details with the application. Where more significant new lighting is proposed, such a floodlighting, or lighting of car parks, open land, or yards a Lighting Assessment prepared by a suitably qualified lighting engineer is likely to be required;
- A Lighting Assessment may also form part of an Ecological Assessment where there is potential for adverse impact on Protected Species or habitats within or adjoining designated sites. This is particularly relevant where bats are present (see the Ecology section above).

b) **What is Required (Assessments / Reports / Surveys)**

A lighting assessment / scheme should include:

- Details of the location, height, design, luminance and operation of all external lighting;
- Justification for the proposed lighting design including consideration of less intrusive lighting schemes (if appropriate), and details of any measures taken to reduce the potential for light pollution, spill, or disturbance;
- An assessment of the light spill and its impact on both nearby properties (especially residential) and on the wider setting, considering lighting in the countryside and other dark sky areas;
- Lighting drawing showing lux levels on the ground, angles of tilt and average lux (minimum and uniformity) for proposed lighting;
- Details of proposed hours of operation, including any lighting required outside normal operating hours;
- Measures for unforeseen impacts and monitoring;
- Identification of areas/features on site particularly sensitive for bats and those likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory (e.g. foraging);
- Details demonstrating that areas to be lit will not disturb or prevent bats using their territory or having access to breeding sites and resting places; and
- Details of any other mitigation measures considered necessary to minimise the impact of the lighting on the surrounding environment and existing land uses.

c) **Key Policy Drivers / Guidance**

- National Planning Policy Framework (NPPF) - Ground conditions and pollution;
- National Planning Policy for Waste (NPPW) - Appendix B;
- Kent Minerals and Waste Local Plan (KMWLP);
- District / Borough Local Plan Policies on lighting and pollution impacts;
- Planning Practice Guidance – Light Pollution;
- Bat Conversation Trust - Guidance on bats and lighting; and
- The Institution of Lighting Professionals - Guidance Note GN01/21 The Reduction of Obtrusive Light.

11. Glint and Glare Assessment

a) **When Required / Relevant Proposals**

- A Glint and Glare Assessment will be required for solar photovoltaic array developments.

b) **What is Required (Assessments / Reports / Surveys)**

A Glint and Glare Assessment should include the following:

- Identify receptors in the area surrounding the solar development;
- Consider direct solar reflections from the solar development towards the identified receptors by undertaking geometric calculations;

- Consider the visibility of the panels from the receptor's location. If the panels are not visible from the receptor, then no reflection can occur;
- Based on the results of the geometric calculations, determine whether a reflection can occur, and if so, at what time it will occur;
- Consider both the solar reflection from the solar development and the location of the direct sunlight with respect to the receptor's position; and
- Consider the solar reflection with respect to the published studies and guidance.

The aim of the Glint and Glare Assessment is to ensure that the solar development area is defined alongside the relevant receptor locations. The result would be a chart that states whether a reflection can occur, the duration and the panels that can produce the solar reflection towards the receptor which will be used to determine whether a significant detrimental impact is expected.

c) Key Policy Drivers / Guidance

- National Planning Policy Framework (NPPF) - Meeting the challenge of climate change, flooding and coastal change and Conserving and enhancing the natural environment, sustainable development;
- Planning Practice Guidance - Renewable and low carbon energy;
- National Policy Statements for Energy Infrastructure;
- Kent Minerals and Waste Local Plan (KMWLP);
- District / Borough Local Plan Policies on environmental and landscape matters, achieving a high-quality environment) and mitigation of development impacts.

12. Sustainable Design and Construction Assessment / Renewable Energy Assessment (including consideration of the potential impact of climate change)

a) When Required / Relevant Proposals

- Required for all applications for major development, especially any new or extended building or engineering works.

b) What is Required (Assessments / Reports / Surveys)

- The assessment should seek to demonstrate how the proposed development has sought to address key sustainability issues, including in relation to environmental, social, and economic implications as set out in the NPPF;
- Details of how sustainable design and construction have been addressed and any proposed renewable energy technologies (including methods of construction, design and layout of buildings and spaces, their overall environmental performance and the type and source of building materials, measures to reduce energy consumption and carbon emissions, minimise waste, increase recycling, conserve water resources (e.g. water efficient design), incorporate green infrastructure and sustainable drainage (SuDS) (where appropriate), minimising pollution (e.g. through sustainable transport of

minerals and waste, EV charging points), maximising the use of sustainable materials and adaptation to climate change;

- Maximise opportunities to contribute to green and blue infrastructure to help achieve biodiversity net gain;
- Minimise the loss of Best and Most Versatile Agricultural Land;
- Where possible, utilise existing buildings and achieve an efficient re-use or land; and
- Applications seeking permission for a major new waste development should also consider the need for a Circular Economy Statements (also see Circular Economy Section).

