

**Appendix 1 – Kent Minerals and Waste Local Plan 2013-30 as amended May 2016**

Due to its size, this is available as a separate document. An electronic version can also be viewed via <http://consult.kent.gov.uk/file/3961578>

## Appendix 2 – Background Documents

All background documents in support of the Kent Minerals and Waste Local Plan 2013-30 are listed below. They can all be viewed on the examination library which can be found via the below web link.

<http://consult.kent.gov.uk/portal/mwcs/mwlp-eip/eip-library/>

### Inspector's Documents

Reference/Title	Date
ID/11 Inspector's Report	27 April 2016
ID/10A Proposed Main and Additional Modifications	2 December 2015
ID/10 Inspector's Note 10 to the County Council	2 December 2015
ID/9 Inspector's Note 9 to the County Council	29 July 2015
ID/8 Schedule of Matters and Issues for Examination	3 February 2015
ID/7 Inspector's Guide to the Examination Process	3 February 2015
ID/6 Inspector's Note 6 to the County Council	13 January 2015
ID/5 Inspector's Note 5 to the County Council	8 January 2015
ID/4 Inspector's Note 4 to the County Council	6 January 2015
ID/3 Inspector's Note 3 to the County Council	21 November 2014
ID/2 Inspector's Note 2 to the County Council	18 November 2014
ID/1 Inspector's Note 1 to the County Council	5 November 2014

### Kent County Council's Post Submission Documents

Reference/Title	Date
KCC/73 Equality Impact Assessment Updated May 2016	20 May 2016
KCC/72 Sustainability Appraisal Synthesis Report	20 May 2016
KCC/71 Kent Minerals and Waste Local Plan 2013-30 as modified May 2016	12 May 2016
KCC/70 Regulation 25 Notice of Publication of Inspector's Report	27 April 2016
KCC/68 Kent MWLP 2013-30 – Further Modifications Consultation Summary Report	9 March 2016
KCC/67 Equality Impact Assessment Update December 2015	7 January 2016
KCC/66 Kent MWLP 2013-30 – Sustainability Appraisal 3 <sup>rd</sup> Addendum	7 January 2016
KCC/65 Kent MWLP 2013-30 – SA 3 <sup>rd</sup> Addendum Non-Technical Summary	7 January 2016
KCC/64 Habitat Regulation Assessment Addendum	7 January 2016
KCC/63 Kent MWLP 2013-30 – Proposed Further Modifications	7 January 2016
KCC/62 The Third Local Aggregate Assessment for Kent	15 December 2015
KCC/61 Response to Inspector's Note ID-10 and ID-10A – Proposed Main and Additional Mods	10 December 2015
KCC/60 Summary of Responses to the Kent MWLP 2013 – Other Comments	4 November 2015
KCC/59 Summary of Responses to the Kent MWLP 2013 – Additional Mods	4 November 2015
KCC/58 Summary of Responses to the Kent MWLP 2013 – Main Mods	4 November 2015
KCC/57 Kent Minerals and Waste Local Plan 2013-30 – Proposed Modifications Consultation Document	13 August 2015
KCC/56 Kent MWLP 2013-30 SA Report Addendum July 2015 – Non Technical Summary	13 August 2015
KCC/55 Kent MWLP 2013-30 Sustainability Appraisal 2 <sup>nd</sup> Addendum	13 August 2015
KCC/54 The Crown Estate – Capability & Portfolio 2014 – Marine Aggregates	27 May 2015
KCC/53 Email exchange The Brett Group & KCC – Sharp Sand & Gravel Model	26 May 2015
KCC/52 Kent MWLP 2013-30 Safeguarding maps email sent to all district/ borough authorities	14 May 2015
KCC/51 Ashdown Forest SoS for Communities & Local Government	12 May 2015
KCC/50 Chalfont St Peter Parish Council v Chiltern DC Holy Cross Sisters Trustees	12 May 2015
KCC/49 Cogent Land LLP v Rochford DC & Bellway Homes Ltd	12 May 2015
KCC/48 Policy DM4 Green Belt Proposed Modification	12 May 2015
KCC/47 Rev1 Approach to Safeguarding and Proposed Modifications – Amended post May hearing	15 June 2015

