Kent Minerals & Waste Local Plan 2013-30 – 5 Year Review of 2016 adopted Plan

Date: September 2021

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Executive Summary

The Kent Minerals and Waste Local Plan (KMWLP) was adopted in July 2016 with changes made as a result of the 'Early Partial Review', adopted in 2020.

The National Planning Policy Framework (2021) (NPPF) requires that Local Plans should be reviewed to assess whether they require updating at least once every five years. Having been adopted five years ago, the Kent Minerals and Waste Local Plan has been reviewed to assess whether updates to the Plan's policies are required.

The review needs to consider whether the Vision, Strategic Objectives and policies of the Plan are still consistent with national policy and whether the policies have been effective in achieving the intended outcomes relating to the use of land for minerals and waste development in Kent.

To inform the process a review of national policy changes has been undertaken. This revealed that, amongst other things there have been updates to the National Planning Policy Framework which require updates to polices in the Kent Minerals and Waste Local Plan to ensure they remain consistent with national planning policy. Monitoring of the way in which planning applications have been determined has also been undertaken to assist the review of the policies. Other observations regarding the wording of the policies and supporting text have also been made and some of these indicate that policies, and supporting text should be updated to ensure the ongoing effectiveness of the Kent Minerals and Waste Local Plan.

The review of the Vision and Strategic Objectives indicates that the majority of the text remains fit for purpose, however some changes are needed in light of:

- Changes to the National Planning Policy Framework;
- government policy on the achievement of a circular economy;
- government policy and legislation concerned with climate change and protection and enhancement of the natural environment.

A system of Red/Amber/Green (RAG) scoring has been applied to the review of policies which helps summarise whether a policy (and/or supporting text) needs updating. Red indicates that the presence of an issue likely to mean that the policy should be updated. Amber indicates that the presence of an issue which, while an update would be useful, does not jeopardise the effective implementation of the Kent Minerals and Waste Local Plan. This may include where an update to the supporting text rather than a policy is needed. Green indicates that no issues were identified and so updates are not required. A summary of the outcome of the review is provided in the table below:

Summary of the Outcome of the Review

Policy Number & Title	Monitoring	National & Local Policy	Other Observations	Update Required
Policy CSM 1: Sustainable development	Green	Red	Green	Yes
Policy CSM 2[1]: Supply of Land-won Minerals in Kent	Green	Green	Red	Yes
Policy CSM 3: Strategic Site for Minerals	Green	Green	None	No
Policy CSM 4: Non-identified Land-won Mineral Sites	Green	Green	None	No
Policy CSM 5: Land-won Mineral Safeguarding	Green	Green	None	No
Policy CSM 6: Safeguarded Wharves and Rail Depots	Green	Green	Green	No
Policy CSM 7: Safeguarded Other Mineral Plant Infrastructure	Green	Green	None	No
Policy CSM 8: Secondary and Recycled Aggregates	Green	Green	Red	Yes
Policy CSM 9: Building Stone in Kent	Neutral	Red	Red	Yes
Policy CSM 10: Oil, Gas and Unconventional Hydrocarbons	Neutral	Amber	None	Yes
Policy CSM 11: Prospecting for Carboniferous Limestone	Neutral	Amber	None	Yes
Policy CSM 12: Sustainable Transport of Minerals	Neutral	Red	Red	Yes
Policy CSW 1: Sustainable Development	N/A	Red	Red	Yes
Policy CSW 2: Waste Hierarchy and Policy	Green	Red	Red	Yes
Policy CSW 3: Waste Reduction	Red	Red	Amber	Yes
Policy CSW 4: Strategy for Waste Management Capacity	Red	Amber	Amber	Yes
Policy CSW 5: Strategic Site for Waste	Green	Green	Green	No
Policy CSW 6: Location of Built Waste Management Facilities	N/A	Red	None	Yes
Policy CSW 7: Waste Management for Non-hazardous Waste	Green	Red	Red	Yes
Policy CSW 8: Recovery Facilities for Non-Hazardous Waste	Green	Red	Red	Yes

[1] The County Council received (August 2021) a representation from one of the mineral operators asserting that policy CSM2 - Supply of Land-won Minerals in Kent requires a review to satisfy landbank requirements for ragstone. Further assessment is required to satisfy whether this is the case or not. For the purpose of the 5 year Review, it has been concluded that no change is required, The further assessment work is however being undertaken and if changes are necessary then public consultation on a revised policy CSM2 will be postponed until a later

Policy Number & Title	Monitoring	National & Local Policy	Other Observations	Update Required
Policy CSW 9: Non inert Waste Landfill in Kent	Neutral	Red	Red	Yes
Policy CSW 10: Development at Closed Landfill Sites	Neutral	Green	Red	Yes
Policy CSW 11: Permanent Deposit of Inert Waste	Green	Red	Red	Yes
Policy CSW 12: Identifying Sites for Hazardous Waste	Neutral	Red	Amber	Yes
Policy CSW 13: Remediation of Brownfield Land	Neutral	Green	Green	No
Policy CSW 14: Disposal of Dredgings	Neutral	Green	Amber	Yes
Policy CSW 15: Wastewater Development	Neutral	Green	Red	Yes
Policy CSW 16: Safeguarding of Existing Waste Management Facilities	N/A	Green	Red	Yes
Policy CSW 17: Nuclear Waste Treatment and Storage Dungeness	Neutral	Red	None	Yes
Policy CSW 18: Non-nuclear Radioactive Low-Level Waste (LLW) Management Facilities	Neutral	Red	None	Yes
Policy DM 1: Sustainable Design	Green	Red	Amber	Yes
Policy DM 2: Environmental and Landscape Sites of International National and Local Importance	Green	Red	Amber	Yes
Policy DM 3: Ecological Impact Assessment	Green	Red	Amber	Yes
Policy DM 4: Green Belt	Green	Green	None	No
Policy DM 5: Heritage Assets	Green	Amber	Red	Yes
Policy DM 6: Historic Environment Assessment	Green	Amber	Green	Yes
Policy DM 7: Safeguarding Mineral Resources	Green	Green	Green	No
Policy DM 8: Safeguarding Minerals Management, transportation Production & Waste Management Facilities	Green	Green	Green	No
Policy DM 9: Prior Extraction of Minerals in Advance of Surface Development	Neutral	Green	Red	Yes
Policy DM 10: Water Environment	Green	Red	Red	Yes
Policy DM 11: Health and Amenity	Green	Red	Red	Yes
Policy DM 12: Cumulative Impact	Green	Amber	None	Yes
Policy DM 13: Transportation of Minerals and Waste	Green	Red	None	Yes

Policy Number & Title	Monitoring	National & Local Policy	Other Observations	Update Required
Policy DM 14: Public Rights of Way	Green	Green	Green	No
Policy DM 15: Safeguarding of Transportation Infrastructure	Green	Green	None	No
Policy DM 16: Information Required in Support of an Application	Green	Amber	Red	Yes
Policy DM 17: Planning Obligations	Green	Red	Red	Yes
Policy DM 18: Land Stability	Green	Green	Red	Yes
Policy DM 19: Restoration, Aftercare and After-use	Green	Red	Red	Yes
Policy DM 20: Ancillary Development	Green	Green	Red	Yes
Policy DM 21: Incidental Mineral Extraction	Green	Green	None	No
Policy DM 22: Enforcement	Green	Green	Red	Yes

Planning Practice Guidance indicates that a local planning authority should publish the outcome of the review. Updating of the Kent Minerals and Waste Local Plan in response to the review will require agreement of the Council as this is a Council policy document. To this end, the version of the revised mineral and waste planning policies (and supporting text) that the Council intends to submit to the Planning Inspectorate for independent examination will require consideration by County Council and Cabinet.

The process of updating the Plan will follow a statutory process as set out in the Town and Country (Local Planning) (England) Regulations 2012 (as amended). In anticipation of the need for updates to the Plan the Council's current Mineral and Waste Development Scheme (adopted January 2021) includes a timetable for the process which is set out overleaf.

Mineral and Waste Development Scheme (adopted January 2021)

Stage	Dates
Consultation on draft updated policy (Regulation 18)	October-November 2021
Publication of draft updated policy (Regulation 19) for representations on soundness	March-April 2022
Submission to Secretary of State	July 2022
Independent Examination Hearings	October 2022
Inspector's Report	December 2022
Adoption	January 2023

Consultation relating to the update of the Plan will take place in accordance with the Council's recently updated Statement of Community Involvement. Progress on the activities described above against the timetable will be reported on an annual basis in the County Council's Annual Monitoring Report.

In undertaking this review it is recognised the review's recommendations are based on information currently available and there are a number of uncertainties which may have an impact as the process of updating the policies takes place. Uncertainties include the ability of current reserves of crushed rock in Kent to meet future supply requirements which is currently being investigated by the relevant mineral operator.

1. Introduction

1.1 Paragraph 33 of the National Planning Policy Framework (NPPF) includes the following:

"Policies in local plans and spatial development strategies should be reviewed to assess whether they need updating at least once every five years and should then be updated as necessary. Reviews should be completed no later than five years from the adoption date of a plan and should take into account changing circumstances affecting the area, or any relevant changes in national policy."

1.2 Furthermore, undertaking a local plan review every five years is a legal requirement for all local plans (Regulation 10A of the Town and Country Planning (Local Planning) (England) (Amendment) Regulations 2017).

1.3 The Kent Minerals and Waste Local Plan was adopted in July 2016 and therefore a review of this Plan was required to be completed by July 2021. The delay to the publication of the review is due to County Council elections in May 2021. A focussed 'Early Partial Review' of the Plan has already taken place and the resulting changes were adopted in 2020. This early partial review was focussed on the need for a Waste Sites Plan and improvements to the effectiveness of safeguarding policies. The limited number of policies updated by the Early Partial Review therefore only require review by 2025 but have also been included in this review for completeness.

1.4 National Planning Practice Guidance (PPG)[2] states that "The review process is a method to ensure that a plan and the policies within remains effective". The PPG[3] also sets out what authorities should consider when determining whether a Plan or policies should be updated. Information relevant to this Kent Minerals and Waste Local Plan Review includes:

- Conformity with national planning policy;
- changes to local circumstances;
- success of policies against indicators in the Development Plan as set out in their Authority Monitoring Report (AMR);
- significant economic changes that may impact on viability; and,
- whether any new social, environmental or economic priorities may have arisen.

1.5 Following the review the planning authority should either update their policies or publish the reasons for not making an update within five years of the adoption date of its Local Plan. If one or more policies of the plan are found in need of revision, then the Local Development Scheme should set out the timetable for the revision(s) to the Plan. The Kent Minerals and Waste Local Development Scheme was updated in January 2021 and reflects this possibility by including the following timetable:

[2] Reference ID: 61-064-20190315
[3] Reference ID: 61-065-20190723

Stages	Dates
Consultation on draft updated policy (Regulation 18)	October-November 2021
Publication of draft updated policy (Regulation 19) for representations on soundness	March-April 2022
Submission to Secretary of State	July 2022
Independent Examination Hearings	October 2022
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1.6 Planning Practice Guidance (PPG[4]) notes that a local planning authority will not necessarily need to revise their entire plan and may publish a list of which policies they will update and which policies they consider do not need updating.

1.7 The Planning Practice Guidance (PPG[5]) further notes that new evidence may be required to inform the Plan review, and that proportionate, relevant and up-to-date evidence should be used to justify a decision to not update policies.

1.8 As stated in Planning Practice Guidance (PPG[6]), "Updates to the plan or certain policies within it must follow the plan-making procedure; including preparation, publication, and examination by the Planning Inspectorate on behalf of the Secretary of State."

1.9 The Planning Practice Guidance (PPG[7]) is also clear that any proposed amendments must be subject to the Duty to Co-operate, both in terms of the amendments proposed and whether any aspect of the Plan requires amending in the first instance, as follows: "Given the direct implications of plan reviews in enabling such matters to be addressed through the updating of policies, it is important that the bodies subject to the Duty to Co-operate have an opportunity to engage in both how plan reviews are undertaken and the review of the plan. Engagement with neighbouring authorities and prescribed bodies needs to occur before a final decision on whether to update policies in a plan is made, as such engagement may influence that decision." Some early engagement with key stakeholders (including bodies subject to the Duty to Cooperate) has already been undertaken to inform this report and the results are reported in Appendix 2.

1.10 The first part of this report presents a broad overview of the relevant changes to the National Planning Policy Framework and National Guidance since the KWMLP was adopted in 2016. In addition, other contextual changes are summarised.

1.11 The Review of the Plan itself begins with an assessment of the continued appropriateness of the Vision and Strategic Objectives for waste and mineral development. There then

[4] Reference ID: 61-070-20190315
[5] Reference ID: 61-068-20190723
[6] Reference ID: 61-069-20190723
[7] Reference ID: 61-075-20190723

follows an assessment of the 52 policies and their supporting text which make up the Kent Minerals and Waste Local Plan.

1.12 While some mention is made, it should be noted that this report does not provide commentary on the need for amendments to the Plan's following contextual Chapters:

- Chapter 1 – Introduction
- Chapter 2 – Minerals and Waste Development in Kent: A Spatial Portrait

Updates to these chapters will be made as necessary as part of the Plan updating process and will be subject to consultation.

2. Assessment of Plan Vision, Strategic Objectives and Policies

2.1 This section assesses each of the Vision, Strategic Objectives and 52 policies included within the Kent Minerals and Waste Local Plan in turn. Key factors taken into account in the assessment are as follows:

Updates to Policy and Legislation

2.2 Updates to policy and legislation which have occurred since the adoption of the Kent Minerals and Waste Local Plan are listed in Appendix 1 and this section highlights the key changes which have occurred.

2.3 The National Planning Policy Framework has undergone a number of revisions. While changes to the National Planning Policy Framework have not impacted specifically on national waste and minerals policy, certain Kent Minerals and Waste Local Plan policies intended to ensure minerals and waste development does not adversely impact on communities and the environment need updating to ensure they are consistent with related changes in the National Planning Policy Framework. For example, the need for net gains to biodiversity to result from any new development.

2.4 The government has recently published further changes to the National Planning Policy Framework including minor changes to the chapter containing minerals policies. The government has also signalled its intention to update National Planning Policy for Waste (2014) and make further changes to the National Planning Policy Framework . As the process of updating the policies in the Kent Minerals and Waste Local takes place it will be necessary to monitor Government's publication of any updates to national planning policy and review as necessary.

2.5 In 2019 the government issued policy relating to the management of low-level radioactive waste arising from the nuclear industry and Policy CSW17 relating to the management of waste arising from decommissioning at the Dungeness Nuclear Licensed Site has been reviewed in light of this. This is consistent with a 'Statement of Common Ground' between Kent County Council, the Nuclear Decommissioning Authority and Magnox Ltd. (the company responsible for decommissioning at Dungeness nuclear power station) prepared as part of independent examination associated with the Early Partial Review in 2019.

2.6 Legislation and policy concerning the need to adapt to, and mitigate climate change and associated low carbon growth, is another area identified as requiring consideration in the review of the Plan. In particular the Government's statutory target of achieving net zero carbon emission by 2050. In this regard, the Council's Climate Emergency Statement and the recent findings of the national Climate Change Committee are also of relevance.

2.7 The Government has also introduced policy and legislation concerned with achieving a circular economy where more waste is prevented and reused. This is being implemented in London where applications for major development must now be accompanied by 'Circular Economy Statements'. A recent government consultation on a draft 'Waste Prevention Programme for England'

specifically identifies how local planning policy should promote reuse and repair initiatives. This informs the review of policy in the Plan concerned with minimising waste arising from the construction, demolition and operation of all forms of development.

2.8 While not yet enacted, the Environment Bill proposes legislation which will affect how waste is managed and how development comes forward. In particular the Bill proposes that new development will have to result in a minimum 10% net gain to biodiversity. The updated National Planning Policy Framework already expects the achievement of biodiversity net gains and so the Plan needs to be reviewed in light of this, but updates to the Plan will need to be consistent with the Environment Bill as it is due to become law later this year.

2.9 The Kent Downs Area of Outstanding Natural Beauty Management Plan has been adopted and the review needs to consider whether changes to policy or supporting text are needed in light of this.

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

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

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

Updates to the Evidence Base

2.12 Monitoring the achievement of the Plan's waste recovery targets indicates that significant additional capacity relating to recycling activity has been permitted, mainly with regard to Construction, Demolition and Excavation waste. Increases in recycling of Local Authority Collected Waste and Commercial and Industrial Waste have also been observed. Further details are reported as part of the review of Policy CSW4.

2.13 Minerals Safeguarding Areas (MSAs) are included in the Plan which denote where development should be resisted in order to avoid sterilisation of mineral resources. Recent evidence suggests that the MSAs need revising to take account of changes to urban settlement boundaries as a result of decisions taken by the Borough and District Councils and to the economic geology i.e., areas where minerals of economic value may exist.

2.14 The Waste Disposal Authority has indicated the need to develop or expand facilities to manage household waste across the county to support sustainable growth and the review of relevant polices takes this into account.

2.15 Plan policy expects a supply of crushed rock to be provided such that a landbank of 10 years

supply is maintained which is consistent with national policy. Recent discussions with the major supplier of crushed rock in Kent suggest that existing reserves may be under pressure but further work is needed to confirm the position.

2.16 The deposit of inert waste on land can have beneficial uses and there is a need to ensure the Kent Minerals and Waste Local Plan fully recognises this by broadening its focus beyond disposal activities and restoration of mineral workings. This would be consistent with the principles of the circular economy and approaches set out in a Joint Position Statement recently adopted by South East Waste Planning Advisory Group that the County Council is signatory to.

Review of the Vision and Strategic Objectives

2.17 The achievement of the Plan's Vision and Strategic Objectives is dependent on the effective implementation of the policies and so is monitored via the monitoring of the implementation of the policies. The monitoring framework in the Kent Minerals and Waste Local Plan (included in Chapter 8) shows how each policy relates to each Strategic Objectives.

2.18 It is important that the Vision and Strategy Objectives are consistent with national and local policy and the review takes this into account. The review of the Vision and Strategic Objectives is set out below before the assessment of the policies.

2.19 Text shown shaded yellow describes where updates are considered necessary while text shaded blue, indicates where no changes are proposed.

Review of Vision

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

1. Make a positive and sustainable contribution to the Kent area and assist with progression towards a low carbon economy.

Assessment of need for update to wording:
In the same way that not all waste produced in Kent is managed in Kent, it is usual for waste managed in Kent to be produced beyond the County boundary. Similarly minerals landed at wharves or extracted from quarries in Kent supplies an area beyond Kent. In this way waste management and mineral supply in Kent make contributions to communities beyond Kent. Furthermore, the National Planning Policy Framework expects authorities to plan to meet the unmet needs of other areas as appropriate. In light of this it is considered that this aspect of the Vision does not properly reflect the wider contribution made by waste and minerals supply in Kent and should be updated to reflect this.
Additional updating is required to recognise that waste and minerals development must contribute to a low carbon economy in light of legislation concerning climate change, national policy and the Kent and Medway Energy and Low Emissions Strategy 2020.

2. Support the needs arising from growth within Kent.

Assessment of need for update to wording:
This is consistent with national and local policy and no change is considered necessary.

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

Assessment of need for update to wording:
It is considered that the term 'cost effective' is unclear and also superfluous as for solutions to be sustainable they must be economically viable (amongst other things). Minerals and waste facilities meet the needs of areas beyond that in which they are located. Facilities beyond Kent serve Kent's needs and vice versa. Furthermore, the National Planning Policy Framework expects authorities to plan to meet the unmet needs of other areas as appropriate. The Vision should be updated to recognise these matters.

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

Assessment of need for update to wording:
This is consistent with national and local policy and no change is considered necessary.

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

Assessment of need for update to wording:
This is consistent with national and local policy and no change is considered necessary.

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

Assessment of need for update to wording:

This is consistent with national and local policy and no change is considered necessary.

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

Assessment of need for update to wording:
This is consistent with national and local policy and no change is considered necessary.

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

Assessment of need for update to wording:
This is consistent with national and local policy and no change is considered necessary.

Planning For Waste in Kent will:

9. Move waste up the Waste Hierarchy, reducing the amount of non-hazardous waste sent to landfill.

10. Encourage waste to be used to produce renewable energy incorporating both heat and power if it cannot be re-used or recycled.

Assessment of need for update to wording:
The current Vision makes no mention of the principle of achieving a Circular Economy. The achievement of a Circular Economy requires particular emphasis to be placed on managing waste in accordance with the upper levels of the Waste Hierarchy i.e. 'prevention', 'preparing for reuse' and 'recycling'. The current wording alludes to reuse and recycling but there is no clear Vision statement related to these matters.

The Vision statements are drafted with a concern for how waste management facilities should be developed in Kent, however the achievement of a circular economy is also dependent on how other forms of development, such as housing come forward. In light of this, it is considered that wording is required that specifically references how other forms of development should come forward in a manner which will help facilitate the achievement of a circular economy.

The use of the term 'encourage' within the wording of Vision statement 10 in relation to the production of renewable energy from waste appears to mask the issue that such a waste management method is near the bottom of the waste hierarchy. The statement should be reworded to place the emphasis on achieving maximum prevention, reuse and recycling of waste before it is managed to produce renewable energy.

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

Assessment of need for update to wording:
This is consistent with the proximity principle and no change is considered necessary.

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

Assessment of need for update to wording:
This is consistent with national and local policy and no change is considered necessary.

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

Assessment of need for update to wording:
This is consistent with national and local policy and no change is considered necessary.

14. Restore waste management sites to a high standard that will deliver sustainable benefits to Kent communities.

Assessment of need for update to wording:
While it might be said that improvements to the natural environment will result in benefits to Kent communities, it is considered that specific reference to the natural environment, as well as 'communities', would add appropriate emphasis to the protection and enhancement of the natural environment. Such a change would be consistent with the national legislation and policy in this area, in particular the 25 Year Environment Strategy and the Environment Bill.

Review of Strategic Objectives – General

Strategic Objective 1. Encourage the use of sustainable modes of transport for moving minerals and waste long distances and minimise road miles.

Assessment of need for update to wording:
It is considered that this objective does not adequately consider the use of low carbon or renewable fuels in transporting minerals and waste and an update to the text is therefore required. Furthermore, while the use of sustainable modes of transport may not be practical over shorter distances, it should be encouraged in any event.

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

Assessment of need for update to wording:
This is consistent with national and local policy and no change is considered necessary.

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

Assessment of need for update to wording:
This is consistent with national and local policy and no change is considered necessary.

Strategic Objective 4. Enable minerals and waste developments to contribute to the social and economic fabric of their communities through employment opportunities.

Assessment of need for update to wording:
As well as providing employment, minerals and waste developments can offer educational and recreational opportunities which should be recognised in this objective.

Review of Strategic Objectives for Minerals

Strategic Objective 5. Seek to ensure the delivery of adequate and steady supplies of sand and gravel, chalk, brickearth, clay, silica sand, crushed rock, building stone and

minerals for cement during the plan period, through identifying sufficient sites and safeguarding mineral bearing land for future generations.

Assessment of need for update to wording:
This is consistent with national and local policy and no change is considered necessary.

Strategic Objective 6. Promote and encourage the use of recycled and secondary aggregates in place of land-won minerals.

Assessment of need for update to wording:
This is consistent with national and local policy and no change is considered necessary.

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

Assessment of need for update to wording:
This is consistent with national and local policy and no change is considered necessary.

Strategic Objective 8. Enable the small-scale, low-intensity extraction of building stone minerals for heritage building products.

Assessment of need for update to wording:
Recent update to minerals policy in the National Planning Policy Framework has removed the term 'small scale' associated with the extraction of building stone and so the objective is no longer consistent with national policy

Strategic Objective 9. Restore minerals sites to the highest possible standard to sustainable afteruses that benefit the Kent community economically, socially or environmentally. Where possible, afteruses should conserve and improve local landscape character and incorporate opportunities for biodiversity to meet targets outlined in the Kent Biodiversity Action Plan, the Biodiversity Opportunity Areas and the Greater Thames Nature Improvement Area.

Assessment of need for update to wording:
The National Planning Policy Framework expectation for mineral workings to be restored at the earliest opportunity should be reflected in this objective. Furthermore, in light of policy in the National Planning Policy Framework and proposed legislation in the Environment Bill, the objective should specifically recognise the opportunities provided by mineral restoration to achieving biodiversity net gain and contribute to Local Nature Recovery Strategies. Reference to the Areas of Outstanding Natural Beauty management plan should also be considered.

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

Assessment of need for update to wording:
The objective unduly encourages a particular type of management of inert construction, demolition and excavation waste (CDEW), especially as quarries may be adequately restored without, or with minimal, infilling. A change to Strategic Objective 9 regarding the timely restoration of mineral workings addresses the need to prioritise the use of inert construction, demolition and excavation waste in the restoration. This objective should be deleted

Review of Strategic Objectives for Waste

Strategic Objective 11. Increase amounts of Kent's waste being re-used, recycled or recovered. Promote the movement of waste up the Waste Hierarchy by enabling the waste industry to provide facilities that help to deliver a major reduction in the amount of Kent's waste being disposed of in landfill.

Assessment of need for update to wording:
The first sentence of the objective does not adequately distinguish between the different management options in terms of the preference set out in the waste hierarchy e.g. increasing the amount of waste recovered is not necessarily consistent with the waste hierarchy if this is at the expense of reductions in recycling. Waste management facilities in Kent provide for the management of waste beyond Kent and this should be reflected in the objective. The objective should also consider how development can come forward in a manner which reduces the production of waste consistent with circular economy principles

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

Assessment of need for update to wording:
This is consistent with national and local policy and no change is considered necessary.

Strategic Objective 13. Use waste as a resource to provide opportunities for the generation of renewable energy for use within Kent through energy from waste and technologies such as gasification and aerobic/anaerobic digestion.

Assessment of need for update to wording:
It is considered that additional emphasis should be placed on the use of heat arising from energy from waste.

Strategic Objective 14. Provide suitable opportunities for additional waste management capacity to enable waste to be managed in a more sustainable manner.

Assessment of need for update to wording:
It is considered that this objective is too broad in its scope to be meaningful and is more of a visionary statement and in any event the sentiment of this objective is addressed by other elements of the Vision and Strategic Objectives. It is proposed that the objective be deleted.

Strategic Objective 15. Restore waste management sites to the highest possible standard to sustainable afteruses that benefit the Kent community economically, socially or environmentally. Where possible, afteruses should conserve and improve local landscape character and incorporate opportunities for biodiversity to meet targets outlined in the Kent Biodiversity Action Plan, the Biodiversity Opportunity Areas and the Greater Thames Nature Improvement Area.

Assessment of need for update to wording:
In light of policy in the National Planning Policy Framework and proposed legislation in the Environment Bill, the objective should specifically recognise the need for development to achieve biodiversity net gain. Reference to the AONB management plan should also be considered.

Review of Policies

2.20 The assessment sets out the wording of the policies and considers the results of any monitoring of the use of the policies and achievement of related targets. It also considers whether policy and/or legislation has come forward which requires updates to policies to ensure they are consistent. 'Other observations' are also noted which may indicate other reasons which merit updates to policies.

2.21 In the last 5 years (July 2016 to July 2021):

- Kent County Council has processed 159 applications;
- A total of 158 permissions have been granted (53 Minerals /105 Waste)
- A total of 37 new development sites have been permitted (6 Minerals / 31 Waste)

2.22 A RAG (Red, Amber and Green) scores are assigned to each element of the review for each policy as follows:

Review shows no issues to be addressed	**Green**
Review shows some issues which can likely be dealt with through changes to supporting text	**Amber**
Review shows issues resulting in need for policy update	**Red**

2.21 In addition where no applications have come forward which have required the application of certain policies it can be said that the effectiveness of these policies remains untested and so it is not possible to assign a RAG score. In such instances a 'Neutral' score has been applied.

Policy CSM 1: Sustainable Development

Policy wording

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

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

Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the Council will grant permission unless material considerations indicate otherwise, taking into account where either:
1. any unacceptable adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole, or
2. specific policies in that Framework indicate that development should be restricted.

Monitoring indicators and threshold for policy review

The following table sets out the monitoring indicators and thresholds used to monitor the effective implementation of Policy CSM 1.

Monitoring indicator(s)	Monitoring triggers (thresholds) for policy review
Mineral applications granted contrary to national policy and guidance.	1. One application permitted contrary to national policy and guidance.
Minerals applications determined within 13/16 weeks.	2. One application determined beyond the agreed timescale.

Monitoring indicators and thresholds

Planning decisions are made in accordance with the development plan (Kent Minerals and Waste Local Plan) as a whole and are a balance of policy considerations. In assessing the effectiveness of the policies against the adopted monitoring schedule, it is appropriate to consider against those applications where it was concluded that the development proposed was a departure to the development plan. In such cases these would have resulted in a referral of the decision to the Secretary of State and triggering development being permitted that was contrary to polices in the Plan. Since the Plan was adopted in 2016 no decisions have been considered to depart from the development plan.

GREEN

Consistency with National and Local Policy

The presumption in favour of sustainable development has been updated since the Plan was adopted and so the wording of the Policy is no longer exactly consistent with national policy.

The policy should be updated to avoid any tension between this policy and the National Planning Policy Framework.

RED

Other observations

The wording of the text of the policy states that minerals development proposals be considered in light of
"…the presumption in favour of sustainable development contained in the National Planning Policy Framework and the associated Planning Practice Guidance" and in this regard the policy wording correctly reflects where sustainability, in the planning context, is to be understood and correctly applied to mineral development proposal.