Depending on the nature and scale of the application, this information could reasonably be included as a separate statement or form a section within the Planning Statement.

c) **Key Policy Drivers / Guidance**

- Climate Change Act 2008;
- National Planning Policy Framework (NPPF) - Meeting the challenge of climate change, flooding, and coastal change;
- Kent Minerals and Waste Local Plan (KMWLP);
- District / Borough Local Plan Policies on sustainable design, renewable energy and Circular Economy;
- Planning Practice Guidance – Climate change; and
- Kent Design Guide.

13. **Circular Economy Statement**

a) **When Required / Relevant Proposals**

- Development with a total floor space of greater than 1000 square metres and/or where the site is 1 hectare or more.

b) **What is Required (Assessments / Reports / Surveys)**

- The Circular Economy is a move away from the current linear economic model, where materials are mined, manufactured, used, and thrown away, to one where materials are retained in use at their highest value for as long as possible and are then reused or recycled, leaving a minimum of residual waste;
- All new development must be designed in accordance with circular economy principles:
 - Minimise the production of construction, demolition and excavation waste and manage any such waste arising during the development in accordance with the objectives of Waste Hierarchy;
 - Retain and repurpose existing structures where possible;
 - Allow for ease of redevelopment and refurbishment; and
 - Maximise sustainable construction methods which include the use of recycled and recyclable materials and techniques which minimise waste

and allow for ease of deconstruction and reuse of building components;
and

- A Circular Economy Statement should address the above points and include a waste management audit setting out how waste is to be managed during construction (including any demolition and refurbishment) and during the occupation and use of the development.

c) **Key Policy Drivers / Guidance**

- The Waste (Circular Economy) (Amendment) Regulations (2020);
- National Waste Strategy – Our Waste, our resources, a strategy for England (2018);
- The Waste Management Plan for England (2021);
- National Planning Policy Framework (NPPF);
- National Planning Policy for Waste (NPPW);
- Kent Environment Strategy (2016) and Kent and Medway Energy and Low Emissions Strategy (2020);
- Kent Minerals and Waste Local Plan (KMWLP);
- District / Borough Local Plan Policies;
- Resources and waste strategy for England; and
- London Plan Guidance, Circular Economy Statement 2022.

14. **Economic Statement**

a) **When Required / Relevant Proposals**

- Required for all applications which propose regeneration, creation of significant new employment uses or result in the loss of existing employment uses or change the use of a site or building which is allocated for employment in the Local Development Plan.
- Unlikely to be needed for minor proposals, however, will almost certainly be required as part of any alternative sites assessment (where a development is contrary to development plan policies).

b) **What is Required (Assessments / Reports / Surveys)**

- Explanation of any economic growth/regeneration benefits from the proposed development, including new jobs created/ supported, relative floorspace totals, any community benefits, and any supporting regeneration strategies (providing evidence where relevant).
- This information could reasonably form a section within a Planning Statement.

c) **Key Policy Drivers / Guidance**

- National Planning Policy Framework (NPPF) - Building a strong, competitive economy & Facilitating the sustainable use of minerals;
- Kent Minerals and Waste Local Plan (KMWLP);
- District / Borough Local Plan Policies on local economy, employment and skills, agriculture, tourism.

15. Heritage and Archaeology

Heritage Statement

a) **When Required / Relevant Proposals**

- All planning applications where the development may affect heritage assets, either directly or indirectly. Heritage assets include Listed Buildings, Conservation Areas, Scheduled Ancient Monuments, Registered Parks and Gardens, sites of archaeological interest, assets of local heritage interest, or sites on KCC's Historic Environment Record or known or likely to contain archaeological remains.
- Note that any works proposed to Listed Buildings also requires Listed Building consent from the local District/ Borough Planning Authority. Works involving the demolition of buildings within a Conservation Area might also require Conservation Area consent from the District/ Borough Planning Authority.
- Early liaison with the County Archaeologist / Conservation Officer is advised to establish the archaeological / heritage implications, together with assistance from an appropriately qualified historic environment specialist.