KCC/47 Approach to Safeguarding and Proposed Modifications	12 May 2015
KCC/46 Identifying sites for Household Waste Recycling Centres – Policy CSW 7 Proposed Modification	12 May 2015
KCC/45a Additional supporting information for CSM 2 – Secondary and Recycled Aggregate Supply	22 July 2015
KCC/45 Note on Working of Sharp Sand & Gravel Reserves in Kent over the plan period	
KCC/44 Ebbsfleet Development Corporation & Teal Energy Proposal, Swanscombe	12 May 2015
KCC/43 Kent MWLP 2013-30 Amended Figure 14 Minerals Key Diagram Inset	12 May 2015
KCC/42 Kent MWLP 2013-30 Amended Figure 13 Minerals Key Diagram	12 May 2015
KCC/41 Strategic Approach to Distribution of Land for Built Waste Management Facilities to be Allocated in the Sites Plan	13 May 2015
KCC/40 Rev1 Revision to Proposed Main Modification to Policy CSM6: Secondary and Recycled Aggregates	15 June 2015
KCC/40 Revision to Proposed Main Modification to Policy CSM6: Secondary and Recycled Aggregates	12 May 2015
KCC/39 Kent MWLP 2013-30 amended Figure 16 Waste Key Diagram	12 May 2015
KCC/38 Kent MWLP 2013-30 amended Figure 15 to include PEDL areas	12 May 2015
KCC/37 Rev1 Approach to Oil & Gas and unconventional hydrocarbons with proposed modifications – Amended post May hearing	15 June 2015
KCC/37 Approach to Oil & Gas and unconventional hydrocarbons with proposed modifications	12 May 2015
KCC/36 Information note: Unconventional Gas – shale gas and coal bed methane	12 May 2015
KCC/35 Update on the SOCG between Kent County Council and Essex County Council	11 May 2015
KCC/34 Supplementary Duty to Co-operate Information	11 May 2015
KCC/33 British Geological Survey Good Practice Advice on Mineral Safeguarding in England (2011)	16 April 2013
KCC/32 Norfolk County Council Guidance Note on Mineral Safeguarding (Nov 2014)	16 April 2013
KCC/31 Extract from the Greater Essex Local Aggregate Assessment (Sept 14): Section 8.3, Table 14	15 April 2015
KCC/30 Kent County Council's Opening Statement	14 April 2015
KCC/29 Evidence of Engagement with Swale Borough Council	10 April 2015
KCC/28 Rev1 Updated Comparative Matrix for Kent MWLP Waste Strategy Policy Consistency to reflect proposed changes to policy DM 11	10 April 2015
KCC/28 Comparative Matrix for Kent MWLP Waste Strategy Policy Consistency	2 April 2015
KCC/27 Rev3b Kent MWLP 2013-30 Schedule of Proposed Additional Modifications – Appendix E of the Kent MWLP 2013-30 – Proposed Modifications	13 April 2015
KCC/27 Rev2b Kent MWLP 2013-30 Schedule of Proposed Additional Modifications – Amended post April hearing	12 May 2015
KCC/27 Rev1b Kent MWLP 2013-30 Schedule of Proposed Additional Modifications	10 April 2015
KCC/27 Rev4a Kent MWLP 2013-30 Schedule of Proposed Main Modifications – Appendix D of the Kent MWLP 2013-30 – Proposed Modifications	13 August 2015
KCC/27 Rev3a Kent MWLP 2013-30 Schedule of Proposed Main Modifications – Amended post May hearing	9 June 2015
KCC/27 Rev2a Kent MWLP 2013-30 Schedule of Proposed Main Modifications – Amended post April hearing	12 May 2015
KCC/27 Rev1a Kent MWLP 2013-30 Schedule of Proposed Main Modifications	10 April 2015
KCC/27 Appendix 1 Rev1 Kent MWLP 2013-30 Schedule of Proposed Main and Additional Modifications – Monitoring Schedule	11 May 2015
KCC/27 Kent MWLP 2013-30 Schedule of Proposed Main and Additional Modifications and Monitoring Schedule Appendix	2 April 2015
KCC/26 Matter 9 statement - Monitoring	30 March 2015
KCC/25 Matter 8 statement – Development Management	30 March 2015
KCC/24a Matter 7 statement – Safeguarding Appendix 1 – Email from Wienerberger read out at the hearing	16 April 2015

KCC/24 Matter 7 statement - Safeguarding	30 March 2015
KCC/23 Matter 6 statement - Waste	30 March 2015
KCC/22 Matter 5 statement – Minerals inc Industrial Minerals	30 March 2015
KCC/21 Matter 4 statement - Sustainability	30 March 2015
KCC/20 Matter 3 statement – Issues of General Applicability	20 March 2015
KCC/19 Matter 2 statement – Legal Compliance	30 March 2015
KCC/18 Matter 1 statement – Duty to Co-operate	30 March 2015
KCC/17 Statement regarding the Regulation 22 Summary update	20 March 2015
KCC/16 Kent MWLP Sustainability Appraisal Scoping Report Final (March 2010)	10 March 2015
KCC/15 Kent MWLP Sustainability Appraisal Scoping Report Consultation Paper (August 2009)	10 March 2015
KCC/14 Kent MWLP 2013-30 Sustainability Appraisal Addendum (February 2015)	10 March 2015
KCC/13 Letter from SEEAWP re Second Local Aggregate Assessment for Kent and KCC Cover Letter	6 March 2015
KCC/12 Ancillary Evidence Base List: Kent MWLP 2013-30 footnotes schedule	27 February 2015
KCC/11 Regulation 24 notice: Independent Examination	18 February 2015
KCC/10 Rev1 Revised 10 <sup>th</sup> Annual Kent Minerals and Waste Monitoring Report 2013/14 – amended brick clay permission status	2 April 2014
KCC/10 10 <sup>th</sup> Annual Kent Minerals and Waste Monitoring Report 2013/14	17 February 2015
KCC/9 Responses to Main Issues Raised in Reg 20 Representations	26 January 2015
KCC/8 Rev2 Policy CSM2 Proposed Main Modification and Explanatory Text – amended post May hearing	9 June 2015
KCC/8 Rev2 Policy CSM2 Proposed Main Modification and Explanatory Text – amended post April hearing	12 May 2015
KCC/8 Policy CSM2 Proposed Main Modification and Explanatory Text	23 January 2015
KCC/7 Rev1 Revised Draft Second Local Aggregate Assessment to reflect AMR 2013/14 figures	18 February 2015
KCC/7 The Second Local Aggregate Assessment for Kent	23 January 2015
KCC/6 Response to Inspector’s Note ID-5 – Kent DtC London Exports Paper	19 January 2015
KCC/5 Notes on status of Inspectors Requests	16 January 2015
KCC/4 Duty to Co-operate	November 2014
KCC/3 Regulation 22. (3)(a)(iv) Submission Statement and Availability of Documents	December 2014
KCC/2 Response to Inspector’s note ID/3 – Conformity with the Planning Practice Guidance on Waste	16 December 2014
KCC/1 Response to Inspector’s note ID/1	11 November 2014

### **Representor’s Post Submission Documents**

<b>Reference/Title</b>	<b>Date</b>
<b>Matter 1: Duty to Co-operate</b>	
Rep 018 & Rep 020 EH Nicholls Ltd & G H Dean Co Ltd – Joint Submission	27 March 2015
Rep 147 The Brett Group	30 March 2015
Rep 178 Persimmon Homes SE	30 March 2015
Rep 176 Swale Borough Council – A representation requested by the Inspector	9 April 2015
<b>Matter 2: Legal Compliance</b>	
Rep 147 The Brett Group	30 March 2015
Rep 162 Friends of the Earth – requested by the Inspector	13 April 2015
<b>Matter 3: Issues of General Applicability</b>	
Rep 011 S W Attwood & Partners	30 March 2015
Rep 147 The Brett Group	30 March 2015
Rep 136 Kent Downs AONB	30 March 2015
<b>Matter 4: Sustainability</b>	
Rep 124 Southern Water	30 March 2015
Rep 147 The Brett Group	30 March 2015
<b>Matter 5: Minerals</b>	
Rep 127 H+H Ltd – Minerals QM1 submission	27 March 2015
Rep 127 H+H Ltd – Industrial Minerals QIM1, IM2, IM3 submission	27 March 2015