GREEN

Recommendation

Policy and supporting text require review to ensure consistency with national policy and that the wording in the policy is effective. Reference to 'associated Planning Practice Guidance' should be deleted.

RED

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

Policy wording

Supply of Land-won Minerals in Kent

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

1. Aggregates

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

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

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

2. Brickearth and Clay for Brick and Tile Manufacture

The stock of existing planning permissions at Paradise Farm, Orchard Farm, Hempstead House and Claxfield Road for brickearth clay for brick and tile making is sufficient for the plan period. Applications for sites supplying brickearth and clay for brick and tile making will be dealt within in accordance with the policies of this Plan. The existence of a stock of permitted reserves of at least 25 years (as reported in the latest Annual Monitoring report) to support the level of actual and proposed investment required for new or existing plant and the maintenance and improvement of existing plant and equipment will be a material consideration. Kent Minerals and Waste Local Plan 2013-30 (adopted 2020) Kent County Council 47 5 Delivery Strategy for Minerals

3. Silica Sand

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

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

4. Chalk for Agriculture and Engineering Purposes

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

5. Clay for Engineering Purposes

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

Selection of Sites in the Minerals Sites Plan

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

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

Monitoring indicators and thresholds for policy review

The following table sets out the monitoring indicators and thresholds used to monitor the effective implementation of Policy CSM 2.

Monitoring indicator(s)	**Monitoring triggers (thresholds) for policy review**
1. Reserve data for sharp sand and gravel	1. Permitted reserves equivalent to 10% above supply target
2. Reserves data for soft sand	2. Permitted reserves equivalent to 10% above supply target
3. Reserves data for crushed rock (confidential)	3. Permitted reserves equivalent to 10% above supply target
4. Reserves data for brickearth and clay for brick and tile manufacture	4. Permitted reserves equivalent to less than three years above the minimum stock of permitted reserves targe
5. Reserve data for silica sand	5. Permitted reserves equivalent to less than three years above the minimum stock of permitted reserves target
6. Reserve data for chalk for agricultural and engineering purposes	6. Permitted reserves equivalent to less than three years of reserves at current (annual) rates
7. Reserve data for clay engineering purposes	7. Permitted reserves equivalent to less than three years of reserves at current (annual) rates

Taking the monitoring indicators in turn for the land-won mineral types:

Aggregates

1. Permitted reserves of sharp sand and gravel are estimated to be at 2.50mt by end of 2021. The requirement for the remaining Plan period (until 2030 plus an additional 7 years of landbank based on 10-year average sales) is 4.464mt. Therefore, the policy review trigger has been met. However, the adopted Plan is predicated on the understanding that the available landbank replenishing sustainable resources in the County are reaching exhaustion. The future supply of sharp sands and gravel, as determined by monitoring (as reported in the Local Aggregate Assessments (LAA)) will be met (where secondary and recycled aggregates cannot fulfil the specifications) by imports via wharves and rail depots to make up the deficit over the remaining Plan period. On this basis this part of the policy remains justified and does not require to be reviewed at this time.

2. Permitted reserves of soft sand (Folkestone Formation) are estimated to be at 8.9mt by end of 2021. The requirement for the remaining Plan period (until 2030 plus an additional 7 years of landbank based on 10-year average sales) is 7.056mt. This will yield a surplus of 1.844mt. This is above the 10% 'headroom' in supply required by the monitoring trigger of the policy. On this basis this part of the policy remains justified and does not require to be reviewed at this time.

3. Permitted reserves of crushed rock in the County, and the 10-year sales average based requirement are confidential given that there are only two sites in operation. However, the data available to the County shows that the 10% 'headroom' in supply required by the monitoring trigger of the policy is essentially met. On this basis this part of the policy remains justified and does not require to be reviewed at this time.

Brickearth and clay for brick and tile manufacture

4. Permitted reserves and sales of Brickearth in the County are confidential given that there is only one site in operation. There is no landbank requirement for this mineral type, though on determining any planning application for this process, consideration is required of whether 10 years of supply is available as a stock of permitted reserves, and where substantial new investment is required, 25 years. Though the monitoring trigger sets a 10% 'headroom' of permitted reserves above supply requirements, confidentiality prevents this from being detailed, however it can be stated that it is estimated that, based on existing brickworks requirements, current reserves will last for over 30 years, well beyond the Plan period (to 2030). On this basis this part of the policy remains justified and does not require to be reviewed at this time.

Silica sand

5. Silica sand (Folkestone Formation) is an industrial mineral that can be used in a variety of applications. In the County there is one operator that historically has used this material for aerated block manufacture. The monitoring review 'trigger' states: **'**Permitted reserves equivalent to less than three years above the minimum stock of permitted reserves target'. The policy requires, on determining any planning application for this process, consideration of whether 10 years of supply is available as a stock of permitted reserves, and where substantial new investment is required, 25 years.

   Therefore, a landbank or stock of permitted reserves maintained at any one time is not what the policy seeks to achieve. If an operator runs down permitted reserves and then applies for additional reserves the policy requires that the proposal would be judged on its merits and the availability of existing reserves (at the 10 or 25 years of production levels, whichever is appropriate). Therefore, the monitoring 'trigger' applies more to the determination of a planning application than the policy's performance, as a maintained stock of reserves at a certain level throughout the Plan period is not its objective. On this basis this part of the policy remains justified and does not require to be reviewed at this time.

Chalk for agricultural and engineering purposes

6. There are number of sites in the County providing chalk for agricultural and/or engineering purposes. Total reserves are currently estimated at 0.46 million tonnes. The overall rate of extraction would give a permitted reserve life of approximately 14 years. The monitoring 'trigger' for review of this part of the policy is when the life of permitted reserves falls below 3 years. On this basis this part of the policy remains justified and does not require to be reviewed at this time.

Clay engineering purposes

7. Clay for engineering purposes is permitted at one site in the County. Reserves and sales data is therefore confidential. However, the reserves are substantial and would in all probability last longer than the monitoring 'trigger' for review of this part of the policy when the life of permitted reserves falls below 3 years. On this basis this part of the policy remains justified and does not require to be reviewed at this time.

5-year trend

The Local Aggregate Assessment (LAA) mainly considers 10-year sales averages for the aggregate minerals and a three-year sales average if a recent divergent trend to the 10-year is evident. It would also report a 5-year sales average significant divergent trend. This monitoring process could trigger a review of the aggregates supply part of the policy.

Commentary

It should be recognised that the aggregate land-won minerals component of the policy is also monitored annually by the Local Aggregate Assessment process. If at some point the permitted reserves were to change (reduce), or the sales averages were to markedly increase, this would trigger policy review independent from the formal five yearly statutory plan review.

GREEN

Consistency with National Policy

The National Planning Policy Framework (NPPF) (July 2021) Part 17. Facilitating the sustainable use of minerals, Paragraph 209 states:

> *It is essential that there is a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs. Since minerals are a finite natural resource, and can only be worked where they are found, best use needs to be made of them to secure their long-term conservation.*

The policy is effective in ensuring that the economic minerals in Kent are being supplied effectively to maintain an adequate and steady supply over the Plan period. In relation to aggregate minerals the required 7-year and 10-year landbank levels based on the relevant 10-year sales averages are being maintained where geologically possible (National Planning Policy Framework Para 213 sections a) and f refers)).

For the industrial mineral, silica sand, the policy sets out that planning applications would be determined in in order to seek to provide permitted reserves of at least 10-years for individual sites (National Planning Policy Framework Para 214 section c) footnote 74).

Similarly, the supply of Brickearth is greater than 25 years as required by the same part of the National Planning Policy Framework. Engineering clay and chalk (and agricultural chalk) are both at reserve levels that will provide for a *"..a steady and adequate supply*…" (National Planning Policy Framework Para 213).

GREEN

Other observations

This policy was, in part, considered in 2020 in the formulation of the Kent Mineral Sites Plan. This process demonstrated, for aggregate minerals there is no need for it be reviewed at this time.

The policy also sets out how sites will be selected in the Mineral Sites Plan. This is now in existence as an adopted plan. It is therefore considered that the specific reference to the 'Mineral Sites Plan' should be deleted in the sub-title and the first sentence of the policy prior to the criteria that will be used to screen sites for suitability for identification as future allocations.

Consultation with one of the main mineral operators in Kent during the review revealed that it was undertaking work to better understand the extent of its reserves of crushed rock. At the time of completing the review work was still ongoing and so it has been assumed that no changes to Policy CSM2 are required. If information is forthcoming which suggests changes to this policy are needed then this will be considered as part of the process of updating the Plan.

RED

Recommendation

Policy CSM2 is consistent with national policy and monitoring suggests the policy is being implemented effectively and therefore updates to this policy are not considered necessary. Specific reference to the 'Mineral Sites Plan' should be deleted in the sub-title and the first sentence of the policy prior to the criteria that will be used to screen sites for suitability for identification as future allocations.

RED

Policy CSM 3: Strategic Site for Minerals

Policy wording

Strategic Site for Minerals

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

Planning permission will not be granted for any development other than chalk extraction for cement manufacture, cement manufacture and restoration of the resulting void.
Mineral working and processing at the Strategic Site for Minerals will be permitted subject to meeting the requirements of the development plan and the following criteria:

1. an assessment of the impact of mineral working upon views from the Kent Downs Area of Outstanding Natural Beauty, with suitable sufficient landscaping mitigation measures to minimise the impacts upon views, protect the amenity of nearby residents and enhance and restore the landscape character

2. the development not generating more traffic movements than can be accommodated without any unacceptable adverse impacts upon the local highway network

3. the site and any associated land being restored to a high quality standard and where appropriate after-use that supports and enhances the long-term local landscape character

Monitoring indicators and thresholds for policy review

The following table sets out the monitoring indicators and thresholds used to monitor the effective implementation of Policy CSM 3.

Monitoring indicator(s)	Monitoring triggers (thresholds) for policy review
1. Planning applications granted for alternative development within the Strategic Site for Minerals at Medway Cement.	1. One application permitted with an objection from the County Council.

No development proposals have been granted planning permission that would compromise the full and unimpeded implementation of the Medway Strategic Site for Minerals.

GREEN

Consistency with National and Local Policy

The National Planning Policy Framework (NPPF) (2021) Part 17. Facilitating the sustainable use of minerals, Section 209 states:

> *It is essential that there is a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs. Since minerals are a finite natural resource, and can only be worked where they are found, best use needs to be made of them to secure their long-term conservation.*

The policy wording maintains the site for the extraction of chalk for the manufacture of cement, thus providing for a sufficient and secure (safeguarded) supply of this material into the future. The long-term conservation of this mineral resource to meet need is being secured by the policy in its current wording.

Moreover, the National Planning Policy Framework at Section 214 c) states:

Minerals planning authorities should plan for a steady and adequate supply of industrial minerals by:

> *c) maintaining a stock of permitted reserves to support the level of actual and proposed investment required for new or existing plant, and the maintenance and improvement of existing plant and equipment 68*

Footnote 68 *These reserves should be at least 10 years for individual silica sand sites; at least 15 years for cement primary (chalk and limestone) and secondary (clay and shale) materials to maintain an existing plant, and for silica sand sites where significant new capital is required; and at least 25 years for brick clay, and for cement primary and secondary materials to support a new kiln.*

Chalk for cement production is an industrial mineral. The safeguarded site, known as Medway Works, Holborough contains sufficient reserves to meet the *'at least 25 years for brick clay, and for cement primary and secondary materials to support a new kiln'* as required by the National Planning Policy Framework. The policy is therefore entirely consistent with national planning policy. The site benefits from an implemented planning consent.

The adopted Tonbridge and Malling Local Development Plan Documents[8], and the emerging Local Plan Submission 2019 Tonbridge and Malling Local Plan do not identify any land within, or adjacent to, the allocated area that constitutes the Strategic Site for Minerals for development that would conflict with the safeguarding of this site. A proportion of the permitted site is also in Medway Council authority's area (to the north). Similarly, the adopted Medway Local Plan 2003 and the emerging Medway Local Plan (2019-2037) do not allocate land for development that would conflict with the safeguarding of this site. The policy is therefore not in conflict with any existing adopted and emerging local plan planning policy.

GREEN

Other observations

None.

8 Core Strategy (September 2007), Development Land Allocations (April 2008), Tonbridge Central Area Action Plan (April 2008), Manging Development & the Environment (April 2010) and Saved Policies (April 2010)

Recommendation

Policy CSM 3: Strategic Site for Minerals remains appropriate for maintaining the supply of chalk, for the purposes of cement manufacture. It is in accordance with national and local planning policy, both adopted and emerging. The potential for recommencement of cement manufacture in Kent, at this strategic site, will be maintained without any amendment to the current wording of the policy.

GREEN

Policy CSM 4: Non-Identified Land-won Mineral Sites

Policy wording

Non-identified Land-won Mineral Sites

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

Monitoring indicators and thresholds for policy review

The following table sets out the monitoring indicators and thresholds used to monitor the effective implementation of Policy CSM 4.

Monitoring indicator(s)	Monitoring triggers (thresholds) for policy review
1. Planning applications granted for mineral extraction at alternative sites outside allocated sites.	1. One application permitted that does not meet all policy criteria.

No planning applications for mineral development (extraction) sites have been permitted that are outside the monitoring criteria thresholds of the Plan for Policy CSM 4.

GREEN

Consistency with National and Local Policy

The National Planning Policy Framework (NPPF) (2021) Part 17. Facilitating the sustainable use of minerals, Paragraph 209 states:

> *It is essential that there is a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs. Since minerals are a finite natural resource, and can only be worked where they are found, best use needs to be made of them to secure their long-term conservation.*

However, mineral supply, like all forms of development can impact the environment. Therefore, the National Planning Policy Framework balances this with the requirement to assess these impacts for acceptability. Part 15 Conserving and enhancing the natural environment of the National Planning Policy Framework, Paragraph 174 requires:

174. Planning policies and decisions should contribute to and enhance the natural and local environment by:

> *a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);*
>
> *b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;*
>
> *c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;*
>
> *d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;*
>
> *e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and*
>
> *f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.*

Any development proposals for mineral extraction in Kent on sites not identified in the Kent Minerals and Waste Local Plan or the Mineral Sites Plan or addressed in Policy CSM 2, will have to satisfy Policy CSM4's tests of acceptability. The need for the mineral in the non-identified sites would have to be established and any adverse effects found either absent or mitigable. Thus, the policy, as currently worded would ensure that mineral supply is maintained without undue harm to the wider environment, thereby being consistent with Part 15, Section 174 and Part 17, Section 209 of the National Planning Policy Framework.

GREEN

Other observations

None.

Recommendation

Policy CSM 4 Non-identified Land-won Mineral Sites remains appropriate for maintaining the supply of required minerals. It is in accordance with national and local planning policy, both adopted and emerging. The policy's current wording, requiring assessment of consistency of proposals with the development plan as a whole, prior to any mineral extraction at non-identified sites, is considered to remain effective.

GREEN

Policy CSM 5: Land-won Mineral Safeguarding

Policy wording

Land-won Mineral Safeguarding

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

Monitoring indicators and thresholds for policy review

The following table sets out the monitoring indicators and thresholds used to monitor the effective implementation of Policy CSM 5.

Monitoring indicator(s)	Monitoring triggers (thresholds) for policy review
1. Decisions resulting in non-mineral development permitted within Kent MSAs.	1. One application permitted with an objection from the County Council.
2. Decisions resulting in non-mineral development permitted within the separate MCA adjacent to the Strategic Site for minerals at Medway Works, Holborough.	2. One application permitted with an objection from the County Council.
3. Decisions resulting in non-mineral development permitted on sites for mineral working within the plan period identified in Appendix C and in the Mineral Sites Plan.	3. One application permitted with an objection from the County Council.

None of the monitoring trigger points have been initiated. Whilst a small number of applications on land within Mineral Safeguarding Areas (MSA) where land-won minerals have been affected has occurred, none have been permitted with an objection from the County Council on safeguarding matters. The development that has come forward within MSAs is due to appropriate application of exemption criteria set out in Policy DM 7: Safeguarding Mineral Resources (in original form and as modified in an Early Partial Review of the Kent Minerals and Waste Local Plan in 2020).

GREEN

Consistency with National and Local Policy

The National Planning Policy Framework (NPPF) (2021) Part 17. Facilitating the sustainable use of minerals, Section 209 states:

> *It is essential that there is a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs. Since minerals are a finite natural resource, and can only be worked where they are found, best use needs to be made of them to secure their long-term conservation.*

The Policy is specifically purposed to secure the long-term conservation of finite mineral resources.
The National Planning Policy Framework goes on to say (Section 210 sub-section c):

> *safeguard mineral resources by defining Mineral Safeguarding Areas; and adopt appropriate policies so that known locations of specific minerals resources of local and national importance are not sterilised by non-mineral development where this should be avoided (whilst not creating a presumption that the resources defined will be worked);*

Part 1. of the policy is in accordance with the need for Mineral Safeguarding Areas (MSAs) to be defined and is part of the mineral safeguarding process as set out in the Kent Minerals and Waste Local Plan. Though the National Planning Policy Framework is silent on the use of Mineral Consultation Areas (MCA) (part 2. of the policy), the relevant Planning Practice Guidance[9] states:

Mineral planning authorities should adopt a systematic approach for safeguarding mineral resources, which:

- *uses the best available information on the location of all mineral resources in the authority area. This may include use of British Geological Survey maps as well as industry sources;*
- *consults with the minerals industry, other local authorities (especially district authorities in 2-tier areas), local communities and other relevant interests to define Minerals Safeguarding Areas;*
- *sets out Minerals Safeguarding Areas on the policies map that accompanies the local plan and define Mineral Consultation Areas; and*
- *adopts clear development management policies which set out how proposals for non-minerals development in Minerals Safeguarding Areas will be handled, and what action applicants for development should take to address the risk of losing the ability to extract the resource. This may include policies that encourage the prior extraction of minerals, where practicable, if it is necessary for non-mineral development to take place in Minerals Safeguarding Areas and to prevent the unnecessary sterilisation of minerals.*

9 Paragraph: 003 Reference ID: 27-003-20140306, Revision date: 06 03 2014

The identification of the MCAs in the Kent Minerals and Waste Local Plan remains important in relation to the Strategic Minerals Site, to ensure that consultation on proposed development in its proximity occurs. The Chalk is not within the MSA (as it is a mineral generally not of economic importance) but the Holborough Cement Works site remains a strategic mineral site allocation.

GREEN

Other observations

None.

Recommendation

Policy remains fully effective and consistent with national policy.

GREEN

Policy CSM 6: Safeguarded Wharves and Rail Depots

Policy wording

Safeguarded Wharves and Rail Depots Planning permission will not be granted for non-minerals development that may unacceptably adversely affect the operation of existing, (67) planned or potential sites, such that their capacity or viability for minerals transportation purposes may be compromised. The following sites, and the allocated sites included in the Minerals Sites Plan, are safeguarded:

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

Their locations are shown in Figure 13: Minerals Key Diagram in Chapter 2 and their site boundaries are shown in Chapter 9: Adopted Policies Maps.
The Local Planning Authorities will consult the Minerals Planning Authority and take account of its views before making a planning decision (in terms of both a planning application and an allocation in a local plan) for non-mineral related development (other than that of the type listed in policy DM 8 (clause 1) on all development proposed at, or within 250m of, safeguarded minerals transportation facilities.

Monitoring indicators and thresholds for policy review

The following table sets out the monitoring indicators and thresholds used to monitor the effective implementation of Policy CSM 6.

Monitoring indicator(s)	**Monitoring triggers (thresholds) for policy review**
1. Decisions resulting in non-mineral development permitted within 250m of safeguarded minerals transportation facilities listed in Policy CSM 6 and allocated sites in the Mineral Sites Plan (other than the developments listed in	1. One application permitted with an objection from the County Council.

Policy DM 8 criteria 1).	

The monitoring trigger point has not been initiated. Applications for non-mineral development permitted on safeguarded sites or on land within 250m of safeguarded minerals transportation facilities (as listed in Policy CSM 6) with an objection from the County Council have not occurred.

Exemption criteria (1-7) of Policy DM 8: Safeguarding Minerals management, Transportation Production & Waste Management Facilities (in original form and as modified in an Early Partial Review of the Kent Minerals and Waste Local Plan in 2020) have either been appropriately applied, or, in the case of development within 250m of safeguarded sites, the County Council has been satisfied that this would not compromise or impede the future lawful operation of the safeguarded facilities.

GREEN

Consistency with National and Local Policy

The National Planning Policy Framework (NPPF) (2021) Part 17. Facilitating the sustainable use of minerals, Paragraph 210 and subsection e) states:

Planning Policies should

> *e) safeguard existing, planned and potential sites for: the bulk transport, handling and processing of minerals; the manufacture of concrete and concrete products; and the handling, processing and distribution of substitute, recycled and secondary aggregate material;*

The policy is fully consistent with this requirement of the National Planning Policy Framework (2021).

GREEN

Other observations

The wharf known as 'Dunkirk Jetty (Dover Western Docks)' is no longer in use. Proposals for its redevelopment are anticipated as part of the Dover Western Docks redevelopment. Any planning application for redevelopment will need to be accompanied by an Infrastructure Assessment that demonstrates why the wharf is exempt from safeguarding. If the proposals are found to be exempt from the need for ongoing safeguarding of this wharf then the policy will require updating as well as the list of safeguarded sites[10]. At this stage, while proposals for development are anticipated none have been permitted and so the site should be retained as an identified safeguarded site within this policy.

10 The wharf is listed as a safeguarded minerals facility on the County Council's monitoring schedule of safeguarded sites see https://www.kent.gov.uk/__data/assets/pdf_file/0019/90910/Kent-waste-and-mineral-sites.pdf

GREEN

Recommendation

Policy remains fully effective and consistent with national policy.

Policy may need updating to remove reference to ‘Dunkirk Jetty (Dover Western Docks)’ at the next review.

GREEN

Policy CSM 7: Safeguarding Other Mineral Plant Infrastructure

Policy wording

Safeguarding Other Mineral Plant Infrastructure

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

Where these facilities are situated within a host quarry, wharf or rail depot facility, they are safeguarded for the life of the host site. Where other development is proposed at, or within 250m of, safeguarded minerals plant infrastructure, Local Planning Authorities will consult the Minerals Planning Authority and take account of its views before making a planning decision (in terms of both a planning application and an allocation in a local plan).

Monitoring indicators and thresholds for policy review

The following table sets out the monitoring indicators and thresholds used to monitor the effective implementation of Policy CSM 7.

Monitoring indicator(s)	Monitoring triggers (thresholds) for policy review
1. Decisions resulting in other development permitted on, or within 250m of, sites safeguarding for other mineral plant infrastructure.	1. One application permitted with an objection from the County Council.

The monitoring trigger point has not been initiated. No applications for non-mineral development have been permitted on land occupied by safeguarded mineral plant infrastructure or on land within 250m of such infrastructure with an objection from the County Council.

GREEN

Consistency with National and Local Policy

The National Planning Policy Framework (NPPF) (2021) Part 17. Facilitating the sustainable use of minerals, Paragraph 210 and subsection e) states:

Planning Policies should:

> *e) safeguard existing, planned and potential sites for: the bulk transport, handling and processing of minerals; the manufacture of concrete and concrete products; and the handling, processing and distribution of substitute, recycled and secondary aggregate material;*

The policy is fully consistent with this requirement of the National Planning Policy Framework (2021).

GREEN

Other observations

None.

Recommendation

Policy remains fully effective and consistent with national policy.

GREEN

Policy CSM 8: Secondary and Recycled Aggregates

Policy wording

Secondary and Recycled Aggregates

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

Proposals for additional capacity for secondary and recycled aggregate production including those relating to the expansion of capacity at existing facilities that increases the segregation and hence end product range/quality achieved, will be granted planning permission if they are well located in relation to the source of input materials or need for output materials, have good transport infrastructure links and accord with the other relevant policies in the development plan, at the following types of sites:
1. temporary demolition, construction, land reclamation and regeneration projects and highways developments where materials are either generated or to be used in the project or both for the duration of the project (as defined by the planning permission)
2. appropriate mineral operations (including wharves and rail depots) for the duration of the host site permission.
3. appropriate waste management operations for the duration of the host site permission.
4. industrial estates, where the proposals are compatible with other policies set out in the development plan including those relating to employment and regeneration.
5. any other site that meets the requirements cited in the second paragraph of this policy above.

The term 'appropriate' in this policy is defined in terms of the proposal demonstrating that it will not give rise to unacceptable adverse impacts on communities or the environment as a whole over and above the levels that had been considered to be acceptable for the host site when originally permitted without the additional facility.
Planning permission will be granted to re-work old inert landfills and dredging disposal sites to produce replacement aggregate material where it is demonstrated that net gains in landscape, biodiversity or amenity can be achieved by the operation and environmental impacts can be mitigated to an acceptable level.

Monitoring indicators and thresholds for policy review

The following table sets out the monitoring indicators and thresholds used to monitor the effective implementation of Policy CSM 8.

Monitoring indicators	**Monitoring triggers (thresholds) for policy review**
1. Identification of secondary and recycled aggregate capacity in the Mineral Sites Plan.	1. Processing capacity falls by the equivalent to 10% below the target capacity.

2. Planning applications granted for secondary and recycled aggregate production.	2. One application permitted that does not meet all policy criteria.

The sector's overall processing capacity has remained at around 4.0 million tonnes per annum for over five years (see Local Aggregate Assessment reports at the following link: https://www.kent.gov.uk/about-the-council/strategies-and-policies/environment-waste-and-planning-policies/planning-policies/minerals-and-waste-planning-policy#tab-4).

The monitoring trigger points of the policy's monitoring schedule have not been exceeded and the sector's productive capacity has remained consistently in excess of 2.7 million tonnes per annum. Only those applications in accordance with the policy's site acceptability criteria have been permitted.

GREEN

Consistency with National and Local Policy

The National Planning Policy Framework (NPPF) (2021) Part 17. Facilitating the sustainable use of minerals, Paragraph 210 and subsection b) states:

Planning Policies should:

> *b) so far as practicable, take account of the contribution that substitute or secondary and recycled materials and minerals waste would make to the supply of materials, before considering extraction of primary materials, whilst aiming to source minerals supplies indigenously;*

The policy is fully consistent with this requirement of the National Planning Policy Framework (2021).

GREEN

Other observations

The policy refers to identification of sites in a Mineral Sites Plan to maintain at least 2.7mtpa of secondary and recycled aggregate production capacity throughout the plan period. However, the permitted capacity has remained in excess of the required 2.7mtpa figure (it is 4.0mtpa currently) for several years (see Local Aggregate Assessment reports at the following link: https://www.kent.gov.uk/about-the-council/strategies-and-policies/environment-waste-and-planning-policies/planning-policies/minerals-and-waste-planning-policy#tab-4). Therefore, this part of the policy can now be modified to remove the expectation that sites would be identified in the Sites Plan and also to state that the current capacity (4.0mtpa) should be maintained over the remainder of the plan period to 2030.

RED

Recommendation

Policy remains effective, though modification is required to remove reference to sites being identified in a Mineral Sites Plan and the maintenance of ‘at least 4.0mtpa’ over the remainder of the plan period, needs to replace the 2.7mtpa figure in this regard.

RED

Policy CSM 9: Building Stone in Kent

Policy wording

Building Stone in Kent

Planning permission will be granted for small-scale proposals that are needed to provide a supply of suitable local building stone necessary for restoration work associated with the maintenance of Kent's historic buildings and structures and new build projects within conservation areas, subject to:
1. development taking place in appropriate locations where the proposals do not have unacceptable adverse impacts on the local environment and communities
2. there being no other suitable, sustainable sources of the stone available
3. the site is restored to a high quality standard and appropriate after-use that supports the local landscape character

Monitoring indicators and thresholds for policy review

The following table sets out the monitoring indicators and thresholds used to monitor the effective implementation of Policy CSM 9.

Monitoring indicator	Monitoring trigger (threshold) for policy review
1. Planning applications granted for buildir stone extraction.	1. One application permitted that does not meet all policy criteria.

No applications have been received for the extraction of building stone over the five year period since the Plan was adopted and so the policy is untested.

NEUTRAL

Consistency with National and Local Policy

The National Planning Policy Framework (NPPF) (2021) Part 17. Facilitating the sustainable use of minerals, Section 209 states:

> *"It is essential that there is a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs. Since minerals are a finite natural resource, and can only be worked where they are found, best use needs to be made of them to secure their long-term conservation."*

The Policy is specifically purposed to secure the long-term conservation of finite mineral resources.

In addition, Section 211 states:

"When determining planning applications, great weight should be given to the benefits of mineral extraction, including to the economy. In considering proposals for mineral extraction, minerals planning authorities should:…..

f) consider how to meet any demand for the extraction of building stone needed for the repair of heritage assets, taking account of the need to protect designated sites; and…."

The Policy is specifically purposed to secure the long-term conservation of finite mineral resources and to ensure the supply of building stone in Kent to maintain the County's historic buildings and structures into the future.

Changes to the National Planning Policy Framework made in July 2021 removed the term 'small scale' from the text in Section 205 (now 211) as shown above. In light of this the policy requires updating to ensure consistency with national policy.

RED

Other observations

The policy references maintenance of historic buildings in Kent whereas stone is extracted in Kent to maintain such buildings beyond the County. An update is needed to correct this matter.

The third criterion in the policy is addressed by other policies in the Plan.