b) **What is Required (Assessments / Reports / Surveys)**

- A **Heritage Statement** is generally required to describe the significance of the heritage assets affected. The statement should be proportionate to the scale of development, proximity to heritage assets and likely impact. It will need to identify and describe any heritage assets within or in close proximity to the application site; consider any potential impact the development may have either directly on the heritage asset, or on its wider setting, and demonstrate how the potential impacts have been avoided or minimised in the final scheme design.
- A heritage statement would normally consist of three parts; an assessment of the significance of the heritage asset, an assessment of the impact on the heritage asset and a justification and mitigation statement for the impact of the proposal on the heritage asset.
- Ideally an assessment should be accompanied by photographic records showing the site context and features that may be affected by the proposal, preferably cross-referenced to survey drawings.
- Where some level of harm to heritage assets cannot be avoided, the developer should provide justification for the impact and make recommendations for mitigation or, if sufficient justification is provided, compensation for its loss.
- The assessment may be desk-based initially, however could lead to further investigative work being required (e.g. geophysical survey; trial trenching) in order for impact to be fully assessed prior to determination of the application, or where appropriate potentially required by pre-commencement conditions.

c) **Key Policy Drivers / Guidance**

- National Planning Policy Framework (NPPF) - Conserving and enhancing the historic environment;
- Planning (Listed Buildings and Conservation Areas) Act 1990;
- Kent Minerals and Waste Local Plan (KMWLP);
- District / Borough Local Plan Policies on heritage assets (Conservation Areas, Listed Buildings, Ancient Monuments, Historic Parks and Gardens, historic landscapes, archaeological sites, etc.);
- Planning Practice Guidance – Historic Environment;
- Historic England: ‘Historic Environment Good Practice Advice in Planning’;
- Historic England: Mineral Extraction and Archaeology; and
- The Kent Historic Environment Record (see the County Council’s website for public access).

Archaeological Assessment

a) **When Required / Relevant Proposals**

- Required when a Heritage Statement or pre-application discussion indicates that a Heritage Asset with an Archaeological Interest is likely to be present on site and/or affected by a development proposal. An asset of Archaeological Interest is considered to be a Scheduled Monument, a County Site of Archaeological Importance, an Area of High Archaeological Potential, or development application area exceeding 0.4 hectares in size, where it is reasonably considered that previously undocumented archaeological remains might survive.

b) **What is Required (Assessments / Reports / Surveys)**

- An Archaeological Assessment should examine the nature and significance of the archaeological resources of the site, in comparison with the nature of the development proposal, and detail the likely implications for the future survival and management of the resource that arise. All archaeological sites are unique and therefore the County Council will address archaeological issues on a case-by-case basis. It is expected that applicants will supply sufficient information to allow appropriate archaeological consideration of the implications of proposed development in advance of the determination of any application.

c) **Key Policy Drivers / Guidance**

- National Planning Policy Framework - Conserving and enhancing the historic environment;
- [Planning \(Listed Buildings and Conservation Areas\) Act 1990.](#);
- Kent Minerals and Waste Local Plan (KMWLP);
- District / Borough Local Plan Policies on heritage assets (Conservation Areas, Listed Buildings, Ancient Monuments, Historic Parks and Gardens, historic landscapes, archaeological sites, etc.);

- [Planning Practice Guidance](#) – Historic Environment; and
- [The Kent Historic Environment Record \(see the County Council’s website for public access\)](#).

16. Geotechnical, Land and Soils

Contaminated Land Investigation

a) When Required / Relevant Proposals

- Any proposal involving, or adjacent to, potentially contaminated land;
- When contamination of soil, groundwater, or from hazardous soil or gas is known or suspected, on or in the vicinity of the site, based on present or previous uses of the site or its surroundings;
- Where the land has been designated ‘contaminated’ by the Borough/ District Council;
- Sites overlying a Groundwater Source Protection Zone for drinking water;
- When there is a potential risk from naturally occurring hazards in the ground such as arsenic, radon and methane or carbon dioxide; and
- Where disturbance of the land could result in likely effects of pollution on health, living conditions or the natural environment, including by polluting surface water or groundwater, or the migration of ground gas.

b) What is Required (Assessments / Reports / Surveys)