Rep 127 H+H Ltd – Spatial Strategy QMSS1, MSS2, MSS3, MSS4 submission	27 March 2015
Rep 011 S W Attwood & Partners	30 March 2015
Rep 147 The Brett Group	30 March 2015
Rep 178 Persimmon Homes SE	30 March 2015
Rep 113 Mrs Jane Reynolds	30 March 2015
Rep 113/1 Mrs Jane Reynolds – Photographs and Map of Shrine Farm	15 April 2015
Rep 199 Aylesford Heritage Ltd	20 March 2015
Rep 136 Kent Downs AONB	30 March 2015
Rep 162 Friends of the Earth	30 March 2015
Rep 162/1 Friends of the Earth Supplementary Statement	15 April 2015
Rep 162/2 Friends of the Earth – Response to KCC/37 as requested by Inspector	21 May 2015
<b>Matter 6: Waste Management</b>	
Rep 198 Ms Caroline Morgan	28 March 2015
Rep 200 Dr B Temple-Pediani	30 March 2015
Rep 011 S W Attwood & Partners	30 March 2015
<b>Matter 7: Safeguarding</b>	
Rep 176 Swale Borough Council	
Rep 066 Trenport Investments Ltd	27 March 2015
Rep 018 & Rep 020 E H Nicholls Ltd & G H Dean Co Ltd – Joint submission	27 March 2015
Rep 035 Mrs C Hardy OBE	27 March 2015
Rep 147 The Brett Group	30 March 2015
Rep 178 Persimmon Homes SE	30 March 2015
Rep 199 Aylesford Heritage Ltd	30 March 2015
<b>Matter 8: Development Management Policies</b>	
Rep 147 The Brett Group	30 March 2015
<b>Statements of Common Ground</b>	
SOCG/03 SW Attwood	13 April 2015
SOCG/02 Aylesford Heritage Ltd	13 April 2015
SOCG/01 Port of London Authority	13 April 2015
<b>Statements of Uncommon Ground</b>	
SOUCG/1 Kent County Council & Aylesford Heritage Ltd – Silica Sand Reserves	14 April 2015

### **Submission Documents**

<b>Reference/Title</b>	<b>Date</b>
KCC/MWLP/CS/001 Kent Minerals and Waste Local Plan 2013-30 Submission Document	July 2014
KCC/MWLP/CS/002 Sustainability Appraisal	July 2014
KCC/MWLP/CS/003 Sustainability Appraisal and Non-technical Summary	July 2014
KCC/MWLP/CS/004 Habitat Regulations Assessment	July 2014
KCC/MWLP/CS/005 Kent Minerals and Waste Development Scheme	July 2014
KCC/MWLP/CS/006 TRM1: Construction Aggregate Assessment and Need	July 2014
KCC/MWLP/CS/007 Statement of Representations Procedure	July 2014
KCC/MWLP/CS/008 Representations Guidance	July 2014
KCC/MWLP/CS/009 Representations Form	July 2014
KCC/MWLP/CS/067 Rev 1 Revised Summary of Main Issues to include omitted and late representations	March 2015
KCC/MWLP/CS/067 Regulation 22. (c) v Kent MWLP Submission Consultation – Summary of Main Issues	November 2014
Regulation 22. (c) iii How those Bodies and Persons were invited to make Representations under Regulation 18 Kent MWLP 2013-30 Submission Consultation	November 2014
Regulation 22. (c) I persons and bodies invited to make representations	November 2014

## **Strategic and Kent-wide Documents**

<b>Reference/Title</b>	<b>Date</b>
KCC/MWLP/CS/011 Kent County Council Equality Analysis/Impact Assessment	June 2014
KCC/MWLP/CS/012 Strategic Flood Risk Assessment	September 2013
KCC/MWLP/CS/013 Strategic Transport Assessment	September 2013
KCC/MWLP/CS/014 Strategic Landscape Assessment	September 2013
KCC/MWLP/CS/015 Climate Change and the Kent Minerals and Waste Local Plan	September 2013
KCC/MWLP/CS/016 Spatial Overview of Kent	May 2011
KCC/MWLP/CS/017 District Local Development Frameworks and Sustainable Community Strategies	May 2011
KCC/MWLP/CS/018 Statement of Community Involvement	January 2011
KCC/MWLP/CS/018a Statement of Community Involvement Addendum	January 2014
KCC/MWLP/CS/018b Statement of Community Involvement Addendum	April 2013
KCC/MWLP/CS/019 Minerals and Waste Annual Monitoring Report – April 2012 to March 2013	December 2013

## **Minerals Evidence Documents**

<b>Reference/Title</b>	<b>Date</b>
KCC/MWLP/CS/069 Kent Structure Plan 1975	28 April 2016
KCC/MWLP/CS/068 KCC (1993) Minerals Subject Plan Construction Aggregates	11 April 2016
KCC/MWLP/CS/020 Interchangeability of Construction Aggregates	September 2013
KCC/MWLP/CS/021 Commentary Report on the Kent Minerals Safeguarding Consultation	September 2013
KCC/MWLP/CS/022 MTR4: Minerals Safeguarding	February 2013
KCC/MWLP/CS/023 Kent's First Local Aggregate Assessment	December 2012
KCC/MWLP/CS/024 MTR3: Other Minerals	May 2012
KCC/MWLP/CS/025 TRM9: Mineral Site Assessment Process	May 2012
KCC/MWLP/CS/026 TRM7 Kent and Medway Mineral Imports Study	May 2012
KCC/MWLP/CS/027 TRM9 Secondary and Recycled Aggregates	May 2011
KCC/MWLP/CS/028 Study of silica sand quality and end uses in Surrey and Kent	March 2010