RED

Recommendation

The Policy is no longer consistent with national policy and needs to be updated due to a change in the National Planning Policy Framework involving deletion of the term 'small scale'. The policy should also be updated to reflect the fact that stone is extracted in Kent to main historic buildings beyond the County. The third criterion in the policy should be deleted to avoid inconsistency with those development management policies in the Plan intended to achieve the same aim which are applied to all forms of mineral and waste development.

RED

Policy CSM 10: Oil, Gas and Unconventional Hydrocarbons

Policy wording

Oil, Gas and Unconventional Hydrocarbons

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

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

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

Monitoring indicator and trigger (threshold) for policy review

The following table sets out the monitoring indicator and threshold used to monitor the effective implementation of Policy CSM10.

Monitoring indicator	**Monitoring trigger (threshold) for policy review**
Planning applications granted associated with the exploration, appraisal and development of	One application permitted that does not meet all policy criteria

oil, gas and unconventional hydrocarbons.	

Since the Kent Minerals and Waste Local Plan was adopted, no planning permissions have been granted associated with the exploration, appraisal and development of oil, gas or unconventional hydrocarbons. No such planning applications have been submitted to the County Council for consideration either and so the policy is untested.

NEUTRAL

Consistency with National Policy

National policy publications since the adoption of the Kent Minerals and Waste Local Plan largely reflect the initiatives of the Paris Agreement 2016. This includes the reduction of greenhouse gas emissions to limit the increase in global average temperatures and combat climate change. It is recognised that the end product of development referred to in CSM 10 can contribute to greenhouse gas emissions when used as a fuel, however the National Planning Policy Framework (in recognising the product as a mineral resource) still requires Mineral Planning Authorities to plan positively for the three stages of development (exploration, appraisal and extraction).

The supporting text to Policy CSM 10 reflects the wording in previous versions of the National Planning Policy Framework which stated:

> *'recognise the benefits of on-shore oil and gas development, including unconventional hydrocarbons, for the security of energy supplies and supporting the transition to a low-carbon economy; and put in place policies to facilitate their exploration and extraction;'*

This paragraph was removed from the National Planning Policy Framework, following the Written Ministerial Statement on 23rd May 2019. Therefore, the wording should be updated to reflect this. The rest of the supporting text remains consistent with the National Planning Policy Framework and other paragraphs on unconventional hydrocarbons which remains unchanged.

Concerns over the safety of such developments have arisen in recent years, with the Written Ministerial Statement 4th November 2019 advising that they would only support such development where it is safe and sustainable. Policy CSM 10 requires a high degree of certainty to be demonstrated that such developments would not result in adverse impacts on the environment or public safety/health. This is considered appropriate in terms of what can be done to manage such development in the remits of the planning system, as the process of hydrocarbon exploration/extraction is largely managed by other regulatory bodies.

AMBER

Other observations

None

Recommendation

Policy remains effective and is currently consistent with national policy.

The supporting text should be updated to reflect the changes to the National Planning Policy Framework on unconventional hydrocarbons.

AMBER

Policy CSM 11: Prospecting for Carboniferous Limestone

Policy wording

Prospecting for Carboniferous Limestone Planning permission will be granted at suitable locations for the drilling operations associated with the prospecting for underground limestone resources in East Kent subject to: 1. exploration and appraisal operations are for an agreed, temporary length of time

Monitoring indicator and threshold for policy review

The following table sets out the monitoring indicator and threshold used to monitor the effective implementation of Policy CSM 11.

Monitoring indicator(s)	**Monitoring triggers (thresholds) for policy review**
1. Planning applications granted for underground limestone prospecting.	1. One application permitted that does not meet all policy criteria.

No planning applications for underground limestone underground prospecting have been submitted to the County Council for determination. Policy remains untested in terms of its effectiveness for use in decision making when determining applications for prospecting using surface test drilling operations.

NEUTRAL

Consistency with National and Local Policy

The National Planning Policy Framework (NPPF) (2021) Part 17. Facilitating the sustainable use of minerals, Section 209 states:

> *'It is essential that there is a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs. Since minerals are a finite natural resource, and can only be worked where they are found, best use needs to be made of them to secure their long-term conservation'.*

The policy's objective is to ensure that the prospecting for underground limestone would not result in unacceptable impacts, though in doing so will support the sufficient supply of minerals, if needed, into the future.

With regard to the assessment of impacts, the relevant Planning Practice Guidance[11] states:
Assessing environmental impacts from minerals extraction

How and when are the details of any significant environmental impacts best addressed?

11 Paragraph: 011 Reference ID: 27-011-20140306, Revision date: 06 03 2014

Significant environmental impacts are best addressed through consideration of an Environmental Statement which will have to accompany nearly all planning applications for new mineral working. Statutory regulators must be consulted as part of the Environmental Impact Assessment process. This ensures that the mineral planning authority has sufficient information on all environmental matters at the time the planning decision is made.

Though the guidance is silent on how to assess impacts of onshore non energy minerals prospecting using drilling technology, it is reasonable to conclude that the Environmental Impact Assessment (EIA) process may well apply, as it does for onshore hydrocarbon exploration and appraisal. The need for Environmental Impact Assessment is especially likely as limestone resource area in East Kent is affected by a number of sensitive national and international designations (including BAP, Habitat of Principle Importance under the NERC Act 2006, Natura 2000, Sites of Special Scientific Interest (SSSI) and Local Wildlife Sites). Therefore, while the policy is in accordance with national planning policy, the explanatory text could be amended to reflect likely requirements for Environmental Impact Assessment.

AMBER

Other observations

None

Recommendation

Policy remains effective and consistent with national policy, though supporting text requires additional text to reflect the Environmental Impact Assessment process.

AMBER

Policy CSM 12: Sustainable Transport of Minerals

Policy wording

Sustainable Transport of Minerals

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

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

Monitoring indicator and threshold for policy review

The following table sets out the monitoring indicator and threshold used to monitor the effective implementation of Policy CSM12.

Monitoring indicator	**Monitoring trigger (thresholds) for policy review**
Planning applications granted for the sustainable transport of minerals (e.g. water or rail)	One application permitted that does not meet all policy criteria

No planning applications for sustainable transport of minerals have been submitted to the County Council for determination. Policy remains untested in terms of its effectiveness for use in decision making when determining applications for sustainable transport of minerals.

NEUTRAL

Consistency with National Policy

Supporting text to the policy discusses the need for “sustainable transport of minerals”. This point could be elaborated upon to make specific reference to carbon neutrality and reduction of greenhouse gases. This would be in line with the initiatives of the Paris Agreement 2016 and other policy which has since stemmed from it.

Text could also usefully be updated to reflect publications such as the Clean Air Strategy 2019, which sets out the targets for reducing air pollution. It is acknowledged that some 12% of harmful particulates in the atmosphere are the result of road transportation.

RED

Other observations

As wharves are not automatically associated with rail transportation, to ensure its effectiveness,

where the policy states *“Planning permission for any new wharf and rail”,* this should be changed to *“Planning permission for any new wharf and/or rail”.*

It may also be appropriate for the policy to refer to the adopted Mineral Sites Plan; in that it does not allocate any sites related to minerals transportation.

RED

Recommendation

Policy and supporting text require review to ensure consistency with national policy and that the wording of the policy is effective.

RED

Policy CSW 1: Sustainable Development

Policy wording

Sustainable Development

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

Waste development that accords with the development plan should be approved without delay, unless material considerations indicate otherwise.
Where there are no policies relevant to the application, or relevant policies are out of date at the time of decision making, the Council will grant permission unless material considerations indicate otherwise, taking into account where either:
1. any unacceptable adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole, or
2. specific policies in that Framework indicate that development should be restricted.

Monitoring indicators and thresholds

No specific monitoring indicators and associated thresholds were included in the Plan to monitor the implementation of Policy CSW1.

Consistency with National and Local Policy

The presumption in favour of sustainable development set out in the National Planning Policy Framework has been updated since the Plan was adopted and so the wording of the Policy is no longer precisely consistent with national policy.

The policy should be updated to avoid any tension between it and the National Planning Policy Framework.

RED

Other observations

The wording of the text suggests that waste developments proposals be considered in light of 'the presumption in favour of sustainable development contained in the National Planning Policy Framework, National Planning Policy for Waste and the Waste Management Plan for England', whereas the presumption in favour of sustainable development is actually only set out in the National Planning Policy Framework (and not the National Planning Policy for Waste and the Waste Management Plan for England).

RED

Recommendation

An update to Policy CSW1 is required to ensure it is consistent with updated national policy and to correct references to the presumption in favour of sustainable development included in national policy. Reference to ‘associated Planning Practice Guidance’ should be deleted.

RED

Policy CSW 2: Waste Hierarchy

POLICY WORDING

Waste Hierarchy

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

Monitoring indicators and thresholds

The following table sets out the monitoring indicators and thresholds used to monitor the effective implementation of Policy CSW2.

Monitoring indicator(s)	**Monitoring triggers (thresholds) for policy review**
1. Existing waste capacity by facility type and Waste Hierarchy Category	1. Relative and total fall in the proportion of waste capacity provided further up the waste hierarchy
2. Planning applications for waste management to include information on how the proposal will help drive waste to ascend the Waste Hierarchy wherever possible and practicable	2. One application permitted without the required information

5-year trend

The Table below presents the cumulative annual increase in consented capacity across all waste streams. This shows that consented capacity has grown progressively over the five year period, ending with over 2 million tonnes per annum of additional capacity across all waste streams. This doesn't include any permissions that may have been granted by the District/Boroughs/City councils that might relate to Lawful Use Certificates for scrap metal type sites,B2/B8 permissions being used for waste transfer or disassembly or engineering operations related to wider construction projects that might be classed as recovery to land. It therefore presents what may be regarded as the minimum provision picture.

	2016	**2017**	**2018**	**2019**	**2020**
Cumulative Annual Capacity of waste management facilities	+195,000	+635,835	+849,835	+1,604,635	+2,101,595

The Table below presents data for the principal waste stream[12].

[12] note the value does not equate to the total as permissions relating to IBA processing capacity (total 600ktpa in three permissions) has not been attributed to a specific stream as it is processing a residue arising from Local Authority Collected Waste and Commercial and Industrial waste being subject to 'Other Recovery' in unknown proportions. Hence counting it would double count recovery capacity.

		2016	2017	2018	2019	2020
Local Authority Collected Waste (LACW)	Annual	12,500	19,000	0	123,160	0
	Cumulative	12,500	31,500	31,500	154,660	154,660
Commercial and Industrial (C&I)	Annual	12,500	155,935	61,500	12,600	262,500
	Cumulative	12,500	168,435	229,935	242,535	505,035
Construction, Demolition and Excavation Waste (CDEW)	Annual	30,000	250,900	135,000	527,300	221,960
	Cumulative	30,000	280,900	415,900	943,200	1,165,160
Hazardous	Annual	0	15,000	0	0	12,500
	Cumulative	0	15,000	15,000	15,000	27,500
Agricultural	Annual	0	0	17,500	0	0
	Cumulative	0	0	17,500	17,500	17,500

Where capacity has been indicated to be available for more than a single stream the value has been divided by the number of streams. For example where permission has been granted for a site that may handle up to 25,000 tpa of both Local Authority Collected Waste and Commercial and Industrial waste, the capacity has been divided equally between the streams as in 2016.

Broadly waste management capacity has been permitted which is consistent with the waste hierarchy.

Analysis of planning decisions, shows that this policy has been considered in decisions where additional waste management capacity has been proposed. No decisions made by the council which were informed by the application of this policy have been appealed against on the grounds that the policy had been misapplied.

All applications permitted have included information to allow consideration of the consistency of the proposal with this policy, although additional clarification could usefully be provided in a revised local validation list.

In light of the above monitoring information, it can be concluded that neither of the thresholds which would trigger a review of this policy have been breached.

GREEN

Consistency with National and Local Policy

The waste hierarchy remains a key principle which is used to determine how waste should be managed. The principle was endorsed in the Resources and Waste Strategy published in December 2018 and subsequently in the Waste Management Plan for England published in January 2021. However the inclusion of the term ‘whenever possible’ at the end of the policy suggests that there may be instances when the waste hierarchy does not need to be applied. While national policy acknowledges that deviation from the hierarchy may be acceptable, it must be justified through life cycle assessment. It is therefore considered that this wording replace the caveat of “whenever possible" to reflect national policy more closely.

RED

Other observations

Policy CSW2 is an overarching policy which suggests that for 'sustainable waste management solutions' to be delivered proposals must be in accordance with waste hierarchy. However more is required than just the management of waste in accordance with the waste hierarchy for waste management solutions to be truly 'sustainable'. In light of this it is recommended that the wording of this policy be expanded to avoid such a suggestion.

Supporting text to the policy, in particular footnote 75, references 'DCLG' (meaning Department for Communities and Local Government) whereas the name of this government department has changed to 'Ministry of Housing, Communities and Local Government' and so the abbreviation should be updated to MHCLG.

RED

Recommendation

An update to the Policy is recommended to avoid confusion when assessing whether waste management proposals are sustainable and consistent with the waste hierarchy.

RED

Policy CSW 3: Waste Reduction

Policy wording

Waste Reduction

All new development should minimise the production of construction, demolition and excavation waste and manage any waste in accordance with the objectives of Policy CSW 2. The following details shall be submitted with the planning application, except for householder applications:
1. the measures to be taken to show compliance with this policy
2. the details of the nature and quantity of any construction, demolition and excavation waste and its subsequent management

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

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

Monitoring indicators and thresholds

The following table sets out the monitoring indicators and thresholds used to monitor the effective implementation of Policy CSW3.

Monitoring indicator(s)	**Monitoring triggers (thresholds) for policy review**
All development applications submitted with details of the compliance to policy CSW 3 as applicable.	One application permitted without the required information

It should be noted that this policy is concerned with applications for all forms of development and not just those relating to minerals and waste, and, as such, its implementation is also the responsibility of the District, Borough and City Council local planning authorities in Kent.

The threshold for the monitoring of this policy has been breached as more than one planning application has been permitted where the information required by Policy CSW3 has not been provided or evidenced.

The actual number of breaches relative to the number of applications dealt with is unknown. Anecdotally it is understood that some authorities have not implemented this policy. It is unclear whether this is because it is considered that the policy wording is ineffective or possibly be due to a lack of awareness within District, Borough and City Councils or due to the policy being within the Kent Minerals and Waste Local Plan rather than the determining authority's own Local Plan. This may also reveal a lack of appreciation that the Kent Minerals and Waste Local Plan forms part of the development plan for the county.

A review of all District and Borough Council Local Plan policies which might require development to come forward in accordance with circular economy principles including consideration of waste management has been undertaken. This found variation between Local Plans but all were found to include policies which encouraged ‘sustainable’ construction. No Local Plans were found to specifically reference circular economy. Policies tended to include a clearer focus on ‘carbon’, water and energy efficiency rather than waste. Any update to this policy will require input from the District, Borough and City Councils.

RED

Consistency with National and Local Policy

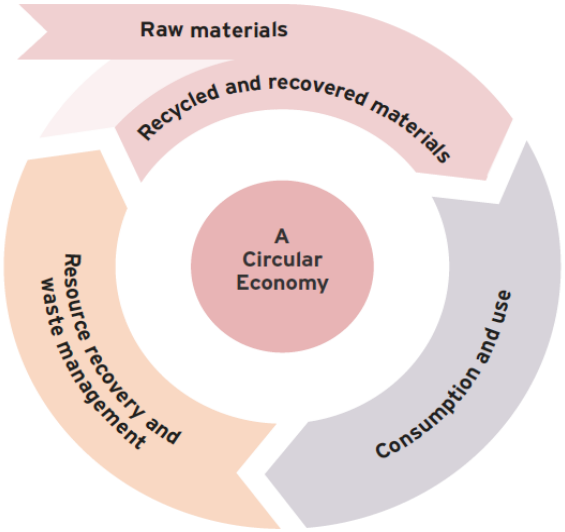
The 2018 Resources and Waste Strategy sets out current Government thinking on waste management in England, including how waste is to be minimised and managed more effectively through maximising opportunities to generate value from material prevented from entering, and that extracted from, waste streams.
The Resources and Waste Strategy identifies five strategic ambitions:

- To work towards all plastic packaging placed on the market being recyclable, reusable or compostable by 2025;
- To work towards eliminating food waste to landfill by 2030;
- To eliminate avoidable plastic waste over the lifetime of the 25 Year Environment Plan;
- To double resource productivity by 2050; and
- To eliminate avoidable waste of all kinds by 2050.

The strategy is particularly concerned with ensuring that society’s approach to waste aligns with the following circular economy principles:

- design out waste and pollution;
- keep products and materials in use; and
- regenerate natural systems

The role waste management plays in promoting these principles affect is illustrated below.



The Resources and Waste Strategy identifies the construction sector as an area where resource efficiency is key, recognising that the industry is important to achieving waste targets as well as the overarching aim of resource productivity. The strategy recognises that the construction industry is on the brink of fundamental change involving the implementation of innovative construction materials and techniques and notes how this may be supported through the Extended Producer Responsibility (EPR) initiative.

In terms of the design of new buildings, application of circular economy thinking takes considerations beyond how waste is simply managed and places a greater emphasis on how buildings are designed to ensure that they are less to likely result in waste being produced in the first place. Examples include using modular off site construction techniques and designing buildings in a way to make them adaptable to changes in their use. It is now widely recognised that while old buildings may be less energy efficient, the carbon impacts of demolishing buildings and replacing them with a new energy efficient one may be greater than the savings that occur from the operation of the new buildings. Another example is designing with a building's 'deconstruction' in mind such that structures and building elements can be reused in other buildings.

In addition, the County Council has adopted a Climate Emergency Statement and other District and Borough Councils have adopted similar statements which set out how they intend to achieve net zero carbon emissions. This ought to have a bearing on how the Council's allow for the development of land via the planning system.

Policy CSW3 focuses on two aspects of waste management as follows:

Minimising the production of construction, demolition and excavation waste and steps taken to ensure that waste which is produced is managed in accordance with the waste hierarchy; and the management of any waste arising from the occupation of any kind of development will be stored, collected and managed in accordance with the waste hierarchy.

Updates to this policy will help ensure that the proposals for development address the above matters to promote the aspirations considered above as follows:

Production of Construction, Demolition and Excavation waste
While the policy relates to this, it doesn't extend to the full range of possible actions that might be considered from a circular economy point of view. In light of this it is considered that the policy could be updated to require consideration of how buildings are designed to

extend their lifespan and reduce waste when they ultimately come to the end of their life e.g. by the application of design for reuse principles such as modular development.

The new London Plan has introduced a requirement for all new proposals for development over a certain size to be submitted with a 'Circular Economy Statement'. Such a statement is concerned with not just how waste which arises from the development is to be managed, but also how developments are designed to minimise the production of waste in the first place. An example of a policy which reflects this approach is also included in the Old Oak and Park Royal Local Plan. This policy states:

' Major development proposals will be required to submit a Circular and Sharing Economy Statement, demonstrating: a) how the design and construction of the development enables buildings and their constituent materials, components and products to be disassembled and reused at the end of their useful life; b) where, so far as is possible, the circular and sharing economy has been promoted through leasing or rental arrangements for building systems, products and materials; c) how sharing economy principles have been adopted in the design, construction and on-going operation of the development; and d) how circular economy principles have informed the design and implementation of energy (including heating and cooling), water and waste infrastructure.'

The Resources and Waste Strategy sets out the Government's intention to review and consult on measures such as Extended Producer Responsibility and product standards for certain materials in the construction and demolition sector, this is intended to ensure that fewer materials are wasted and to encourage the use of materials with recycled content.

Management of operational waste
The inclusion of a requirement for a recycling & waste management strategy to be submitted with applications to demonstrate measures put in place for the management of operational waste will help meet local authority waste management targets is sensible joined up thinking although somewhat gets lost in the current layout.

This ought to be developed further to specifically address the expectations of the Government's draft updated Waste Prevention Programme for England which specifically mentions how the planning system should support the prevention of waste as follows:

"We would like to see local authorities taking waste prevention into account in the development of their Waste Management Plans, as well as Site Allocation Plans and Local Plans that underpin development control decisions. The evidence suggests that the latter needs to reflect the importance of space for storage of reusable goods, and reuse and repair services. Local authorities are expected to report on "reuse & recycling" and reporting more clearly as to action against each of these would help them meet their duties under the waste hierarchy"

Updates to the Plan may therefore be required to ensure development comes forward which is consistent with this agenda. Such a policy may also play a role in the District and Borough Council's action plans for delivering their carbon net-zero objectives. It will be important to monitor the publication of the final updated Waste Prevention Programme for England which is expected to be published in Autumn 2021.

The supporting text to Policy CSW2 references Policy CSW3 which, amongst other things, is intended to ensure space is provided in all new development to facilitate waste separation and recycling. However, Policy CSW3 is silent on how proposals should come forward which take account of '*the importance of space for storage of reusable goods, and reuse and repair services'.* It is recommended that Policy CSW3 be updated to reflect the need to encourage repair and reuse.

RED

Other observations

While Policy DM17 explains that contributions may be obtained from developers to help mitigate the impact of minerals and waste management development, the Plan does not explain how financial contributions from promotors of other development, in particular housing, may be secured to assist with the development of additional capacity that may be needed to manage the additional waste from households. Providing such clarification in the supporting text to Policy CSW3 would support KCC as Waste Disposal Authority (WDA) in its negotiations with the Kent district, borough and city councils responsible for determining such development. This could be linked to proposed changes to the supporting text of Policy CSW4 which would set out specific issues relating to capacity provision that the WDA is currently seeking to address.

The Kent and Medway Energy and Low Emissions Strategy: Implementation Plan 2020-2023 includes "priorities for collaborative action in the short- and medium-term". This include a priority dedicated to "planning and development" ("priority 3") that sets out actions including the refresh of the Kent Design Guide to reflect clean growth, net-zero targets and climate change adaptation. It is recommended that Policy CSW3 be updated to reference the Kent Design Guide.

AMBER

Recommendation

Update to the Policy and supporting text are necessary to ensure development comes forward in a way which is consistent with circular economy principles.

The supporting text should be updated to confirm how developers may be required to make financial contributions for the provision of capacity required to manage the additional household waste arising.

RED

Policy CSW 4: Strategy for Waste Management Capacity

Policy wording

Strategy for Waste Management Capacity

The strategy for waste management capacity in Kent is to provide sufficient waste management capacity to manage at least the equivalent of the waste arising in Kent plus some residual non-hazardous waste from London. As a minimum it is to achieve the targets set out below for recycling and composting and other forms of recovery.

Table 1:

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

Monitoring indicators and thresholds

The following table sets out the monitoring indicators and thresholds used to monitor the effective implementation of Policy CSW4.

Monitoring indicator(s)	**Monitoring triggers (thresholds) for policy review**
Annual capacity of waste management facilities	Capacity fallen to 10% above the target capacity beyond the years stated
Net self-sufficiency plus proportion of London's waste	More than -10% difference in the annual levels of imports and exports Spare consented capacity falls below forecast need for Kent 10%

5-year trend

The table below presents the cumulative annual increase in consented capacity across all waste streams. This shows that consented capacity has grown progressively over the five year period, ending with over 2 million tonnes per annum of additional capacity across all waste streams. This doesn't include any permissions that may have been granted by the District/Boroughs/City councils that might relate to Lawful Use Certificates for scrap metal type sites, B2/B8 permissions being used for waste transfer or disassembly or engineering operations related to wider construction projects that might be classed as recovery to land. It therefore presents what may be regarded as the minimum provision picture.

	2016	**2017**	**2018**	**2019**	**2020**
Cumulative annual changes in waste management capacity[13]	+195,000	+635,835	+849,835	+1,604,635	+2,101,595

Where capacity has been indicated to be available for more than a single stream the value has been divided by the number of streams.

The information presented below sets out whether the targets included in Policy CSW4 have been met or exceeded approaching the first Plan milestone of 2020/21 by principal waste stream.

[13] The table on page 56 provides a breakdown of the above data by principal waste stream.

Table: Local Authority Collected Waste: Kent Minerals and Waste Local Plan Targets vs actual performance

	Milestone Year				
		2015/16	2020/21[14]	2025/26	2030/31
Recycling/Composting	Target (Floor)	N/A	50%	55%	60%
	Actual	*46.2%*	*48.5%*	-	-
Other Recovery	Target (Ceiling)	N/A	45%	43%	38%
	Actual	*47.1%*	*50.1%*	-	-
Remainder to Landfill	Target (Ceiling)	N/A	2%	2%	2%
	Actual	*6.4%*	*1.4%*	-	-

Observations

Local Authority Collected Waste recycling has increased and landfill has fallen which are both trends consistent with the objectives the Plan. However, the percentage of Local Authority Collected Waste going to Energy from Waste (EfW) has also risen, and is likely to exceed the threshold target i.e. ceiling (maximum) set for 2020/21 of 45%. Given the tonnage sent to landfill has already been minimised this may threaten achievement of the Local Authority Collected Waste recycling/composting target which is itself a floor target i.e. a minimum, to be achieved.

Table: Commercial & Industrial Waste: Kent Minerals and Waste Local Plan Targets vs actual performance

	Milestone Year				
		2015/16	2020/21	2025/26	2030/31
Recycling/Composting	Target (Floor)	N/A	50%	55%	60%
	Actual	*>41%*	*52%*[15]	-	-
Other Recovery inc Recovery to Land	Target (Ceiling)	N/A	35%	32.5%	30%
	Actual	*>3%*	*10%*	-	-
Remainder to Landfill	Target (Ceiling)	N/A	15%	12.5%	10%
	Actual	*27%*	*38%*	-	-

Observations

Recycling of Commercial & Industrial Waste has increased, but landfill has also increased exceeding the ceiling set for 2020/21 by a significant margin. However, it should be noted that the actual tonnage of waste managed by landfill has remained virtually unchanged. That is to say the increase in the proportion managed by landfill is also a product of the fact that the total estimated C&I waste arisings for Kent has decreased over the period. The percentage of Commercial and Industrial waste going to EfW has also risen, but is well below the ceiling set for 2020/21 (35%).

[14] Data for 2020/21 not available at time of writing. Actual data for 2019 or 2019/20 taken as proxy.
[15] Taken to be the remainder after landfill and Other Recovery.

Table: Construction & Demolition Waste (Non-Inert Fraction management profile expressed as % of total arisings)

		Milestone Year			
		2015/16	2020/21	2025/26	2030/31
Recycling/Composting	Target (Floor)	N/A	13%	14%	15%
	Actual	*11%*	*5%*	-	-
Other Recovery	Target (Ceiling)	N/A	5%	5%	5%
	Actual	*1%*	*3%*	-	-
Remainder to Landfill	Target (Ceiling)	N/A	2%	1%	0.5%
	Actual	*5%*	*4%*	-	-

Observations

The percentage of the C, D & E waste stream composed of non-inert waste varies between 2015 and 2019, from 17% to 11%. This means directly comparing these datasets is problematic, which also highlights a difficulty with setting a target for management of the non-inert fraction as a % of total CDEW arisings rather than just the proportion of the CDE stream that is non-inert. If this variation were to be adjusted for, the actual management profiles below emerge.

Table: Construction & Demolition Waste (Non-Inert Fraction management profile expressed as % of Non-inert fraction only)

		2015/16	2020/21
Recycling/Composting	*Actual (Floor)*	*63%*	*42%*
Other Recovery	*Actual (Ceiling)*	*8%*	*25%*
Remainder to Landfill	*Actual(Ceiling)*	*28%*	*33%*

This suggests that the management targets set for this fraction in the Kent Minerals and Waste Local Plan ought to be revised to be expressed as % of the non-inert fraction only.

RED

Consistency with National and Local Policy

This policy was reviewed and updated as part of the Early Partial Review of the Kent Minerals and Waste Local Plan. This review took account of the latest Government policy on waste management in place at that time which included the Resources and Waste Strategy. The Kent Resources Partnership has recently embarked on updating the Kent Joint Municipal Waste Management Strategy. This is the principal driver for the activity of the Partnership, which is in effect the vehicle for the Strategy delivery. The key objectives are as follows:

- Maximising the 'value' of resources that we manage from households, in terms of realising the social, environmental and economic opportunities;
- Providing the best possible value for money service to the Kent taxpayer, taking into account whole service costs;
- Realising opportunities to improve services now and in the future through engagement,

collaboration and working in partnership with the supply chain; and
- Supporting future thinking through ongoing research and evidence that will facilitate the transition to a circular economy for Kent.

The County Council as Waste Disposal Authority (WDA) is conducting a five year review of its Waste Disposal Strategy originally endorsed by Members in July 2017. This strategy is the guiding document for the WDA's assessment of current and future infrastructure operational requirements for the ongoing management of local authority collected waste across Kent. While both documents focus on the achievement of targets for household and other local authority collected waste, the Resources and Waste Strategy also places an emphasis on improving recycling and food waste diversion rates arising from the commercial waste stream that would fall within the wider waste class of 'municipal waste' as enshrined in English law[16]. It was this focus that informed the development of the commercial and industrial waste targets set out in the Early Partial Review of the Kent Minerals and Waste Local Plan.

The municipal component of Commercial and Industrial arisings has been taken to represent up to 60% of total C&I arisings and around 70% of commercial waste arisings in the latest impact assessment of the Government's consistency proposals[17]. This is referred to as 'non-household municipal' or NHM for short. It should be noted that the waste composition profiles for the diverse NHM sectors all show much larger proportions of recyclable waste than for household waste. This is primarily due to businesses purchasing packaged goods from their supply chain, food waste generated in preparation and post-consumer waste. As such, the recycling potential from NHM sectors is significantly greater than from household sector meaning that the need to promote achievement of the NHM targets is all the more important if the overall national target is to be achieved.