- If there is a reason to believe contamination could be an issue, applicants should provide a proportionate site investigation (a risk assessment) prepared by a competent person to determine the existence or otherwise of contamination, its nature and extent, the risks it may pose and to whom/what (the ‘receptors’), so that these risks can be assessed and satisfactorily reduced to an acceptable level;
- The risk assessment should identify the potential sources, pathways, and receptors (‘pollutant/ contaminant linkages’) and evaluate the risks. This information will enable the planning authority to determine whether more detailed investigation is required, or whether any proposed remediation is satisfactory;
- At this stage, an applicant may be required to provide at a desk study and site walk-over survey. This may be sufficient to develop a conceptual model of the source of contamination, the pathways by which it might reach vulnerable receptors and options to show how the identified pollutant/ contaminant linkages can be broken;
- Unless this initial assessment clearly demonstrates that the risk from contamination can be satisfactorily reduced to an acceptable level, further site investigations, risk assessments and a plan demonstrating suitable mitigation measures may be needed before the application can be determined; and
- Depending on the contamination identified further surveys and analysis may be required by condition if permission is granted, alongside a verification report on completion of the development demonstrating that the mitigation work has been implemented as agreed.

c) **Key Policy Drivers / Guidance**

- National Planning Policy Framework (NPPF) - Conserving and enhancing the natural environment;
- Environment Protection Act (1990): Part 2A Contaminated Land Statutory Guidance;
- Water Environment Regulations (2017);
- Kent Minerals and Waste Local Plan (KMWLP);
- District / Borough Local Plan Policies on ground contamination;
- Planning Practice Guidance: Land affected by contamination;
- Environment Agency - Land Contamination: Technical Guidance;
- Environment Agency: Groundwater Protection Guides;
- British Standard BS10175:2011+A2:2017 Code of Practice for the Investigation of potentially contaminated sites; and
- British Standard BS 5930:2015 + A1:2020 Code of practice for ground investigations.

Land Stability / Geotechnical / Coal Mining Risk / Structural Matters

a) **When Required / Relevant Proposals**

- A land / slope stability (geotechnical) assessment will be required when:
 - The proposed development could affect the stability of land or adjoining land;
 - The proposal involves substantial engineering works, major soil and spoil movements (including the creation of bunds); and
 - There are good reasons to believe that the ground is unstable;
- On sites where land stability, subsidence, landslides, ground compression and/or heave is known or suspected, the applicant should seek appropriate expert technical and environmental advice to assess the likely consequences of proposed development;
- Applications within a Coalfield Development High Risk Area are likely to require a Coal Mining Risk Assessment (CMRA) or be required to follow Coal Authority Standing Advice. Details of the risk areas (in Dover, Canterbury, Thanet and Folkstone and Hythe), general guidance and a list of exempt development types are made available by the Coal Authority; and
- A structural survey is required for development involving demolition or alteration of buildings, directly affecting the structural integrity of adjacent buildings.

b) **What is Required (Assessments / Reports / Surveys)**

Land / slope stability risk assessment (Geotechnical report) – should be carried out by a professional qualified engineer and involve site investigations and a geotechnical appraisal. The assessment should include information demonstrating:

- The physical characteristics of site;
- Consideration of the factors influencing stability including ground conditions and the existing water environment;
- Whether or not the site is stable and has an adequate level of protection;

- Whether the land is capable of supporting the loads to be imposed;
- Whether the development would be threatened by unstable slopes on or adjacent to the site;
- Whether the development would result slope instability which may threaten neighbouring land, including adverse effects on public safety, local amenities and conservation interests;
- Whether the site could be affected by ground movements due to natural cavities or past, present or future mining activities; and
- Any remedial, precautionary or mitigation measures necessary to reduce or overcome the risk of instability, including potential long term drainage measures.

Coal Mining Risk Assessment (CMRA) - The aim of a CMRA is to identify any coal mining legacy risks and set out a proposed mitigation strategy to demonstrate that the site can be made safe and stable for the proposed development. In some cases, it may be possible to ensure that the development layout avoids recorded high risk features.

A Coal Authority Permit may be required for intrusive activities that would disturb or enter any coal seams, coal mine workings or coal mine entries, including shafts and adits.

A **Structural Survey** should be prepared by a professionally qualified surveyor, covering the condition of the building and whether it is capable of accommodating the proposed works / can be demolished without impacting surrounding development.

c) **Key Policy Drivers / Guidance**

- National Planning Policy Framework (NPPF) - Conserving and enhancing the natural environment;
- National Planning Policy for Waste (NPPW) - Appendix B;
- Kent Minerals and Waste Local Plan (KMWLP);
- District / Borough Local Plan Policies;
- Planning Practice Guidance: Land Stability;
- Planning Practice Guidance: Minerals - Guidance on the planning for mineral extraction in plan making and the application process;
- Planning applications and Coal Mining Risk Assessments; and
- Coal Authority - Coal Authority planning and local authority liaison team - Email: planningconsultation@coal.gov.uk.

