



***Pre-Submission Draft
Kent Minerals and Waste Local Plan
2024-39***

Regulation 19 Publication

Biodiversity Topic Paper

January 2024

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Abbreviations

BNG	Biodiversity Net Gain
BG	Biodiversity Gain
KCC	Kent County Council
KNP	Kent Nature Partnership
LPA	Local Planning Authority
LWSs	Local Wildlife Sites
LNRs	Local Natural Reserves
LNRS	Local Nature Recovery Strategy
NPPF	National Planning Policy Framework
NNR	National Nature Reserves
NNR	Nature Recovery Networks
PPG	Planning Practice Guidance
SAC	Special Area of Conservation
SPA	Special Protected Area
SSSI	Sites of Special Scientific Interest

1 Introduction

- 1.1 'Biodiversity' means the variety of life on earth, including the different species of plants, animals and micro-organisms that coexist globally¹. 'Biodiversity is important for its own sake, and human survival depends upon it'².
- 1.2 'Biodiversity [Net] Gain' (BNG) is a relatively new principle that seeks to ensure new development results in improvements to biodiversity. This Topic Paper explains what BNG is and how the delivery of BNG will become a mandatory part of the planning process. The paper outlines the biodiversity emergency occurring in Kent, the UK and globally.
- 1.3 The Topic Paper informs how the Kent Mineral and Waste Local Plan (KMWLP) addresses biodiversity issues in Kent and in particular net gain. This topic paper supports the publication of the Pre-Submission Draft KMWLP 2024-2039 that includes proposed revisions to Policies DM2, DM3 and DM19 (as shown in Appendix 1).

2 The Issue

- 2.1 Ecosystems are being degraded and biodiversity is being lost at alarming rates around the world, and declines are continuing in the UK. These losses matter as a sustainable natural system provides reliable supplies of clean water, purifies our air, regulates our climate, and secures our food supplies. More than half global GDP is put at risk by losses to nature³.
- 2.2 The UK is one of the most nature-depleted nations in the world⁴. The UK Parliament has declared a climate and ecological emergency⁵. In England, since 1970, 32% of wildlife has declined in abundance, 13% of species are under threat of extinction with 68% of plant species and 18% of invertebrate species having decreased distribution⁶. The most recent report against biodiversity indicators for England⁷ shows a mixed picture with long and short term deterioration in habitat condition and abundance and distribution of priority species. The Kent Nature Partnership has recently suggested that 'nature is at a crisis point'⁸.
- 2.3 The Post-2020 Global Biodiversity Framework⁹ sets out an ambitious plan to implement broad-based action to bring about a transformation in society's relationship with biodiversity and to ensure that, by 2050, the shared vision of living in harmony with nature is fulfilled. The Post 2020 Global Biodiversity Framework has 21 action targets for 2030, including:

¹United Nations (UN). 2020. UNEP and Biodiversity. <https://www.unep.org/unep-and-biodiversity>

² Department For Food and Rural Affairs (DEFRA). 2020. Biodiversity a strategy for England's Wildlife and ecosystem services.

³ JNCC (2022) Nature Positive 2030 <https://jncc.gov.uk/our-role/the-uk/nature-positive-2030/>

⁴ State of Nature Partnership (2023) State of Nature Report 2023 https://stateofnature.org.uk/wp-content/uploads/2023/09/TP25999-State-of-Nature-main-report_2023_FULL-DOC-v12.pdf

⁵ UK Parliament. 2021. Climate and Ecological Emergency: UK's Response. <https://hansard.parliament.uk/Commons/2021-02-09/debates/C4522581-A73C-49A5-8A1A-8D09D5F7626D/ClimateAndEcologicalEmergencyUK>

⁶ State of Nature Report 2023 – England <https://stateofnature.org.uk/wp-content/uploads/2023/09/TP26054-SoN-England-summary-report-v6.pdf>

⁷ Defra (2023) Overview of assessment of change for all indicators and their component measures <https://www.gov.uk/government/statistics/england-biodiversity-indicators/overview-of-assessment-of-change-for-all-indicators-and-their-component-measures--2>

⁸ Kent Nature Partnership. 2020. Kent Nature Partnership Biodiversity Strategy 2020 to 2045. <https://democracy.kent.gov.uk/documents/s96710/20-00025%20Kent%20Biodiversity%20Strategy%20March%202020.pdf>

⁹ UNEP (2022) <https://www.cbd.int/doc/c/409e/19ae/369752b245f05e88f760aeb3/wq2020-05-l-02-en.pdf>

- Conservation of at least 30 percent of land and sea areas globally.
- Restoration of at least 20 percent of degraded freshwater, marine and terrestrial ecosystems.
- 50 percent greater reduction in the rate of introduction of invasive alien species.
- Reduce nutrients lost to the environment by at least half, and pesticides by at least two thirds, and eliminating discharge of plastic waste.
- Nature-based contributions to global climate change mitigation efforts of at least 10 gigatonnes of carbon dioxide equivalent per year¹⁰.

3 Biodiversity in Kent

3.1 Kent's Biodiverse Environment

- 3.1.1 Kent has a wonderfully rich and varied biodiversity resource with globally rare habitats such as the vegetated shingle of Dungeness, ancient chalk grasslands and the marine chalk reef habitats around the Kent coast.
- 3.1.2 The wealth of varied habitats support over 3,400 rare and threatened species, with Kent being the only place in the UK where some nationally rare and special species are found. The north Kent coast is one of the few remaining UK strongholds for the Shril Carder Bee; and Kent is the only place in the south east where the Heath Fritillary is found. The specialist leafhopper *Anoscopus duffieldii* at Dungeness and the late spider-orchid, found on the chalk downland in East Kent, are also unique to the county¹¹.
- 3.1.3 The following key facts and figures provided by the Kent & Medway Biological Records Centre¹² illustrate the state of biodiversity in Kent:
- Over 20,000 species have been recorded in Kent; nearly 30% of all UK species.
 - Over 3,400 rare and threatened species have been recorded in the county.
 - There are 36 Biodiversity Action Plan priority habitats.
 - 387 Section 41¹³ priority species.
 - 40% of the UK's coastal vegetated shingle is located at Dungeness.
 - The largest UK population of Lizard Orchids is located at Sandwich Bay
 - 35% of the UK's coastal chalk; Thanet alone holds 12% of Europe's exposed coastal chalk.
 - 22.5% of the south east region's ancient woodland resource
 - Five of UK's seven rarest bumblebee species are present in Kent, making it the most important county in the UK for bumblebee species diversity.
 - Kent is the only place in the UK where the Black-veined Moth is found.
 - Kent has one of the largest remaining populations of Nightingales, with an estimated 1,500 singing males. The county is also an important stronghold for the Turtle Dove, which is the UK's fastest declining bird species and threatened with extinction on a global scale.

¹⁰ United Nations (UN). 2022a. UN Biodiversity Conference (COP15). <https://www.unep.org/un-biodiversity-conference-cop-15>

¹¹ Kent Nature Partnership. 2020. Kent Nature Partnership Biodiversity Strategy 2020 to 2045.

¹² Facts and Figures provided by Kent & Medway Biological Records Centre information taken from Kent Nature Partnership, 2020, page 7-8.

¹³ Section 41 (S41) of 2006 Natural Environment and Rural Communities (NERC) Act

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- 11% of England's ancient semi-natural woodland.
- 16% of England's saline lagoons.
- 5% of the UK's and 20% (1,658 ha) of the south east's chalk grassland (the UK is thought to hold half the world's chalk grassland).
- Only 200 chalk rivers are known globally, 85% of which are found in the UK in southern and eastern England
- 22 internationally designated sites, comprising 15 Special Areas of Conservation, 7 Special Protection Areas and 6 Ramsar Sites.
- 6 designated and 3 recommended Marine Conservation Zones totalling over 700 km².
- 98 Sites of Special Scientific Interest, covering 8.7% of the county.
- 466 Local Wildlife Sites, covering 7% of the county.
- 154 Roadside Nature Reserves, with a combined length of 89km.
- Areas of Outstanding Natural Beauty: The High Weald and Kent Downs.
- Almost a third (27%) of the county is semi-natural habitat.

3.1.4 Areas of habitat in Kent are designated as being of international, national and local importance - Table 1 summarises these. In Kent species can be found which have statutory protection, under both retained European and national legislation¹⁴.