The NHM baseline recycling rate nationally is assumed to be 49% as a best estimate for 2018 which is very close to the Kent Minerals and Waste Local Plan 2020 target of 50% recycling/composting. The baseline recycling rate is being achieved without any direct government intervention. There are currently few drivers for businesses to recycle waste and costs of the change can actually inhibit it because businesses usually pay for waste collections on a per-lift or per-bin basis. Consequently, introducing additional recycling bins may lead to increased service costs.

The Environment Bill introduced by Government requires the separate collection of five waste streams from premises producing household like waste as follows: food waste; plastics; metal; glass; and paper/card, except where this is not practicable for technical or economic reasons or there is no significant environmental benefit. The preferred businesses option expects all businesses to have separate collection for Dry Mixed Recyclables (DMR) , with separate glass waste collections and separate food waste collections. It is assumed that all businesses transition to these arrangements by 2026 with a possible exemption for certain businesses, such as micro firms, from these requirements entirely or in respect of a particular waste stream, for example, food waste.

Implementation of these requirements will be crucial to achievement of the recycling/composting ambition of the Kent Minerals and Waste Local Plan targets of 55% by 2025/26 and 60% by 2030/31.

This is likely to generate the need to provide additional management capacity for the separation of Dry Mixed Recyclate (DMR) into its constituent recyclates plus bulking capacity for glass and

[16] The Waste (Circular Economy) (Amendment) Regulations 2020 introduce a definition of municipal waste, which is waste collected from households and waste collected from other sources, where such waste is similar in nature and composition to waste from households

[17] National Municipal Commercial Waste Composition, England 2017 WRAP

food waste, if not final treatment capacity for food arising both from the Local Authority Collected Waste and 'non-household municipal streams. This pressure would be additional to capacity required for the management of an increased quantity of additional household derived materials arising from population growth. Many of the existing facilities managing Local Authority Collected Waste have been identified as requiring upgrade, expansion or replacement by the County Council in its Waste Disposal Strategy.

Provision has been made in the Kent Minerals and Waste Local Plan for the management of a reducing tonnage of residual non-hazardous waste from London. The new London Plan adopted in 2021 anticipates achievement of net self-sufficiency for London by 2026. While the movement of waste from London to Kent may still continue after that date, the intention is that sufficient capacity will be developed in London to ensure an equivalent quantity of waste can be managed in London, hence, at that point, theoretically, the net burden on Kent should end. As this is not planned to occur until 2026, and there is already a significant surplus in provision of other Recovery capacity for the management of residual waste in Kent, it is considered that the current approach of Policy CSW 4 of accommodating a reducing amount of London's residual waste in Kent may continue with the need for a change to this Policy being reconsidered at the Plan's next 5 yearly review.

AMBER

Other observations

Issues with the spatial distribution of 'final fate' capacity for Local Authority Collected Waste in the form of recycling facilities e.g. Materials Recycling Facilities and other recovery facilities i.e. Energy from Waste plants, have been identified by the Waste Disposal Authority. The current distribution of waste transfer facilities receiving household waste across the county results in excessive transport especially from Folkestone and Hythe district and the Ebbsfleet Development Corporation area. In light of this the Waste Disposal Authority has identified a pressing need for the development of new waste transfer facilities to serve those particular areas where collected waste can be bulked up for onward transport to its final fate.

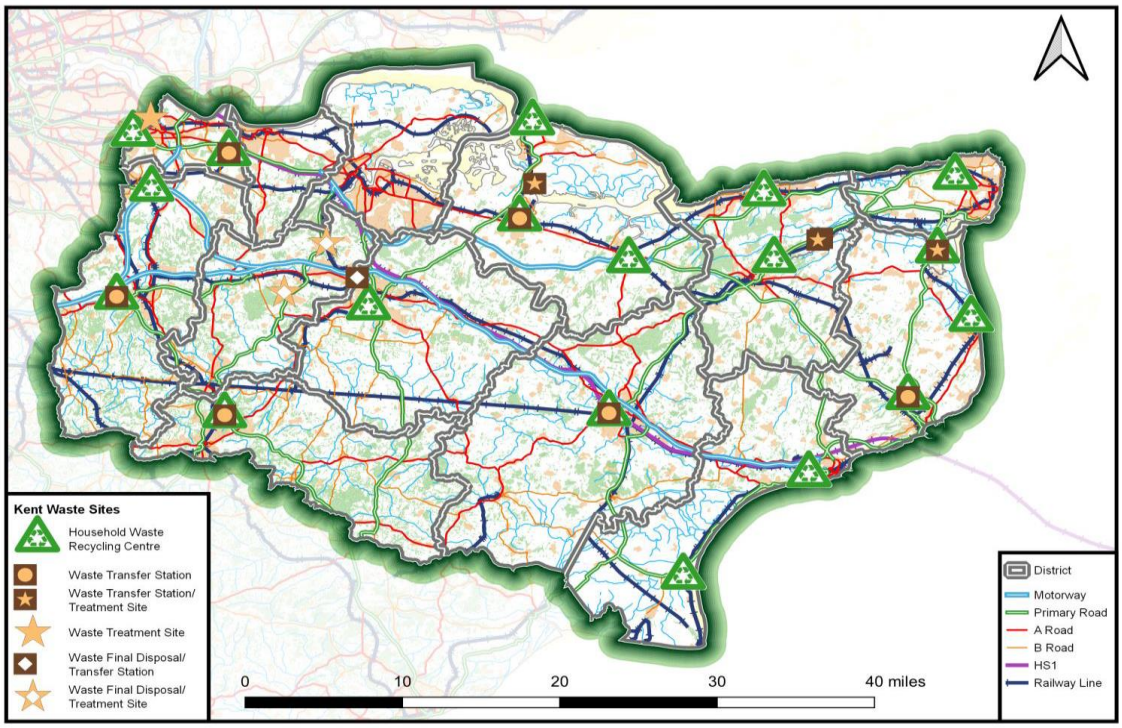


Figure: Kent County Council operational waste sites (2019)

Given the stated aim of the Plan is to:

- *"provide a balanced and accessible network of modern facilities"* (Para 2.4.8) and
- *"support the needs arising from growth within Kent"* (point 2 Spatial Vision) and
- *"Ensure waste is managed close to its source of production."* (point 11 Spatial Vision)

While Policy DM13 addresses the need to demonstrate that emissions "associated with road transport movements are minimised as far as practicable" it may be that the policies of the Kent Minerals and Waste Local Plan ought to be revisited to enshrine the importance of this spatial dimension into policy more explicitly.

AMBER

Recommendation

An amendment to the target for non-inert Construction, Demolition and Excavation waste such that it is expressed as % of the non-inert fraction only.

Updates to the supporting text which set out issues concerning the management of waste in Kent area are recommended to cover the need for the development of additional Local Authority Collected Waste transfer capacity.

RED

Policy CSW 5: Strategic Site for Waste

Policy wording

Strategic Site for Waste

The proposed extension areas for Norwood Quarry and Landfill Site, Isle of Sheppey are together identified as the Strategic Site for Waste in Kent. The site location is shown on Figure 19. Unless criterion 1 below is satisfied, planning permission will not be granted for any other development other than mineral working with restoration through the landfilling of hazardous (flue) dust ash residues from Energy from Waste plants.

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

1. Demonstration that the site can be suitably restored in the event that landfilling of hazardous (flue) dust ash residues from Energy from Waste plants were to cease before completion of the final landform due to changes in treatment capacity and/or government policy that may result in the diversion of these wastes from landfill
2. an air quality assessment is made of the impact of the proposed development and its associated traffic movements (80) on the Medway Estuary and Marshes Special Protection Area and the Swale Special Protection Area sites and if necessary mitigation measures are required through planning condition and/or planning obligation
3. the site and any associated land being restored to a high-quality standard and appropriate after-use that accords with the local landscape character
4. Any proposal for this site would need to consider the requirements of other relevant polices of this Plan and in particular would need to consider any impacts on the A2500 Lower Road. Depending on the nature of any proposal it may be necessary for the developer to make a contribution to the improvement of this road.

Monitoring indicators and thresholds

The following table sets out the monitoring indicators and thresholds used to monitor the effective implementation of Policy CSW5.

Monitoring indicator(s)	Monitoring triggers (thresholds) for policy review
Planning decision resulting in development (other than mineral working with restoration through the landfilling of hazardous flue dust from Energy from Waste plants in Kent) on or near the Strategic Site for Waste that could adversely affect development of required capacity to serve Allington EfW.	One Application permitted with an objection from the County Council

No development has been granted planning permission that would adversely affect development of the strategic site at Norwood Quarry for purpose set out in Policy CSW5.

GREEN

Consistency with National and Local Policy

The management of waste by landfill constitutes disposal which is at the bottom of the Waste Hierarchy and more sustainable means of management should therefore be planned for if practicable. However national policy recognises that for some wastes disposal by landfill might be the only management option.

GREEN

Other observations

Evidence suggests that more sustainable alternative options to landfill is emerging for the management of hazardous (flue) dust ash residues from EfW (including Allington EfW facility). However, this position is currently unlikely to be available in sufficient capacity for to warrant a review of current policy. It is therefore considered prudent to retain this allocation.

GREEN

Recommendation

Although the landfill of flue gas residues may not constitute the optimum management method the allocation should be retained to provide capacity while other management methods are established.

GREEN

Policy CSW 6: Location of Built Waste Management Facilities

Policy wording

Location of Built Waste Management Facilities
Planning permission will be granted for proposals that:
a. do not give rise to significant adverse impacts upon national and international designated sites, including Areas of Outstanding Natural Beauty (AONB), Sites of Special Scientific Interest (SSSI), Special Areas of Conservation (SAC), Special Protection Areas (SPAs), Ramsar sites, Ancient Monuments and registered Historic Parks and Gardens. (See Figures 4, 5 & 6).
b. do not give rise to significant adverse impacts upon Local Wildlife Sites (LWS), Local Nature Reserves (LNR), Ancient Woodland, Air Quality Management Areas (AQMAs) and groundwater resources. (See Figures 7, 8, 10 & 15)
c. are well located in relation to Kent's Key Arterial Routes, avoiding proposals which would give rise to significant numbers of lorry movements through villages or on unacceptable stretches of road.
d. do not represent inappropriate development in the Green Belt.
e. avoid Groundwater Source Protection Zone 1 or Flood Risk Zone 3b
f. avoid sites on or in proximity to land where alternative development exists/ has planning permission or is identified in an adopted Local Plan for alternate uses that may prove to be incompatible with the proposed waste management uses on the site.
g. for energy producing facilities - sites are in proximity to potential heat users.
h. for facilities that may involve prominent structures (including chimney stacks) - the ability of the landscape to accommodate the structure (including any associated emission plume) after mitigation.
i. for facilities involving operations that may give rise to bioaerosols (e.g. composting) to locate at least 250m away from any potentially sensitive receptors.

Where it is demonstrated that waste will be dealt with further up the hierarchy, or it is replacing capacity lost at existing sites, facilities that satisfy the relevant criteria above on land in the following locations will be granted consent, providing there is no adverse impact on the environment and communities and where such uses are compatible with the development plan:
1. within or adjacent to an existing mineral development or waste management use
2. forming part of a new major development for B8 employment or mixed uses
3. within existing industrial estates
4. other previously developed, contaminated or derelict land not allocated for another use
5. redundant agricultural and forestry buildings and their curtilages
Proposals on greenfield land will only be permitted if it can be demonstrated that there are no suitable locations identifiable from categories 1 to 5 above within the intended catchment area of waste arisings. Particular regard will be given to whether the nature of the proposed waste management activity requires an isolated location.

Monitoring indicators and thresholds

No specific monitoring indicators and associated thresholds were included in the Plan to monitor the implementation of Policy CSW6.

Consistency with National and Local Policy

Policy CSW6 gives protection to 'Ancient Monuments and registered Historic Parks and Gardens' whereas the term used in the National Planning Policy Framework to define such features is 'designated heritage asset'. Such a term has a wider meaning and potentially provides greater protection to sites of archaeological interest than that provided by the term used in the Policy. The Kent Minerals and Waste Local Plan currently defines 'Heritage assets' in the glossary as:

'A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. Heritage asset includes designated heritage assets and assets identified by the local planning authority (including local listing).'

The Kent Minerals and Waste Local Plan also includes a specific policy (DM5) concerned with the protection of Heritage Assets and so it appears Policy CSW6 is not wholly consistent with Policy DM5.

Recent changes to the National Planning Policy Framework emphasise how development proposed in the settings of AONBs must not adversely impact on the duty to protect and enhance AONBs. For Kent this affects development proposed within the settings of the High Weald and Kent Downs AONBs. Policy CSW6 expects waste development not to have significant adverse impacts upon national and international designated sites, including Areas of Outstanding Natural Beauty (AONB), Sites of Special Scientific Interest (SSSI), Special Areas of Conservation (SAC), Special Protection Areas (SPAs), Ramsar sites, Ancient Monuments and registered Historic Parks and Gardens. Currently no mention of 'settings' of AONBs is included and so Policy CSW6 is no longer be consistent with national policy.

The policy currently requires energy from waste facilities to be located proximate to *potential* heat users, however it is considered that this does not provide the certainty required by updated policy and legislation concerned with ensuring that net zero carbon emissions are achieved by 2050.

RED

Other observations

None

Recommendation

Updates to the policy are required to ensure consistency within the Plan and with national policy.

RED

Policy CSW 7: Waste Management for Non-hazardous Waste

Policy wording

Waste Management for Non-hazardous Waste

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

1. it moves waste up the hierarchy,

2. recovery of by-products and residues is maximised

3. energy recovery is maximised (utilising both heat and power)

4. any residues produced can be managed or disposed of in accordance with the objectives of Policy CSW 2

5. sites for the management of green waste and/or kitchen waste in excess of 100 tonnes per week are Animal By Product Regulation compliant (such as in vessel composting or anaerobic digestion)

6. sites for small-scale open composting of green waste (facilities of less than 100 tonnes per week) that are located within a farm unit and the compost is used within that unit.

Monitoring indicators and thresholds

The following table sets out the monitoring indicators and thresholds used to monitor the effective implementation of Policy CSW7.

Monitoring indicator(s)	**Monitoring triggers (thresholds) for policy review**
Planning applications granted for non-hazardous waste developments	One application permitted that does not meet all policy criteria

Planning decisions are made in accordance with the development plan (which includes the Kent Minerals and Waste Local Plan) as a whole and are a balance of policy considerations. In assessing the effectiveness of the policies against the adopted monitoring schedule, it is appropriate to consider against those applications where it was concluded that the development proposed was a departure to the development plan. In such cases these would have resulted in a referral of the decision to the Secretary of State and triggering development being permitted that was contrary to polices in the Plan. Since the Plan was adopted in 2016 no decisions have been considered to depart from the development plan.

GREEN

Consistency with National and Local Policy

In its requirement that waste management capacity should ensure waste is managed in accordance with the waste hierarchy and heat and energy is recovered, the Policy is broadly consistent with National Planning Policy for Waste.

The efficient recovery of energy is linked to the need to meet targets for achieving net zero which have recently been tightened by the Government. In light of this it may be that the clause 'energy recovery is maximised' and should be tightened to ensure achievement of the objective of maximum recovery of energy.

While this is valid supporting information, criteria 5 repeats legislation which is the responsibility of the Animal and Plant Health Agency (APHA) to enforce and so may be considered ultra vires as it duplicates control.

Criterion 6 may be construed as placing too limited a scope for open (windrow) composting facilities, which are to be promoted generally as they move green waste up the waste hierarchy. Such specific control may be more appropriate to the Environment Agency through the environmental permitting regulations. The criteria is also more concerned identifying a particular type of suitable location for small scale composting and so should be moved to Policy CSW 6.

RED

Other observations

The criteria 1 requirement for facilities to ensure waste is moved up the hierarchy appears to duplicate Policy CSW2. Similarly, Policies CSW7 and CSW8 both address the need for maximum energy to be derived from energy from waste. The approaches taken by the different policies is slightly different and so, whilst there is duplication, there is also potential for inconsistent implementation of requirements.

RED

Recommendation

Policy CSW7 should be updated to avoid duplication with policies CSW2 and CSW8. Further changes to Policy CSW7 are considered necessary to ensure it is effective.

RED

Policy CSW 8: Recovery Facilities for Non-hazardous Waste

Policy wording

Recovery Facilities for Non-hazardous Waste

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

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

Monitoring indicators and thresholds

The following table sets out the monitoring indicators and thresholds used to monitor the effective implementation of Policy CSW8.

Monitoring indicator(s)	Monitoring triggers (thresholds) for policy review
1. Percentage of waste managed in Kent diverted from landfill	1. Within 10% of the target maximum for the household waste landfill diversion target at or beyond the dates stated
2. Remaining capacity of non-hazardous landfill	2. Sufficient capacity for net self-sufficiency (import and export levels) for non-inert management capacity plus 10%
3. Planning applications granted for EfW Facilities and their capacity	3. Insufficient capacity for non-hazardous landfill to manage predicted level of non-hazardous waste

5-year trend[18]

Monitoring Indicator 1

The percentage of Local Authority Collected Waste from Kent which has been diverted from landfill is set out in the table below:

	2016/17	2017/18	2018/19	2019/20
% Waste diverted from landfill	97	97	98	98

18 Information for 2020 has not yet been published and so a full five years of data cannot be provided – this will likely be available in the Autumn of 2021.

Policy CSW4 includes targets for waste management which show the target for diversion of Local Authority Collected Waste from landfill is 98%. Although the indicator references 'maximum' these aren't specifically referenced in the Plan and so an assessment has been made against the 98% target. It can be seen from the table above that the diversion of Local Authority Collected Waste has been within less than 10% of the 98% diversion target and so the threshold for this monitoring indicator has not been breached.

Monitoring Indicator 2

The remaining capacity of non-hazardous landfill in Kent reported at the end of 2019 was as follows:

Facility Name	Remaining Capacity (cubic metres)
Greatness Quarry	11,855
Shelford Landfill Site	1,734,833
TOTAL:	1,746,688

The anticipated landfill requirement for non-hazardous waste arising in Kent from 2020 to the end of the Plan period 2031 is 312,335 m^3 [19] and so there is more than sufficient non-hazardous waste landfill capacity to meet Kent's projected needs for the next decade at least.

The applicability of the trigger threshold of "Sufficient capacity for net self-sufficiency (import and export levels) for non-inert management capacity plus 10%" might be usefully refined to relate specifically to "residual waste management capacity" rather than "non-inert" as non-inert management capacity could include recycling/composting capacity.

Monitoring Indicator 3

The third indicator is indirectly concerned with the adequacy of non-hazardous landfill capacity to meet residual waste management requirements and so essentially repeats monitoring indicator 2 through the alternative lens of Energy from Waste capacity. It is proposed that as part of the updates to the Kent Minerals and Waste Local Plan, monitoring indicator 3 be deleted.

GREEN

Consistency with National and Local Policy

The Government's Resources and Waste Strategy places additional emphasis on the utilisation of heat from energy recovery facilities. This is confirmed in the Waste Management Plan for England 202120 that states:

"Any given technology is more beneficial if both heat and electricity can be recovered. Particular attention should therefore be given to the location of the plant to maximise opportunities for heat use".

19 From Table 12 of *Capacity Requirement for the Management of Residual Non Hazardous Waste September 2018 Update*
20 https://www.gov.uk/government/publications/waste-management-plan-for-england-2021

Furthermore, in 2019 Government adopted a target of reducing the UK's net greenhouse gas emissions by 100% i.e. net zero, by 2050 relative to1990 levels. With a stated intention to reduce emissions to no more than 78% by 2035, effectively bringing forward the previous 80% target by 15 years.

The Climate Change Committee (CCC) advises the Government on steps that need to be taken to achieve these statutory reduction targets. It does this by recommending carbon budgets which indicate how emissions from different sectors of the economy will need to change for the overall target to be achieved. The CCC published its sixth carbon budget in December 2020 and this included a sector report on waste. A key recommendation within the waste sector report (and in the overarching report) is that all energy-from-waste plants should be fitted with Carbon Capture, Utilisation and Storage technology (CCUS) by 2050 at the latest.

The trade association for the waste management sector (the Environmental Services Association) published a Net Zero greenhouse gas emissions strategy[21] for the UK recycling and waste sector recognising the need for heat utilisation and consideration of CCUS as part of the decarbonisation of the waste management sector. This strategy includes the following targets:

- Develop heat networks where feasible to deliver heat from EfW plants from 2021 onwards.
- Start fitting Carbon Capture, Utilisation and Storage (CCUS) technologies to EfW facilities from 2025, with all plants fitted with Carbon Capture, Utilisation and Storage where feasible by 2040; and
- Ensure that all new EfW plants are built with Carbon Capture, Utilisation and Storage CCUS fitted or are CCUS-ready from 2025 onwards.

In addition to the above it also proposes to divert all organic waste from landfill by 2030 to recycling and energy production through composting, anaerobic digestion (AD) and Energy from Waste. It is also understood that the sectoral targets assume that oil based plastics are diverted from Energy from Waste plants, and therefore it may be appropriate to prescribe pre-treatment to achieve this.

Given these targets represent agreed rather than best practice, it is recommended that the above targets be enshrined into Kent Minerals and Waste Local Plan policy as a minimum.

Revisions to the National Planning Policy Framework have occurred since the Kent Minerals and Waste Local Plan was adopted that revised and expanded national policy on climate change. Specifically, the National Planning Policy Framework (at paragraph 153) now expects local plans to take a 'proactive approach to mitigating and adapting to climate change'.

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

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

Furthermore, recent changes to the National Planning Policy Framework (July 2021) include a change to the presumption in favour of sustainable development such that local plans are required to (with emphasis added):

[21] http://www.esauk.org/what-we-say/publications

"promote a sustainable pattern of development that seeks to: meet the development needs of their area; align growth and infrastructure; improve the environment; mitigate climate change (including by making effective use of land in urban areas) and adapt to its effects".

Under this change, plans are now more explicitly expected to promote development of a form that mitigates climate change. Revisions to policy CSW8 are needed reflect this latest version of the National Planning Policy Framework.

In light of the above, it is considered that Policy CSW8 should be updated to strengthen the need for energy recovery facilities to utilise heat and to ensure Carbon Capture, Utilisation and Storage is included in proposals. The supporting text to the policy will require amendment to provide guidance on how the policy would be implemented by the Council.

RED

Other observations

The title of the policy references 'recovery' facilities which is potentially misleading as all facilities which divert waste from landfill (including recycling and composting) fall under the category of 'recovery' while this policy is concerned with capacity falling within the category known as 'other recovery' i.e. recovery after recycling & composting has been maximised.

As 'other recovery' sits near the bottom of the waste hierarchy it is important that waste managed at such sites could not have been managed by means further up the hierarchy for achievement of the recycling /composting targets to not be compromised. While this is addressed in overarching policy CSW2 it is considered that a cross reference to this policy should be included with related explanatory text.

In addition, the use of the term "non-hazardous waste" might be usefully clarified as relating to "residual non-hazardous waste", to ensure that waste that might otherwise be recycled or composting would not be managed through this route.

RED

Recommendation

Policy CSW8 and supporting text should be updated to strengthen the need for energy recovery facilities to utilise heat and to ensure Carbon Capture, Utilisation and Storage is included in proposals.

The supporting text should be updated to include a cross reference to CSW2 and the Policy title should be amended to qualify the use of the term 'recovery'.

The monitoring framework for Policy CSW8 includes a duplicate indicator and trigger and so updates are needed to address this matter.

RED

Policy CSW 9: Non inert Waste Landfill in Kent

Policy wording

Non Inert Waste Landfill in Kent

Planning permission will only be granted for non-inert waste landfill if:
1. it can be demonstrated that the waste stream that needs to be landfilled cannot be managed in accordance with the objectives of Policy CSW2 and for which no suitable disposal capacity exists; and
2. environmental or other benefits will result from the development
3. the site and any associated land being restored to a high quality standard and appropriate after-use that accords with the local landscape character as required by Policy DM 19.

Monitoring indicators and thresholds

The following table sets out the monitoring indicators and thresholds used to monitor the effective implementation of Policy CSW9.

Monitoring indicator(s)	**Monitoring triggers (thresholds) for policy review**
Planning decisions resulting in non-inert waste landfilling	One application permitted that does not meet all policy criteria

5-year trend

Since the Kent Minerals and Waste Local Plan was adopted there have been no planning decisions relating to proposals for landfilling with non-inert waste and so the effectiveness of the policy has not been tested.

NEUTRAL

Consistency with National and Local Policy

The Waste Management Plan for England 2021 confirms (p18) that landfill should *"usually be the last resort for waste, particularly biodegradable waste"* but recognises that it will continue to offer the best, or least worst, option for the management of some waste. The Resources and Waste Strategy 2018 recognises the need to continue work to reduce methane emissions from landfill including by working towards a target of zero food waste to landfill by 2030. This is especially important as methane is a greenhouse gas that is 25% more potent than carbon dioxide. The need for landfill to be managed in a way that ensures landfill gas is managed effectively is very important and this is currently addressed to a degree by requirements relating to aftercare and restoration. However, neither Policy CSW9, nor DM19 consider how methane should be managed during the operation of a site. In light of this it is considered that the policy could be strengthened to ensure proposals seek to maximise methane capture while a site is operational. Consideration of policy to support

energy recovery from that methane, whether through the stationing of landfill gas engines or methane compressors for use as vehicle fuel might also be included.
It should be noted the waste industry sector net zero strategy commits to:

- increasing capture of methane emissions from landfill to 85% by 2030; and
- for all waste transport vehicles to switch from diesel to 100% zero emissions sources by 2040

Strengthening of policy would be consistent with these goals and help promote their achievement.

RED

Other observations

Insertion of the term 'alternative' before 'suitable disposal capacity' in criteria 1 would make the meaning of policy clearer. The inclusion of supporting text explaining that additional capacity will only be considered acceptable if suitable alternative disposal capacity is not available would also be helpful. This would help ensure that the availability of such capacity is kept to a minimum to discourage management of waste by a means at the bottom of the waste hierarchy.

Criteria 2 indicates that proposals would be acceptable if *'environmental or other benefits will result from the development'* however what might constitute *'other benefits'* is not clear. "other benefits' might be said to include the provision of capacity for the management of non-inert waste which cannot be managed by a means other than landfill which makes the criteria meaningless. To ensure the policy is effective it is considered that criteria 2 should be reworded.

KCC has signed a Statement of Common Ground (SCG) made between all waste planning authorities in the South East. The SCG states the following on non-hazardous waste landfill:

"2.30 The Parties agree that despite the management of waste at higher levels of the waste hierarchy (in accordance with National Planning Policy for Waste (NPPW) there will continue to be a need for some landfill capacity to deal with waste in the South East and that this matter will therefore need to be addressed in their Local Plans.

2.31 When planning for non-hazardous landfill, the Parties agree that such facilities are regional in nature and will therefore receive waste from beyond the area within which they are located. The Parties agree that they will therefore consider the ability of their own area to accommodate new non-hazardous landfill capacity as well as the ability of other areas to meet their own needs over the period being planned for (in line with the agreement in paragraph 2.4).

2.32 The Parties agree that the assessment of need for any new[22] non-hazardous landfill will also consider impacts associated with vehicle movements of waste across the South East."

It is considered that the current policy and supporting text is consistent with the SCG. Any updates to the policy, as suggested above, ought to take the SCG into account. While noting the finding in relation to the Monitoring Indicator 2 of Policy CSW 8 above.

RED

22 This includes extensions to existing sites

Recommendation

The policy could be strengthened to ensure proposals consider how methane will be captured and utilised while a non-inert landfill site is operational.

The policy should be reworded to ensure it can be implemented effectively and its meaning is clear.

RED

Policy CSW 10: Development at Closed Landfill Sites

Policy wording

Development at Closed Landfill Sites

Planning permission will be granted for development for any of the following purposes:
1. development for the improvement of restoration for an identified after use for the site; or
2. development for the reduction of emissions of gases or leachate to the environment; or
3. development making use of gases being emitted and which will reduce the emission of gases to the environment.

Monitoring indicators and thresholds

The following table sets out the monitoring indicators and thresholds used to monitor the effective implementation of Policy CSW10.

Monitoring indicator(s)	**Monitoring triggers (thresholds) for policy review**
Planning applications granted on closed Biodegradable Landfill sites for the developments listed in Policy CSW 10	One Application permitted that does not meet all policy criteria

5-year trend

No applications have been received for proposals concerning development at closed landfill sites and so the effectiveness of the policy has not been tested.

NEUTRAL

Consistency with National and Local Policy

There have been no changes to national or local policy concerning development at closed landfill sites. It is considered that the policy and supporting text remain consistent with national and local policy.

The policy remains consistent with National Planning Policy for Waste which expects landraising or landfill sites to be *'restored to beneficial after uses at the earliest opportunity and to high environmental standards'*.

GREEN

Other observations

Criterion 1 states: "*development for the improvement of restoration for an identified after use for the site;"* but it is not absolutely clear what *'improvement of restoration'* means. It appears that an error may have occurred at the drafting stage such that the term 'of' should in fact be

‘and/or’. The criteria would then read *"development for the improvement and/or restoration for an identified after use for the site;"*

Criterion 3 duplicates Criterion 2 when it refers to reducing the emission of gases to the environment. As the policy is focussed on development making use of gases being emitted it could be helpfully strengthened to extend to consideration of making the most efficient use of the methane captured in particular, so might read "development making use of gases being emitted, by the most energy efficient means". Commentary on the relative merits of power production vs compressing for use of vehicle fuel might also be added. As the carbon intensity of electricity from the grid falls, the avoided carbon benefit from gas engines declines. Plus, the sector commitment to transitioning the fleet fuel mentioned above.