Agricultural Land Classification / Soil Assessment

a) **When Required / Relevant Proposals**

- Large-scale (significant) non-agricultural development impacting any farmland, including best and most versatile agricultural land (Grades 1, 2 & 3a).
- Depending on the nature and scale of the application, this information could reasonably be included as a separate statement or form a section within the Planning Statement.

b) What is Required (Assessments / Reports / Surveys)

The assessment should include details on:

- The agricultural classification and quality of existing agricultural land;
- Consideration of the availability of agricultural land used for food production;
- Details of the degree to which soils would be disturbed/harmed as part of the proposed development and whether 'best and most versatile' agricultural land (Grades 1, 2 & 3a) is involved;
- The agricultural land classification and soil survey should be at a detailed level supported by borehole data;
- The quality of any agricultural land lost and justification for its loss, including consideration as to whether areas of poorer quality land could be used in place of higher quality land;
- Measures that would be taken to safeguard the soil qualities during implementation, storage, operation and restoration;
- How the agricultural land classification would be protected or on completion of proposed operation, would be returned to the same agricultural land grade classification; and
- The quality of imported soils / other waste materials and how they would improve the land for agricultural purposes.

c) Key Policy Drivers / Guidance

- National Planning Policy Framework (NPPF) - Conserving and enhancing the natural environment;
- Kent Minerals and Waste Local Plan (KMWLP);
- District / Borough Local Plan Policies;
- Natural England Guidance - Guide to assessing development proposals on agricultural land (2021); and
- DEFRA Guidance: Code of practice for the sustainable use of soils on construction sites.

Borehole / Trial Pit Analysis

a) When Required / Relevant Proposals

- For all new applications involving mineral extraction.

b) What is Required (Assessments / Reports / Surveys)

- Results of soil surveys and investigations (including depth of soils and any overburden);
- Details demonstrating mineral content (volumes, depth, quality); and
- Position of winter water table (details of which should be included on sectional drawings).

c) **Key Policy Drivers / Guidance**

- National Planning Policy Framework (NPPF) - Facilitating the sustainable use of minerals.

17. Working, Restoration and Aftercare

Proposed Scheme of Working / Phasing Plans / Landfill Statement

a) **When Required / Relevant Proposals**

- Required for all new mineral extraction, landfill and/or land raising applications or extensions / changes to the method of working at existing quarries / landfills.

b) **What is Required (Assessments / Reports / Surveys)**

For all development:

- Limits of extraction and/or landfilling;
- Identification of trees to be retained or removed;
- Positions for storage for topsoil, subsoil, overburden;
- Proposals for site screening e.g. soil bunds, advance planting;
- Type and location of plant/buildings and ancillary structures/plant e.g. weighbridge, wheel cleaning, sheeting bays;
- Direction of working, phasing of extraction and restoration;
- Location of internal haul routes;
- Location of site drainage and discharge arrangements;
- The proposed diverted position of overhead or underground infrastructure affected by the development; and
- Identification and management of soil types where the site includes land of the 'best and most versatile' agricultural category, including the arrangements for removing and replacing soils stripped from the site and the phasing of soil movement.

In addition, for landfill and land raising development

- Details and location of gas control infrastructure where relevant;
- Details and location of leachate control where relevant;
- The capacity of the proposed site;
- The amount of material required and rates of fill;
- The nature/type and source of material;
- Method of Infill / Phasing plans / Proposed Scheme of Working;
- Expected levels of settlement (including justification);
- Proposed methods of compaction (pre and post settlement levels);
- Evidence that the amount of fill proposed is the minimum requisite required; and
- Suitable mitigation measures.

In addition, for inert landfill, the statement will also need to demonstrate that:

- The inert waste is being deposited for a beneficial use, such as the restoration of a landfill site and mineral working and is not as part of a disposal operation;
- If the waste is to be used in an engineering operation, other than the restoration of landfill sites and mineral workings, where it is demonstrated that there is no local Kent demand for its use in such restoration operations; and
- The development involves the minimum quantity of waste necessary to achieve the benefit sought.