Table 1 Habitat designations and species importance

International Importance	National Importance	Local Importance
Ramsar sites and/or Special Protection Areas (SPAs)	Sites of Special Scientific Interest (SSSI)	Local Wildlife Sites (LWSs)
Special Area Conservation (SAC)	National Nature Reserves (NNR)	Local Natural Reserves (LNRs)
-	Species and habitats listed as being of principal importance for the conservation of biodiversity in the UK (Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006)	Kent Biodiversity Action Plan (BAP) species
-	-	Biodiversity Opportunity Areas (BOA)

¹⁴ KCC. 2020. Kent Mineral Waste and Local Plan (KMWLP).
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3.2 Challenges facing Biodiversity in Kent

- 3.2.1 Intensive agriculture has been a major cause of biodiversity decline historically globally, nationally and locally. Development and growth also present a major threat – through direct habitat loss or indirect effects such as disturbance and pollution. Kent’s biodiversity also experiences many challenges due to the County’s location: Kent’s proximity to London and proximity to mainland Europe means it acts as a key gateway to the continent and road, rail, sea and air links all place pressures on biodiversity in Kent. The significant levels of development and growth planned for Kent represent a major concern for biodiversity.
- 3.2.2 The Kent and Medway Growth and Infrastructure Framework identifies that approximately 178,600 additional homes will be developed between 2011 and 2031 and the population will increase by 396,300 additional people by 2031¹⁶. These increases in population and housing need to be supported by additional transport, education, health and social care, utilities and community facilities; all of which take up land and resources which place pressure on natural habitats and their ability to support biodiversity.
- 3.2.3 In addition, with predicted levels of growth, land take will increase even further. For example, a growing population needs food and materials, with intensive food production and farming placing further pressures on the land. Historic land use change and growth in development and urbanisation means the county now has a highly fragmented landscape with small pockets of habitat supporting rare and vulnerable species. Habitat fragmentation puts species at further risk by impairing their movement and migration, creating isolated populations which are less able to survive or adapt to changing climate conditions¹⁵ and also making habitat management more difficult.
- 3.2.4 Other factors that have had a negative effect on biodiversity in Kent include the following:
- Intensification of land management, including agriculture, such as use of chemical fertilisers and pesticides in farming, ploughing up semi-natural grasslands, loss of traditional orchards.
 - Direct loss of habitats through increased development, urbanisation and over-tidying and other land uses
 - Degradation of soil health and productivity, resulting from nutrient depletion, declines in levels of humus, and erosion and compaction of soils.
 - A wide range of pollutants, from many sources, threaten wildlife and have an impact on all habitats, with the most widespread current harm from excess nutrients (phosphate and compounds of nitrogen) in air and water. There has also been a rise in concern over plastics pollution, particularly in the water environment.
 - Lack of appropriate management, such as the loss of woodland management as the woodland resources become uneconomic to extract; or recreational overuse of sensitive areas.

¹⁶ KCC. 2018. Kent and Medway Growth and Infrastructure Framework.

https://www.kent.gov.uk/_data/assets/pdf_file/0010/131995/Kent-and-Medway-Growth-and-Infrastructure-Framework-2018.pdf

¹⁵ Kent Nature Partnership. 2020b. Justification for a Biodiversity Net Gain target of 20% in Kent. <https://kentnature.org.uk/wp-content/uploads/2022/07/Justification-for-biodiversity-net-gain-in-Kent-Sept-2020.pdf>

- Invasive non-native species, which can out-compete native species, and pests and diseases, which can have impacts beyond the species they directly attack.
- Climate change – loss of land through sea-level rise, changes in temperature, weather and other environmental factors altering habitat composition and species movement and survival (Kent is a gateway for species colonising from Europe in a response to climate change).
- Lack of investment and a drop in public sector expenditure on biodiversity, which in the UK, as a proportion of GDP, has fallen by 42% since a peak in 2008/9¹⁶.

4 Biodiversity Policy and Legislation

4.1 UN Sustainable Development Goals

- 4.1.1 The UN Sustainable Development Goals (SDGs) as illustrated in Figure 1 recognise primary Biodiversity Goals (SDG 14 and 15) seek to conserve and sustainably use the marine and terrestrial environment respectively. Ultimately all 17 SDGs ultimately depend on healthy ecosystems and biodiversity¹⁷.



Figure 1 UN Sustainable Development Goals.

4.2 The Environment Act 2021

- 4.2.1 The Environment Act 2021 sets out the framework for BNG requirements. The Environment Act received Royal Assent on 9th November 2021¹⁸.

¹⁶ Kent Nature Partnership. 2020a. Kent Nature Partnership Biodiversity Strategy 2020 to 2045.

¹⁷ United Nations (UN). 2022a. UN Biodiversity Conference (COP15). <https://www.unep.org/un-biodiversity-conference-cop-15>

¹⁸ Planning Advisory Service (PAS). 2022. Biodiversity Net Gain. <https://www.local.gov.uk/pas/topics/environment/biodiversity-net-gain>

Biodiversity Net Gain

Biodiversity net gain is a way of creating and improving natural habitats. BNG makes sure development has a measurably positive impact ('net gain') on biodiversity, compared to what was there before development.

- 4.2.2 The Environment Act provides a legislative framework that will require mandatory measurable biodiversity net gain. The Act amends the Town & Country Planning Act 1990 to provide for biodiversity gain to be a condition of planning permission. This requires the vast majority of new development to deliver a 'biodiversity gain' of at least 10% - that is, a minimum 10% more biodiversity (wildlife value) after the development than before.
- 4.2.3 BNG is expected to become mandatory in January 2024. Regulations and guidance have been published by Defra¹⁹, and Planning Practice Guidance by DLUHC²⁰.
- 4.2.4 Defra has provided detailed guidance on requirements and how biodiversity gain will be implemented by Local Planning Authorities (LPAs), developers and land managers. It confirms that:
- Developers will be required to deliver a net gain of at least 10% in biodiversity;
 - Biodiversity gain is to be calculated in terms of biodiversity units using the Statutory Metric;
 - Biodiversity gain is to be delivered through on-site (within red line), off-site (bought or provided themselves), or through purchase of statutory credits from government;
 - A mixture of on-site, off-site and credits can be used but in priority/hierarchy order of on-site first, then off-site, then credits as a last resort;
 - BNG within areas identified as most beneficial for nature in Local Nature Recovery Strategies (LNRS) get 15% more biodiversity units than elsewhere;
 - Prior to the commencement of development, developers must prepare and submit a Biodiversity Gain (BG) Plan that sets out how the 10 % biodiversity gain will be achieved ;
 - The Biodiversity Gain Plan must be approved prior to commencement of development and approval must be within 8 weeks;
 - Before approving the BG Plan, the LPA must check that any off-site gains are registered, recorded as being allocated to the development, and match the value on the register;
 - 'Significant on-site gains' (areas of habitat that contribute significantly to BNG) and all off-site gains must be maintained for at least 30 years;
 - The 30 year management starts from the time creation and/or enhancement is completed;
 - If BNG requirements are not met, there may be a breach of planning and LPA can take enforcement action;

¹⁹ <https://www.gov.uk/government/collections/biodiversity-net-gain>

²⁰ <https://www.gov.uk/government/collections/biodiversity-net-gain#planning-practice-guidance>

- Significant on-site gains in excess of 10% (or what policy requires) can count towards another development's BNG – the developer's own or another; and,
- If excess on-site BNG are being sold, the LPA needs to ensure it is significant, its use is clear in the BG Plan, and gains are secured, allocated and registered (as for any off-site gains).

4.2.5 PPG provides further draft guidance on BNG delivery through the planning system. It confirms that the statutory framework for biodiversity net gain is principally set out in Section 90A and Schedule 7A (Biodiversity Net Gain) of the Town & Country Planning Act 1990. The regulations directly relevant to planning are:

- **The Environment Act 2021 (Commencement No. 8 and Transitional Provisions) Regulations [2024]** which commence biodiversity net gain for most types of new planning applications and provides transitional arrangements for section 73 permissions.
- **The Biodiversity Gain Requirements (Exemptions) Regulations [2024]** which prescribe exemptions for categories of development to which biodiversity net gain does not apply.
- **The Biodiversity Gain (Town and Country Planning) (Modifications and Amendments) (England) Regulations [2024]** which amend the Town and Country Planning (Development Management Procedure) (England) Order 2015 and the Town and Country Planning (Section 62A Applications) (Procedure and Consequential Amendments) Order 2013 to include provisions related to planning applications and the Biodiversity Gain Plan, as well as modifications for phased development.
- **The Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations [2024]** which set out the modifications for irreplaceable habitat.

4.2.6 The guidance is extensive but key components include:

Exemptions include:

- Retrospective planning permissions under s73A
- S73 permissions where the original permission was granted before January 2024 or the application was made prior to January 2024
- Approval of reserved matters not within scope as they are not grant of permission)
- Householder development;
- De-minimis – impact on less than 25m² of habitat or 5m linear habitat;
- Self-build up to 9 dwellings or 0.5ha;
- Urgent Crown development;
- Biodiversity gain site; and,
- High speed rail.

Plan making

- Plans and SPDs should not impose BNG on exempt development.
- Plans requiring above 10% BNG (plan-wide or specific allocations) need to be evidenced as to local need for higher percentage, local opportunities for a higher percentage, and impacts on viability of development, also how policy will be implemented.

- It is inappropriate to give weight to policies inconsistent with the statutory framework; and,
- Policy requiring greater than 10% gain on area wide basis or certain allocations may still be justified.

Developers should submit the following information with a planning application which is required for validation:

- A statement of whether development would be subject to BG condition;
- The pre-development value on date of application via Metric (identifying which version);
- A statement on whether biodiversity value of on-site habitat is lower on date of application due to activity degrading it – with value used to be that immediately before carrying out the activity;
- A description of any irreplaceable habitat;
- A plan showing on-site habitats;
- If significant on-site BNG, a draft Habitat Management and Monitoring Plan is encouraged; and,
- If off-site BNG, draft Heads of Terms setting out obligations to be bound by s106.

The County Council is to review its local validation list which may add to these requirements.