RED

Recommendation

A minor update to the text of criterion 1 is required to ensure it is clear and effective. Updates to criteria 2 and 3 are needed to avoid duplication and ensure the most efficient use of methane gas is promoted.

RED

Policy CSW 11: Permanent Deposit of Inert Waste

Policy wording

Permanent Deposit of Inert Waste

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

Monitoring indicators and thresholds

The following table sets out the monitoring indicators and thresholds used to monitor the effective implementation of Policy CSW11.

Monitoring indicator(s)	**Monitoring triggers (thresholds) for policy review**
1. Annual volume of CDE waste Arising	1. Delay in restoration timetable of landfills and mineral workings due to lack of available suitable fill material. Delay in development of mineral extraction sites where phasing requires progressive restoration.
2. Annual CDE waste recycling capacity	2. More than 10% deficit in the actual capacity provided at or beyond the dates stated in CSW 8
3. Planning applications granted for permanent deposit of inert waste	3. One application permitted that does not meet all policy criteria

There is no indication that implementation of this policy is resulting in delays to the progressive restoration of mineral extraction sites.

The reference to Policy CSW8 within the second monitoring trigger appears incorrect as there is no mention of Construction, Demolition and Excavation (CDE) waste recycling capacity within that policy. This appears to be a drafting error as Policy CSW4 does include targets for recycling Construction and Demolitions waste (but not excavation waste). However, it is not clear how this indicator relates to the monitoring of Policy CSW 11 as this policy is not concerned with the recycling of CDE waste.

Since the Kent Minerals and Waste Local Plan was adopted there have been no applications permitted by the County Council that do not meet all criteria of policy CSW11.

The deposit of inert waste on land may form part of a non-waste development and so be addressed as part of proposals for such development considered by the district, borough or city council planning authorities in Kent. No information has been obtained on the extent to which these councils have implemented this policy, but appropriate data will be sought from those councils to inform any update to this policy. A review of Environment Agency permitting data indicates few sites have been granted permits for recovery to land operations in Kent.

GREEN

Consistency with National and Local Policy

The policy and supporting text suggest that inert waste can be disposed of to landfill which is a waste management method at the bottom the waste hierarchy and therefore to be discouraged. However, the use of clean soils to backfill and restore mineral workings and in engineering operations may be classed as recovery. Hence, there is an inconsistency between the title and scope of the policy and the use of the term 'disposal' within of the policy. The deposit of inert waste on land should take place in a manner that is consistent with the waste hierarchy and therefore involve its 'recovery' rather than 'disposal' wherever possible. Proposals involving the 'disposal' of inert waste should not be encouraged as inert waste should always be managed in a beneficial way. Therefore the term 'disposal' within the policy should be replaced with the term 'deposit'. For the same reasons the policy is inconsistent with Policy CSW2 which only allows for proposals to come forward that can demonstrate the management of waste in accordance with the waste hierarchy.

In addition, while the availability of suitable material to restore mineral workings is paramount, there may be cases where the deposit of such material for engineering operations such as acoustic bund construction or flood management might also be desirable, particularly given the need for local outlets for material. Currently the way in which the policy criteria are set does not allow for the possibility of use of soils for such purposes. This policy would therefore benefit from revision to establish a sequential approach to safeguard material for restoration in the first instance but then allow for the possibility of use in other development. This is of particular note as void at mineral workings is a finite resource, whose availability is limited by the rate of working of the mineral, Hence, it cannot be assumed that while void is to be created as a consequence of mineral permissions, it will be worked at a rate commensurate with the possible need for void. Such a revision would allow for more local outlets to emerge, potentially reducing road transport miles and associated emissions.

RED

Other observations

In 2019 the South East Waste Planning Advisory Group published a Joint Position Statement on the Permanent Deposit of Inert Waste that considers this matter at length. Updates to the policy and supporting text should consider the Joint Position Statement.

RED

Recommendation

Changes to the supporting text and policy are needed to ensure that the policy provides more flexibility for deposit to land options for inert waste, and disposal, via landfill, of inert waste is not promoted.

Some changes to the monitoring framework are needed to ensure that the implementation of this policy can be effectively monitored.

RED

Policy CSW 12: Hazardous Waste Management

Policy wording

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

Monitoring indicators and thresholds

The following table sets out the monitoring indicators and thresholds used to monitor the effective implementation of Policy CSW12.

Monitoring indicator(s)	**Monitoring triggers (thresholds) for policy review**
1. Capacity of hazardous waste management facilities.	1. Capacity fallen to 90% of capacity for net self sufficiency
2. Planning decisions resulting in permitted built hazardous waste management facilities	2. One application permitted that does not meet all policy criteria

5-year trend

Target: To maintain net self-sufficiency in the management of hazardous waste throughout the plan period, (Policy CSW 12)

		2015/16	2020/21	2025/26	2030/31
	Arisings	245,441	185,465[23]		
	Managed in Kent[24]	236,516	183,822		
Net self sufficiency		96%	99%		

The above table shows that net self-sufficiency in hazardous waste management is being maintained.

GREEN

[23] HWI value only
[24] Taken as proxy for capacity assessment. But given this data is waste actually managed it must be less than the theoretical capacity.

Consistency with National and Local Policy

The current supporting text and policy are concerned with achieving net self-sufficiency for hazardous waste which while laudable is not required by national policy. The management of different types of hazardous waste is generally not interchangeable, that is to say a facility capable of managing one particular type of hazardous waste will generally not be able to manage other types of hazardous waste. For example, waste oils and bonded asbestos have completely different, and incompatible, management requirements. Therefore achievement of true net self-sufficiency for hazardous waste, where different types of capacity are provided in Kent equivalent to the quantity of the different types of hazardous waste arising, is not considered to be practical. As set out in the current supporting text, this is because the economies of scale associated with the management of hazardous waste mean that for facilities to be economic and operate effectively they need to manage waste from a regional or national catchment. That having been said, provision of management capacity for hazardous waste to meet Kent's and other areas identified needs is to be supported in appropriate locations. This is the case at present with provision of, for example, the Pinden Landfill accepting asbestos waste from Kent and further afield. The policy commitment to not limit consideration of need to Kent only by inclusion of the clause" regardless of whether their catchment areas for waste extend beyond Kent" supports this.

It is notable in that context that the current policy wording refers to "built hazardous waste management facilities" whereas the policy might be broadened to also account for the possibility of replacement hazardous waste landfill capacity coming forward where needed.

RED

Other observations

The SEWPAG Statement of Common Ground, to which KCC is a signatory states the following with regard to planning for waste management on the basis of net self-sufficiency (with emphasis added):

“2.1 The Parties agree that they will plan for net self-sufficiency which assumes that within each waste local plan area the planning authority or authorities will plan for the management of an amount of waste which is equivalent to the amount arising in that plan area. For the avoidance of doubt, the Parties agree that they will plan on the basis that no provision has to be made in their waste local plans to meet the needs of any other waste local plan area which are basing their waste policies on achieving the principle of net self-sufficiency
.
2.2 The Parties accept that when using this principle to test policy, it may not be possible to meet this requirement for all waste streams, particularly where a specialist facility is required to manage specialist waste streams such as hazardous waste.”

This indicates that planning for hazardous waste on the basis of net self-sufficiency is not considered to be necessary.

AMBER

Recommendation

It is considered that the assessment of proposals for the management of hazardous waste on the basis of achieving net self-sufficiency is not consistent with national policy and could lead to confused decisions on the acceptability of such proposals. In addition, the policy ought to allow consideration of provision of replacement hazardous waste landfill capacity. In light of this the policy should be updated.

RED

Policy CSW 13: Remediation of Brownfield Land

Policy wording

Remediation of Brownfield Land

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

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

Monitoring indicators and thresholds

The following table sets out the monitoring indicators and thresholds used to monitor the effective implementation of Policy CSW13.

Monitoring indicator(s)	**Monitoring triggers (thresholds) for policy review**
Temporary waste related planning applications granted on brownfield land that facilitate its redevelopment	One application permitted that does not meet all policy criteria

5-year trend

No applications have been received for proposals concerning waste related developments on brownfield land that facilitate its redevelopment and so the effectiveness of the policy has not been tested.

GREEN

Consistency with National and Local Policy

There have been no changes to national or local policy concerning the treatment of waste arising from the redevelopment of brownfield land. It is considered that the policy and supporting text remain consistent with national and local policy.

GREEN

Other observations

This policy may be applied by the local planning authorities in Kent as part of their non-waste development management function.

GREEN

Recommendation

The policy remains effective and consistent with national and local policy. No updates to Policy CSW13 are considered necessary.

GREEN

Policy CSW 14: Disposal of Dredgings

Policy wording

Disposal of Dredgings

Planning permission will be granted for new sites for the disposal of dredging materials where it can be demonstrated that:
1. the re-use of the material to be disposed of is not practicable
2. there are no opportunities to use the material to enhance the biodiversity of the Kent estuaries

Monitoring indicators and thresholds

The following table sets out the monitoring indicators and thresholds used to monitor the effective implementation of Policy CSW14.

Monitoring indicator(s)	Monitoring triggers (thresholds) for policy review
Planning applications determined for the disposal of dredgings	**One application permitted that does not meet all policy criteria**

5-year trend

No applications have been received for proposals concerning the disposal of dredging materials and so the effectiveness of the policy has not been tested.

GREEN

Consistency with National and Local Policy

There have been no changes to national or local policy concerning the disposal of dredging materials. It is considered that the policy and supporting text remain consistent with national and local policy.

GREEN

Other observations

Policy CSW14 was revised as part of the Early Partial Review of the Kent Minerals and Waste Local Plan. The revision to the Policy removed the need to allocate land suitable for the development of a landfill site to accommodate dredging material in a separate Sites Plan on the basis that such an allocation was not justified.

Subsequent engagement with the Port of London Authority (PLA) related to the five yearly review has taken place and the PLA has suggested that the need to allocate a specific site be kept under review. However, the PLA has not indicated that such an allocation is currently required.

The PLA is reviewing its 'Vision for the Tidal Thames (The Thames Vision)'25 in 2021. Depending on the outcome of this review, Policy CSW14 and/or supporting text may require updating.

AMBER

Recommendation

Policy CSW14 and its supporting text remain fit for purpose, however updates may be required in light of the outcome of the Port of London Authority's (PLA) review of its 'Vision for the Tidal Thames (The Thames Vision)'.

AMBER

25 https://www.pla.co.uk/assets/thevisionforthetidalthames.pdf

Policy CSW 15: Wastewater Development

Policy wording

Wastewater Development

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

1. there being a proven need for the proposed facility

Monitoring indicators and thresholds

The following table sets out the monitoring indicators and thresholds used to monitor the effective implementation of Policy CSW15.

Monitoring indicator(s)	**Monitoring triggers (thresholds) for policy review**
Planning applications determined for wastewater treatment works, sewage sludge treatment and disposal facilities	One application permitted that does not meet all policy criteria

5-year trend

Since the Kent Minerals and Waste Local Plan was adopted there have been no applications permitted that do not meet all criteria of policy CSW15.

GREEN

Consistency with National and Local Policy

There have been no changes to national or local planning policy concerning the management of waste water. It is considered that the policy and supporting text remain consistent with national and local policy.

Ofwat changed the way it regulates the sludge treatment activities of water companies in 2018. It has now ring fenced these activities and directed water companies to release data on sludge treatment facilities that may be available for the use of others under commercial arrangements.

This is intended to bring about a "*change (in) the thought process from viewing this as an inconvenient waste produced by treating wastewater, to seeing it as an opportunity. The trading of bioresources could be a real breakthrough – economically and environmentally".* It was due to take full effect by 2020. This means that listings of facilities will be in the public

domain that may facilitate synergies between areas and across waste streams for organic waste treatment, given commercial incentives.

GREEN

Other observations

The supporting text to this policy suggests that a separate policy is required to determine proposals for wastewater treatment works because the particular requirement to connect to the sewerage network means the locational criteria in Policy CSW6 'will not always be appropriate'. While this statement remains valid, Policy CSW15 does not include any additional locational criteria and so does not appear to respond to the supporting text. In light of this it is considered the supporting text needs updating.

Reference to "disposal" should be deleted as all sludge is capable of treatment to some degree. Furthermore, the treatment of sewage sludge frequently involves the production of a biogas which is a greenhouse gas but also constitutes a renewable fuel. The use of renewable fuels is preferred over fossil fuels and so its capture and production should be maximised to ensure optimum displacement of fossil fuels and minimisation of uncontrolled releases of biogas.

Southern Water's initial comments on the need for an update of policies in the Kent Minerals and Waste Local Plan did not suggest any changes were needed to this policy.

RED

Recommendation

The supporting text to Policy CSW 15 requires updating to address the issue that the general locational criteria for waste management facilities including in Policy CSW6 does not cover the specific locational requirements of wastewater treatment facilities.

The supporting text could also be updated to reflect Ofwat's current position on sludge treatment.

The Policy should be amended to promote maximum capture and utilisation of biogas from sewage treatment.

RED

Policy CSW 16: Safeguarding of Existing Waste Management Facilities

Policy wording

Safeguarding of Existing Waste Management Facilities

Sites that have permanent planning permission for waste management, or are allocated in the Waste Sites Plan are safeguarded from being developed for non-waste management uses. Where other development is proposed at, or within 250m of, safeguarded waste management facilities Local Planning Authorities will consult the Waste planning Authority and take account of its views before making a planning decision (in terms of both a planning application and an allocation in a local plan).

Monitoring indicators and thresholds

No specific monitoring indicators and associated thresholds were included in the Plan to monitor the implementation of Policy CSW16.

Consistency with National and Local Policy

There have been no changes to national or local policy concerning the safeguarding of existing waste management facilities. In particular NPPW expects that proposals for non-waste development on sites and areas allocated for waste management, are acceptable and do not prejudice the implementation of the waste hierarchy and/or the efficient operation of existing waste management facilities.

It is considered that the policy and supporting text remain consistent with national and local policy.

GREEN

Other observations

Policy relating to safeguarding of existing sites would benefit from clarification of what is to be classed as an existing site, by reference to a list in the Annual Monitoring Report (AMR).

It is notable that within criterion 1 only sites with "permanent planning permission" are currently safeguarded. This ignores the contribution that sites subject to temporary consents such as C ,D & E waste recycling facilities on mineral workings, or processing capacity such as composting on landfill may make. It is considered that such capacity ought to be safeguarded for the life/duration of the temporary permission as well.

The text of the policy references the Waste Sites Plan, however the Early Partial Review identified that such a Plan was not required. This text is therefore out of date.

RED

Recommendation

The text of Policy CSW16 should be updated to remove the reference to the Waste Sites Plan and to expand the scope of safeguarded sites.

RED

Policy CSW 17: Nuclear Waste Treatment and Storage at Dungeness

Policy wording

Nuclear Waste Treatment and Storage at Dungeness

Facilities for the storage and/or management of radioactive waste will be acceptable within the Nuclear Licensed area at Dungeness where:
1. this is consistent with the national strategy for managing radioactive waste and discharges
2. the outcome of environmental assessments justify it being managed on site.

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

Monitoring indicators and thresholds

The following table sets out the monitoring indicator and threshold used to monitor the effective implementation of Policy CSW 17.

Monitoring indicator	Monitoring trigger (threshold) for policy review
1. Planning applications granted for storage and/or management of radioactive waste in the licensed area at Dungeness.	1. One application permitted that does not meet all policy criteria.

5-year trend

No 5-year trend identified to consider in this policy's performance monitoring.

No planning applications for the storage and/or management of radioactive waste at the Nuclear Licensed area from the Dungeness Estate have been submitted. Therefore, the effectiveness of this policy has not been tested.

NEUTRAL

Consistency with National and Local Policy

Whilst National Planning Policy Framework and National Planning Policy for Waste PPW are silent on radioactive and nuclear industry wastes, Planning Practice Guidance confirms that waste planning authorities should plan for the management of low level radioactive waste (LLW). The general requirement of the planning system to contribute to achieving sustainable development is relevant. The management, storage and eventual safe disposal of such

materials is of environmental, economic and social importance and so affects the achievement of sustainable development. (National Planning Policy Framework [2021] Part 2. Achieving sustainable development, Paragraphs 7-14). The policy does not advance this process, and the prevention of disposal of LLW at the Dungeness Estate may argued as counter to the National Planning Policy Framework's 'positive planning' objective in securing sustainable development.

The policy is considered to be inconsistent with both National Planning Policy Framework and National Planning Policy for Waste that seek to ensure sustainable development, in all its forms, is the outcome of the plan led planning system.

Furthermore, the government has published a specific strategy on radioactive and nuclear industry integrated waste management for radiological waste (2019). This strategy is a single radioactive strategy that replaces the previous Nuclear Decommissioning Authority (NDA) strategy for Higher Activity Wastes (HAW) and is consistent with the earlier UK strategy for solid Low Level Waste (LLW) (contained in the UK Low Level Waste Strategy March 2010), providing a consolidated position and greater clarity in overall approach. The strategy focusses on the following stages pertinent to radiological waste management:

- Planning and preparation
- Treatment and packaging
- Storage
- Disposal

This is intended to build on the existing Low Level Waste (of 2010) programme which has significantly increased levels of re-use and recycling while extending the life of Low Level Waste repositories by reducing volumes of waste automatically assigned to disposal options. This approach supports greater flexibility in managing radioactive wastes (that will arise at the Dungeness Estate as a consequence of decommissioning the power generation plants and structures) allowing for better coordination, integration and reduced costs. The existing policy wording is not aligned to the 2019 strategy as it does not allow for any radioactive waste disposal at the Dungeness Estate. The policy and explanatory text require modification to ensure consistency.

RED

Other observations

In January 2020 the Nuclear Decommissioning Authority and Kent County Council agreed a Statement of Common Ground that, amongst other things, confirmed that the policy does not align with the Government's strategy on radioactive and nuclear industry integrated waste management for radiological waste (2019). This was identified as a result of the Kent Minerals and Waste Local Plan Early Partial Review examination.

Recommendation

An update is needed to Policy CSW17 to ensure it is consistent with national policy.

RED

Policy CSW 18: Non-nuclear Industry Radioactive Low Level Waste Management

Policy wording

Non-nuclear Industry Radioactive Low Level Waste Management

Planning permission will be granted for facilities that manage non-nuclear industry low level waste and very low level waste arisings where they meet the requirements of all relevant development plan policies, in the following circumstances:
1. where there is a proven need for the facility
2. some of the source material to be managed arises from within Kent.

Monitoring indicators and thresholds

The following table sets out the monitoring indicators and thresholds used to monitor the effective implementation of Policy CSW 18.

Monitoring indicators	Monitoring triggers (thresholds) for policy review
Planning applications granted for facilities managing non-nuclear LLW and VLLW waste	One application submitted without the required information
Monitoring of waste material source.	

5-year trend

No planning applications for the management of non-nuclear industry low level waste and very low level waste arisings have been submitted. Therefore, the effectiveness of this policy has not been tested.

NEUTRAL

Consistency with National and Local Policy

Whilst National Planning Policy Framework and National Planning Policy for Waste PPW are silent on radioactive and nuclear industry wastes, Planning Practice Guidance confirms that waste planning authorities should plan for the management of low level radioactive waste.

The general requirement of the planning system to contribute to achieving sustainable development is relevant. The management, of such materials is of environmental, economic and social importance and so affects the achievement of sustainable development. (National Planning Policy Framework [2021] Part 2. Achieving sustainable development, Paragraphs 7-14). The policy, as worded, does address the need to advance this process.

The National Planning Policy for Waste (2014) also confirms that a more efficient approach to resource use and waste management plays a pivotal role in delivering a more sustainable pattern of development. Though is silent on radioactive non-nuclear industry wastes.

The Strategy for the management of solid low level radioactive waste from the non-nuclear industry in the United Kingdom (Department of Energy and Climate Change 2012) makes clear at para. 2.36 that the role of the planning authorities is:

> *'Waste planning authorities should consider how to manage Low Level Waste (LLW) and Very Low Level Waste (VLLW) arising in their areas as part of the preparation of their local waste plans. They should seek advice from waste producers and the environment agencies to ensure that the waste is being sent to a suitable waste management facility. If necessary and feasible, they should work with other waste planning authorities to share facilities. The environment agencies will supply information on disposal facility locations, on request, to waste producers and planning authorities to assist their decisions'.*

The policy is considered to be in generally consistent with both national planning policy documents that seek to ensure sustainable development, in all its forms, and the relevant government strategy. However, the policy has two criteria that have to be satisfied for permission to be granted: criterion 2. States:

> '*some of the source material to be managed arises from within Kent'*

It is an accepted principle that waste should be manged close to its point of origin, thus gaining 'proximity'. The criterion, however, goes further and makes it mandatory that for planning permission to be granted that some of the material comes from Kent. This imposed limitation, though ostensibly a requirement that that reinforces 'proximity', may not actually lead to the most sustainable outcome for the management of these waste materials. The government's strategy emphasises that wase planning authorities should work together to share facilities in each other's areas. The criterion, as worded, could result in this being precluded.

Therefore, as currently worded the policy does not align with the government's strategy on the management of solid low level radioactive waste from the non-nuclear industry 2012. It is proposed that Criterion 2 of the policy should be deleted.

RED

Other observations

None

Recommendation

Policy CSW18 is not, as currently worded, sufficiently flexible in overall waste management terms, as it does not allow for Low level waste (LLW) derived from locations other than Kent to be managed in Kent. This is inconsistent with national policy.

RED

Development Management Policies

Note on monitoring implementation of the development management policies.

The monitoring framework included in the Kent Minerals and Waste Local Plan applies the same approach to the monitoring all development management policies as set out below:

Monitoring indicator	Monitoring trigger (threshold) for policy review
DM decisions	One application permitted / adopted site allocation that does not meet all policy criteria, unless clearly justified.

It is considered that if the determination of any applications had resulted in a referral of the decision to the Secretary of State, due to a departure from the development plan, then triggers relating to development being permitted contrary to the development management policies in the Plan would have been initiated. Since the adoption of the Kent Minerals and Waste Local Plan in 2016 no decisions have been considered to depart from the development plan and so the triggers relating to the monitoring of the development management policies have not been initiated. A ‘green’ RAG score can therefore be applied.

Policy DM 1: Sustainable Design

Policy wording

Sustainable Design

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

Consistency with National and Local Policy

Since the adoption of the Kent Minerals and Waste Local Plan, the National Planning Policy Framework has been updated to require the most efficient use of land. Paragraph 124 (Achieving appropriate densities) states that "Planning policies and decisions should support development that makes efficient use of land". Policy DM1, or other policies of the Plan, do not include any requirements regarding the efficient use of land and so on this basis the Kent Minerals and Waste Local Plan is not consistent with the National Planning Policy Framework.

The National Planning Policy Framework has been revised to address and mitigate the issue of climate change. A target to reduce greenhouse gas emissions to 78% by 2035 compared to 1990 levels has been adopted by Government and is expected inform local planning policy.

In addition, the National Planning Policy Framework expects all development to 'incorporate sustainable urban drainage systems unless there is clear evidence that this would be inappropriate' whereas Policy DM1 expects sustainable drainage systems to be utilised wherever practicable.

The supporting text to Policy DM1 references the publication 'Growing the Garden of England: A Strategy for Environment and Economy in Kent' as the County Council's environmental strategy, however this has been superseded by the 2016 Kent Environment Strategy.

Furthermore, in 2019, KCC has adopted a climate emergency statement which anticipates an Energy and Low Emission Strategy target of net zero carbon emissions by 2050. On this basis it is considered that all applications for mineral and waste development that come for determination should set out how they will be consistent with this target.

The supporting text and policy should be updated to reflect the above matters.

RED

Other observations

The policy is generally loosely worded using terms such as ‘maximise’ and ‘minimise’. It is considered updates could usefully be made to ensure the policy is clearer in its expectations, for example by including specific targets on the use of recycled materials in construction.

AMBER

Recommendation

Policy DM1 should be updated to reflect more stringent targets and policy relating to mitigation and adaptation to climate change and other related updates to national planning policy.

RED

Policy DM 2: Environmental and Landscape Sites of International, National and Local Importance

Policy wording

Environmental and Landscape Sites of International, National and Local Importance

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

1. International Sites

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

a. there are no alternatives

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

c. there is sufficient provision for adequate timely compensation

2. National Sites

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

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

Consideration of such applications will assess;

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

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

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

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

Consistency with National Policy

Changes to the Conservation of Habitats and Species Regulations 2017

The changes to the Conservation of Habitats and Species Regulations 2017 post adoption of the Kent Minerals and Waste Local Plan could helpfully be reflected in Policy DM 2. The main

changes, resulting from the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019, include: The creation of a 'national site network' within the UK compromising protected sites already designated under Nature Directives and any further site designated under these Regulations; establishment of management objectives for national site networks know as 'network objectives'; duty for appropriate authorities to manage and where necessary adapt national site network as a whole to achieve the network objectives; amended process for the designation of Special Areas of Conservation (SACs); arrangements for replacing the European Commission's functions with regard to imperative reasons of overriding public interest (IROPI) test where a plan or project affects a priority habitat or species; and, arrangements for amending the schedules to the Regulations and the annexes to the Nature Directives that apply to the UK.

Special Areas of Conservation and Special Protection Areas (SPAs) in the UK no longer form part of EU's Natura 2000 ecological network and the 2019 Regulations have created a national site network on land and at sea which includes existing Special Areas of Conservation and Special Protection Areas and those newly designated under 2019 Regulations (any ref to Natura 2000 in the 2017 Regs and in guidance now refers to new national site network)

Ramsar sites do not form part of the national site network - many Ramsar sites overlap with Special Areas of Conservation and Special Protection Areas and may be designated for the same or different species and habitats. All Ramsar sites remain protected in same way as Special Areas of Conservation and Special Protection Areas.

2019 Regulations establish management objectives for the national site network called 'network objectives'. Any references in the 2017 Regs to meeting 'requirements of the Directives' include achieving the network objectives. They are to:

- Maintain or where appropriate restore habitats and species listed in Annexes I and II of Habitats Directive to a favourable conservation status; and,

- contribute to ensuring, in their area of distribution, the survival and reproduction of wild birds and securing compliance with overarching aims of the Wild Birds Directive.

Appropriate Authorities must also have regard to the:

- Importance of protected sites;

- Coherence of the national site network; and,

- threats of degradation or destruction (including deterioration and disturbance of protected features) on Special Areas of Conservation and Special Protection Areas.

Network objectives contribute to the conservation of UK habitats and species that are also of pan-European importance and to the achievement of their favourable conservation status (FCS) within the UK.

Updates to policy DM2 and supporting text are required to reflect these changes.

Environment Bill

The Environment Bill proposes the preparation of Local Nature Recovery Strategies (LNRSs) by local councils. This is a system of spatial strategies for nature that will map the most valuable existing habitat; map specific proposals for creating and improving habitat and wider environment goals; and set priorities for nature recovery. LNRSs will be mandatory and locally led, identifying opportunities and priorities for enhancing biodiversity and supporting wider objectives such as mitigating or adapting to climate change in an area.

It is anticipated that the Environment Bill will receive Royal assent later in 2021 and it will be necessary to monitor this closely to ensure that revisions to Policy DM2 reflect the Environment Bill once it becomes law.

Kent State of Environment Report 2015

The supporting text of Policy DM2 could also usefully be updated to refer to the KCC document - 'Kent State of the Environment Report 2015', which outlines the nationally and internationally important habitats that are within the county. The document includes reference to the Kent Downs Area of Outstanding Natural Beauty (AONB) and High Weald Area of Outstanding Natural Beauty which together cover 32% of the county, each of which have a management plan through which the condition of those unique landscapes are monitored by specialist teams within the 'Area of Outstanding Natural Beauty units'.

Kent Environment Strategy 2016

The supporting text of Policy DM2 could also usefully be updated to refer to the KCC document – 'The Kent Environment Strategy 2016', which sets out a strategy for the environment, health and economy. The document outlines the requirement for the continued protection and enhancement of the county's environmental assets and supporting plans, such as the statutory Area of Outstanding Natural Beauty Management Plans.

National Planning Policy Framework

Revisions to the National Planning Policy Framework in 2018 included a new requirement (at paragraph 172 (now 176) for Areas of Outstanding Natural Beauty to be enhanced (as well as conserved) making the policy consistent with the requirements of the Countryside and Rights of Way Act 2000. Revisions also included a requirement for plans to enhance, as well as protect, biodiversity and geodiversity.

Updates to policy DM2 and supporting text along with the background text (including paragraph 7.2.1) are required to reflect these changes.

Furthermore, recent changes to the National Planning Policy Framework (July 2021) have included a change to policy on the protection of Areas of Outstanding Natural Beauty relating to the need for development within their settings to be *'sensitively located and designed to avoid adverse impacts on the designated landscape'.*

Revisions to policy DM2 will be needed to reflect the latest version of the National Planning Policy Framework.