In addition, for non-inert and hazardous waste landfill, the statement will also need to demonstrate that:

- The waste stream(s) to be landfilled cannot be managed in accordance with the objectives of the Waste Hierarchy (see Waste Hierarchy Statement section);
- No alternative suitable capacity for its management exists;
- Environmental or other benefits would result from the development;
- The site and any associated land would be restored to a high standard and an appropriate after-use that accords with the local landscape character; and
- At least 85% of any landfill gas produced should be captured and utilised using best practice techniques.

c) Key Policy Drivers / Guidance

- National Planning Policy Framework (NPPF) - Facilitating the sustainable use of minerals;
- National Planning Policy for Waste (NPPW);
- Kent Minerals and Waste Local Plan (KMWLP);
- The Landfill (England and Wales) Regulations 2002; and
- Planning Practice Guidance: Waste.

Restoration and Aftercare Plan

a) When Required / Relevant Proposals

- All proposals for mineral extraction and/or temporary waste disposal sites / landfills except for applications seeking to vary / remove a condition which has no impact on the final restoration / aftercare of the site.

b) What is Required (Assessments / Reports / Surveys)

A statement setting out the restoration, aftercare and management of a site to a standard that reflects best practice and provides for restoration and aftercare at the earliest opportunity. Supporting evidence shall be provided to satisfy the requirements set out in policy DM19 of the Kent Minerals and Waste Local Plan. Where appropriate this should include details of:

Restoration

- Demonstration how the site would be satisfactorily restored using a site-based landscape strategy having regard to key landscape and biodiversity opportunities and constraints ensuring connectivity with surrounding landscape;
- A baseline establishing existing conditions prior to the development of the site, including geological, archaeological and historic heritage and landscape features, supported by a topographic survey;
- Directions and phasing of working and restoration (including progressive) and how they are integrated into the working scheme;
- Details of the proposed final landform including pre and post settlement levels, the relationship to the surrounding land, the type and depth of workings and information relating to the water table;
- A timetable for the removal of any buildings, plant, equipment, roads and hardstanding not required for long term management of the site;
- Details of the drainage of the restored area, including grading, surface water catchment, proposed field drains, ditches, culverts, sumps and watercourses, direction of flow and site and site drainage plan and erosion control measures;
- A detailed landscape planting and restoration plan (referencing any which deliver Biodiversity Net Gain), along with details of the seeding of grass, trees, shrubs and hedges and proposed cultivation techniques, cropping and grazing information; proposals for meeting and where relevant exceeding, biodiversity net gain targets, including those outlined in the Kent Nature Partnership Biodiversity Strategy 2020-45, Biodiversity Opportunity Areas, Areas of Outstanding Natural Beauty Management Plans and the Local Nature Recovery Strategy;
 - Information on soil resources;
 - A methodology for management of soils to ensure that the pre-development soil quality is maintained;
 - An assessment of soil resources, including details of the types, quantities and sources, their removal, handling and storage and an assessment of the overburden to be removed and stored;
 - Where soil bunds are proposed details of location, height, quantities stored and seeding details; and
 - Details of any soil making materials to be used;
- The total volume and type of fill material (if required) to restore the site alongside filling rates;
- The arrangements for monitoring and the control and management of landfill gas and leachate, including Interim and final plans where infrastructure would need to be removed later; and
- A programme for the long-term management and aftercare of the restored sites to include details of vegetation establishment, vegetation management, biodiversity habitat management, field drainage, irrigation and watering facilities;

Aftercare

Aftercare schemes should incorporate an aftercare period of at least five years. Where appropriate, voluntary longer periods for certain uses will be sought.

- Details of the aftercare for the end use proposed (e.g., agriculture, forestry, nature conservation, amenity);
- How the methods proposed in the restoration and aftercare would enable the land to be retain its longer-term use;
- The steps to be taken, who would undertake them and the period during which they are to be taken;
- Any long-term management proposals;
- Any hard or soft landscaping and associated maintenance regime;
- Any drainage details and associated maintenance regime (if required);
- Details of an annual programme to be provided no later than two months prior to any annual aftercare meeting;
- Details of annual aftercare meetings during the aftercare period (where appropriate);
- Proposed cultivation techniques, cropping and grazing where applicable with reference to the pre-working agricultural land classification;
- Monitoring regime to ensure aftercare requirements are achieved.

Any restoration and/ or aftercare requirements should take account of any biodiversity net-gain requirements required in connection with the development.

c) Key Policy Drivers / Guidance

- National Planning Policy Framework (NPPF) - Achieving well-designed places & Conserving and enhancing the natural environment;
- National Planning Policy for Waste (NPPW) - Appendix B;
- Kent Minerals and Waste Local Plan (KMWLP);
- District / Borough Local Plan Policies on landscape/countryside character, National Landscapes (formerly AONB), other protected landscapes, local amenity.