Determining planning applications:

- Proposed KCC policy DM3 expects BG Plans to be submitted with planning applications to allow determination of the appropriateness of proposals. A requirement for BG Plans will be included in the local validation list.
- Determination of the BG Plan under the general condition is the mechanism to confirm whether development meets the BG objective. Development may not begin until the BG Plan is approved;
- It is generally inappropriate for decision makers to refuse an application on the grounds that the BG objective will not be met; and,
- LPAs need to consider whether condition can be discharged:
 - Is there an appropriate balance between on-site, off-site, credits taking account of the hierarchy;
 - The type & location of on-site significant habitat enhancements for on-site gains appropriate taking into account other policies including LNRSs; and,
 - Whether conditions needed to secure significant onsite habitat enhancement including for maintenance over 30 years after completion.

Conditions

- Conditions can be used to secure significant on-site habitat enhancements, and monitoring; and,
- It is not appropriate to use conditions to secure funding for monitoring – this should be via s106.

Biodiversity Gain (BG) Plans

- Required to be submitted and approved to discharge the general BG condition prior to commencement;
- Developer may submit draft for information ahead of determination of application but this is not a national information requirement;

- Developer must submit BG Plan no earlier than the day after permission granted. Use of template recommended (content in guidance/PPG). No separate form;
- LPA has 8 weeks to approve a BG Plan;
- There is no statutory consultation or publication of BG plans;
- The BG Plan must include how any adverse effects on irreplaceable habitats have been minimised and compensation plan if there are adverse effects; and,
- There is a right of appeal to the Secretary of State if a BG Plan is refused or for non-determination within 8 weeks.

Phased Development

- Defined as outline permission where reservation of matters for subsequent approval with effect that development proceeds in phases; or the grant of permission is subject to conditions having that effect.
- Phased developments will require:
 - An Overall Biodiversity Gain Plan to be submitted and approved before development can be begun – to set framework for at least 10% BG across entire development.
 - A Phase BG Plan for each phase must be submitted and approved before that phase can be begun.

Overall BG Plan content should set out:

- The minimisation of adverse effect on any habitat;
- The pre-development value of entire on-site habitat;
- Any registered offsite BG proposed to be allocated to the entire development
- Any credits proposed for entire development; and,
- A strategy for meeting the BG objective if a change in post-development biodiversity value, registered off-site, or credits.

A Phase BG Plan should:

- Be more limited content than Overall Plan;
- Focus on phase's contribution to BNG & tracking progress towards BNG for whole development; and,
- Must include same info as a BG Plan

There is an 8 week approval time for Overall and Phase BG Plan.

Particular Notes on Minerals Development

- No special provisions in regulations for mineral applications;
- Specific provisions for planning permission for development in phases which may be relevant for many minerals applications;
- Provisions for phased development reflect that such development can occur over a long period of time, or full details may not be known at the time of planning permission;
- S73 where original permission before January 2024 (exact date TBC) not in scope; and,
- Review of Old Minerals Permissions (ROMPs) are not in scope.

4.3 The 25 Year Environment Plan

- 4.3.1 It is the UK Government’s ambition to leave the environment in a better state than we found it. The Government’s 25 Year Environment Plan (‘the 25 YEP’) ‘to Improve the Environment’ ⁽²¹⁾ sets out the aspiration to maintain biodiversity net gain in the planning system and move towards approaches that integrate natural capital benefits ⁽²²⁾. The 25 Year Environment Plan made a commitment to embed a ‘*net environmental gain*’ principle for development to deliver environmental improvements locally and nationally ²³.
- 4.3.2 The Government 25 Year Environment Plan sets out the 25-year goals for improving the environment within a generation. The goals are included in Appendix 2.
- 4.3.3 The Environmental Improvement Plan 2023²⁴ provides an update to the 25 YEP and includes the ‘apex goal’ of ‘Improving Nature’ – to halt the decline in our biodiversity and achieve thriving plants and wildlife.

4.4 National Planning Policy Framework

- 4.4.1 Biodiversity net gain complements and works with the biodiversity mitigation hierarchy as set out in Paragraph 186a of the National Planning Policy Framework (NPPF) ⁽²⁵⁾. To achieve net gain in a way that is consistent with the mitigation hierarchy and reflecting the ‘spatial hierarchy’ preference for local enhancement.
- 4.4.2 The biodiversity mitigation hierarchy of avoidance, mitigation and compensation for biodiversity loss applies and is shown in Table 2 ^{26,27} and Figure 2.

Table 2 Biodiversity Mitigation Hierarchy

Mitigation Hierarchy	
Avoidance	Site location and layouts should <i>avoid</i> adverse impacts from the outset, such as careful spatial placement of infrastructure, or timing construction sensitively to avoid damage or disturbance.
Mitigation	These are measures taken to reduce the duration, intensity and/or extent of impacts that cannot be completely avoided.
Rehabilitation/ Restoration:	The aim of this step is to improve degraded or removed ecosystems following exposure to impacts that cannot be completely avoided or minimised. Restoration may return an original ecosystem or deliver enhanced biodiversity. Collectively, avoidance, minimisation and

²¹ HM Government. 2018. A Green Future: Our 25-Year Plan to Improve the Environment. https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/693158/25-year-environment-plan.pdf

²² Planning Advisory Service (PAS). 2022. Biodiversity Net Gain.

²³ Kent Nature Partnership. 2020b. Justification for a Biodiversity Net Gain target of 20% in Kent.

²⁴ <https://www.gov.uk/government/publications/environmental-improvement-plan/environmental-improvement-plan-2023-executive-summary>

²⁵ Ministry of Housing Communities & Local Government (MHCLG). 2023. National Planning Policy Framework (NPPF). https://assets.publishing.service.gov.uk/media/65829e99fc07f3000d8d4529/NPPF_December_2023.pdf

²⁶ Information in Table 2 taken from: The Biodiversity Consultancy. 2020. Mitigation Hierarchy <https://www.thebiodiversityconsultancy.com/our-work/our-expertise/strategy/mitigation-hierarchy/> and DEFRA & NE, 2002.

²⁷ Biodiversity in Planning. Biodiversity Net Gain: Future developments must improve wildlife habitats. <https://www.biodiversityinplanning.org/news/bd-net-gain/>

	rehabilitation/restoration serve to reduce, as far as possible, the residual impacts that a project has on biodiversity. In the context of mineral extraction, 'restoration' is a requirement of planning permission, undertaken during and following the extraction phase, and can deliver large-scale on-site enhancements to biodiversity ²⁸ , including large (above 10%) net gains.
Offset/Compensate	Offsetting aims to compensate for any residual, adverse impacts after full implementation of the previous three steps of the mitigation hierarchy. This approach sits at the bottom of the mitigation hierarchy and is the least favoured approach, as it only applies where damage has already occurred and is often complex and expensive, so attention to earlier steps in the mitigation hierarchy is usually preferable.

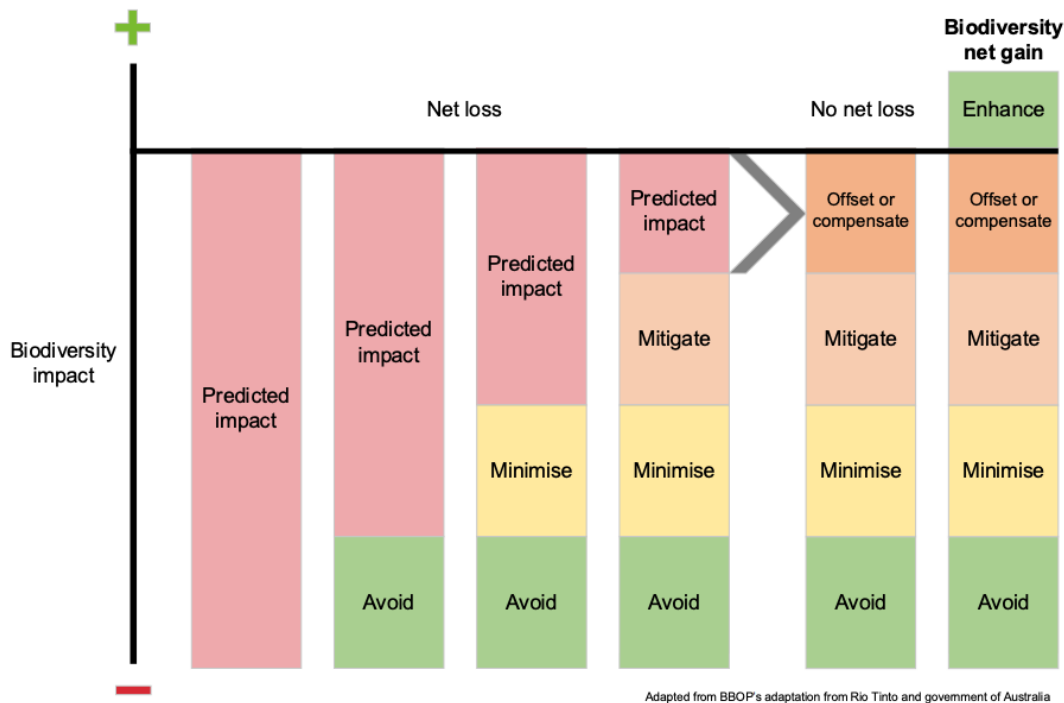


Figure 2 How biodiversity net gain should apply in line with the mitigation hierarchy²⁹

²⁸ For example, MPA (2021) Quarries & Nature – A 50 year success story https://mineralproducts.org/Publications/Natural-Environment/Quarries_and_Nature_50_Year_Success_Story.aspx

²⁹ Figure 2 taken from: Department for Environment Food & Rural Affairs (DEFRA) and Natural England (NE). 2022. Consultation on Biodiversity Net Gain Regulations and Implementation

4.4.3 The NPPF 2023 expects new development to provide biodiversity net gains where possible as shown in Table 3.

Table 3 NPPF policy relating to BNG.