RED

Other observations

During early engagement on the review of the Kent Minerals and Waste Local Plan, the Kent Downs AONB Unit commented that the Third Revision to the Kent Downs AONB Management Plan is in the process of being approved by the various Councils within the AONB and should be adopted by July 2021. This will replace the current Management Plan and should form part of the evidence base for the Kent Minerals and Waste Local Plan Review. As part of the Management Plan Review, an update to the Landscape Character Assessment of the Kent Downs has also been undertaken and forms an integral part of the new Management Plan. The Kent Downs AONB Unit recommend that this is referred to in assessing any proposed new allocations within or affecting the Kent Downs. Some update to the supporting text may therefore be required. The High

Weald Area of Outstanding Natural Beauty Management Plan 2019-2024 should also inform the emerging local plan.

Natural England were consulted on the need for changes to Policy DM2 but at the time of completing this report no response had been received.

AMBER

Recommendation

Policy DM2 should be updated to reflect changes to the National Planning Policy Framework which expect geodiversity to be enhanced as well as protected as well as changes concerning protection of Areas of Outstanding Natural Beauty.

The supporting text of Policy DM2 should be updated to refer to the County Council environment documents; Kent Environment Strategy 2016 and Kent State of the Environment Report 2015.

Depending on when the Environment Bill receives Royal Assent the supporting text should be updated to reflect the requirements concerning biodiversity net gain and include reference to Local Nature Recovery Strategies.

Policy DM2 and/or the supporting text, should also be updated to ensure it is consistent with changes in the Kent Downs Area of Outstanding Natural Beauty Management Plan that is expected to be published in September 2021 and the High Weald Area of Outstanding Natural Beauty Management Plan 2019-2024.

RED

Policy DM 3: Ecological Impact Assessment

Policy wording

Ecological Impact Assessment

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

Proposals that are likely to have unacceptable adverse impacts upon important biodiversity assets will need to demonstrate that an adequate level of ecological assessment has been undertaken and will only be granted planning permission following:
1. an ecological assessment of the site, including preliminary ecological appraisal and, where likely presence is identified, specific protected species surveys
2. consideration of the need for, and benefits of, the development and the reasons for locating the development in its proposed location
3. the identification and securing of measures to mitigate any adverse impacts (direct, indirect and cumulative)
4. the identification and securing of compensatory measures where adverse impacts cannot be avoided or mitigated for
5. the identification and securing of opportunities to make a positive contribution to the protection, enhancement, creation and management of biodiversity

Consistency with National Policy

Environment Bill

The Environment Bill outlines that it will be mandatory for developers to provide a minimum of 10% 'biodiversity net gain' in respect of any new development. The Bill sets out a formal requirement for biodiversity net gain as a new condition to be applied to all planning permissions in England. The condition requires that before commencing development, the developer will need to submit a biodiversity net gain plan to the Local Planning Authority (LPA) for its approval. The biodiversity gain objective will be met if the "biodiversity value attributable to the development" exceeds the pre-development biodiversity value of the onsite habitat by at least 10%.

The Bill proposes that the pre- and post-development biodiversity value of the development site, and any registered offsite biodiversity gains, are calculated by reference to the "biodiversity metric". The biodiversity metric was developed by Defra and updated by Natural England in 2019.

Once the Bill receives Royal Assent, updates to Policy DM3 and supporting text will be required to reflect these changes. Criterion 5 of Policy DM 3 may need to be strengthened to reflect the net-gain objective rather than making a 'positive contribution to the protection, enhancement, creation and management of biodiversity'.

Habitats Regulations Assessments

Following changes to the Conservation of Habitats and Species Regulations 2017, Special Areas of Conservation (SACs) and Special Protection Areas (SPAs) in the UK no longer form part of the EUs Natura 2000 ecological network. The 2019 Regulations have created a 'national

site network' that includes existing Special Areas of Conservation (SACs) and Special Protection Areas (SPAs) and any new such designations made under the new Regulations. Any references to Natura 2000 in the 2017 Regulations and in guidance now refers to the new 'national site network'. Ramsar sites do not form part of the national site network and remain protected in the same way as Special Areas of Conservation (SACs) and Special Protection Areas (SPAs).

The Habitat Regulation Assessment guidance has been updated to reflect the changes to the Habitat Regulations 2017.

Special Areas of Conservation (SACs) and Special Protection Areas (SPAs) are European sites protected by the Habitats Regulations and any proposals that affect them require a Habitats Regulations Assessment. Similarly, proposed Special Areas of Conservation (SACs) and Special Protection Areas (SPAs), Ramsar sites and areas secured as sites compensating for damage to a European site are protected by government policy and would therefore also require a Habitats Regulation Assessment.

Habitats Regulations Assessment should now refer to the network of Special Areas of Conservation (SACs) and Special Protection Areas (SPAs) in Europe (rather than 'Natura 2000'), and the 'national site network' for European sites in the UK.

Updates to Policy DM3 and supporting text are required to reflect these changes.

National Planning Policy Framework

European Sites identified under the Conservation of Habitat and Species Regulations are referred to as 'habitats sites' in the National Planning Policy Framework. Habitats sites are defined as – '*Any site which would be included within the definition at regulation 8 of the Conservation of Habitats and Species Regulations 2017 for the purpose of those regulations, including candidate Special Areas of Conservation, Sites of Community Importance, Special Areas of Conservation, Special Protection Areas and any relevant Marine Sites*'.

Updates to Policy DM3 and supporting text are required to reflect this.

RED

Other observations

KCC Ecology officers have confirmed that there is work is being carried out to consider an approach to Biodiversity Net Gain in Kent and it is possible that proposals for development within Kent will need to demonstrate how a minimum 20% net gain can be achieved. Where the net gain exceeds the minimum requirement, the 'excess' may be traded as a net gain for appropriate other unrelated development, but this needs to be reflected in preparation of restoration plans for planning approval and needs to be in line with National/Local Policy and be part of national data base.

Natural England were consulted on the need for changes to Policy DM2 but at the time of completing this report no response had been received.

AMBER

Recommendation

Depending on when the Environment Bill receives Royal Assent, the policy wording and supporting text should be updated to reflect the requirements concerning biodiversity net gain. Criterion 5 in particular may need to be strengthened to reflect the net-gain objective rather than making a ‘positive contribution to the protection, enhancement, creation and management of biodiversity’.

Policy DM3 and the supporting text should be updated to reflect changes to the National Planning Policy Framework which refers to ‘European Sites’ as ‘habitats sites’ and a definition of this is required.

Policy DM3 and the supporting text should be updated to reflect changes to the Conservation of Habitat and Species Regulations, specifically the language of ‘European Sites’ following the exit from the EU.

RED

Policy DM 4: Green Belt

Policy wording

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

Consistency with National Policy

The policy remains consistent with national policy. Changes to the National Planning Policy Framework have occurred since Kent Minerals and Waste Local Plan adoption in 2016 but policy on Green Belt remains in place.

GREEN

Other observations

None.

Recommendation

Policy DM4 is consistent with national policy and monitoring suggests the policy is being implemented effectively and therefore updates to this policy are not considered necessary.

GREEN

Policy DM 5: Heritage Assets

Policy wording

Heritage Assets

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

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

Consistency with National Policy

Further publications since 2016 including the 'Historic England (2015) Historic Environment Good Practice Advice in Planning Notes 1 to 3' could usefully be referred to in the supporting text of Policy DM5:

Planning Note 1: The Historic Environment in Local Plans – Historic Environment Good Practice Advice in Planning (July 2015)

All information requirements and assessment work in support of plan-making and heritage protection needs to be proportionate to significance of heritage assets affects & impact on significance of those heritage assets.

The National Planning Policy Framework sets out a number of requirements for Local Plans in respect of the historic environment as follows:

- Be based on adequate, up to date and relevant evidence about the economic, social and environmental characteristics and prospects of the area – which would include the historic environment – be used to assess significance of heritage assets & contribution they make to environment
- Set out a positive and clear strategy for the conservation, enjoyment and enhancement of the historic environment – appropriate protection of assets & make positive contribution to local character and distinctiveness
- Contain strategic policies to deliver the conservation and enhancement of the historic environment
- Identify land where development would be inappropriate because of its (environmental or) historic significance
- Facilitating the sustainable use of minerals – how might impacts of mineral development on an area's heritage asset be controlled to acceptable levels/safeguard potential sources of building and roofing stone/improve archaeological knowledge through approved mineral operations? (Mineral Extraction and Archaeology: A Practice Guide)

- Managing Significance in Decision-Taking in the Historic Environment – Historic

Planning Note 2: Environment Good Practice Advice in Planning

Development proposals should be designed with knowledge and understanding of the significance of heritage assets they may affect & contribution of its setting to its significance

Understand significance of affected asset, impact of proposal on that significance, avoid/minimise/mitigate impact to meet objectives of National Planning Policy Framework, look for opportunities to enhance significance, justify harmful impacts in terms of sustainable development objective of conserving significance and need for change and offset negative impacts by enhancing others through recording/disseminating/archiving

Mineral extraction: archaeological interest often particular importance in proposals for mineral extraction, see Mineral Extraction and Archaeology: A Practice Guide (2008)

Planning Note 3: The Setting of Heritage Assets – Historic Environment Good Practice Advice in Planning

Document emphasises that information required in support of applications should be sufficient to reach an informed decision and activities to conserve/invest need to be proportionate to significance of heritage asset affected and the impact on the significance of those heritage assets.

Statutory obligation on decision-makers to have regard to desirability of preserving listed buildings and their setting & policy objectives in National Planning Policy Framework and Planning Practice Guidance – when considering impact of proposed development on significance of a designated heritage asset, great weight should be given to the heritage asset's conservation including sustaining significance.

Identify which heritage assets and their settings are affects, assess degree to which settings make contribution to significance, assess effects of proposed development, explore ways to maximise enhancement and avoid/minimise harm, make and document decision and monitor outcomes.

AMBER

Other observations

KCC Archaeology confirmed that no issues have arisen from application of the current policy wording.

The final sentence of Policy DM5 states - 'Minerals and/or waste proposals that would have an impact on a heritage asset will not be granted planning permission unless it can be demonstrated that there is an overriding need for development and any impacts can be mitigated or compensated for, such that there is a net planning benefit'. This should be amended to insert 'unacceptable adverse' before 'impact' to be in accordance with the wording of paragraph 211 of the National Planning Policy Framework which states that 'mineral planning authorities should ensure that there are no unacceptable adverse impacts on the natural and historic environment'.

RED

Recommendation

The supporting text of Policy DM5 should be updated to include reference to the Historic England (2015) Historic Environment Good Practice Advice in Planning Notes.

The final sentence of Policy DM5 should be updated to add ‘unacceptable adverse’ before ‘impact’ to be consistent with the National Planning Policy Framework.

RED

Policy DM 6: Historic Environment Assessment

Policy wording

Historic Environment Assessment

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

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

Consistency with National Policy

The supporting text of Policy DM6 could usefully be amended to refer to the 'Historic England (2015) Historic Environment Good Practice Advice in Planning Notes 1 to 3' (as outlined in detail in the discussion concerning Policy DM5).

AMBER

Other observations

KCC Archaeology confirmed that no issues have arisen from the current policy wording.

GREEN

Recommendation

The supporting text of Policy DM5 should be updated to include reference to the Historic England (2015) Historic Environment Good Practice Advice in Planning Notes.

AMBER

Policy DM 7: Safeguarding Mineral Resources:

Policy wording

Safeguarding Mineral Resources

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

1. the mineral is not of economic value or does not exist; or
2. that extraction of the mineral would not be viable or practicable; or
3. the mineral can be extracted satisfactorily, having regard to Policy DM9, prior to the non-minerals development taking place without adversely affecting the viability or deliverability of the non-minerals development; or
4. the incompatible development is of a temporary nature that can be completed and the site returned to a condition that does not prevent mineral extraction within the timescale that the mineral is likely to be needed; or
5. material considerations indicate that the need for the development overrides the presumption for mineral safeguarding such that sterilisation of the mineral can be permitted following the exploration of opportunities for prior extraction; or
6. it constitutes development that is exempt from mineral safeguarding policy, namely householder applications, infill development of a minor nature in existing built up areas, advertisement applications, reserved matters applications, minor extensions and changes of use of buildings, minor works, non-material amendments to current planning permissions; or
7. it constitutes development on a site allocated in the adopted development plan where consideration of the above factors (1-6) concluded that mineral resources will not be needlessly sterilised.

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

Monitoring indicators and thresholds for policy review

The following table sets out the monitoring indicators and thresholds used to monitor the effective implementation of Policy DM 7.

Monitoring indicator(s)	**Monitoring triggers (thresholds) for policy review**
1. Decisions resulting in incompatible non-minerals development permitted in mineral safeguarded areas (as defined in Policy CSM 5).	1. One application permitted that does not meet all policy criteria with an objection from the County Council.
2. Adoption of a Supplementary Planning Document (SPD) setting out further information about the approach to Minerals Safeguarding	2. Failure to adopt SPD by end of 2016.

3. Allocations in adopted Local Plans for development incompatible with the presumption to safeguard minerals within mineral safeguarding areas (as defined by CSM 5).	3. An allocation in a local Plan that does not meet all the criteria with an objection from the County Council.

No planning applications have been submitted that have resulted in decisions to grant permission to development potentially affecting access to mineral resources which have not satisfied the policy criteria to safeguard the resource. Similarly, there have there been no allocations adopted in District Local Plans where safeguarding matters have not been addressed, either by meeting the exemption criteria, a Statement of Common Ground or satisfying the Planning Inspector at the District Local Plan examination.

The Mineral and Waste Safeguarding Supplementary Planning Document (SPD) was adopted in early 2017, and revised in 2020 in light of the Early Partial Review. The update in light of the Early Partial Review supersedes this monitoring trigger and therefore the trigger should have been updated.

GREEN

Consistency with National and Local Policy

The National Planning Policy Framework (2021) requires land-won minerals to be safeguarded, and that this be addressed in the planning policies of the area. However, in doing so this should not create a presumption that the resources identified as safeguarded will be worked (Section 17, Paragraph 210, Sub-section c)). Therefore, Policy DM 7: Safeguarding Mineral Resources enables justified exemptions from the safeguarded status of the mineral resources to be applied. The policy is in accordance with national planning policy.

GREEN

Other observations

This policy was updated in 2020 and there is no need for it be reviewed in accordance with the requirement of 5 yearly reviews of Plans however it has been included for completeness.

GREEN

Recommendation

Policy DM7 was the subject of an early partial review of the Kent Minerals and Waste Local Plan 2013-30, the modifications clarified when an allocation in an adopted local plan could afford an exemption to land-won mineral safeguarding requirements of Policy CSM 5: Land-won Mineral Safeguarding. These changes were found sound by Independent Examination and the partially reviewed plan was adopted in 2020. The policy remains fully effective and does not require updating.

GREEN

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

Policy wording

Safeguarding Minerals Management, Transportation Production & Waste Management Facilities

Planning permission will only be granted for development that is incompatible with safeguarded minerals management, transportation or waste management facilities, where it is demonstrated that either:
1. it constitutes development of the following nature: advertisement applications; reserved matters applications; minor extensions and changes of use and buildings; minor works; and non-material amendments to current planning permissions; or
2. it constitutes development on the site that has been allocated in the adopted development plan where consideration of the other criteria (1, 3-7) can be demonstrated to have taken place in formulation of the plan and allocation of the site which concluded that the safeguarding of minerals management, transportation production and waste management facilities has been fully considered and it was concluded that certain types non-mineral and waste development in those locations would be acceptable; or
3. replacement capacity, of the similar type, is available at a suitable alternative site, which is at least equivalent or better than to that offered by the facility that it is replacing; or
4. it is for a temporary period and will not compromise its potential in the future for minerals transportation; or
5. the facility is not viable or capable of being made viable; or
6. material considerations indicate that the need for development overrides the presumption for safeguarding; or
7. It has been demonstrated that the capacity of the facility to be lost is not required.

Replacement capacity must be at least equivalent in terms of tonnage, accessibility, location in relation to the market, suitability, availability of land for processing and stockpiling of waste (and materials/residues resulting from waste management processes) and minerals, and:
in the case of wharves, the size of the berth for dredgers, barges or ships
in the case of waste facilities, replacement capacity must be at least at an equivalent level of the waste hierarchy and capacity may be less if the development is at a higher level of the hierarchy
There must also be no existing, planned or proposed developments that could constrain the operation of the replacement site at the required capacity.
Planning applications for development within 250m of safeguarded facilities need to demonstrate that impacts, e.g. noise, dust, light and air emissions, that may legitimately arise from the activities taking place at the safeguarded sites would not be experienced to an unacceptable level by occupants of the proposed development and that vehicle access to and from the facility would not be constrained by the development proposed.

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

Monitoring indicators and thresholds for policy review

The following table sets out the monitoring indicators and thresholds used to monitor the effective implementation of Policy DM 8.

Monitoring indicator(s)	Monitoring triggers (thresholds) for policy review
1. Decisions resulting in incompatible non-minerals or waste development permitted within, or in the vicinity of, existing safeguarded minerals management, transportation or waste management facilities.	1. One application permitted that does not meet all policy criteria with an objection from the County Council.
2. Allocations in adopted Local Plans considered incompatible within the presumption to safeguard minerals and waste facilities from direct loss and/or within 250m of a safeguarded facility where there will be the high probability of incompatibility that may lead to the lawful operation of the safeguarded facility to cease or be compromised such that will affect its lawful operational viability.	2. An allocation in a Local Plan that does not meet all policy criteria (except criterion 2) with an objection from the County Council.

No planning applications have been submitted that have resulted in decisions to grant permission to development potentially affecting the operation of minerals and waste infrastructure which have not met the policy criteria which overcome the presumption to safeguard the infrastructure.

No local plan allocations for development have been proposed that would result in the loss of a safeguarded facility. Where applications have come forward for development within 250m of a safeguarded facility the County Council has engaged with the local planning authority resulting in a modification of the proposals to ensure that they are acceptable under the terms of the policy.

GREEN

Consistency with National and Local Policy

The National Planning Policy Framework (2021) requires existing, planned and potential sites for: the bulk transport, handing and processing of minerals; the manufacture of concrete and concrete products; and the handling, processing and distribution of substitute, recycled and secondary aggregate material to be safeguarded, (Section 17, Paragraph 210, Sub-section e) and that this be addressed in the planning policies of the area.

Therefore, Policy DM 8 is in accordance with national planning policy as set out in the National Planning Policy Framework (2021) for safeguarding mineral supply related infrastructure, as it identifies the criteria when this presumption can be set aside Thus strengthening the primary safeguarding function of the Plan.

The National Planning Policy for Waste (2014) does not specifically require planning policies to safeguard waste management facilities. However, it does expect waste planning authorities to ensure that the impact of proposals for non-waste development on sites and areas allocated for

waste management, is acceptable and does not prejudice the implementation of the waste hierarchy and/or the efficient operation of such facilities.

In addition, given that there is substantial overlap between waste management and aggregate supply with recycled and secondary aggregate manufacture as identified by the National Planning Policy Framework, it is reasonable that other types of waste management infrastructure should be safeguarded by the Plan (as it underpins sustainable development) and that any exemption to this presumption has to be applied objectively as set out in Policy DM 8.

GREEN

Other observations

This policy was updated in 2020 and there is no need for it be reviewed in accordance with the requirement of 5 yearly reviews of Plans however it has been included for completeness.

GREEN

Recommendation

Policy DM8 was the subject of an early partial review of the Kent Minerals and Waste Local Plan 2013-30. The modifications to the policy clarified when an allocation in an adopted local plan or when a planning application that potentially affect safeguarded facilities could be afforded an exemption to the safeguarding requirements of Policies CSM 6: Safeguarded Wharves and Rail Depots, CSM 7: Safeguarded Other Mineral Plant Infrastructure and CSW 16: Safeguarding of Existing Waste Management Facilities. These changes were found sound by Independent Examination and the partially reviewed plan was adopted in 2020. The policy remains fully effective and does not require modification.

GREEN

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

Policy wording

Prior Extraction of Minerals in Advance of Surface Development

Planning permission for, or incorporating, mineral extraction in advance of development will be granted where the resources would otherwise be permanently sterilised provided that:
1. the mineral extraction operations are only for a temporary period; and,
2. the proposal will not cause unacceptable adverse impacts to the environment or communities

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

Monitoring indicators and thresholds

The following table sets out the monitoring indicators and thresholds used to monitor the effective implementation of Policy DM 9.

Monitoring indicator(s)	Monitoring triggers (thresholds) for policy review
1. Planning applications granted/decisions resulting in, or incorporating, mineral extraction in advance of built development where the resources would otherwise be permanently sterilised.	1. One application permitted that does not meet all policy criteria (with an objection from the County Council in the case of District decisions).

No planning applications for non-mineral development that have incorporated mineral extraction in advance of development where safeguarded minerals would otherwise have been sterilised have been submitted to the County Council for determination. Policy therefore remains untested in terms of its effectiveness in managing proposals which incorporate prior extraction.

NEUTRAL

Consistency with National and Local Policy

The National Planning Policy Framework (NPPF) (2021) Part 17. Facilitating the sustainable use of minerals, Paragraph 209 states:

> *It is essential that there is a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs. Since minerals are a finite natural resource, and can only be worked where they are found, best use needs to be made of them to secure their long-term conservation.*

By facilitating the prior extraction of minerals, the policy ensure that the best use is made of them. In addition, at Part 15, Paragraph 174 sub-section e), the National Planning Policy Framework requires new and existing development to avoid adverse impacts on the environment. The policy is designed to prevent any mineral prior extraction operations from causing unacceptable impacts to the environment or communities in the pursuit of ensuring finite mineral resources are conserved.

The policy is therefore in accordance with national policy.

GREEN

Other observations

Criterion 1 refers to temporary mineral extraction.. All mineral extraction is temporary and so it is unclear what this criterion adds to aid decision making. It is considered that his reference is concerned with ensuring that mineral extraction is completed in a timely manner ahead of the main development and so an amendment to the text is needed to clarify the intention of the policy.

RED

Recommendation

Policy DM9 is consistent with national policy however the wording of criterion 1 is unclear and does not adequately express the intention of the policy. In light of this it is proposed that the text be updated to ensure its effectiveness.

RED

Policy DM 10: Water Environment

Policy wording

Water Environment

Planning permission will be granted for minerals or waste development where it does not:
1. result in the deterioration of physical state, water quality or ecological status of any water resource and waterbody, including rivers, streams, lakes and ponds
2. have an unacceptable impact on groundwater Source Protection Zones (as shown in Figure 15)
3. exacerbate flood risk in areas prone to flooding (as shown in Figure 15) and elsewhere, both now and in the future

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

Consistency with National and Local Policy

The National Planning Policy Framework (2021) sets out that the purpose of the planning system is to contribute to the achievement of sustainable development. Part 2. Achieving sustainable development Paragraph 8 c) makes clear that this process includes improving biodiversity, using natural resources prudently (*this would include water resources*), minimising waste and pollution, mitigating and adapting to climate change including moving to a low carbon economy. The policy's objective is to ensure that the water resources are not compromised nor that the water environment is damaged by either waste or minerals development. Therefore, the policy is consistent with the National Planning Policy Framework's stated position on how the planning system should contribute to sustainable development.

Furthermore, Part 15. Conserving and enhancing the natural environment, Paragraph 174 states:

Planning policies and decisions should contribute to and enhance the natural and local environment by:

> *(e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and*

The policy directly contributes to this national policy objective.

With regard to waste development, the National Planning Policy for Waste 2014, Appendix B. Locational Criteria sub section a. specifically identifies that potential impacts on the water environment are matters when locating waste management development. Within the criteria includes the following:

a. protection of water quality and resources and flood risk management. Considerations will include the proximity of vulnerable surface and groundwater or aquifers. For landfill or land-raising, geological conditions and the behaviour of surface water and groundwater should be assessed both for the site under consideration and the surrounding area. The suitability of locations subject to flooding, with consequent issues relating to the management of potential risk posed to water quality from waste contamination, will also need particular care.

The policy is therefore consistent with this part of the National Planning Policy for Waste.

Planning Practice Guidance[26] (PPG) provides advice on the environmental issues of minerals working that should be addressed by mineral planning authorities and states:

The principal issues that mineral planning authorities should address, bearing in mind that not all issues will be relevant at every site to the same degree, include:….

- *flood risk;….*
- *surface and, in some cases, ground water issues;*
- *water abstraction.*

The need to ensure the protection of the water environment is addressed by Mineral Planning Authorities (in their policies and decision making) is reflected in the policy.

The National Planning Policy includes the need for sustainable urban drainage in development proposals, This requirement is not reflected in the current policy and an update is required.

RED

Other observations

The Environment Agency have requested updates to the policy to ensure that the risks of unacceptable impacts to groundwater in Kent are minimised. This is considered especially important in light of the increasing stresses on water resources in Kent.

RED

Recommendation

Updates are recommended to strengthen the requirement for risk assessments to consider impacts to groundwater from minerals and waste development.

RED

26 Paragraph: 013 Reference ID: 27-013-20140306, Revision date: 06 03 2014

Policy DM 11: Health and Amenity

Policy wording

Health and Amenity

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

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

Consistency with National Policy

Publications such as the Clean Growth Strategy 2017, Air Quality Plan for Nitrogen Dioxide (NO2) in UK 2017 and Clean Air Strategy 2019 all recognise the risk to public health associated with vehicle emissions. The policy already makes reference to this where it states:

"This may include production of an air quality assessment of the impact of the proposed development and its associated traffic movements and necessary mitigation measures required through planning condition and/or planning obligation. This will be a particular requirement where a proposal might adversely affect the air quality in an Air Quality Management Area (AQMA)."

However, this wording could be strengthened and the supporting text to the policy be updated to refer to publications such as those above.

The National Planning Policy Framework 2021 makes reference to Clean Air Zones (alongside an Air Quality Management Areas), however none currently exist or are proposed in Kent, though this should be monitored.

The National Planning Policy Framework also makes reference to minimising amenity impacts associated with blasting operations in paragraph 211 (c):

> *"c) ensure that any unavoidable noise, dust and particle emissions and any blasting vibrations are controlled, mitigated or removed at source"*

The policy should be updated to reference impacts associated with blasting.

The remainder of the policy reflects the requirements set out in the National Planning Policy Framework and the Planning Practice Guidance with regards to assessing the health and amenity impacts of planning applications, including dust management measures for mineral sites referred to in the Planning Practice Guidance.

RED

Other Observations

Planning Practice Guidance provides advice on the environmental issues of minerals working that should be addressed by mineral planning authorities and states:

The principal issues that mineral planning authorities should address, bearing in mind that not all issues will be relevant at every site to the same degree, include:

- *noise associated with the operation*
- *dust;*
- *air quality;*
- *lighting;*
- *visual impact on the local and wider landscape;*
- *landscape character;*
- *archaeological and heritage features (further guidance can be found under the Minerals and Historic Environment Forum's Practice Guide on mineral extraction and archaeology;*
- *traffic;*
- *risk of contamination to land;*
- *soil resources;*
- *geological structure;*
- *impact on best and most versatile agricultural land;*
- *blast vibration;*
- *flood risk;*
- *land stability/subsidence;*
- *internationally, nationally or locally designated wildlife sites, protected habitats and species, and ecological networks;*
- *impacts on nationally protected landscapes (National Parks, the Broads and Areas of Outstanding Natural Beauty);*
- *nationally protected geological and geo-morphological sites and features;*
- *site restoration and aftercare;*
- *surface and, in some cases, ground water issues;*
- *water abstraction.*

Paragraph: 013 Reference ID: 27-013-20140306, Revision date: 06 03 2014

In light of the Planning Practice Guidance there is a need for the policy to refer to health and amenity impacts associated with blasting operations.

The final sentence of the policy is loosely worded and needs clarification to be effective.

RED

Recommendations

Policy requires review with regard to referencing blasting, and possible strengthening of wording regarding health impacts through vehicle emissions to increase its effectiveness.

The final sentence of the policy requires clarification.

Note that Air Quality Management Areas may need updating in Figure 15.

RED

Policy DM 12: Cumulative Impact

Policy wording

Cumulative Impact

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

Consistency with National Policy

Publications such as the Clean Growth Strategy 2017, Air Quality Plan for Nitrogen Dioxide (NO2) in UK 2017 and Clean Air Strategy 2019 all recognise the risk to public health associated with vehicle emissions. Supporting text could be updated to include reference to cumulative impacts in Air Quality Management Areas.

AMBER

Other observations

None.

Recommendations

Supporting text to the policy should be updated to ensure that the policy is effective given the changes to air quality legislation since the Plan's adoption in 2016.

RED

Policy DM 13: Transportation of Minerals and Waste

Policy wording

Transportation of Minerals and Waste

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

Consistency with National Policy

Policy is in line with new publications on vehicular emissions such as Clean Growth Strategy 2017, Air Quality Plan for Nitrogen Dioxide (NO2) in UK 2017 and Clean Air Strategy 2019, as the policy already references emission control and reduction measures.

The supporting text to the policy references European sites, this is outdated since the UK has left the European Union and should be amended to reflect the updated Habitat Regulations.

Supporting text may also usefully be amended to emphasise the connection between vehicle movements and contribution to climate change to better align with the Paris Agreement 2016 and subsequent publications/policy documents.

Changes to the National Planning Policy Framework (Part 9. Promoting sustainable transport, para.104). As the process of updating the policies in the Kent Minerals and Waste Local Plan takes place it will be necessary to monitor Government's publication of any updates to national planning policy with regards to promoting sustainable transport, make reference to the need to realise opportunities from changing transport technology, in both local plans and considered by development proposals, both in their earliest stages. This, and the drive for greater sustainability and environmental net-gain indicates that the policy should be reviewed.