## **Waste Evidence Documents**

<b>Reference/Title</b>	<b>Date</b>
KCC/MWLP/CS/029 TRW6: Radioactive Waste	January 2013
KCC/MWLP/CS/030 TRW1: Municipal Solid Waste	May 2012
KCC/MWLP/CS/031 TRW6: Assessment of Need for Energy from Waste for Non-Hazardous Waste	May 2012
KCC/MWLP/CS/032 TRW9: Waste Sites Assessment Process	May 2012
KCC/MWLP/CS/033 Waste Needs Assessment: 2012 addendum to the Needs Assessment Modelling Technical Report 11	January 2012
KCC/MWLP/CS/034 TRW2: Commercial and Industrial Waste	May 2011
KCC/MWLP/CS/035 TRW4: Construction, Demolition and Excavation Waste	May 2011
KCC/MWLP/CS/036 TRW5: Hazardous Waste	May 2011
KCC/MWLP/CS/037 TRW7: Wastewater	May 2011
KCC/MWLP/CS/038 TRW11: Waste management and employment land	May 2011
KCC/MWLP/CS/039 Waste Needs Assessment	May 2010

### **Kent MWLP 2013-30 Pre-Submission Consultation (31<sup>st</sup> January – 18<sup>th</sup> March 2014)**

<b>Reference/Title</b>	<b>Date</b>
KCC/MWLP/CS/040 Kent Minerals and Waste Local Plan 2013-30 Pre-submission Consultation Draft	January 2014
KCC/MWLP/CS/041 Sustainability Appraisal	September 2013
KCC/MWLP/CS/042 Habitat Regulations Assessment	September 2013
KCC/MWLP/CS/043 Commentary Report of the MWLP Pre-submission consultation	June 2014
KCC/MWLP/CS/066 Regulation 22. (c) iii Kent MWLP Pre-Submission Consultation – Summary of Main Issues	November 2014

### **Kent MWLP 2013-30 Strategy and Policy Directions Consultation (9<sup>th</sup> May – 31<sup>st</sup> August 2011)**

<b>Reference/Title</b>	<b>Date</b>
KCC/MWLP/CS/044 Core Strategy – Strategy and Policy Directions Consultation	May 2011
KCC/MWLP/CS/045 Sustainability Commentary	May 2011
KCC/MWLP/CS/046 Habitats Regulations Assessment	May 2011
KCC/MWLP/CS/047 Commentary Report on the Strategy and Policy Directions Consultation	October 2011

### **Kent MWLP 2013-30 Issues Consultation (24<sup>th</sup> September – 19<sup>th</sup> November 2010)**

<b>Reference/Title</b>	<b>Date</b>
KCC/MWLP/CS/048 Core Strategy – Issues Consultation	September 2010
KCC/MWLP/CS/049 Sustainability Appraisal Commentary	September 2010
KCC/MWLP/CS/050 Habitats Regulations Assessment Screening	September 2010
KCC/MWLP/CS/051 Commentary Report on the Issues consultation	December 2010

### **Kent Minerals and Waste Sites Plans – Preferred Options Consultations (28<sup>th</sup> May to 23<sup>rd</sup> July 2012)**

<b>Reference/Title</b>	<b>Date</b>
KCC/MWLP/CS/053 Mineral Sites Plan – Preferred Options Consultation	May 2012
KCC/MWLP/CS/054 Waste Sites Plan – Preferred Options Consultation	May 2012
KCC/MWLP/CS/055 Interim Sustainability Appraisal Report	May 2012
KCC/MWLP/CS/056 Habitat Regulations Assessment – Preferred Sites Screening	May 2012
KCC/MWLP/CS/057 Commentary Report on the Minerals Sites Plan – Preferred Options	October 2012
KCC/MWLP/CS/058 Commentary Report on the Waste Sites Plan – Preferred Options	October 2012

### **Kent Minerals and Waste Sites Plans – Options Consultations (31<sup>st</sup> May to 9<sup>th</sup> August 2011)**

<b>Reference/Title</b>	<b>Date</b>
KCC/MWLP/CS/059 Mineral Sited Plan – Options Consultation	May 2011
KCC/MWLP/CS/060 Waste Sites Plan – Options Consultation	May 2011
KCC/MWLP/CS/061 Minerals and Waste – Supplementary Options Consultation	October 2011
KCC/MWLP/CS/062 Sustainability Appraisal	May 2011
KCC/MWLP/CS/063 Commentary Report on the Minerals Sites Plan – Options Consultation	Revised Sept 2012
KCC/MWLP/CS/064 Commentary Report on the Waste Sites Plan – Options Consultation	Revised Sept 2012
KCC/MWLP/CS/065 Commentary Report on the Supplementary Minerals and Waste Site Options Consultation	Revised Sept 2012

## References within the Plan

These are all of the documents which are referred to in the Plan but are not available on the examination library. They can be viewed by following their respective web links.