NPPF policy wording	Paragraph reference
<p>Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):</p> <p>an environmental objective – to protect and enhance our natural, built and historic environment; including making effective use of land, <i>improving biodiversity</i>, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.</p>	8(c)
<p>Planning policies and decisions should contribute to and enhance the natural and local environment by:</p> <p>Protecting and enhancing...sites of biodiversity or geological value (in a manner commensurate with their statutory status or identified quality in the development plan)</p> <p>minimising impacts on and <i>providing net gains for biodiversity</i>, including by establishing coherent ecological networks that are more resilient to current and future pressures;</p>	180(a) 180(d)
<p>To protect and enhance biodiversity and geodiversity, plans should:</p> <p>promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for <i>securing measurable net gains for biodiversity</i>.</p>	185(b)
<p>When determining planning applications, local planning authorities should apply the following principles:</p> <p>if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;</p>	186(a)
<p>When determining planning applications, local planning authorities should apply the following principles:</p> <p>development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure <i>measurable net gains for biodiversity</i> or enhance public access to nature where this is appropriate.</p>	186(d)

4.5 Planning Practice Guidance

4.5.1 Planning Practice Guidance (PPG) provides further explanation on how planning authorities should provide biodiversity net gains. The PPG, paragraph 010, has stated that it is useful to consider ‘how to secure net gains for biodiversity as part of green infrastructure provision’³⁰. PPG has been updated with more detailed draft biodiversity net gain planning practice guidance as set out in 4.2 above.

4.6 Kent Biodiversity Strategy

4.6.1 Kent Nature Partnership³¹ have expressed that ‘Nature is facing a crisis – an ecological emergency’ and as a result have developed ‘Kent’s Biodiversity Strategy’. It aims to ‘deliver over a 25-year period, the maintenance, restoration, and creation of habitats that are thriving with wildlife and plants, ensuring the county’s terrestrial, freshwater, intertidal and marine environments regain and retain good health’³². The Biodiversity Strategy sets out what Kent can make to the Government’s ambitions to leave our environment in a better state than we would have found it and the aspirations set out in the 25 Year Environment Plan “A Green Future”³³. Table 4 sets out the Kent Biodiversity Strategy goals.

Table 4 Kent Biodiversity Strategy Goals

Objectives and Targets	Description
Terrestrial habitats, ecosystems and species:	By 2045 Kent has a rich and growing terrestrial biodiversity, underpinned by more resilient and coherent ecological networks and healthy, well-functioning ecosystems.
Freshwater and intertidal ecosystems and species:	By 2045 Kent has secured clean, plentiful and biologically diverse freshwater and intertidal ecosystem underpinned by implementation of a catchment based approach.
Marine habitats, ecosystems and species:	By 2045 Kent is making its contribution to reversing the loss of marine biodiversity and delivering clean, productive and biologically diverse oceans and seas through good management
Connecting people with the natural environment	By 2045 the widest possible range of ages and backgrounds will be benefiting from the mental and physical health benefits of the natural environment, and we will have inspired the next generation to take on guardianship of the county’s biodiversity.

³⁰ Department for Levelling Up, Housing and Communities (DLUHC) and Ministry of Housing Communities & Local Government (MHCLG). 2019. Planning Practise Guidance.

³¹ Kent Nature Partnership is a strategic body concerned with providing the strategic coordination and leadership to ensure restoration of nature across Kent and Medway.

³² Kent Nature Partnership. 2020a. Kent Nature Partnership Biodiversity Strategy 2020 to 2045, p.5

³³ Kent Nature Partnership. 2020a. Our Strategy. <https://kentnature.org.uk/strategy/>
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4.7 Kent Nature Partnership Requirement

4.7.1 The Kent Nature Partnership (KNP) is proposing a county-wide approach to BNG to be adopted by all Kent's planning authorities, after the Environment Act introduces a mandatory approach to biodiversity net gain (BNG). Although the minimum 10% gain is a legal requirement, Kent Nature Partnership consider that, given the pressures facing the county's biodiversity, a greater ambition of 20% should be set as a requirement in Local Plans to provide greater confidence in genuine gains for biodiversity and ensure the successful recovery of nature in Kent^{34 35}.

4.8 Kent Environment Strategy

4.8.1 The 'Kent Environment Strategy 2016'³⁶, sets out a strategy for the environment, health and economy of Kent. 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.

4.9 Kent's 'Plan Bee'

4.9.1 Kent's Plan Bee³⁷ is a pollinator action plan which has been developed by the council to take the lead and encourage local communities to improve the food sources and general habitat for pollinators in Kent. Pollinators such as bees, wasps, butterflies, moths and hoverflies are vital for food, economy and environment and action is essential to reverse their rapid decline.

4.9.2 The purpose of the plan is to:

- make the council a community leader in action for pollinators
- ensure that pollinators' needs are always considered throughout our work and services
- put the conservation of pollinators and their habitats at the heart of our land management and planning
- make the council a significant contributor to the recovery of pollinator populations.

4.10 Plan Tree

4.10.1 Plan Tree is Kent's Tree Establishment Strategy. It recognises the importance of trees in Kent and includes an action plan with the following actions:

- Deliver against tree establishment target
- Exemplar provision of trees on our own estate
- Improve protection to trees in Kent
- Improve our understanding of Kent's trees
- Develop Kent Carbon offset market for unavoidable emissions

³⁴ Kent Nature Partnership. 2020b. Justification for a Biodiversity Net Gain target of 20% in Kent. <https://kentnature.org.uk/wp-content/uploads/2022/07/Justification-for-biodiversity-net-gain-in-Kent-Sept-2020.pdf>

³⁵ <https://kentnature.org.uk/wp-content/uploads/2022/07/Viability-Assessment-of-Biodiversity-Net-Gain-in-Kent-June-2022.pdf>

³⁶ <https://www.kent.gov.uk/about-the-council/strategies-and-policies/environment-waste-and-planning-policies/environmental-policies/kent-environment-strategy#:~:text=The%202016%20strategy%20has%203,working%20towards%20a%20sustainable%20future.>

³⁷ www.kent.gov.uk/environment-waste-and-planning/nature-and-biodiversity/pollinators/kents-plan-bee-pollinator-action-plan

4.11 Framing Kent's Future 2022-2026

- 4.11.1 Framing Kent's Future 2022-2026 is the County Council's strategic strategy, which sets the Council's priorities for the next 4 years. The strategy includes four priorities, one of which seeks 'Environmental Step Change'. Within this priority the County Council commits to several actions including:
- Work with Districts to deliver quality biodiversity net gain across the county's developments and land management that makes a meaningful contribution to the recovery and enhancement of nature in Kent.
 - Lead the development of a Local Nature Recovery Strategy for Kent and Medway, which will identify priorities for the restoration of biodiversity, map existing valuable areas of nature and make specific proposals to create or improve habitat and wider environmental goals.

4.12 The Statutory Biodiversity Metric

- 4.12.1 The Statutory Biodiversity Metric calculation tool, user guide, and metric condition assessments were published on 15th December 2023³⁸.
- 4.12.2 The Biodiversity Metric is a tool used to calculate biodiversity value for the purposes of BNG. The biodiversity metric tool will be used to calculate the biodiversity value of:
- existing habitats
 - habitat enhancement
 - habitat creation
- 4.12.3 The biodiversity metric tool can calculate different types of 'biodiversity units'. There are three types of biodiversity units, which are calculated in three separate 'modules' of the metric. These are:
- area habitat units
 - hedgerow units; and
 - watercourse units
- 4.12.4 The biodiversity metric tool can be used throughout all stages of a project, from site selection to detailed design and delivery. The earlier it is applied, the greater the opportunity to design for biodiversity and wider ecological benefits.

5 Biodiversity and Waste Management

- 5.1 Landfill/Waste sites can impact biodiversity in a number of different ways:
- The creation of landfill sites requires wild areas to be cleared, leading to habitat loss and degradation.
 - As landfill sites are filled, some local species can be replaced by vermin e.g. rats that feed on refuse.

³⁸ <https://www.gov.uk/government/publications/statutory-biodiversity-metric-tools-and-guides>
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- Leachate is the liquid produced in landfill sites. This can become toxic and unless managed appropriately can contaminate nearby streams, ponds and lakes, damaging the habitat of many different organisms.
- Soil fertility is impacted too. The combination of toxic substances and decaying organic material can be of detriment to the soil quality, distorting soil fertility and activity and affecting plant life³⁹.

5.2 Landfill restoration is normally required by planning permission or by the owner of the land. Landfill restoration is the placement of an even layer of material on top of the landfill to return the land to beneficial use. Landfills for hazardous or non-hazardous waste will also be engineered with an impermeable cap and associated soil protection layer that is part of the engineered containment system.

5.3 Landfill sites can be restored during and following operational phases in a way that achieves 10% biodiversity net gain though it may be more challenging to achieve the level of gains which could be achieved by quarry restoration.