Changes to the National Planning Policy Framework (Paras 107 and 112) also expect development to come forward in a manner which allows for the charging of electric vehicles which may be associated with the use of the development.

RED

Other observations

None

Recommendations

The policy and supporting text should be updated to ensure effectiveness and consistency with national policy, with regards to the connection between vehicle movements and climate change and sustainable transport initiatives in the National Planning Policy Framework such as the provision of charging for electric vehicles.

RED

Policy DM 14: Public Rights of Way:

Policy wording

Public Rights of Way

Planning permission will only be granted for minerals and waste development that adversely affect a Public Right of Way, if:
1. satisfactory prior provisions for its diversion are made which are both convenient and safe for users of the Public Rights of Way
2. provision is created for an acceptable alternative route both during operations and following restoration of the site
3. opportunities are taken wherever possible to secure appropriate, improved access into the countryside

Consistency with National Policy

No national policy changes have occurred which need to be reflected in updates to the wording of Policy DM14.

GREEN

Other observations

KCC Public Rights of Way team have confirmed that no issues have arisen from application of the current policy wording.

GREEN

Recommendation

Policy is consistent with national policy and remains effective and therefore does not require modification.

GREEN

Policy DM 15: Safeguarding of Transport Infrastructure

Policy wording

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

Consistency with National Policy

The National Planning Policy Framework (NPPF) (2021) Part 17. Facilitating the sustainable use of minerals, Paragraph 210 and subsection e) states:

Planning Policies should

> *e) safeguard existing, planned and potential sites for: the bulk transport, handling and processing of minerals; the manufacture of concrete and concrete products; and the handling, processing and distribution of substitute, recycled and secondary aggregate material;*

The policy is consistent with this requirement of the National Planning Policy Framework (2021).

GREEN

Other observations

None.

Recommendation

Policy is consistent with national policy and remains effective and therefore does not require modification.

GREEN

Policy DM 16: Information Required In Support of an Application

Policy wording

Information Required In Support of an Application Planning applications for minerals or waste management development must be supported by sufficient, relevant drawings, plans and information, including the information specified in the County Council's guidance notes for minerals and waste applications.

Consistency with National Policy

The supporting text to the policy references European sites, this is outdated since the UK has left the European Union and should be amended to reflect the updated Habitat Regulations.

AMBER

Other observations

Policy is not justified as the information required is dealt with through validation of a planning application. Policy should be removed but text retained elsewhere.

RED

Recommendations

Policy should be removed as it is not justified. The text should be retained elsewhere in the Plan as information but updated to reflect the Habitat Regulations.

RED

Policy DM 17: Planning Obligations

Policy wording

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

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

Consistency with National Policy

Planning policies should assist the decision maker and those involved in the development process in assessing whether proposals for development may be acceptable, whereas this policy provides administrative information concerning the use of planning obligations. The policy is not considered consistent with National Planning Policy Framework expectations concerning the content of a local plan.

RED

Other observations

Policy DM 17 provides information rather than set outs criteria against which the acceptability of a proposal can be assessed. For this reason the policy is not justified and should be

removed. Information set out in the policy should be retained in the Plan perhaps in an appendix.

RED

Recommendations

Policy not justified and so should be removed from the Plan, however the text provides useful information and could be retained.

RED

Policy DM 18: Land Stability

Policy wording

Land Stability

Planning permission will be granted for minerals or waste development where it is demonstrated that it will not result in land instability. All minerals and waste proposals that could give rise to land instability must include a stability report and measures to ensure land stability.

Consistency with National Policy

Policy DM18 is consistent with the National Planning Policy Framework which states that planning policies and decisions should contribute to and enhance the natural and local environment by preventing new and existing development from contributing to, being put an unacceptable risk from, or being adversely affected by land instability. The National Planning Policy Framework outlines that planning policies and decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination, and that where a site is affect by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

GREEN

Other observations

The second sentence of Policy DM18 is considered to be loosely worded such that it is not clear when minerals and waste development might result in unstable land or be affected by it.

RED

Recommendation

The second sentence of Policy DM18 should be expanded upon to provide additional precision as well as more information in the supporting text as to why land stability might be an issue for waste and minerals development. Alternatively, the second sentence of the Policy could be deleted, and more information added into the supporting text to explain why land stability might be an issue for waste and minerals development e.g. quarries and landfill.

RED

Policy DM 19: Restoration, Aftercare and After-use

Policy wording

Restoration, Aftercare and After-use

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

Restoration plans should be submitted with the planning application which reflect the proposed after-use and, where appropriate, include the details set out below:
1. a site-based landscape strategy for the restoration scheme
2. the key landscape and biodiversity opportunities and constraints ensuring connectivity with surrounding landscape and habitats
3. the geological, archaeological and historic heritage and landscape features and their settings
4. the site boundaries and areas identified for soil and overburden storage
5. an assessment of soil resources and their removal, handling and storage
6. an assessment of the overburden to be removed and stored
7. the type and depth of workings and information relating to the water table
8. storage locations and quantities of waste/fill materials and quantities and types of waste/fill involved
9. proposed infilling operations, sources and types of fill material
10. the arrangements for monitoring and the control and management of landfill gas
11. consideration of land stability after restoration
12. directions and phasing of working and restoration and how they are integrated into the working scheme
13. the need for and provision of additional screening taking account of degrees of visual exposure 14. details of the proposed final landform including pre and post settlement levels
15. types, quantities and source of soils or soil making materials to be used
16. a methodology for management of soils to ensure that the pre-development soil quality is maintained
17. proposals for meeting targets or biodiversity gain in relation to the Kent Priority Habitats (or its replacement), the Kent Biodiversity Opportunity Areas and the Greater Thames Marshes Nature Improvement area
18. removal of all buildings, plant, structures, accesses and hardstanding not required for long term management of the site
19. planting of new native woodlands
20. installation of drainage to enable high quality restoration and after-use
21. measures to incorporate flood risk mitigation opportunities
22. details of the seeding of grass or other crops and planting of trees, shrubs and hedges
23. a programme of aftercare to include details of vegetation establishment, vegetation management, biodiversity habitat management, field drainage, irrigation and watering facilities
24. the restoration of the majority of the site back to agriculture, if the site consists of the best and most versatile agricultural land

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

Consistency with National Policy

The National Planning Policy Framework (2021) at Part 17 Facilitating the sustainable use of minerals para. 211 e) states:

When determining planning applications, great weight should be given to the benefits of mineral extraction, including to the economy. In considering proposals for mineral extraction, minerals planning authorities should:…..

e) provide for restoration and aftercare at the earliest opportunity, to be carried out to high environmental standards, through the application of appropriate conditions. Bonds or other financial guarantees to underpin planning conditions should only be sought in exceptional circumstances;

The policy does not have any criteria reflecting the potential for financial guarantees such as bonds.

Para 7.17.2 states that "Wherever possible, restoration schemes should include measures to improve biodiversity interests whatever the proposed after-use of the site." This appears potentially inconsistent with the requirement for biodiversity net gain and the text therefore needs updating. The potential for restored mineral sites to offer biodiversity net gain opportunities could usefully be referenced.

RED

Other observations

The 24 criteria included in Policy DM19 are considered to make the policy inflexible and therefore it would be helpful for the detail to be moved to the preamble.

It should also be noted of the requirement to ensure that interim restoration arrangements are satisfactory prior to final after-use (e.g. housing) being implemented.

RED

Recommendation

Policy DM 19 requires rewording to make the text more precise and informative including the possible need to secure financial instruments to secure restoration. Much of the detail can, however be moved to the policy's supporting text.

RED

Policy DM 20: Ancillary Development

Policy wording

Ancillary Development

Proposals for ancillary development within or in close proximity to mineral and waste development will be granted planning permission provided that:

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

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

Consistency with National and Local Policy

The National Planning Policy Framework (2021) Planning Practice Guidance (PPG) are silent on this policy's objective to control ancillary waste and minerals development. However, it can be stated that the need to ensure that such development is assessed for its acceptability and its impact on the environment and communities is controlled/mitigated to an acceptable degree is consistent with Section 4 of the National Planning Policy Framework on Decision Making and Section 7 of the National Planning Policy for Waste (NPPW) (2014). Determining planning applications to ensure planning applications are properly assessed and the PPG (Paragraph: 011 Reference ID: 27-011-20140306) to assess the environment impacts of development. To this extent the Policy DM20 is not consistent with national policy as it does not have regard to potential impacts on communities that may occur as a result of ancillary development.

RED

Other observations

None.

Recommendation

Policy DM20 is not consistent with national policy as it does not have regard to potential impacts on communities that may occur as a result of ancillary development. Policy DM20 should be updated to reference impacts on communities.

RED

Policy DM 21: Incidental Mineral Extraction

Policy wording

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

Consistency with National and Local Policy

The policy's objective is to prevent adverse impacts on communities and the environment from incidental mineral extraction, the relevant governmental Planning Practice Guidance states:

What are the environmental issues of minerals working that should be addressed by mineral planning authorities?

The principal issues that mineral planning authorities should address, bearing in mind that not all issues will be relevant at every site to the same degree, include:

- *noise associated with the operation*
- *dust;*
- *air quality;*
- *lighting;*
- *visual impact on the local and wider landscape;*
- *landscape character;*
- *archaeological and heritage features (further guidance can be found under the Minerals and Historic Environment Forum's Practice Guide on mineral extraction and archaeology;*
- *traffic;*
- *risk of contamination to land;*
- *soil resources;*
- *geological structure;*
- *impact on best and most versatile agricultural land;*
- *blast vibration;*
- *flood risk;*
- *land stability/subsidence;*
- *internationally, nationally or locally designated wildlife sites, protected habitats and species, and ecological networks;*
- *impacts on nationally protected landscapes (National Parks, the Broads and Areas of Outstanding Natural Beauty);*
- *nationally protected geological and geo-morphological sites and features;*
- *site restoration and aftercare;*
- *surface and, in some cases, ground water issues;*
- *water abstraction.*

Paragraph: 013 Reference ID: 27-013-20140306

Revision date: 06 03 2014

All of which are essentially the same as the policy's monitoring Strategic Objective triggers. The policy is in accord with national planning policy and guidance.

GREEN

Other observations

None.

Recommendation

Policy is consistent with national policy and remains effective and therefore does not require modification.

GREEN

Policy DM 22: Enforcement

Policy wording

Enforcement

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

Consistency with National Policy

No significant change within the National Planning Policy Framework regarding the requirement for enforcement since the adoption of the Kent Minerals and Waste Local Plan.

GREEN

Other considerations

The reference to the EU directive is required to be removed from the Policy wording since the UK has left the European Union.

The wording of the monitoring trigger may also be misleading, as it suggests there is a requirement for a policy review if cases are resolved within 6 months.

RED

Recommendations

The Policy should be amended to remove reference to the EU Directive to reflect the UK exit from the European Union.

RED

3. Conclusions

3.1 The Vision, Strategic Objectives and Policies of the Plan have been reviewed and recommendations provided concerning the need for updates to ensure the Plan's legality, consistency with national policy and effectiveness.

3.2 As the Plan covers the period to 2030 consideration has been given to extend its end date to 2035, however this would likely require more extensive updates and, as significant changes to the way in which local plans are to be prepared[27] are expected as a result of the current Planning Bill, which may require preparation of a new plan, an extension to the plan period is not recommended.

3.3 The review of the Vision and Strategic Objectives found that while much of the text is still relevant, some needs updating to reflect recent Government policy and legislation particularly concerning climate change, circular economy and biodiversity.

3.4 Recommendations for changes to Plan's policies are set out in the tables below.

Strategic Minerals Policies

Policy	Recommendation
Policy CSM 1: Sustainable development	Policy and supporting text require updating to ensure consistency with national policy and to ensure that the wording of the policy is effective. Reference to 'associated Planning Practice Guidance' should be deleted.
Policy CSM 2[28]: Supply of Land-won Minerals in Kent	Policy CSM2 is consistent with national policy and monitoring suggests the policy is being implemented effectively and therefore updates to this policy are not considered necessary. Specific reference to the 'Mineral Sites Plan' should be deleted in the sub-title and the first sentence of the policy prior to the criteria that will be used to screen sites for suitability for identification as future allocations.
Policy CSM 8: Secondary and Recycled Aggregates	Policy remains effective, though modification is required to remove reference to sites being identified in a Mineral Sites Plan and an increase to the minimum capacity of such facilities to be maintained over the remainder of the plan period needs to be increased from 2.7mtpa[29] to 4.5mtpa.
Policy CSM 9: Building Stone in Kent	The policy is no longer consistent with national policy and needs to be updated due to a change in the National Planning Policy Framework (NPPF) involving deletion of the term 'small scale'. The policy should also be updated to reflect the fact that stone is extracted in Kent to main historic buildings beyond the County.
Policy CSM 10: Oil, Gas and	Policy remains effective and is currently consistent with national policy. The supporting text should be updated to reflect the changes to the

[27] See Planning for The Future, MHCLG, August 2020

[28] The County Council has very recently received (August 2021) a representation from one of the mineral operators asserting that policy CSM2 - Supply of Land-won Minerals in Kent requires a review to satisfy landbank requirements for ragstone. Further assessment is required to satisfy whether this is the case or not. For the purpose of the 5 year Review, it has been concluded that no change is required, The further assessment work is however being undertaken and if changes are necessary then public consultation on a revised policy CSM2 will be postponed until a later date.

[29] Million tonnes per annum

Unconventional Hydrocarbons	national planning policy on unconventional hydrocarbons.
Policy CSM 11: Prospecting for Carboniferous Limestone	Policy remains effective and consistent with national policy, though supporting text requires additional text to reflect the Environmental Impact Assessment process.
Policy CSM 12: Sustainable Transport of Minerals	Policy and supporting text require updating to ensure consistency with national policy and to ensure that the wording of the policy is effective.

Strategic Waste Policies

Policy	**Recommendation**
Policy CSW 1: Sustainable Development	Policy and supporting text require updating to ensure consistency with national policy and to ensure that the wording in the policy is effective. Reference to 'associated Planning Practice Guidance' should be deleted.
Policy CSW 2: Waste Hierarchy and Policy	An update to the policy is recommended to avoid confusion when assessing whether waste management proposals are sustainable and consistent with the waste hierarchy.
Policy CSW 3: Waste Reduction	Updates to the policy and supporting text are necessary to ensure development comes forward in a way which is consistent with circular economy principles. The supporting text should be updated to confirm how developers may be required to make financial contributions for the provision of capacity required to manage the additional household waste arising.
Policy CSW 4: Strategy for Waste Management Capacity	Updates to the supporting text which set out issues concerning the management of waste in Kent are recommended to cover the need for the development of additional Local Authority Collected Waste (LACW transfer capacity. In addition, an amendment to the target for non-inert C, D & E waste such that it is expressed as % of the non-inert fraction only is required.
Policy CSW 6: Location of Built Waste Management Facilities	Updates to the policy are required to ensure consistency with other policies in the Kent Minerals and Waste Local Plan and with national policy. Updates are recommended to ensure the Plan is effective with regard to how the location of facilities takes account of the water environment and flood risk.
Policy CSW 7: Waste Management for Non-hazardous Waste	Policy CSW7 should be updated to avoid duplication with policies CSW2 and CSW8. Other updates to Policy CSW7 are considered necessary to ensure it is effective.
Policy CSW 8: Recovery Facilities for Non-Hazardous Waste	Policy CSW8 and supporting text should be updated to strengthen the need for energy recovery facilities to utilise heat and to ensure Carbon Capture Utilisation and Storage is included in proposals. The supporting text should be updated to include a cross reference to CSW2 and the Policy title should be amended to ensure consistent use of the term 'recovery'. The monitoring framework for Policy CSW8 includes a duplicate indicator and trigger and so updates are needed to address this matter.
Policy CSW 9: Non inert Waste Landfill in	The policy should be strengthened to ensure proposals consider how methane will be captured and utilised while a non-inert landfill site is

Kent	operational. The policy should be reworded to ensure it can be implemented effectively and its meaning is clear.
Policy CSW 10: Development at Closed Landfill Sites	A minor update to the text of criterion 1 is required to ensure it is clear and effective. Updates to criteria 2 and 3 are needed to avoid duplication and ensure the most effective use of methane gas is promoted.
Policy CSW 11: Permanent Deposit of Inert Waste	Changes to the supporting text and policy are needed to ensure that the policy provides more flexibility for deposit to land options for inert waste, and to ensure disposal of inert waste by landfill is not promoted. Some changes to the monitoring framework are needed to ensure that the implementation of this policy can be effectively monitored.
Policy CSW 12: Identifying Sites for Hazardous Waste	It is considered that the assessment of proposals for the management of hazardous waste on the basis of achieving net self-sufficiency is not consistent with national policy and could lead to confused decisions on the acceptability of such proposals. In addition, the policy ought to allow consideration of provision of replacement hazardous waste landfill capacity. In light of these matters the policy should be updated.
Policy CSW 14: Disposal of Dredgings	Policy CSW14 and its supporting text remain fit for purpose, however updates may be required in light of the outcome of the Port of London's review of its 'Vision for the Tidal Thames (The Thames Vision)'.
Policy CSW 15: Wastewater Development	Policy CSW 15 requires updating to recognise that the general locational criteria for waste management facilities including in Policy CSW6 does not cover the specific locational requirements of wastewater treatment facilities. The supporting text could also be updated to reflect Ofwat's current position on the sustainable management of sludge.
Policy CSW 16: Safeguarding of Existing Waste Management Facilities	The text of Policy CSW16 should be updated to remove the reference to the Waste Sites Plan and to expand the scope of safeguarded sites.
Policy CSW 17: Nuclear Waste Treatment and Storage Dungeness	Updates are recommended to address the issue that Policy CSW17 is not, as currently worded, sufficiently flexible in overall radioactive waste management terms, as it does not allow for Low Level Waste derived from the Dungeness Nuclear Estate to be flexibly manged, in that it precludes disposal of this material within the nuclear facility site area.
Policy CSW 18: Non-nuclear Radioactive Low-Level Waste (LLW) Management Facilities	Updates are recommended to address the issue that Policy CSW18 is not, as currently worded, sufficiently flexible in overall waste management terms, as it does not allow for Low Level Waste derived from locations other than Kent to be managed in Kent. This is inconsistent with national policy.

Development Management Policies

Policy	**Recommendation**

Policy DM 1: Sustainable Design	Policy DM1 should be updated to reflect more stringent targets and policy relating to mitigation of and adaptation to climate change.
Policy DM 2: Environmental and Landscape Sites of International National and Local Importance	Policy DM2 should be updated to reflect changes to the National Planning Policy Framework which expect geodiversity to be enhanced as well as protected as well as changes concerning protection of Areas of Outstanding Natural Beauty. The supporting text of Policy DM2 should be updated to refer to the County Council environment documents; Kent Environment Strategy 2016 and Kent State of the Environment Report 2015. Depending on when the Environment Bill receives Royal Assent the supporting text should be updated to reflect the requirements concerning biodiversity net gain. Policy DM2 and/or the supporting text, should also be updated to ensure it is consistent with changes in the Kent Downs Area of Outstanding Natural Beauty Management Plan that is expected to be published in September 2021 and the High Weald Area of Outstanding Natural Beauty Management Plan 2019-2024.
Policy DM 3: Ecological Impact Assessment	Depending on when the Environment Bill receives Royal Assent, the policy wording and supporting text should be updated to reflect requirements concerning biodiversity net gain. Criterion 5 in particular may need to be strengthened to reflect the net-gain objective rather than making a 'positive contribution to the protection, enhancement, creation and management of biodiversity'. The policy and supporting text should be updated to reflect changes to the National Planning Policy Framework which refers to 'European Sites' as 'habitats sites', including the addition of a definition. Updates are also needed to reflect changes to the Conservation of Habitat and Species Regulations, specifically the language of 'European Sites' following the exit from the EU.
Policy DM 5: Heritage Assets	The supporting text should be updated to include reference to the Historic England (2015) Historic Environment Good Practice Advice in Planning Notes. The final sentence of Policy DM5 should be updated to add 'unacceptable adverse' before 'impact' to be consistent with the National Planning Policy Framework.
Policy DM 6: Historic Environment Assessment	The supporting text should be updated to include reference to the Historic England (2015) Historic Environment Good Practice Advice in Planning Notes.
Policy DM 9: Prior Extraction of Minerals in Advance of Surface Development	Policy DM9 is consistent with national policy however the wording of criterion 1 is unclear and does not adequately express the intention of the policy, in light of this it is proposed that it be updated to ensure its effectiveness.
Policy DM10: Water Environment	The policy should be updated to accord with the National Planning Policy Framework on water resources and the need to include sustainable urban drainage in development proposals. Following consultation with the Environment Agency, updates are also recommended to strengthen the requirement for risk assessments to consider impacts to groundwater from minerals and waste development.

Policy DM 11: Health and Amenity	Policy requires review with regard to referencing blasting, and possible strengthening of wording regarding health impacts through vehicle emissions to increase its effectiveness. The final sentence of the policy requires clarification.
Policy DM 12: Cumulative Impact	Supporting text to the policy should be updated to ensure that the policy is effective given the changes to air quality legislation since the Plan's adoption in 2016.
Policy DM 13: Transportation of Minerals and Waste	The policy and supporting text should be updated to ensure effectiveness and consistency with national policy, with regards to the connection between vehicle movements and climate change and sustainable transport initiatives in the National Planning Policy Framework such as the provision of charging points for electric vehicles.
Policy DM 16: Information Required in Support of an Application	Policy should be removed as it is not justified. The text should be retained elsewhere in the Plan as information but updated to reflect the Habitat Regulations.
Policy DM 17: Planning Obligations	The policy not justified and so should be removed from the Plan, however the text provides useful information and should be retained elsewhere in the Plan.
Policy DM 18: Land Stability	The second sentence of Policy DM18 should be expanded upon to provide additional precision as well as more information in the supporting text as to why land stability might be an issue for waste and minerals development. Alternatively, the second sentence of the Policy could be deleted, and more information added into the supporting text to explain why land stability might be an issue for waste and minerals development e.g. quarries and landfill.
Policy DM 19: Restoration, Aftercare and After-use	Policy DM 19 requires rewording to make the text more precise and informative including the possible need to secure financial instruments to secure restoration. Much of the detail should be included as supporting text.
Policy DM 20: Ancillary Development	Policy DM20 is not consistent with national policy as it does not have regard to potential impacts on communities that may occur as a result of ancillary development. Policy DM20 should be updated to reference impacts on communities.
Policy DM 22: Enforcement	Policy requires amending to remove reference to the EU directive to reflect the UK exit from the European Union.

Glossary

A	
Aftercare	Measures to bring land up to the required standard following restoration which enables it to be used for the intended after-use. The aftercare period normally extends for 5 years following compliance with restoration conditions but may be extended where agreed between the applicant and the minerals planning authority.
After-use	The use to which a quarry or landfill site is put following its restoration, such as forestry, agriculture, recreation or biodiversity.
Aggregate	Inert particulate matter that is suitable for use (on its own or with the addition of cement or bituminous material) in construction as concrete, mortar, finishes, road stone, asphalt, or drainage course, or for use as constructional fill or railway ballast.
Aggregates and soils recycling	Rubble, hardcore and soil from construction and demolition projects can often be re-used on-site. Alternatively it can be taken to purpose-built facilities for crushing, screening and re-sale. There are also temporary facilities at some quarries and landfill sites where material can be recovered for re-sale or use on-site.
Agricultural waste	This mostly covers animal slurry/by products and organic waste, but also scrap metals, plastics, batteries, oils, tyres, etc. The regulations for this waste stream have been altered meaning farmers can no longer manage all of their own waste within the farm. The agricultural waste regulations affect whether or not waste can be burnt, buried, stored, used on the farm or sent elsewhere.
Amenity	Amenity is a broad concept and is not specifically defined in Planning legislation. It is a matter of interpretation by the local planning authority and is usually understood to be the pleasant or normally satisfactory aspects of a location which contribute to its overall character and the enjoyment of residents, business users and visitors. A land-use that is not productive agriculture, forestry or industrial development. This can include formal and informal recreation and nature conservation.
Anaerobic Digestion (AD)	A natural process comprising the breakdown of organic material in the absence of air. It is carried out in an enclosed vessel and produces methane that powers an engine used to produce electricity. The useful outcomes of AD are electricity, heat, and the solid material left over called the digestate. Both the heat and the electricity can be sold if there is a market and the digestate can either be sold or used for agricultural purposes (landspread). Its use is currently small-scale and it can only be used for part of the waste stream e.g. sewage sludge, agricultural waste and some organic municipal and industrial waste.
Annual Monitoring Report (AMR)	The AMR documents progress in meeting the milestones of the adopted Minerals and Waste Development Scheme and will monitor the impact of policies when the plans are adopted.
B	

Biodegradable waste	Any waste that is capable of undergoing natural decomposition, such as food and garden waste, paper and cardboard.
Biodiversity	The variety of all life on earth (mammals, birds, fish, invertebrates, plants, etc).
Biodiversity Action Plan (BAP)	A plan that sets objectives and actions for the conservation of biodiversity, with measurable targets.
Brownfield site	Site previously used for or affected by development. It may be abandoned or in a derelict condition.
Buffer zone	A zone or area that separates minerals and/or waste management facilities from other land-uses to safeguard local amenity.
Building sand or soft sand	A naturally formed deposit where the sand grains are rounded in shape. The individual grains tend towards being equidimensional and the particle size variation is low. When soft sands are mixed with cement the mixture (called mortar) can be easily smoothed by hand to facilitate brick and block laying in construction.
C	
Certificate of Lawful Use	This is also known as a Lawful Development Certificate. These certificates exist in two forms: 1. a determination by a local planning authority as to whether an unauthorised development or use has become lawful through the passage of time, and can be continued without the need for planning permission 2. a determination by a local planning authority as to whether a proposed use or building can occur or be built without the need for planning permission
Combined Heat and Power	A technology producing power (electricity) while capturing the usable heat produced in the process.
Commercial waste	Waste from premises used mainly for trade, business, sport, recreation or entertainment, as defined under Section 5.75(7) of the *Environmental Protection Act 1990*. For example, it is likely to include timber, metal, paints, textiles, chemicals, oils and food waste, as well as paper, card, plastic and glass.
Composting	The breakdown of plant matter by the action of micro-organisms and other organisms into usable end-products. It is an important method of processing organic waste because it reduces the amount of potentially polluting waste going to landfill or incineration.
Construction waste (also see demolition waste)	Unwanted material arising from construction projects. It includes vegetation and soils from land clearance, discarded materials and off-cuts from building sites, road schemes and landscaping projects. It is mostly made up of stone, concrete, rubble and soils but may include timber, metal and glass.

D	
Degradable or putrescible waste	This is also called non-hazardous waste. This is a waste that will biodegrade or decompose, releasing environmental pollutants. For example this includes wood and wood products, paper, plasterboard, cardboard, vegetable matter, food processing wastes and vegetation.
Demolition waste	This is also called construction waste. This is a waste arising from any development, redevelopment, or demolition of existing schemes. It includes vegetation and soils from land clearance, discarded materials and off-cuts from building sites, road schemes and landscaping projects. It is mostly made up of stone, concrete, rubble and soils but may include timber, metal and glass.
Development Plan	The Kent MWLP forms part of the statutory Development Plan for Kent together with the adopted local plans prepared by the Kent district planning authorities. The development plan has statutory status as the starting point for decision making. Section 38(6) of the *Planning and Compulsory Purchase Act 2004* and Section 70(2) of the TCPA 1990 require that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise.
E	
Energy from Waste (EfW)	The use of waste to generate energy (power and/or heat) or produce a gas that can be used as a fuel including the processing of waste to produce a fuel suitable for use in such plants.
Environmental Impact Assessment (EIA)	The process by which the impact on the environment of a proposed development can be assessed. Certain types and scale of waste proposals will require an Environmental Statement (ES) to be prepared. *The Town and Country Planning (Environmental Impact Assessment) Regulations 2011* (as amended) and the *Planning Practice Guidance* on Environmental Impact Assessment set out the circumstances when planning applications will be required to be accompanied by an EIA. The information contained in the EIA will be taken into account when local planning authorities determine such proposals.
European Sites	These are defined by Regulation 8 of the Habitat Regulations 2010 and originate from a list of designated areas produced by the European Community which can be amended. These include fully designated Special Areas of Conservation (SAC) and Sites of Community Importance (SCIs). Also included in the list of such sites are: sites hosting a priority habitat or species during the period in which the EC is consulting the UK Government as to its inclusion in the list of SCIs and pending a decision of the Council of the EU as to its inclusion, classified Special Protection Areas (SPAs), sites submitted by the UK government or the EC as eligible for identification as an SCI until such time as it is placed on the list of SCIs (usually referred to as candidate SACs). In England, as a matter of Government policy, the following sites should be given the same protection as statutory European Sites:

	a potential SPA, a possible or proposed SAC, a listed or a proposed Ramsar site, and sites identified or required as compensatory measures for adverse effects on (statutory) European Sites, SPAs, SAC and listed or proposed Ramsar sites.
Exempt sites	Sites of small-scale waste management activities that do not require a licence or permit from the Environment Agency. They still require planning permission before they can operate and are subject to general rules (e.g. types and quantities of waste).
G	
Geodiversity	The variety of rocks, minerals, fossils, soils and landforms, together with the natural processes that shape the landscape.
Greenhouse gas	Gases such as carbon dioxide and methane which when their atmospheric concentrations exceed certain levels can contribute to climate change by forming a barrier in the earth's atmosphere that traps the sun's heat.
Groundwater	Water contained within underground strata (aquifers) of various types across the country. Groundwater is usually of high quality and often requires little treatment prior to use. It is however vulnerable to contamination from pollutants. Aquifer remediation is difficult, prolonged and expensive and therefore the prevention of pollution is important.
H	
Hazardous waste	Controlled waste that is dangerous or difficult to treat, keep, store or dispose of, so that special provision is required for dealing with it. Hazardous wastes are the more dangerous wastes and include toxic wastes, acids, alkaline solutions, asbestos, fluorescent tubes, batteries, oil, fly ash (flue ash), industrial solvents, oily sludges, pesticides, pharmaceutical compounds, photographic chemicals, waste oils, wood preservatives. If improperly handled, treated or disposed of, a waste that, by virtue of its composition, carries the risk of death, injury or impairment of health, to humans or animals, the pollution of waters, or could have an unacceptable environmental impact. It should be used only to describe wastes that contain sufficient of these materials to render the waste as a whole hazardous within the definition given above.
Heritage assets	A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. Heritage asset includes designated heritage assets and assets identified by the local planning authority (including local listing).
Heritage Coast	Areas of undeveloped coastline that are managed to conserve their natural beauty and, where appropriate, to improve accessibility for visitors.