The Town and Country Planning (Local Development) (England) Regulations 2004 <a href="http://www.legislation.gov.uk/uksi/2004/2204/pdfs/uksi_20042204_en.pdf">http://www.legislation.gov.uk/uksi/2004/2204/pdfs/uksi_20042204_en.pdf</a>
The Town and Country Planning (Local Development) (England) (Amendment) Regulations 2008 <a href="http://www.legislation.gov.uk/uksi/2008/1371/pdfs/uksi_20081371_en.pdf">http://www.legislation.gov.uk/uksi/2008/1371/pdfs/uksi_20081371_en.pdf</a>
The Town and Country Planning (Local Planning) (England) Regulations 2012 <a href="http://www.legislation.gov.uk/uksi/2012/767/pdfs/uksi_20120767_en.pdf">http://www.legislation.gov.uk/uksi/2012/767/pdfs/uksi_20120767_en.pdf</a>
The Localism Act (2011) <a href="http://www.legislation.gov.uk/ukpga/2011/20/pdfs/ukpga_20110020_en.pdf">http://www.legislation.gov.uk/ukpga/2011/20/pdfs/ukpga_20110020_en.pdf</a>
Environmental Assessment of Plans and Programmes Regulations 2004 <a href="http://www.legislation.gov.uk/uksi/2004/1633/pdfs/uksi_20041633_en.pdf">http://www.legislation.gov.uk/uksi/2004/1633/pdfs/uksi_20041633_en.pdf</a>
Department for Communities and Local Government (DCLG) (March 2012) National Planning Policy Framework <a href="https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf">https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf</a>
DCLG (October 2014) National Planning Policy for Waste <a href="https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/364759/141015_National_Planning_Policy_for_Waste.pdf">https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/364759/141015_National_Planning_Policy_for_Waste.pdf</a>
DEFRA (December 2013) Waste Management Plan for England <a href="https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/265810/pb14100-waste-management-plan-20131213.pdf">https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/265810/pb14100-waste-management-plan-20131213.pdf</a>
Statutory Instruments 2013 No. 427: The Regional Strategy for the South East (Partial Revocation) Order 2013 <a href="http://www.legislation.gov.uk/uksi/2013/427/pdfs/uksi_20130427_en.pdf">http://www.legislation.gov.uk/uksi/2013/427/pdfs/uksi_20130427_en.pdf</a>
Environment Agency (December 2009) Thames River Basin Management Plan (RBMP) and the South East RBMP <a href="https://www.gov.uk/government/publications/thames-river-basin-management-plan">https://www.gov.uk/government/publications/thames-river-basin-management-plan</a>
DCLG (December 2012) Guidance for local planning authorities on implementing planning requirements of the EU Waste Framework Directive (2008/98/EC) <a href="https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/37011/Guidance_for_local_authorities_on_implementing_planning_requirements_of_the_European_Union_Waste_Framework_Directive_2008-98-EC_.pdf">https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/37011/Guidance_for_local_authorities_on_implementing_planning_requirements_of_the_European_Union_Waste_Framework_Directive_2008-98-EC_.pdf</a>
DCLG (Revised March 2014) Planning Practice Guidance: Minerals <a href="http://planningguidance.communities.gov.uk/blog/guidance/minerals/">http://planningguidance.communities.gov.uk/blog/guidance/minerals/</a>
The Conservation of Habitats & Species Regulations 2010 <a href="http://www.legislation.gov.uk/uksi/2010/490/pdfs/uksi_20100490_en.pdf">http://www.legislation.gov.uk/uksi/2010/490/pdfs/uksi_20100490_en.pdf</a>
KCC (2012) Business Intelligence Statistical Bulletin, Interim 2011 – Based Sub National Population Projections for Kent <a href="https://shareweb.kent.gov.uk/Documents/facts-and-figures/Population-and-Census/2011-snpp-kent-bulletin.pdf">https://shareweb.kent.gov.uk/Documents/facts-and-figures/Population-and-Census/2011-snpp-kent-bulletin.pdf</a>
South East Local Enterprise Strategic Economic Plan <a href="http://www.southeastlep.com/images/uploads/resources/SECTION_2_South_East_LEP_-_Growth_Deal_and_Strategic_Economic_Plan_WEB-2.pdf">http://www.southeastlep.com/images/uploads/resources/SECTION_2_South_East_LEP_-_Growth_Deal_and_Strategic_Economic_Plan_WEB-2.pdf</a>
DCLG (2000) Countryside and Rights of Way Act 2000 <a href="http://www.legislation.gov.uk/ukpga/2000/37/pdfs/ukpga_20000037_en.pdf">http://www.legislation.gov.uk/ukpga/2000/37/pdfs/ukpga_20000037_en.pdf</a>
Kent Biodiversity Action Plan Steering Group (1997) The Kent Biodiversity Action Plan <a href="http://www.kentbap.org.uk/images/uploads/kbapfull.pdf">http://www.kentbap.org.uk/images/uploads/kbapfull.pdf</a>
KCC (2007) Joint Municipal Waste Management Strategy <a href="http://www.kent.gov.uk/_data/assets/pdf_file/0014/10085/kentjointmunicipalwastemanagementstrategy1.pdf">http://www.kent.gov.uk/_data/assets/pdf_file/0014/10085/kentjointmunicipalwastemanagementstrategy1.pdf</a>
National Infrastructure Plan (December 2014) HM Treasury <a href="https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/381884/2902895_NationalInfrastructurePlan2014_acc.pdf">https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/381884/2902895_NationalInfrastructurePlan2014_acc.pdf</a>
KCC (December 2011) Kent Minerals and Waste Local Plan: Kent's 8 <sup>th</sup> Annual Mineral and Waste Monitoring Report – 1 <sup>st</sup> April <a href="https://shareweb.kent.gov.uk/Documents/environment-and-planning/planning-and-land-use/annual-monitoring-reports/amr-220113.pdf">https://shareweb.kent.gov.uk/Documents/environment-and-planning/planning-and-land-use/annual-monitoring-reports/amr-220113.pdf</a>



<p>KCC (January 2013) Kent County Council &amp; District Authorities Commercial Information Audit Summary Report for 2011/2012  <a href="http://www.kent.gov.uk/_data/assets/pdf_file/0019/7552/Kent-Commercial-Information-Audit-summary.pdf">http://www.kent.gov.uk/_data/assets/pdf_file/0019/7552/Kent-Commercial-Information-Audit-summary.pdf</a></p>
<p>Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives  <a href="http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32008L0098">http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32008L0098</a></p>
<p>Defra, BERR and the Devolved Administrations for Wales and Northern Ireland (June 2008) Managing Radioactive Waste Safely: A framework for Implementing Geological Disposal. HLW is largely a by-product from the reprocessing of spent fuel.  <a href="https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/228903/7386.pdf">https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/228903/7386.pdf</a></p>
<p>DECC, the Welsh Government, DOE and the Scottish Government (12 March 2012). Strategy for the management of solid low level radioactive waste from the non-nuclear industry in the UK. Part 1 – Anthropogenic radionuclide.  <a href="https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/48291/4616-strategy-low-level-radioactive-waste.pdf">https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/48291/4616-strategy-low-level-radioactive-waste.pdf</a></p>
<p>NIEA, SEPA and EA. (September 2011) The Radioactive Substances Act 1993. The Environmental Permitting (England and Wales) (Amendment) Regulations 2011. VLLW Guidance Version 1.0.  <a href="https://www.sepa.org.uk/media/101298/very_low_level_radioactive_waste.pdf">https://www.sepa.org.uk/media/101298/very_low_level_radioactive_waste.pdf</a></p>
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**Appendix 3 – The Inspector’s Report on the Kent Minerals and Waste Local Plan 2013-30**