5.4 Built waste management facilities can also impact on biodiversity, depending on location and type of facility. This may be direct, through loss of habitat and impact on species, or indirectly through impact of emissions on habitats. As with other developments, waste management will be required to achieve biodiversity net gain in future.

5.5 The waste industry trade body, the Environmental Services Association, has published a 'Best Practice Guide' on biodiversity net gain and waste management⁴⁰.

6 Biodiversity and Mineral Development

6.0.1 Mineral extraction can adversely affect biodiversity through direct loss of habitats and impacts on species, or through indirect effects including those set out in PPG:

- Noise associated with the operation;
- Dust;
- Air quality;
- Lighting;
- Traffic;
- Risk of contamination to land;
- Soil resources;
- Geological structure;
- Impact on best and most versatile agricultural land;
- Blast vibrations;
- Flood risk;
- Land stability/subsidence;
- Surface and, in some cases, ground water issues;
- Water abstraction⁴¹.

³⁹ SI Recycling. What are the negative impacts on biodiversity. <https://www.slrecyclingtld.co.uk/what-are-the-negative-effects-of-landfill/>

⁴⁰ https://www.esauk.org/application/files/2416/7112/3678/24158_Biodiversity-Best-Practice-Guide-2022_UPDATE.pdf

⁴¹ DLUHC & MHCLG. 2014. PPG. Minerals: Planning for mineral extraction, paragraph 013

6.1 Restoration

- 6.1.1 Quarries are often restored, during and following operational phases, to enhance biodiversity. Restoration of quarries and subsequent after-care is a requirement (condition) of planning permission. Restoration of quarries may occur by landfilling with waste which is discussed in section 5 above.

6.2 Mineral Restoration

- 6.2.1 The extraction of minerals, particularly by surface methods, inevitably results in changes to the characteristics of the land where it takes place. These changes are often temporary, and careful site management, restoration and after-use has already created a legacy of rich biodiversity, and further potential remains ⁴². The creation of a whole range of priority habitat through mineral restoration can help enhance biodiversity, linking and buffering existing conservation hotspots and creating wildlife corridors across the landscape in the process. Biodiversity-led minerals restoration can help protect and recover species of national and international conservation concern ⁴³. Management and restoration of minerals sites make a substantial contribution to establishment and expansion of most UK priority habitats, which in turn deliver multiple natural capital and ecosystem service benefits ⁴⁴. In England alone there are over 2,000 quarries, covering 64,000 hectares, that have planning requirements to restore them after quarrying had been completed. Biodiversity – led mineral restorations can help counter such declines, for example 13% of endangered bittern nest in UK restored quarries ⁴⁵.
- 6.2.2 The ‘Nature after Minerals’ programme is led by the Royal Society Bird Protection (RSPB). Nature after Minerals offer and share best-practice advice on biodiversity-led minerals restoration, this includes active quarries, agriculture, arable, coastal, grassland, habitat creation on active quarries, heathland, landscape scale, open mosaic habitat, restoration report, wetland, woodland. It also provides further guidance and advice on safeguarding soil during mineral extraction ⁴⁶.
- 6.2.3 The trade body for the minerals industry, the Mineral Products Association, has recognised that biodiversity loss is one of the biggest threats facing humanity in the next decade. The mineral products industry has a proven legacy of high-quality restoration and has further significant potential to protect and enhance biodiversity, including common as well as rare and threatened species and habitats⁴⁷.
- 6.2.4 The Mineral Products Association is a partner in the Nature after Minerals initiative. It has been engaging with Natural England and Defra (and others) on the approach to biodiversity net gain and the ‘metric’ to measure BNG recognising that:
- Minerals can only be worked where they naturally occur;

⁴² Mineral product Association. 2020. Biodiversity Strategy

⁴³ Nature After Minerals. Advice on Habitats and Biodiversity. <https://afterminerals.com/advice/>

⁴⁴ Mineral product Association. 2020 .Biodiversity Strategy

⁴⁵ Nature After Minerals. Realising the potential. <https://afterminerals.com/>

⁴⁶ Nature After Minerals. Advice on Habitats <https://afterminerals.com/advice-category/habitat-advice/>

⁴⁷ Mineral product Association. 2020 Biodiversity Strategy.

https://www.mineralproducts.org/MPA/media/root/Publications/2020/MPA_Biodiversity_Strategy_2020.pdf

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- The scale of sites and operation (earth moving equipment) means there is routinely potential and actual delivery of large-scale biodiversity net gain on site (during but particularly following extraction and subsequent restoration);
- Minerals extraction is temporary, with restoration including to biodiversity after-use being progressively delivered throughout the operation of a site, typically 10-25 year for sand & gravel, longer for hard rock;
- Habitat creation on restored minerals sites could be used as an offset for other developments, but this needs to be factored in at the planning application (& restoration plan) stage to ensure 'additionality';
- The specific mineral planning process and system, administered by Mineral Planning Authorities already delivers site restoration and aftercare including biodiversity net gain⁴⁸.

6.2.5 The MPA and the CBI Minerals Group have produced 'principles' to apply when implementing BNG in relation to mineral extraction, highlighting the need to take a proportionate approach and consider desired beneficial outcomes. These are reproduced below:

Engage early:

- Early engagement between the applicant and the planning authority, and if appropriate with other key stakeholders, will help in determining scope and desired outcomes and options;
- This should include agreement of the target percentage of biodiversity gain that is appropriate and reasonable which should be planned for, which may be above the minimum legal requirement of 10%.

Recognise that mineral extraction and site restoration can deliver large gains on-site:

- Up-front offsetting for initial losses in biodiversity should not be required where the development and restoration will deliver substantial BNG (in excess of the minimum 10%) over the lifetime of the development;
- A biodiversity gain 'surplus' above the agreed target percentage amount may be used to supply biodiversity units for other developments;
- The biodiversity gain requirement for minerals extraction should not be an additional uplift to what may have been proposed and/or achievable prior to introduction of mandatory biodiversity gain.

Recognise that mineral extraction and site restoration is long-term and often phased:

- Assessment using the Metric may be undertaken before and after the development, or preferably at periods throughout the development to provide illustrative 'snapshots'⁴⁹ of progress, illustrate when more than 10% gain is achieved during the operational life of the development and show losses and cumulative gain over the lifetime of the development and final restoration;

⁴⁸ Mineral Product Association. <https://www.mineralproducts.org/Campaigns/Quarries-and-Nature.aspx>

⁴⁹ Taken together, the 'snapshots' show the progress in delivering biodiversity gain from commencement to final restoration at a given point in time, as a reference. These 'snapshots' are informed by the actual or scheduled activity at various stages of the site's operation and at final restoration. Biodiversity metric calculations are generated for each 'snapshot', each of which refers back to the pre-extraction land use as the site's habitat baseline.

- 'Interim', 'temporary' and early successional habitats created before and during extraction should be accounted for and quantified in the Metric and overall biodiversity gain assessment;
- The first 'snapshot' should typically be taken within 5-10 years of commencement once some habitat creation or enhancement as part of restoration has commenced (the 'snapshot' timings are biodiversity led), but not during establishment phases, and a 'penalty' for initial losses should not be applied where the biodiversity gain achieved over the life of the development is demonstrated as being significant and exceeding the minimum legal requirement;
- Biodiversity gain should not be *required* at every mineral extraction phase or illustrative 'snapshot' of extraction and/or restoration, as calculated losses will be temporary and progressive restoration can achieve a large cumulative BNG over the timescale of the development;
- Advanced planting (especially woodland which can provide large long-term gain, species-rich grass) should be considered including on screening and to provide cover as much as possible;
- Recognise that extraction and restoration may be implemented more quickly or more slowly than originally envisaged due to various operational or practical issues occurring over the life of a development, but the overall biodiversity gain outcome will be the same;
- The use of the delay function in the Defra biodiversity Metric is not appropriate for operational phases both within the minerals extraction limit or site infrastructure areas as it would unduly penalise minerals development as the same area of land is used for extraction and restoration, and the operation timescales are not comparable with a typical construction phase for other development types that result in permanent developed land and sealed surfaces.

Apply professional judgement alongside the Metric:

- Consider numerical outputs from the Metric alongside professional judgement (ecologists and planners) including assessment of applications against planning policies, reflecting the limitations of the assumptions and some values in the Metric as applied to minerals, and the desired and agreed outcomes for site restoration;
- Acknowledge that operational changes during the life of a quarry can result in revisions to a restoration scheme/masterplan or other aspects of the planning consent. Such revisions provide an opportunity to review progress of biodiversity gain and should ensure that there is no overall reduction in the biodiversity gain to be achieved at final restoration and reflect any changes to restoration priorities in a plan area.

Apply biodiversity gain and the Metric appropriately and proportionately:

- For physical extensions to existing mineral extraction sites, only apply the biodiversity gain requirement to the area of new development (new 'broken ground'/new extraction site limit where there will be changes to habitat cover) covered by the application, and not to the whole site for which there will be an extant permission granted prior to mandatory biodiversity gain;
- Acknowledge that, in relation to trading rules within the Defra Biodiversity Metric, it may not always be possible for the same broad habitat type or same habitat type to be used to compensate for habitat losses as part of the final restoration

- e.g. dry land becomes open water and wetland, and so there is justification for not being able to compensate with the same broad habitat or habitat type;
- Section 73 applications relating to extant permissions (granted prior to BNG becoming mandatory) should be exempt from the requirement for biodiversity gain. S73 applications relating to new mineral extraction permissions that are required to deliver BNG should be exempt if it is demonstrated that there is no additional deleterious effect on biodiversity. However, where changes in the biodiversity elements of the final restoration are required (habitat creation, loss or enhancement), then the Metric may be used to illustrate the difference between the previously agreed and newly proposed/agreed schemes.