High Level Wastes (HLW)	One of four broad categories of radioactive waste, HLW are wastes in which the temperature may rise significantly as a result of their radioactivity, so that this factor has to be considered in designing storage and disposal facilities.
Household waste	This is also known as Municipal Solid Waste (MSW). This is a waste from a domestic property, caravan, residential home or from premises forming part of a university or school or other educational establishment and premises forming part of a hospital or nursing home.
I	
Impact pathways	In carrying out a Habitat Regulations Assessment it is important to determine the various ways in which land-use plans can impact on European Sites by following the pathways along which development can be connected with European Sites. Impact pathways are routes by which a change in activity associated with a development can lead to an effect upon a European Site.
Imported minerals	Minerals imported through wharves and rail depots. In Kent this includes Marine Dredged Aggregates, crushed rock, sand and gravel, secondary aggregates and cement.
Industrial waste	Waste from any of the following premises: factory, provision of transport services (land, water and air), purpose of connection of the supply of gas, water, electricity, provision of sewerage services, provision of postal or telecommunication services.
Inert waste	Waste that will not biodegrade or decompose (or will only do so at a very slow rate). Types of materials include uncontaminated topsoil, subsoil, clay, sand, brickwork, stone, silica and glass.
Intermediate Level Wastes (ILW)	One of four broad categories of radioactive waste, ILW are wastes with radioactivity levels exceeding the upper boundaries of LLW that are retrieved and processed to make them passively safe and then stored pending the availability of the GDF.
L	
Landbank	A stock of mineral reserves with planning permission for their winning and working.
Landfill	The deposition of waste onto hollow or void space in the land, usually below the level of the surrounding land or original ground level in such a way that pollution or harm to the environment is prevented. Former mineral workings have historically been used for this purpose.
Landfill gas	A by-product from the digestion by anaerobic bacteria (rotting) of biodegradable matter present in waste deposited on landfilled sites. The gas is predominantly methane together with carbon dioxide and trace concentrations of a range of other vapours and gases.
Land-won minerals	Mineral extracted from a quarry situated on the mainland, as opposed to off-shore mineral supplies such as MDAs.

Local Aggregate Assessment (LAA)	A public report prepared annually by MPAs to gather together up-to-date information on aggregate sales and reserves from land-won sources together with data on secondary and recycled aggregates and mineral imports.
Local Development Scheme	The timetable for the preparation of the local plans.
Local Geological Sites	Any geological or geomorphological sites, excluding SSSIs, that are considered worthy of protection for their educational, research, historical or aesthetic importance. They are broadly analogous to non-statutory wildlife sites and are often referred to locally by the same name. They can include important teaching sites, wildlife trust reserves, LNRs and a wide range of other sites. They are not regarded as inferior to SSSIs but as sites of regional importance in their own right.
Local Plan	The Kent MWLP comprises all adopted local plans that will include the Kent MWLP, the Minerals Sites Plan, the Waste Sites Plan and the district local plan.
Low-carbon Economy (LCE) or low-fossil-fuel economy	An economy that has a minimal output of greenhouse gas emissions into the biosphere, but specifically refers to the greenhouse gas carbon dioxide.
Low Level Radioactive Waste (LLW)	One of four broad categories of radioactive waste that reflect the degree of radioactivity and hazard. LLW does not normally require shielding during handling or transport. It consists largely of paper, plastics and scrap metal items that have been used in hospitals, research establishments and the nuclear industry.
M	
Marine Dredged Aggregates (MDA)	Aggregates excavated from the seabed, as opposed to aggregate minerals extracted from the earth on the mainland.
Materials Recovery Facility (MRF)	A facility where waste can be taken in bulk for separation, recycling or recovery of waste materials. This is usually Municipal Solid Waste, but some sites take Commercial & Industrial waste. Some may also take Construction and Demolition waste to be crushed and screened.
Methane	A colourless, odourless, flammable gas, formed during the decomposition of biodegradable waste. Methane has high potential as a greenhouse gas.
Mineral Consultation Area (MCA)	An area identified in order to ensure consultation between the relevant local planning authority and the MPA before certain non-mineral planning applications made within the area are determined.
Mineral resources	Natural concentrations of minerals or bodies of rock that are, or may become, of potential economic interest due to their inherent properties.

Mineral Safeguarded Area (MSA)	Known areas of mineral resources that are of sufficient economic value to warrant protection for generations to come. There is no presumption that any areas within an MSA will ultimately be environmentally acceptable for mineral extraction. The purpose of MSAs is not to automatically preclude other forms of development, but to make sure that mineral reserves are considered in land-use planning decisions.
Municipal Solid Waste (MSW)	Waste collected and disposed of by or on behalf of a local authority. It will generally consist of household waste, some commercial waste, and waste taken to Household Waste Recycling Centres (HWRCs) by the general public. In addition, it may include road and pavement sweepings, gully emptying wastes, and some construction and demolition waste arising from local authority activities. It is typically made up of card, paper, plastic, glass, kitchen and garden waste.
N	
Natura 2000 Sites	All EU member states are required to create a network of protected wildlife areas, known as Natura 2000 Sites, consisting of Special Conservation Areas (SACs) and Special Protection Areas (SPAs), established to protect wild birds under the European Birds Directive. These sites are part of a range of measures aimed at conserving important or threatened habitats and species. In the UK they are also known as European Sites.
Natural Improvement Areas (NIAs)	Areas designated for creating more and better-connected habitats, recreational opportunities, flood protection, cleaner water and carbon storage as well as uniting local stakeholders.
Non-hazardous Waste (Non-inert Waste)	This is also called non-inert waste. This is a waste that will biodegrade or decompose, releasing environmental pollutants. Examples include wood and wood products, paper and cardboard, vegetation and vegetable matter, leather, rubber and food processing wastes.
O	
Other Recovery	'Other recovery' is a category of waste management identified within the Waste Hierarchy that diverts waste from landfill by means lower down the waste hierarchy than recycling and composting. Other recovery capacity is generally provided in the form of energy from waste facilities
P	
Permitted reserves	Saleable minerals in the ground with planning permission for winning and working. Usually expressed in million tonnes.
Planning conditions	Conditions attached to a planning permission for the purpose of regulating and controlling the development.
Primary aggregates	Naturally occurring sand, gravel and crushed rock used for construction purposes, which have either been extracted from the sea bed or the earth's crust.

Prospecting	Prospecting is the first stage of the geological analysis of a territory or area. It includes the physical search for minerals, fossils, precious metals or mineral specimens. Prospecting can be a small-scale form of mineral exploration that can extend to an organised, large scale effort undertaken by commercial mineral companies to find economically viable materials such as ores, gas, oil, coal and aggregates.
R	
Ramsar sites	Sites of international importance to birds that inhabit wetlands. Ramsar is the name of the place where the Wetlands Convention was signed.
Reclamation of mineral workings	The combined processes of restoration and aftercare following completion of mineral working.
Recovery	The collection, reclamation and separation of materials from the waste stream.
Recovery facilities	A facility that recovers value, such as resources and energy, from waste prior to disposal, includes recycling, thermal treatment, biological treatment and composting facilities.
Recycled aggregates	Aggregates produced from recycled CD waste such as crushed concrete and planings from road surfacing.
Recycling	The collection and separation of materials from waste and subsequent processing to produce new marketable products.
Reduction	The use of technology requiring less waste generation from production, or the production of longer lasting products with lower pollution potential, or the removal of material from the waste stream, e.g. paper being taken straight from a waste producer to a paper re-processing facility, avoiding it being handled at any waste management operation.
Reserve	The remaining concentration or occurrence of workable material of intrinsic economic interest. Generally used for those economic mineral deposits that have the benefit of planning permission.
Resource	A concentration or occurrence of material of intrinsic economic interest in or on the Earth's crust in such a form, quality and quantity that they are reasonable prospects for eventual economic extraction.
Residual waste	The elements of the waste streams that remain following recovery, recycling or composting operations.
Resource recovery	The extraction of useful materials or energy from solid waste.
Restoration	Operations designed to return an area to an acceptable environmental state, whether for the resumption of the former land-use or for a new use following mineral working. Involves the reinstatement of land by contouring, the spreading of soils or soil making materials, etc.

Reuse	Reuse of waste is encouraged by the Government's national waste policy requirements. Typically it involves re-using materials so that they can be used again without further processing.
S	
Safeguarding	The process of protecting sites and areas that have potential for relevant development (minerals and waste) from other forms of development.
Scheduled Ancient Monument	Nationally important monuments and archaeological areas that are protected under the Ancient Monuments and Archaeological Areas Act 1979.
Secondary aggregates	Construction materials that are produced as by-products of other processes and used instead of primary aggregates. Secondary aggregates include boiler ashes, colliery shale, burned clay, pulverised fuel ash, chalk and shale.
Self-sufficiency	A key aim of sustainable waste management is self-sufficiency in waste disposal, i.e. the waste generated within the region can be disposed or managed within the same region.
Sharp sand and gravel	A naturally occurring mineral deposit found in Kent and elsewhere. When extracted it is mainly used in the production of concrete products.
Silica sand or industrial sand	A naturally occurring mineral deposit that is extracted and used in industrial processes including glass manufacture and the production of foundry castings. It is also used in horticulture and for sports surfaces including horse menages and golf course bunker sand. It is also known as industrial sand. It is a mineral of national importance.
Sites of Special Scientific Interest (SSSIs)	These sites are notified under Section 28 of the Wildlife and Countryside Act 1981 by Natural England whose responsibility is to protect these areas. These are important areas for nature conservation i.e. valuable flora, fauna or geological strata. Natural England needs to be notified of planning proposals in or adjacent to the designated areas. National Nature Reserves, terrestrial Ramsar sites, SPAs and SACs are also SSSIs under national legislation.
Soft sand	See Building sand.
Sterilisation	When a change of use or the development of land on or near a minerals or waste facility prevents possible mineral extraction or continued use of a wharf, rail depot or other facility in the foreseeable future.
Surrounding environment	Aspects of the surrounding environment include such features as water resources including surface water, groundwater and rivers and their settings, heritage interests including listed buildings, conservation areas and their settings, and World Heritage Sites, nature reserves, local sites designated for biodiversity and geodiversity, species and habitats of importance for conservation

	and biodiversity, nationally designated areas including SSSIs and AONBs and their setting, internationally designated sites including SPAs, SACs, Ramsar sites, Heritage Coast and NIAs. The surrounding environment also includes those areas that are non designated but contribute to the whole environment.
Sustainability Appraisal (SA)	An evaluation process for assessing the environmental, social, economic and other sustainability effects of plans and programmes from the outset of the preparation process. This is a statutory requirement.
Sustainable development	Development that meets the needs of the present without compromising the ability of future generations to meet their own needs. The definition also encompasses the efficient use of natural resources.
T	
Transfer stations	Facilities that receive waste (normally from a local area), where the waste is bulked up and transported further afield in larger lorries for disposal or recovery. Some transfer stations sort out the recoverable wastes, such as CD waste and scrap metal prior to onward transportation for disposal or processing.
V	
Very Low Level Radioactive Waste (VLLW)	One of four broad categories of radioactive waste that reflect the degree of radioactivity and hazard. The radioactive concentration of VLLW is similar to the natural activity of soils and is well within the normal range of natural radioactivity in the Earth's crust.
Void space	A hole created by mineral working or nature that may have potential for landfilling with waste.
W	
Waste	The TCPA 1990 has been amended so there is no dispute over whether waste, in terms of the planning regime, is defined in accordance with European law. It states that: Waste includes anything that is waste for the purposes of Directive 2006/12/EC of the European Parliament and of the Council on waste, and that is not excluded from the scope of that Directive. Waste is therefore defined as any substance or object that the holder or the possessor either discards or intends or is required to discard. **(132)**
Waste arisings	The amount of waste generated in a given locality over a given period of time.

Waste Disposal Authority	A local authority that is legally responsible for the safe disposal of household waste collected by the WCAs. Long-term contracts are let to private sector companies who provide the facilities to handle this waste. These contracts are awarded on the basis of detailed cost and environmental criteria as well specific targets for recycling and reducing landfill.

Appendix 1 Summary of Policy Drivers Since 2015

International

UN Sustainable Development Goals 2015
The goals set out in the UN sustainable development goals are the blueprint to achieve a better and more sustainable future for everyone by addressing the global challenges we face. This includes, poverty, inequality, climate change, environmental degradation, peace and justice.

UNFCCC (2016) The Paris Agreement
The Paris Agreement is a legally binding international treaty on climate change signed by 196 countries in Paris on the 12th December 2015 and put into force on the 4th November 2016. It aims to limit global warming by at least 2 degrees Celsius compared to pre-industrial levels. All parties are required to transform economically and socially to reach global peaking of greenhouse gas emissions as soon as possible and to achieve a climate neutral world by the mid-century.

Government Policy/Strategy

Industrial Strategy, 2017

This report sets how a framework to build a Britain fit for the future and to boost productivity in the UK. Five foundations of productivity will help transform the UK economy, the vision set out in the report include:

** Ideas – Becoming the world's most innovative economy*
** People - Good jobs and greater earning power for all*
** Infrastructure - A major upgrade to the UK's infrastructure*
** Business environment - Making the UK the best place to start and grow a business*
** Places – enabling prosperous communities across the UK*
Government has indicated in the 2020 Infrastructure Strategy (see below) that this strategy is to be refreshed.

Clean Growth Strategy, 2017

In the context of the UK's legal requirements under the Climate Change Act, the government's approach to reducing emissions has two guiding objectives:

1. To meet our domestic commitments at the lowest possible net cost to UK taxpayers, consumers and businesses.
2. To maximise the social and economic benefits for the UK from this transition.

Air Quality Plan for Nitrogen Dioxide (NO2) in UK, 2017

This plan sets out how the Government will improve air quality in the UK by reducing nitrogen dioxide emissions in towns and cities. The air quality plans set out targeted local, regional and national measures across 37 zone plans (areas which have identified air quality issues with nitrogen dioxide), a UK overview document and a national list of measures. Measures relate to freight, rail, sustainable travel, low emission vehicles and cleaner transport fuels, among others.

UK Climate Change Risk Assessment 2017

This report reaffirms the UK Government's need to continue to consider climate change a threat to the UK and forms a basis for the regions of the UK to create a climate change risk assessment. It identifies the following likely effects of climate change on the UK: Increased flooding, rise in milder winters and hotter summers which could have wider health impacts, water supply issues, loss of biodiversity and ecosystems especially in coastal areas and loss in business productivity.

Resources and Waste Strategy, December 2018

The strategy sets out how Government intends to preserve resource stocks through minimising waste, promoting resource efficiency and moving towards a circular economy. The strategy also sets out how the government will minimise harm to the environment through sustainable, effective waste management, waste reduction and tackling waste crime. Government has committed to refresh every five years.

National Infrastructure Delivery Plan (NIDP) 2016 to 2021

The NIDP sets out key infrastructure projects and programmes, and policy milestones, for each of the infrastructure sectors. It includes details of the government's work to improve the prioritisation, performance and delivery of infrastructure.

Historic England (2015) Historic Environment Good Practice Advice in Planning Notes 1 to 3

The purpose of these Good Practice Advice notes is to provide information on good practice to assist local authorities, planning and other consultants, owners, applicants and other interested parties in implementing historic environment policy in the National Planning Policy Framework (NPPF) and the related guidance given in the National Planning Practice Guide (PPG).

25 Year Environment Plan, 2018

This report outlines the following aims that the UK Government hopes to achieve in the next 25 years:
1. Clean air.
2. Clean and plentiful water.
3. Thriving plants and wildlife.
4. A reduced risk of harm from environmental hazards such as flooding and drought.
5. Using resources from nature more sustainably and efficiently.
6. Enhanced beauty, heritage and engagement with the natural environment.
7. Mitigating and adapting to climate change.
8. Minimising waste.
9. Managing exposure to chemicals.
10. Enhancing biosecurity.

Integrated Radioactive Waste Strategy, 2019

The strategy applies to all radioactive waste generated within the NDA estate and ensures the UK's radioactive waste is handled safely and disposed of where possible, in a safe, suitable and secure storage that protects people and the environment.

Written Ministerial Statement on Hydraulic Fracturing, 2019

The government recognises the importance of natural gas as a secure affordable energy. Future predictions estimate 70% of the gas consumed today will be consumed in 2050 and as a result, it is critical for the UK to have continued access to natural gas. Hydraulic fracking has the potential to provide a new source of domestic energy that will produce jobs and economic benefit. The government has always been clear any development will be safe and sustainable for the environment and for local people. However, from 2019 the government is to take a presumption against issuing any further Hydraulic Fracturing Consents until new evidence address concerns around the prediction and management of induced seismicity.

National Planning Policy Framework 2021 and Planning Practice Guidance

Updates to National Planning Policy Framework in particular introduction of biodiversity net gain. No major change to minerals policy. Waste policy included in NPPW. Government is to update NPPW and this will need to take account of wider planning reforms.

Clean Air Strategy 2019

The strategy sets out how air pollution will be tackled in the UK in order to protect nature, boost the economy and ensure the air is healthier to breathe. The strategy indicated how devolved administrations intend to make their share of emissions reductions.

Meeting our future water needs: a national framework for water resources

The strategy explores England's long-term water needs. It sets outs:
**the scale of action needed to ensure resilient water supplies are available to meet the needs of all users in the future.*
**A greater ambition to restore, protect and improve the environment that is the source of all our supplies.*

Waste Management Plan for England, 2021

The plan provides an overview to the waste management in England. Its core aim is to bring current waste management policies under the umbrella of a single national plan. Several different documents contribute to the Waste Management Plan for England.

The Circular Economy Package, 2020

The plan sets out targets to recycle 65% of municipal waste by 2035 and to have no more than 10% municipal waste going to landfill by 2035. This is achieved through restricting materials that can be landfilled or incinerated and requires recycled waste to not be incinerated or sent to landfill. The Circular Economy Package ensure we go further and faster to reduce, reuse and recycle.

Planning for the Future, August 2020

Consultation on White Paper that "proposes reforms of the planning system to streamline and modernise the planning process, bring a new focus to design and sustainability, improve the system of developer contributions to infrastructure, and ensure more land is available for development where it is needed." No specific mention of waste management or minerals supply.

National Infrastructure Strategy, November 2020

The strategy sets out the government's plans to transform the UK's infrastructure networks. It is based around three central objectives: economic recovery; levelling up and strengthening the Union; and meeting the UK's net zero emissions target by 2050. Published alongside this is the Government response to the NIC's National Infrastructure Assessment

Energy white paper: Powering our net zero future, November 2020

The white paper addresses the transformation of our energy system, promoting high-skilled jobs and clean, resilient economic growth as the UK delivers net-zero emissions by 2050.

Legislation

The Conservation of Habitats and Species Regulations

Transpose the land and marine aspects of the Habitats Directive (Council Directive 92/43/EEC) and certain elements of the Wild Birds Directive (Directive 2009/147/EC) (known as the Nature Directives) into UK law. Most changes involved transferring functions from the European Commission to the appropriate authorities in England and Wales. SACs and SPAs in the UK no longer form part of the EU's Natura 2000 ecological network. The 2019 Regulations have created a national site network on land and at sea and established management objectives for the national site network to:

- *maintain or, where appropriate, restore habitats and species listed in Annexes I and II of the Habitats Directive to a favourable conservation status (FCS)*
- *contribute to ensuring, in their area of distribution, the survival and reproduction of wild birds and securing compliance with the overarching aims of the Wild Birds Directive*

Environment Bill

The Environment Bill will: Mandate all local authorities in England to collect the same core set of dry recyclable materials from households and provide a weekly separate household food waste collection; require all businesses to separate recyclable materials and food waste from residual waste for collection; require labelling on recyclability of goods; make producers responsible for the full net costs of managing packaging when it becomes waste; includes powers to mandate businesses to use a new digital waste tracking service; allow expansion of the use of charges on single use plastics.
Requirement for a biodiversity gain plan to be submitted with planning applications and agreed with the LPA showing 10% gain. Councils will also have to produce a spatial "local nature recovery strategy"
Sets up Office for Environmental Protection.

The Climate Change Act 2008 (2050 Target Amendment) Order 2019

The order amends the legally binding target to reduce greenhouse gas (GHG) emissions set in section 1 of the Climate Change Act 2008 (CCA 2008) from 80% to 100%, or net zero.

Local Policy and Strategy

Kent County Council

- KCC (2015) Kent State of the Environment Report
- *Air Quality Update July 2020*
- *Water Quality Update, July 2020*
- *Waste Update, July 2020*
- *CO2 Emissions Update, July 2020*
- *Low Carbon Business Update, July 2020*
- *Travel and Transport Update, July 2020*
- Kent 'Post Covid' Vision
- KCC (2016) Kent Environment Strategy
- KCC (2017) Environment Strategy: a strategy for Environment, Health and Economy Implementation Plan 2017
- Kent Joint Municipal Waste Management Strategy (KJMWMS) 2018/19 to 2020/21
- Kent Local Transport Plan 2016 - 2031
- Kent Growth and Infrastructure Framework (GIF)
- KCC Climate Emergency Statement, 2019
- Kent and Medway Energy and Low Emissions Strategy, June 2020
- *The strategy identifies 10 priority actions to:*
- *promote the development of an affordable, clean and secure energy supply for the county*
- *reduce greenhouse gas emissions*

- *eliminate poor air quality*
- *reduce fuel poverty*

Other Local Policy

Kent Downs AONB Management Plan

The Third Revision to the Kent Downs AONB Management Plan is in the process of being approved by the various Councils within the AONB and should be adopted by July this year. This will replace the current Management Plan.

Southern Water '*Bioresources Treatment and Growth Strategy'*

Southern Water '*Bioresources Treatment and Growth Strategy'* reports that: *"Bioresources will be subject to changing and intensifying pressures over the next 25 years, at the same time as opportunities will develop through the opening of the sludge market and growth in the circular economy."* With regard to the envisaged pressures it states: *"Our current projections show Kent will experience capacity shortfalls during the period 2020-2034 (Asset Management Period 8). From 2020 we will explore cost-effective, collaborative market interventions to secure additional capacity. If delivered internally, in addition to extra treatment capacity our solution would likely involve developing new strategic reception facilities, the release of key operational constraints and seeking a change in planning consent.*

Appendix 2 – Results of Early Engagement With Key Stakeholders

In March 2021, a number of stakeholders were invited to submit comments on the effectiveness of policies within the Kent Minerals and Waste Local Plan. This included all Kent District/Borough Councils, neighbouring minerals and waste planning authorities, minerals and waste operators in Kent, and specialist interest groups/organisations. 9 responses were received, which are summarised in the table below.

Organisation	Relevant Policy	Comment
The Coal Authority	CSM 10 – Oil, Gas and Unconventional Hydrocarbons	The Coal Authority will no longer be commenting on the effectiveness of policies related to unconventional hydrocarbons. The decisions relating to such policies shall lie with the relevant responsible authority (in this case Kent County Council)
Hampshire County Council	CSM 2 – Supply of Land-won Minerals in Kent	Any wider movements of minerals from the Kent area will be reflected in sales data. There is an issue emerging in the south east with regards to movement and supply of minerals. With regards to waste, Hampshire have found the implementation of the waste hierarchy in practice to be challenging. Supportive of the recycling target based approach Kent have used which has been shown as effective in challenging waste development lower down on the waste hierarchy.
Kent Downs AONB Unit	General comments and Policy DM 2 – Environmental and Landscape Sites of International, National and Local Importance.	The Third Revision to the Kent Downs AONB Management Plan should be adopted by July 2021. This document should form part of the evidence base for the Kent Minerals and Waste Local Plan Review and should be referred to when assessing new allocations which impact the Kent Downs. The updated National Planning Policy Framework requires that Areas of Outstanding Natural Beauty should be enhanced as well as conserved, policy DM 2 and the supporting text should be updated to reflect this.
Medway Council	General comments	Since the adoption of the Kent Minerals and Waste Local Plan, no undue pressure has been placed on Medway Council for minerals and waste development, therefore the authority does not have any concerns over how the Kent Minerals and Waste Local Plan is performing. Kent County Council and Medway Council also benefit from a Statement of Common ground (SOCG) on minerals and waste planning. There is some concern over the provision of non-hazardous waste capacity, in that the need for this capacity is expected to continue and is limited across the south east. Kent may wish to consider the need to make continued provision for this capacity as Shelford Landfill comes to the end of its life. The Statement of Common Ground between the two authorities may benefit from updating to reflect the

		data/evidence gathering being undertaken as part of the Kent Minerals and Waste Local Plan Review process.
Port of London Authority	CSM 6 – Safeguarded Wharves and Rail Depots	Strongly supports the retention of this policy and the list of safeguarded sites
	CSM 12 – Sustainable Transport of Minerals	Support the retention of this policy in principle, however consider that it should be better linked to Policy CSM 6 and the list of safeguarded wharves that must be promoted for the maximisation of use for water-borne transport or reactivation as a safeguarded wharf. The second bullet point of the policy should be amended to not directly refer to the "Development Plan". Instead it should ensure that operations can be controlled so that there are no unacceptable adverse impacts to the local environment or communities. This will ensure that the impacts of a new or reactivated wharf are properly considered.
	Policy CSW 14: Disposal of Dredgings	This policy should be kept under review, specifically the potential need to allocate a site for the disposal of dredgings. It is difficult to estimate potential amounts of dredging material and therefore substantiate evidence to support the need for such a site to be allocated, however the need for such a site with river access may arise over the lifetime of the Plan.
	General Comments	A number of items contained in the Safeguarding Supplementary Planning Document (SPD) should be included in the Kent Minerals and Waste Local Plan itself, particularly with regard to the Agent of Change principle. This would ensure that new development proposed in the vicinity of safeguarded wharves utilise certain layouts, orientations and materials to minimise conflicts between differing types of development. It should also be made clear that the Agent of Change Principle applies to vacant safeguarded sites. Consideration should be given to the Marine Management Organisations' South East Marine Plan (due to be adopted in 2021) within the evidence base for the Kent Minerals and Waste Local Plan Review, as well as the PLA's Vision for the Tidal Thames which is being reviewed in 2021.
Southern Water	Whole document	Confirm that they have no comments to make at this stage.
Southern Gas Networks (SGN)	CSM 8 – Secondary and Recycled Aggregates	Policy should consider new technology and processes to rework aggregates. Consideration should be given to allow small scale trials of such processes without the need for full planning permission.
	CSW 2 – Waste Hierarchy and Policy	Waste hierarchy should include the principles of circular economy and energy recovery from waste. It is unclear why reductions in waste to landfill over the next ten years is not expected.
	CSW 4 – Strategy	It is presumed that Environmental Impact Assessment

	for Waste Management Capacity	would be required for development at this site. The applicant should be required to outline (and demonstrate consideration of the financial requirements for) closure and aftercare of the site, including, but not limited to, post closure uses of the site where appropriate and ongoing monitoring that may be required.
	CSW 5 – Strategic Site for Waste	Assumed that the site selection process has taken into account location of gas network infrastructure (as with other utility infrastructure). This includes safe access to infrastructure by the gas distribution networks for emergency and planned repairs and maintenance activities. General requirements for siting waste management facilities should take into account the location of gas network infrastructure, including SGN's gas distribution network and nationally significant gas sites. This includes safe access to infrastructure by the gas distribution networks for emergency and planned repairs and maintenance.
	CSW 6 – Location of Built Waste Management Facilities	Consideration should also be given to incorporating the principles of circular economy in waste management; applicants should be required to demonstrate how this would be achieved. Applicants should consider improvements to the environment and local community, in addition to simply demonstrating there will be "no adverse impacts".
	CSW 10 – Development at Closed Landfill Sites	Post closure development applications should consider ongoing monitoring that may be required, including but not limited to, greenhouse gas emissions and leachate as the waste decays and where environmental improvements are made, such as biodiversity, monitoring may be required to confirm the benefits are achieved. Consideration should be given to include a requirement for the applicant to assess cumulative impacts of ancillary development on sensitive environmental areas.
	DM 20 – Ancillary Development	Refer to comments / assumptions made above in relation to gas infrastructure.
Swale Borough Council	General Comments	Swale's commitment to be net zero by 2030 is in conflict with KCC's later target of 2050. Concern also raised regarding the ability of waste infrastructure to meet future demand.
West Sussex County Council	Whole document	Confirm they have no comments to make at this stage but will continue to engage as the review process continues.