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# Report to Kent County Council

by **Jonathan G King** BA(Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Date

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PLANNING AND COMPULSORY PURCHASE ACT 2004 (AS AMENDED)

SECTION 20

**REPORT ON THE EXAMINATION INTO  
THE KENT MINERALS AND WASTE LOCAL PLAN 2013-2030**

Document submitted for examination on 3<sup>rd</sup> November 2014

Examination hearings held between 14<sup>th</sup> - 23<sup>rd</sup> April and 26<sup>th</sup> – 28<sup>th</sup> May 2015

File Ref: PINS/W2275/429/8

## Abbreviations Used in this Report

AM	Additional Modification
AONB	Area of Outstanding Natural Beauty
C&D	Construction and Demolition (Waste)
CD&E	Construction, Demolition and Excavation (Waste)
CHP	Combined Heat and Power
C&I	Commercial and Industrial (Waste)
DM	Development Management
DPD	Development Plan Document
DtC	Duty to Co-operate
EA	Environment Agency
EfW	Energy from Waste
FM	Further Modification
HWRC	Household Waste Recycling Centre
JMWMS	Joint Municipal Waste Management Strategy
KCC	Kent County Council
KMWLP	Kent Minerals & Waste Local Plan
LAA	Local Aggregate Assessment
LDS	Local Development Scheme
m	Metres
MCA	Mineral Consultation Area
MDA	Marine Dredged Aggregates
MM	Main Modification (followed by reference)
MPA	Mineral Planning Authority
MSA	Mineral Safeguarding Area
MSEGPA	Mineral Safeguarding in England good practice advice
MSP	Minerals Sites Plan
MSW	Municipal Solid Waste
MWA	Marine Won Aggregate
mt	Million tonnes
(m)tpa	(Million) tonnes per annum
NPPF	National Planning Policy Framework 2012
NPPW	National Planning Policy for Waste
PFA	Pulverised Fuel Ash
PPG	Planning Policy Guidance
PPS	Planning Policy Statement
SA	Sustainability Appraisal
SCI	Statement of Community Involvement
SEEAWP	South East England Aggregate Working Party
SPD	Supplementary Planning Document
SPZ	Source Protection Zone
WPA	Waste Planning Authority
WSP	Waste Sites Plan

## Non-Technical Summary

This report concludes that the Kent Minerals and Waste Local Plan provides an appropriate basis for the planning of minerals and waste in the county providing a number of modifications are made to the Plan. The Kent County Council has specifically requested me to recommend any modifications necessary to enable the Plan to be adopted.

All of the modifications to address this were proposed by the Council but where necessary I have amended detailed wording and/or added consequential modifications; and I have recommended their inclusion after considering the representations from other parties on these issues.

The Main Modifications I recommend cover a large proportion of the subject matter of the Plan, but the principal ones may be summarised as follows:

- Revising the approach to the supply of land-won minerals and secondary and recycled aggregates in order to ensure a steady and adequate supply.
- Removing the requirement for all minerals development on non-allocated sites to demonstrate overriding benefits.
- Placing silica sand within the ambit of the policy for the supply of land-won minerals rather than that relating to non-identified land-won minerals sites.
- Revising the suite of policies relating to the safeguarding of land and facilities for minerals and waste development.
- Revising the policy relating to oil, gas and coal bed methane to address hydraulic fracturing and to reflect the planning requirements of section 50 of the Infrastructure Act 2015 & section 4A of the Petroleum Act 1998.
- Placing greater emphasis on waste recovery instead of energy from waste.
- Making policy for the Green Belt and the AONB consistent with the NPPF.
- Revising the monitoring framework for the Plan.

## Introduction

1. This report contains my assessment of the Kent Minerals and Waste Local Plan (KMWLP) in terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004 (as amended) ("the Plan"). It considers first whether the Plan's preparation has complied with the duty to co-operate, in recognition that there is no scope to remedy any failure in this regard. It then considers whether the Plan is sound and whether it is compliant with the legal requirements. The National Planning Policy Framework (NPPF) (para 182) makes clear that to be sound, a Local Plan should be positively prepared; justified; effective and consistent with national policy.
2. The starting point for the examination is the assumption that the local authority has submitted what it considers to be a sound plan. The basis for my examination is the submitted draft Plan (July 2014) which is a revised version of that published for consultation in January 2014.
3. In accordance with section 20(7C) of the 2004 Act the Council requested that I should make any modifications needed to rectify matters that make the Plan unsound and thus incapable of being adopted. Following the Hearings the Council prepared a schedule of proposed Main Modifications (MM) and this schedule was subject to public consultation for 8 weeks (17th August to 12th October 2015). Having regard to the consultation responses and following correspondence with me, the Council prepared a schedule of Further Modifications, which also included some amendments to the original schedule. These too were subject to public consultation for a further 8 weeks between 8th January to 4th March 2016.
4. My report deals with these MMs (in some cases amended by Further Modifications) that are needed to make the Plan sound and legally compliant and they are identified in bold with the prefixes **MM** or **MMAC** (relating to Appendix C to the Plan) & **FM**. They all relate to matters that were discussed at the Examination Hearings and are set out in the Appendices to this report. They have been subject to sustainability appraisal (SA).
5. In the light of representations, I have made some amendments to the detailed wording of the Modifications where these are necessary for consistency or clarity or to correct errors. None significantly alters the content of the Modifications as published for consultation or undermines the participatory processes and SA that has been undertaken.
6. The Council has also put forward a number of minor amendments and corrections, described as Additional Modifications (AM), that do not address matters of soundness. I make no formal recommendations concerning these, but I am content for the Council to incorporate them into the adopted Plan. The Main Modifications do not include footnotes or modifications to footnotes, of which there have been

many. In the interests of simplicity, I regard these as Additional Modifications.