7 Application of Biodiversity net gain for waste and minerals development in Kent

- 7.1 Biodiversity gain will become mandatory in England in January 2024.
- 7.2 Inclusion of a requirement for BNG in adopted development plan policy effectively mandates BNG locally in advance of it becoming mandatory at national level, through the plan-led system and planning law⁵⁰.
- 7.3 The Statutory Biodiversity Metric and associated Calculation Tool, Technical Supplement and User Guide⁵¹ should be used in demonstrating biodiversity gain and compliance with Policy DM3. Applications will need to be accompanied by a Biodiversity Gain Plan setting out the pre-and post-development biodiversity units and how the required Biodiversity Gain will be achieved. This must be approved by the Waste and Mineral Planning Authority prior to commencement of development should an application be approved.
- 7.4 Specific guidance for the implementation of BNG for mineral extraction issued by guidance on phased development is not particularly helpful as mineral extraction is not in outline with reserved matters. The guidance indicates that for mineral extraction an Overall and Phase BNG plans may be appropriate, with the Phase BNG Plans applying to different times over the development period. In the absence of government guidance, it is anticipated that the industry will prepare guidance in collaboration with the Planning Officers' Society drawing on minerals case studies (that Defra is expected to publish in January 2024).
- 7.5 Recognising that restoration (progressive and final) of minerals sites may present opportunities to achieve large-scale BNG on-site, the Mineral Planning Authority will expect applicants for permission for mineral extraction to explore the potential for achieving in excess of the minimum 10%, and agree the overall gain to be delivered in restoration schemes on a case-by-case basis. This is regarded as a practicable and proportionate approach to achieving biodiversity gain alongside other policy objectives. In addition, it may provide flexibility for mineral developers to deliver additional biodiversity enhancements, above those required by a

⁵⁰ Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

⁵¹ <https://www.gov.uk/government/publications/statutory-biodiversity-metric-tools-and-guides>

planning permission and associated restoration scheme, that may be used to provide off-site biodiversity gain for other developments in line with national guidance.

- 7.6 The Mineral Planning Authority will also seek to ensure that BNG associated with minerals and waste developments contributes to delivery of the emerging Kent Local Nature Recovery Strategy⁵² through creation and enhancement of appropriate habitats and maximising opportunities to deliver landscape-scale benefits (bigger, better, more, joined habitats).
- 7.7 Proposed changes to planning policy related to BNG requirements are set out in the Pre-Submission Draft Kent Minerals and Waste Local Plan 2024-39 and these are included in Appendix 1. Supporting text states:

“While a statutory target of at least 10% biodiversity net gain for all development has been introduced, the Kent Nature Partnership expects at least 20% to be achieved. The restoration of mineral sites frequently provides excellent opportunities for the development of habitat and the expectation is that they should be maximised such that, where practicable, greater than 20% biodiversity net gain will be achieved.”

- 7.8 Following adoption of the Kent Minerals and Waste Local Plan 2024-39, this topic paper will be updated to provide guidance on how biodiversity net gain will be assessed in proposals for waste and minerals development in Kent to ensure consistency with the adopted policy.

8 Other Information

- 8.1 Links to further information about biodiversity net gain can be found in Appendix 3.

Appendix 1 Pre-Submission Draft Kent Minerals and Waste Local Plan 2024-39 - Proposed Updates to Policies DM2, DM3 and DM19

Changes to the text of the KMWLP are shown with new **text underlined and in bold** and deleted text as ~~struck through~~.

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

7.2.1 Minerals and waste developments can have adverse impacts on sites of international, national and local importance. Kent has a wide range of landscapes and habitats that play an important role in supporting a variety of flora and fauna. ~~The county also has an abundance of important heritage assets.~~

7.2.2 Significant weight in planning terms is given to conserving **and enhancing** landscape and scenic beauty of AONBs in which the conservation **and enhancement** of wildlife and cultural heritage are important considerations. **Development within the setting of AONBs should also be sensitively located and designed to avoid or minimise impacts on the designated areas. Policy DM 2 recognises that some sites are designated due to their importance in terms of geodiversity.**

7.2.23 Locally important sites are also designated in recognition of their significance at the local level⁵³, ~~as contained in the Kent State of the Environment Report 2015 and the Kent Environment Strategy 2016,~~ but do not normally carry the same level of protection as international or nationally designated sites. These sites include **Local Wildlife Sites (LWSs)**, priority habitat identified in **the Kent** BAP, Local Geological Sites, Locally Listed Heritage Assets, **Local Nature Reserves (LNRs)**, Country Parks, **Ancient Woodland** and aged or veteran trees, waterbodies and other green infrastructure features. **Alongside other nature designations, these sites will play an important role in the success of the Local Nature Recovery Strategy.**

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

7.2.45 In addition to Policy DM 2, Policy DM 3 seeks to **protect Kent's important biodiversity assets**, ensure that **minerals and waste applications are supported by appropriate** ~~an adequate level of ecological assessments~~ **will be undertaken for Kent's biodiversity assets, and ensure that a biodiversity net gain is maximised.** **While a statutory target of at least 10% biodiversity net gain for all development has been introduced, the Kent Nature Partnership expects at least 20% to be achieved. The restoration of mineral sites frequently provides excellent**

⁵³ **As contained in the Kent State of the Environment Report 2015 and the Kent Environment Strategy 2016.**
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opportunities for the development of habitat and the expectation is that they should be maximised such that, where practicable, greater than 20% biodiversity net gain will be achieved. Separate guidance on the application of the biodiversity net gain requirements to minerals and waste developments as set out in Policy DM3 will be published.

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

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

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

Policy DM 2

Environmental and Landscape Sites of International, National and Local Importance

Proposals for minerals and/or waste development will be required to ensure that there is no unacceptable adverse impact on the integrity, character, appearance and function, biodiversity **and geodiversity** interests, ~~or geological interests~~ of sites of international, national and local importance, **such that these proposals accord with the avoid, mitigate, compensate hierarchy.**

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 (**‘National Site Network’ as defined by the Changes to the Habitats and Species Regulations 2017 and ‘Habitat Sites’ as defined by the NPPF**⁵⁴ ~~European Sites~~), will need to be evaluated in combination with other projects and plans **and be in accordance with established management objectives for the national sites network (‘network objectives’**⁵⁵). Before any such proposal will be granted planning permission or identified in the Minerals and Waste Sites Plan, 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; **and**
- c. there is sufficient provision for adequate timely compensation.

2. National Sites

Designated Areas of Outstanding Natural Beauty (AONB)⁵⁶ 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.

⁵⁴ **NPPF defines ‘habitat sites’ 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’**

⁵⁵ **Changes to the Conservation of Habitats and Species Regulations 2017 -**

<https://www.gov.uk/government/publications/changes-to-the-habitats-regulations-2017>

⁵⁶ The purpose of an AONB is set out in Section 82(1) of the Countryside and Rights of Way Act 2000 states as follows: the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty.

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 **the** public interest. In relation to other minerals or waste proposals in an AONB, great weight will be given to conserving **and enhancing** its landscape and scenic beauty. Proposals ~~outside, but~~ within the setting of an AONB **should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.** ~~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; **and**
- 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 **updates to** the Minerals Sites Plan or **any** the Waste Sites Plan will be considered having regard to the above tests. Those that the Minerals and Waste Planning Authority **considers** ~~to be~~ unlikely to meet the relevant test(s) will not be allocated.

Proposals for minerals and/or waste developments within or outside of designated Sites of Special Scientific Interest **or National Nature Reserves**, that are considered likely to have any unacceptable adverse impact on a Site of Special Scientific Interest **or National Nature Reserve**, will not be granted planning permission or identified **in updates** to the Minerals **Sites Plan** and **any** Waste Sites Plans except in exceptional circumstances where it can be demonstrated that **there is an overriding need for the development and any impacts can be mitigated or compensated for, and:**

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

Minerals and/or waste proposals located within or considered likely to have any unacceptable adverse impact on **irreplaceable habitat such as** Ancient Woodland **and ancient or veteran trees** will not be granted planning permission or identified in **updates to** the Minerals **Sites Plan** and **any Waste**

Sites Plans unless the need for, and the benefits of the development in that location clearly outweigh any loss, **justified by wholly exceptional reasons, and a suitable compensation strategy is in place.**

3. Local Sites

Minerals and/or waste proposals within, **or likely to have an unacceptable adverse impact on,** the Local Sites listed below will not be granted planning permission, or identified in **updates to** the Minerals **Sites Plan** and **any Waste Sites Plans,** unless it can be demonstrated that there is an overriding need for the development and any impacts can be mitigated or compensated for, such that there is a net planning benefit:

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

Policy DM 3

Ecological Impact Assessment

Proposals for minerals and waste developments will be required to ensure that they result in no unacceptable adverse impacts on Kent's important biodiversity assets. These include internationally, nationally and locally designated sites, ~~European~~ **internationally** and nationally protected species, and habitats and species of principal importance for the conservation, **protection and enhancement** of biodiversity, **geodiversity and** Biodiversity Action Plan habitats and species **identified in the Kent Nature Partnership Biodiversity Strategy 2020 to 2045.**

Proposals that are likely to have unacceptable adverse impacts upon important

geodiversity and biodiversity assets will need to demonstrate that an adequate level of ecological assessment has been undertaken and **should provide a positive contribution to the protection, enhancement, creation and management of biodiversity. Such proposals** 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); **and,**
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.~~

All development⁵⁷ shall achieve a net gain in biodiversity value in accordance with the requirements of the NPPF. All major development shall deliver at least a 10% net gain in biodiversity value with an expectation that the maximum practicable net gain is achieved. All planning applications must be supported by a Biodiversity Net Gain Plan and relevant supporting reports that demonstrate net gain will be achieved, implemented, managed and maintained.