18. Waste Hierarchy Statement

a) When Required / Relevant Proposals

- All waste proposals that seek permission to manage waste by means of operations at the lower end of the Waste Hierarchy, (i.e., via 'other recovery' methods (including waste to energy) or disposal or landfill).

b) What is Required (Assessments / Reports / Surveys)

- Waste Hierarchy Statements must set out the arrangements that would be put in place to ensure that only unavoidable residual waste is managed by 'other recovery' methods or 'disposal'.

The Waste Hierarchy Statement must include:

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

c) Key Policy Drivers / Guidance

- National Waste Strategy – Our Waste, our resources, a strategy for England (2018);
- The Waste Management Plan for England (2021);
- National Planning Policy Framework (NPPF);
- National Planning Policy for Waste (NPPW);
- Kent Minerals and Waste Local Plan (KMWLP); and
- Government Guidance - Guidance on applying the waste hierarchy.

19. Planning Obligation(s) / Legal Agreement - Draft Heads of Terms

a) When Required / Relevant Proposals

- Where considered essential by the County Council the draft heads of terms for a Section 106 agreement or unilateral undertaking should be provided with the submission of a planning application. Draft heads of terms will only be required for validation purposes where this has been agreed during discussions at the pre-application stage. See Biodiversity Net Gain section above for requirements relating to any agreement necessary to secure significant on-site or off-site net gain requirements.
- Notwithstanding, it is good practice to submit information about a proposed planning obligation alongside an application where a legal agreement is likely to be required as this information will be needed before an application is

determined and an agreement confirmed before any decision to permit is issued.

b) What is Required (Assessments / Reports / Surveys)

- Planning obligations are legal agreements entered into to mitigate the impacts of a development. A planning obligation may be sought where a requirement is identified that cannot be met or secured by the imposition of a planning condition;
- Planning obligations must only be sought where they meet all three tests set out in the NPPF -
 - a) necessary to make the development acceptable in planning terms;
 - b) directly related to the development; and
 - c) fairly and reasonably related in scale and kind to the development;
- A planning obligation can be entered into under section 106 of the Town and Country Planning Act 1990 by a person with an interest in the land, the County Council and any other relevant party; or via a unilateral undertaking entered into by a person with an interest in the land without the County Council. Planning obligations run with the land, are legally binding and enforceable;
- Any documents should include Draft Heads of Terms of Agreement, contact details of legal representative, evidence of title and confirmation that the title owner(s) will be in a position to enter into such an agreement;
- Matters to be covered by planning obligations could include those listed below where appropriate to the development proposed:
 - Revocation and consolidation of planning permissions;
 - Highways and access improvements;
 - Traffic management measures including the regulation of lorry traffic;
 - Provision and management of off-site or advance tree planting and screening;
 - Extraction in advance of future development;
 - Environmental enhancement and the delivery of targets in the Kent Nature Partnership Biodiversity Strategy;
 - Protection and enhancement of internationally, nationally, and locally important sites;
 - Biodiversity net gain (see ecology section);
 - Landscape enhancement;
 - Protection of notable and protected species;
 - Long term management and monitoring of mitigation or compensation sites and their protection from further development;
 - Provision and long-term maintenance of an alternative water supply should existing supplies be affected;
 - Archaeological investigation, analysis, reporting, publication, and archive deposition;
 - Establishment of a liaison committee;
 - Long-term site management provision to establish and/or maintain beneficial after-use;
 - Improvement to the public rights of way network in accordance with Actions identified within the KCC Rights of Way Improvement Plan;

- o Financial guarantees to ensure restoration and long-term maintenance is undertaken;
- o Measures for environmental, recreational, economic and community gain in mitigation or compensation for the effects of minerals and waste development;
- o Codes of construction practice for large waste developments that incorporate the requirement for the majority of the construction workforce to be recruited locally; or
- o 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.

c) Key Policy Drivers / Guidance

- National Planning Policy Framework (NPPF) - Planning conditions and obligations;
- Kent Minerals and Waste Local Plan (KMWLP) - Policy DM17 on Planning obligations;
- Planning Practice Guidance - Planning obligations; and
- Planning Practice Guidance - Making an application.