## Assessment of Duty to Co-operate

### Main Issue

*In the preparation of the Plan, has the Council complied with the legal Duty to Co-operate and engaged constructively, actively and on an ongoing basis with other local authorities and any prescribed person?*

7. Section 20(5)(c) of the 2004 Act requires that I consider whether the Council complied with any duty (the Duty to Co-operate, or DtC) imposed on them by section 33A of the 2004 Act in relation to the Plan's preparation.
8. First, the importance to the Examination of the DtC lies not simply in the intrinsic value that co-operation brings to the plan-making process but, if I were to find that the Duty has not been fulfilled, there is no means whereby the failure can be rectified. Irrespective of all other matters, unless the Council withdrew the Plan, I would have to recommend non-adoption.
9. Second, the co-operation to which the DtC relates is prescribed – it applies only to certain formal bodies; and is not a general duty. Thus, there is no duty to co-operate with members of the public or potential developers, though consultation on the Plan is of course required under other provisions of the Law.
10. Next, in order to maximise the effectiveness with which plans are prepared, the DtC requires that engagement between the plan-making authority and the prescribed bodies should be carried out constructively, actively, and on an on-going basis. These are the principal tests that I have to apply. The NPPF and the more recent Planning Practice Guidance provide some assistance. However, there is no prescribed procedure for carrying out the Duty.
11. It should be emphasised that the DtC is not a duty to agree. Consequently, it is quite possible for it to be complied with, but for there to be outstanding disputes between the Council and prescribed bodies. But those matters appear to me not to lie with the Duty but with the content of the Plan, which is addressed elsewhere in this report. Those disputes may go to the soundness of the Plan, but an unresolved dispute is not evidence of a failure in the Duty to Co-operate.
12. I note that although some reference has been made to the DtC in representations made to the submitted Plan, none actually claimed that it had not been complied with. In response to my Matters & Issues, some representors who are not prescribed for the purposes of the Duty suggested that Kent had failed to comply, but this was not

supported by any prescribed body. Importantly, no local authority made a representation concerning the Duty.

13. At the time of submission, Kent did not submit any evidence concerning the DtC. That was an omission, not least in view of its importance to the success of the Examination. However, following a request from me, a statement on the subject was submitted, together with related evidence. Given that I had received no representations claiming a failure in the Duty; and on the basis of the Statement, I proceeded to the Hearings.
14. Co-operation during the period of plan preparation, comprising the stages of Issues (2010-11); Preferred Options (2011-12); and Pre-submission (2013-14) took the form of workshops, focus group meetings and stakeholder events, attended by local planning authorities within Kent together with other stakeholders, including those from the minerals and waste industries, government, community and environmental groups. Some were general in character and others addressed particular issues or topics, such as safeguarding. At the same time, periodic consultation exercises were carried out. Other fora where the emerging Plan was discussed included the Kent Planning Officers' Group Planning Policy Forum. Engagement has continued post submission, with Kent proposing modifications to the Plan in order to overcome outstanding representations from District Councils and others.
15. In addition to the formal consultation process, Kent maintained individual engagement through meetings and correspondence with mineral planning authorities (MPA) and waste planning authorities (WPA) within and neighbouring Kent, together with some close by including the London Borough of Bexley, the London Borough of Bromley, East Sussex CC, Essex CC, the Greater London Waste Authorities; Hampshire CC, the Mayor of London, Medway Council, Surrey CC, and West Sussex CC. A formal Statement of Common Ground was agreed with Essex CC in 2013, specifically in the context of the Duty, though it is disappointing that this has not led to the periodic meetings that were envisaged. Joint studies were carried out with Medway Council on the capacity of aggregate wharfs, and with Surrey CC regarding silica sand.
16. 55 other Waste Planning Authorities (WPA) throughout England and Wales, including London Boroughs, the association of Greater Manchester Authorities and the Merseyside Environmental Advisory Group, were contacted where it was identified that they received significant waste exported from Kent. Information was sought and the opportunity provided to join the stakeholder database. Similarly, Mineral Planning Authorities (MPA) were contacted where it was known that they supplied mineral to Kent.
17. On an ongoing basis, Kent officers attend the South East Aggregate Working Party (SEEAWP) and the South East Waste Planning Advisory Group (SEWPAG). The former has provided a commentary on KCC's



draft Local Aggregates Assessment. The latter is principally a discussion forum but has led to the signing of a Memorandum of Understanding between 19 WPAs including Kent intended to ensure that planned provision for waste management in the South East of England is co-ordinated, so far as possible, whilst recognising that provision by the waste industry is based on commercial considerations; and to ensure that the approach to waste planning throughout the South East is consistent between authorities.

18. The County Council also engaged with the Nuclear Legacy Advisory Forum (NuLeAF) Steering Group and Radioactive Waste Planning Group, and partook in the "South-East 7" a partnership of 7 Waste Disposal Authorities. Contact was made with a wide variety of statutory bodies and other relevant stakeholders, including the Environment Agency (EA), the Mayor of London, Natural England, the Campaign to Protect Rural England, the Kent Downs and the High Weald AONB Units, the Kent Waste Partnership, the Nuclear Decommissioning Authority, the Port of London Authority and several others. Some of this engagement addressed matters relating specifically to the production of the Plan, and others informed the preparation more generally
19. Overall, and having regard to the absence of adverse representations from any prescribed body, I am satisfied that KCC complied with the Duty to Co-operate.

## **Assessment of Soundness**

20. With the exception of 5 "saved" policies which are intended to be retained until new Minerals and Waste Sites Plans are adopted, the KMWLP is intended to replace all of the existing adopted minerals and waste Plans for Kent: Brickearth (1986); Construction Aggregates (1993); Chalk and Clay (1997); Oil and Gas (1997); and the Waste Local Plan (1998).
21. The 5 saved policies are set out in Appendix B of the Plan. They identify land where it would be considered acceptable in principle for development as mineral or waste sites. They are to be deleted on adoption of the Minerals and Waste Sites Plans.
22. Since the adopted Plans were written, the Regional Spatial Strategy for the South East (the South East Plan) has been revoked, the National Planning Policy Framework (NPPF) and the National Planning Policy for Waste (NPPW) have also been published, and so has the National Planning Practice Guidance, replacing the former suite of Planning Policy Statements (PPS), and Minerals Policy Guidance (MPG) together with other policy documents. Amongst other things, the publication of the KMWLP has provided the opportunity for the development plan to be updated to take account of these changes.