Restoration of mineral extraction sites for end uses that limit options to maximise biodiversity gain, may still be acceptable, provided the restoration achieves the minimum requirements and it can be demonstrated that the benefits of the restoration proposed would help achieve other objectives within the Development Plan that can be balanced against the need to maximise biodiversity net gain.

⁵⁷ **Please note an application to vary a condition of a planning permission under section 73 which is made after the commencement of the statutory framework for Biodiversity Net Gain on [January xx 2024 subject to parliamentary timetabling] is not in scope if the original permission to which the section 73 application relates was either granted before [January xx 2024 subject to parliamentary timetabling] or the application for the original permission was made before [January xx 2024 subject to parliamentary timetabling].**

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

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

7.17.2 Where new development is proposed, Restoration, aftercare and after-use will usually seek to assure that the land is restored back to a quality that is at a level at least equivalent to that which it was prior to development commencing and wherever possible provide for the enhancement of the quality of the landscape, local environment, biodiversity or the setting of historic assets to the benefit of the local or wider community. Restoration plans should have regard to priorities for landscape enhancements identified in the Landscape Characterisation Assessments and for green space in the Kent Growth and Infrastructure Strategy. Restoration of mineral sites to a water body may be appropriate and provide opportunity for biodiversity and habitat enhancement or recreational uses. Wherever possible, restoration schemes should include measures to improve biodiversity interests whatever the proposed after-use of the site. Restoration, aftercare and after-use may be secured through Planning Obligations as set out in Policy DM 17. **Notwithstanding the statutory requirement for all development to achieve at least 10% biodiversity net gain, there is an expectation that all proposals for restoration, aftercare and after-use shall demonstrate how the maximum on site practicable biodiversity net gain shall result from can be achieved by the development. In developing restoration plans, regard shall be had to Kent County Council's Plan Bee Pollinator Action Plan July 2021. This seeks to assist in the recovery of pollinator populations which will support biodiversity and the agricultural needs of the county. Where appropriate, provision shall be made for additional tree cover to support climate change and biodiversity objectives in accordance with the Government's England Trees Action Plan 2021-2024 (May 2021) and the County Council's emerging Plan Tree - Kent County Council's Tree Establishment Strategy 2022-2032⁵⁸.**

7.17.3 Restoration of mineral extraction sites for end uses that do not limit options to maximise biodiversity gain, may still be acceptable, provided

⁵⁸ **Adopted October 2022**

the restoration achieves the minimum requirements and if it is demonstrated that the benefits of the restoration proposed would help achieve other objectives within the Development Plan that can be balanced against the need to maximise biodiversity net gain.

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

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

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

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

7.17.7 Restoration involving infilling may impact groundwater, both in terms of its quality, levels and flow paths. Restoration and aftercare plans should therefore carefully consider the local groundwater regime to avoid unacceptable impacts on its quantity, quality and on flood risk.

7.17.68 Restoration and aftercare plans should take into consideration community needs and aspirations. Local interest groups and community representatives should be consulted and their viewpoints incorporated into the proposals wherever possible and appropriate. Restoration and aftercare plans for mineral development need to be

reviewed and updated periodically, in accordance with legislation⁵⁹ Policy DM 19 identifies the issues that need to be addressed in relation to the restoration, aftercare and after-use of minerals extraction and temporary waste management development.

Policy DM 19

Restoration, Aftercare and After-use

Planning permission for minerals extraction and temporary waste management development will be granted where satisfactory provision has been made for **the highest possible 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, be carried out to a standard that reflects best practice and provides for restoration and aftercare at the earliest opportunity, Restoration proposals must **deliver sustainable afteruses that benefit the Kent community, economically, socially or environmentally. All development should achieve at least 10% biodiversity net gain and demonstrate how maximum practicable on site biodiversity net gain shall result from the development.** ~~include measures to provide biodiversity gains.~~

Restoration of mineral extraction sites for end uses that do not maximise biodiversity gain, but still achieve the mandatory minimum, may be acceptable if it is demonstrated that the benefits of the restoration would help achieve other objectives of the Development Plan that in the view of the planning authority outweigh the achievement of maximum biodiversity net gain.

Where appropriate, restoration plans should ~~be submitted with the planning application which reflect the proposed after use and, where appropriate, include the details set out below:~~ **address the following issues in relation to the restoration, aftercare and after-use of minerals extraction and temporary waste management development:**

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;

⁵⁹ The Environment Act (1995) introduced a requirement for an initial review and updating of ~~of~~ all old mineral planning permissions (known as the 'Review of Mineral Permissions' or 'ROMP' process). There is no fixed period when periodic reviews should take place so long as the first review is no earlier than 15 years after planning permission is granted or, in the case of an old permission, 15 years of the date of the initial review. Any further reviews should be at least 15 years after the date of the last review.

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 **and where relevant exceeding, the biodiversity net gain targets, including those outlined in the Kent Nature Partnership Biodiversity Strategy 2020-45, Biodiversity Opportunity Areas, Areas of Outstanding Natural Beauty Management Plans and the Local Nature Recovery Strategy;** 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 **and avoid unacceptable impacts on groundwater;**
22. details of the seeding of grass or other crops and planting of trees, shrubs and hedges;
23. a programme of **for the long-term management and** aftercare **of the restored sites** to include details of vegetation establishment, vegetation management, biodiversity habitat management, field drainage, irrigation and watering facilities;

24. the restoration of the majority of the site back to agriculture, if the site consists of the best and most versatile agricultural land;
25. **the potential for financial guarantees such as bonds in exceptional circumstances where their use can be justified to secure restoration objectives.**

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.

Appendix 2: The Government 25 Year Environment Plan Goals and Targets⁶⁰

Goals and Targets	We will achieve this by:
Clean Air	<ul style="list-style-type: none"> • Meeting legally binding targets to reduce emissions of five damaging air pollutants. This should halve the effects of air pollution on health by 2030. • Ending the sale of new conventional petrol and diesel cars and vans by 2040. • Maintaining the continuous improvement in industrial emissions by building on existing good practice and the successful regulatory framework.
Clean and Plenty Water	<p>Improving at least three quarters of our waters³ to be close to their natural state as soon as is practicable by:</p> <ul style="list-style-type: none"> • Reducing the damaging abstraction of water from rivers and groundwater, ensuring that by 2021 the proportion of water bodies with enough water to support environmental standards increases from 82% to 90% for surface water bodies and from 72% to 77% for groundwater bodies. • Reaching or exceeding objectives for rivers, lakes, coastal and ground waters that are specially protected, whether for biodiversity or drinking water as per our River Basin Management Plans. • Supporting OFWAT’s ambitions on leakage, minimising the amount of water lost through leakage year on year, with water companies expected to reduce leakage by at least an average of 15% by 2025. • Minimising by 2030 the harmful bacteria in our designated bathing waters and continuing to improve the cleanliness of our waters. We will make sure that potential bathers are warned of any short-term pollution risks.
Thriving Plans and Wildlife	<p>We will achieve a growing and resilient network of land, water and sea that is richer in plants and wildlife. At sea, we will do this by:</p> <ul style="list-style-type: none"> • Reversing the loss of marine biodiversity and, where practicable, restoring it. • Increasing the proportion of protected and well-managed seas, and better managing existing protected sites. • Making sure populations of key species are sustainable with appropriate age structures. • Ensuring seafloor habitats are productive and sufficiently extensive to support healthy, sustainable ecosystems.