20. Utilities Statement

a) When Required / Relevant Proposals

- All major development involving new built development or significant ground works that could impact on or require connection to utilities to enable development of the site. There are special requirements for safe working in close proximity to a high-pressure pipeline and proposed works require approval from a pipeline operator prior to commencing.
- This information could reasonably be included as a separate statement or form a section within the Planning Statement.

b) What is Required (Assessments / Reports / Surveys)

- A site survey of infrastructure on site, such as overhead electricity lines, underground cables and pipes, drainage infrastructure, hazardous substances, gas pipelines / supplies, or substations that could be affected either by the proposed development or by its construction activity, should be included;
- Where an application is within 15m of an overhead line or 10m of a substation or an underground cable, or the access to a substation or pylon, The relevant utility provider should be consulted prior to an application being made. The National Grid website has information on its overheard lines and substations. The Health and Safety Executive has information for proposals that are near hazardous installations;

- Details of how the development would connect to existing utilities (electricity, gas, telecommunications, water supply, foul and surface water drainage), including whether existing infrastructure has sufficient capacity;
- Service routes designed to avoid (as far as practicable) the potential for damage to trees and archaeological remains;
- Where the development impacts on existing infrastructure the provisions for relocating or protecting that infrastructure, including confirmation that this has been agreed with the service provider; and
- For all developments where excavation or below ground works are proposed an applicant must carry out a search to determine whether a high pressure pipeline is present in the vicinity of the application site. Most pipeline operators are signed up to Linesearch and it is recommended a search should be carried out using the Linesearch tool to establish the presence of pipeline infrastructure. The results of any pipeline search undertaken are to be submitted with a planning application.

c) Key Policy Drivers / Guidance

- National Planning Policy Framework (NPPF) - Achieving sustainable development, Decision-making & Meeting the challenge of climate change, flooding and coastal change;
- Kent Minerals and Waste Local Plan (KMWLP);
- District / Borough Local Plan Policies on public utilities;
- Local utility companies (including water companies, gas providers, National Grid, local electricity companies, telecom providers); and
- LinesearchbeforeUdig (LSBUD).

21. Sunlight / Daylight Assessment

a) When Required / Relevant Proposals

- Any application where there is potential for adverse impacts on current levels of daylight/sunlight enjoyed by adjoining properties or buildings including associated gardens or amenity space.

b) What is Required (Assessments / Reports / Surveys)

The assessment should include:

- Details of existing and expected levels of daylight, sunlight and overshadowing on neighbouring properties (including allowing for the change in angle of sunlight across the seasons); and
- Details of the measures to be taken to mitigate against the expected impact of the proposed development.

c) Key Policy Drivers / Guidance

- National Planning Policy Framework (NPPF) - Achieving well-designed places;
- Kent Minerals and Waste Local Plan (KMWLP); and

- District / Borough Local Plan Policies relating to design and local amenity.

22. Airport Safeguarding

a) When Required / Relevant Proposals

Required for all applications within the consultation area of civil and military aerodromes and airstrips involving:

- Facilities involving management of putrescible waste by landfilling, composting, recycling or treatment in the open;
- Any development over 90m in height;
- Gas flaring or venting;
- Any building or structure, which because of its size, shape, location or construction materials, has the potential to act as a reflector or diffractor of the radio signals on which navigational aids and telecommunications systems depend (including wind turbines / solar PV panels);
- Lighting which has the potential to distract or confuse pilots; and
- Development which has the potential to increase the number of birds or bird risk hazard including large amenity landscaping, water features, enhancement of existing wet areas or water courses.

See UK Civil Aviation Authority website (What is safeguarding?) for more details.

b) What is Required (Assessments / Reports / Surveys)

The **Statement** should include:

- An accurate site plan of the proposed development with the site clearly outlined and six figure (Ordnance Survey) 'eastings' and 'northings' grid reference;
- The ground level of the site to an accuracy of 0.25m Above Ordnance Datum (AOD);
- The layout, dimensions, materials and particularly heights of the proposed development;
- Any associated construction or development lighting details;
- Mitigation measures proposed to minimise any potential impacts or risks to air traffic or radar; and
- Any other information that may be deemed necessary to assess the application (e.g., the installation of solar panels).

c) Key Policy Drivers / Guidance

- Required by The Town and Country Planning (safeguarded aerodromes, technical sites and military explosives storage areas) Direction 2002;
- Guidance - The Town and Country Planning (safeguarded aerodromes, technical sites and military explosives storage areas) Direction;
- Aviation Policy Framework; and
- Guidance - Safeguarding aerodromes, technical sites and military explosives storage areas.