⁶⁰ Department for Environment Food & Rural Affairs (DEFRA). 2022. Consultation on Biodiversity Net Gain Regulations and Implementation. https://consult.defra.gov.uk/defra-net-gain-consultation-team/consultation-on-biodiversity-net-gain-regulations/supporting_documents/Consultation%20on%20Biodiversity%20Net%20Gain%20Regulations%20and%20Implementation_January2022.pdf

	<p>On land and in freshwaters, we will do this by:</p> <ul style="list-style-type: none"> • Restoring 75% of our one million hectares of terrestrial and freshwater protected sites to favourable condition, securing their wildlife value for the long term. • Creating or restoring 500,000 hectares of wildlife-rich habitat outside the protected site network,5 focusing on priority habitats as part of a wider set of land management changes providing extensive benefits. Taking action to recover threatened, iconic or economically important species of animals, plants and fungi , and where possible to prevent human induced extinction or loss of known threatened species in England and the Overseas Territories. • Increasing woodland in England in line with our aspiration of 12% cover by 2060: this would involve planting 180,000 hectares by end of 2042.
<p>Reducing the risks of harm from environmental hazards</p>	<ul style="list-style-type: none"> • We will reduce the risk of harm to people, the environment and the economy from natural hazards including flooding, drought and coastal erosion by: • Making sure everyone is able to access the information they need to assess any risks to their lives and livelihoods, health and prosperity posed by flooding and coastal erosion. • Bringing the public, private and third sectors together to work with communities and individuals to reduce the risk of harm. • Making sure that decisions on land use, including development, reflect the level of current and future flood risk. • Ensuring interruptions to water supplies are minimised during prolonged dry weather and drought. • Boosting the long-term resilience of our homes, businesses and infrastructure.
<p>Using resource from nature more sustainably and efficiently</p>	<p>We will ensure that resources from nature, such as food, fish and timber, are used more sustainably and efficiently. We will do this by:</p> <ul style="list-style-type: none"> • Maximising the value and benefits we get from our resources, doubling resource productivity7 by 2050. Improving our approach to soil management: by 2030 we want all of England’s soils to be managed sustainably, and we will use natural capital thinking to develop appropriate soil metrics and management approaches. • Increasing timber supplies. • Ensuring that all fish stocks are recovered to and maintained at levels that can produce their maximum sustainable yield. • Ensuring that food is produced sustainably and profitably.

<p>Enhancing beauty, heritage and engagement with the natural environment</p>	<p>We will conserve and enhance the beauty of our natural environment, and make sure it can be enjoyed, used by and cared for by everyone. We will do this by:</p> <ul style="list-style-type: none"> • Safeguarding and enhancing the beauty of our natural scenery and improving its environmental value while being sensitive to considerations of its heritage. • Making sure that there are high quality, accessible, natural spaces close to where people live and work, particularly in urban areas, and encouraging more people to spend time in them to benefit their health and wellbeing. • Focusing on increasing action to improve the environment from all sectors of society.
	<p>We will manage pressures on the environment by:</p>
<p>Mitigating and adapting to climate change</p>	<p>We will take all possible action to mitigate climate change, while adapting to reduce its impact. We will do this by:</p> <ul style="list-style-type: none"> • Continuing to cut greenhouse gas emissions including from land use, land use change, the agriculture and waste sectors and the use of fluorinated gases. The UK Climate Change Act 2008 commits us to reducing total greenhouse gas emissions by at least 80 per cent by 2050 when compared to 1990 levels. Making sure that all policies, programmes and investment decisions take into account the possible extent of climate change this century. • Implementing a sustainable and effective second National Adaptation Programme.
<p>Minimising waste</p>	<p>We will minimise waste, reuse materials as much as we can and manage materials at the end of their life to minimise the impact on the environment. We will do this by:</p> <ul style="list-style-type: none"> • Working towards our ambition of zero avoidable waste by 2050. • Working to a target of eliminating avoidable plastic waste by end of 20428 . • Meeting all existing waste targets – including those on landfill, reuse and recycling – and developing ambitious new future targets and milestones. Seeking to eliminate waste crime and illegal waste sites over the lifetime of this Plan, prioritising those of highest risk. Delivering a substantial reduction in litter and littering behaviour. • Significantly reducing and where possible preventing all kinds of marine plastic pollution – in particular material that came originally from land.
<p>Managing exposure to chemicals</p>	<p>We will make sure that chemicals are safely used and managed, and that the levels of harmful chemicals entering the environment (including through agriculture) are significantly reduced. We will do this by:</p>

	<ul style="list-style-type: none"> • Seeking in particular to eliminate the use of Polychlorinated Biphenyls (PCBs) by 2025, in line with our commitments under the Stockholm Convention. Reducing land-based emissions of mercury to air and water by 50% by 2030. • Substantially increasing the amount of Persistent Organic Pollutants (POPs) material being destroyed or irreversibly transformed by 2030, to make sure there are negligible emissions to the environment. Fulfilling our commitments under the Stockholm Convention as outlined in the UK's most recent National Implementation Plan.
Enhancing biosecurity	<p>We will enhance biosecurity to protect our wildlife and livestock and boost the resilience of plants and trees. We will do this by:</p> <ul style="list-style-type: none"> • Managing and reducing the impact of existing plant and animal diseases; lowering the risk of new ones and tackling invasive non-native species. • Reaching the detailed goals to be set out in the Tree Health Resilience Plan of 2018. • Ensuring strong biosecurity protection at our borders, drawing on the opportunities leaving the EU provides. • Working with industry to reduce the impact of endemic disease.
	Our policies will focus on:
Using and managing land sustainably	<p>At a glance we will:</p> <ul style="list-style-type: none"> • an 'environmental net gain' principle for development, including housing and infrastructure. • Improve the way we manage and incentivise land management, including designing and delivering a new environmental land management system. • Improve soil health, and restore and protect peatlands – this will include developing a soil health index and ending the use of peat in horticulture. Expand woodland cover and make sure that existing woodlands are better managed to maximise the range of benefits they provide – this will include supporting the development of a new Northern Forest and appointment of a national Tree Champion to support our approach. • Take action to reduce the risk of harm from flooding and coastal erosion including greater use of natural flood management solutions.
Recovering nature and enhancing the beauty of landscapes	<p>At a glance we will:</p> <ul style="list-style-type: none"> • Develop a Nature Recovery Network to protect and restore wildlife, and provide opportunities to re-introduce species that we have lost from our countryside. • Conserve and enhance the natural beauty of our landscapes by reviewing National Parks and Areas of

	<p>Outstanding Natural Beauty (AONBs) for the 21st century, including assessing whether more may be needed.</p> <ul style="list-style-type: none"> • Respect nature by using our water more sustainably.
Connecting people with the environment to improve health and wellbeing	<p>At a glance we will:</p> <ul style="list-style-type: none"> • Help people improve their health and wellbeing by using green spaces including through mental health services. • Encourage children to be close to nature, in and out of school, with particular focus on disadvantaged areas. • ‘Green’ our towns and cities by creating green infrastructure and planting one million urban trees. • Make 2019 a year of action for the environment, working with Step Up To Serve and other partners to help children and young people from all backgrounds to engage with nature and improve the environment.
Increase resource efficiency, and reducing pollution and waste	<p>At a glance we will:</p> <ul style="list-style-type: none"> • Make sure that resources are used more efficiently and kept in use for longer to minimise waste and reduce its environmental impacts by promoting reuse, remanufacturing and recycling. • Work towards eliminating all avoidable waste by 2050 and all avoidable plastic waste by end of 2042 . • Reduce pollution by tackling air pollution in our Clean Air Strategy and reduce the impact of chemicals
Securing clean, productive and biologically diverse seas and oceans	<p>At a glance we will:</p> <ul style="list-style-type: none"> • Implement a sustainable fisheries policy as we leave the Common Fisheries Policy. • Achieve good environmental status of our seas while allowing marine industries to thrive, and complete our ecologically coherent network of well-managed marine protected areas (MPAs)
Protecting and improving the global environment	<p>At a glance we will:</p> <ul style="list-style-type: none"> • Provide international leadership and lead by example in tackling climate change and protecting and improving international biodiversity. • Help developing nations protect and improve the environment by providing assistance and supporting disaster planning. • Support and protect international forests and sustainable agriculture. • Leave a lighter footprint on the global environment by enhancing sustainability and supporting zero deforestation supply chains.

Appendix 3: Links to Guidance

The links to guidance about biodiversity net gain on the internet are provided below. Inclusion on this list is not intended to imply any particular endorsement by Kent County Council.

Biodiversity Net Gain - Information you need for biodiversity net gain, Defra (November 2023)

<https://www.gov.uk/government/collections/biodiversity-net-gain>

Draft biodiversity net gain planning practice guidance, DLUHC (December 2023)

<https://www.gov.uk/guidance/draft-biodiversity-net-gain-planning-practice-guidance>

2022 Consultation on regulations relating to implementation of Biodiversity Net Gain requirements: https://consult.defra.gov.uk/defra-net-gain-consultation-team/consultation-on-biodiversity-net-gain-regulations/supporting_documents/Consultation%20on%20Biodiversity%20Net%20Gain%20Regulations%20and%20Implementation_January2022.pdf

What is 'Biodiversity Net Gain'? <https://www.biodiversityinplanning.org/news/bd-net-gain/> <https://naturalengland.blog.gov.uk/2021/09/21/biodiversity-net-gain-more-than-just-a-number/>

WEBINAR: Everything you wanted to know about Biodiversity Net Gain but were afraid to ask: <https://www.youtube.com/watch?v=jpcNPZe1hVM>

Planning Advisory Service (PAS). Biodiversity Net Gain

<https://www.local.gov.uk/biodiversity-net-gain-and-nature-recovery-autumn-2022-events>

<https://www.local.gov.uk/pas/topics/environment/biodiversity-net-gain-local-authorities>

WEBINAR: PAS Natural England Biodiversity Metric Training for Planners:

<https://www.youtube.com/watch?v=Hz6QFOLnZMs>

CIEEM, IEMA, CIRIA Guide <https://cieem.net/wp-content/uploads/2019/02/C776a-Biodiversity-net-gain.-Good-practice-principles-for-development.-A-practical-guide-web.pdf>