## **Main Issues**

23. Taking account of all the representations, written evidence and the discussions that took place at the examination hearings I have identified a number of main issues upon which the soundness of the Plan depends. These are related to the Matters and Issues I identified at the outset of the Examination.

## **MINERALS**

### ***Main Issue:***

*Is the strategy for minerals provision levels soundly based? Is it the most appropriate when considered against the reasonable alternatives? Does it provide a clear and appropriate framework for the identification of site allocations and for development management?*

## **VISION & OBJECTIVES**

24. The Plan sets out a spatial vision insofar as it relates to both minerals and waste and then separate statements with respect to each. Here I consider the common elements and those relating to minerals.
25. So far as the vision for minerals is concerned, the Council recognises that in view of the lack of sufficient sharp sand and gravel resources in the county, it is unrealistic and misleading to state (in point 5) that planning will deliver a sustainable, steady and adequate supply of land won-minerals. It would also be inconsistent with Policy CSM 2 as proposed to be modified (see below). A modification [**MM3/3**] to the effect that planning will seek (my emphasis) to deliver such a supply is necessary to overcome this failing.
26. Point 7 as submitted is concerned with safeguarding, but fails to reflect the full requirements of the NPPF and is consequently unsound. Modification **MM3/1** adds reference to planned and potential mineral transportation and processing infrastructure (including wharves, rail depots and production facilities), thereby bringing it into compliance with the Framework.
27. Point 8 is concerned with restoration of minerals sites to promote biodiversity and recreation uses that will deliver benefits to Kent communities; and requires schemes to contribute to the provision of Biodiversity Action Plan habitats integrating habitat creation within wider habitat networks. This approach is too restrictive in that it does not reflect all 3 strands of sustainability and does not recognise the benefits that quality restoration can bring to areas other than with respect to biodiversity and recreation. While restoration for those purposes is a laudable aim in line with the objectives of the NPPF, it may not always be possible to achieve, and may unreasonably limit the scope for afteruse. For example, the Framework also refers to restoration for agriculture, geodiversity, native woodland and the historic environment. In addition, there is no reason in principle why restoration should not provide the

opportunity for other afteruses that will deliver benefits to Kent communities. That could, subject to being consistent with other policies, include built development. In my view it is not appropriate for the Vision to be prescriptive about the range of desirable afteruses.

28. Modification **FM1** introduces a simpler wording to Vision point 8 that is both in line with the NPPF and allows greater flexibility within the bounds of sustainability: to restore minerals sites to a high standard that will deliver sustainable benefits to Kent communities. The Council's intentions to promote biodiversity and landscape enhancement fall within this general approach and the revised wording is complementary to Policy DM19 *Restoration, Aftercare and After-use*. The modification does not positively promote built development, but neither does it rule it out, provided that it delivers sustainable benefits. Below I consider the related objectives, which provide the opportunity to make more detailed reference to landscape and biodiversity within this broad context.
29. The strategic objectives of the Plan broadly follow on from the Vision, but in practice add little other than some detail and reasoning.
30. The second general strategic objective relates to minimisation and adaptation to the effects of climate change. Even though broadly consistent, it does not fully reflect the NPPF and is thereby unsound. Modification **MM4/1C** inserts additional text that quotes from the Framework, thereby rectifying the omission.
31. Modifications **MM4/3** & **MM4/1** bring Objectives 5 and 7 to make them consistent with points 5 and 7 of the Vision. **FM2** substitutes a revised form of words to Objective 9 in order to reflect FM1.

## **AGGREGATES**

32. The NPPF looks to Mineral Planning Authorities to plan for a steady and adequate supply of aggregates and industrial minerals.
33. The supply of land-won minerals is addressed in Policy CSM2. However that simply states that mineral working will be granted permission at sites identified in the Minerals Sites Plan (MSP) - which has yet to be prepared – and that “sufficient” sites will be identified in that plan in order to maintain landbanks of various lengths depending on the mineral. Neither in the policy nor in the supporting text are any quantities of any of the minerals set out; and consequently no guidance in that regard is provided for the Sites Plan. In short, there is no basis for determining what quantities should be regarded as “sufficient”, or, in NPPF terms “adequate”. I consider this approach inconsistent with national policy and fundamentally unsound. This is accepted by KCC. Modifications substantially revising both Policy CSM 2 [**MM5/7**] and its supporting text [**MM5/1**] rectify the omissions and errors.

34. I consider the requirement for, and provision of individual minerals in turn, as follows.

*Aggregates requirement*

35. The quantity of sharp sand and gravel and soft sand required in the Plan period has been estimated on the basis of the average of 10 years sales (2004-2013). This is consistent with the approach set in the NPPF, which says that an annual Local Aggregate Assessment (LAA) shall be prepared based on a rolling average of 10 years sales data and other relevant local information. The period covers the latest 10 years for which data is available, which included periods of both economic growth and depression.
36. The draft 2015 LAA also considers other local information, principally an assessment of the quantity of aggregate that may be required for housing construction, education infrastructure, major projects, and highways infrastructure and maintenance over the Plan period. The local circumstances modelled demand is significantly lower than the 10-year average sales data. The Council explains the disparity by assuming that the data available has not captured the use of aggregates by small to medium construction firms and the general community sourced from retail and trade outlets. Whatever the reason, taking account of the available local information does not suggest that the 10-year average is unreasonably low. I consider it a reasonable basis for planning future provision.
37. Owing to the fact that crushed rock is provided by few quarries, with consequent implications for commercial confidentiality, the estimated requirement for crushed rock has not been based on past sales, but on the figure recommended in the "Early Partial Review" of the former Regional Strategy. This has generally been considered acceptable by representors and I am content to proceed on that basis.

*Sharp sand & gravel provision*

38. The average annual supply of sharp sand and gravel (measured over 10 years) is 0.78mtpa. The permitted reserves of sharp sand and gravel at the end of 2013, taken together with the potential resources in identified suitable sites that may be included in the MSP amounts to just over 10mt. This is insufficient to meet the estimated total requirement of 13.26mt over the Plan period and, because the number of quarries operating will reduce as time goes on, the ability to meet the annual requirement will progressively decline. Before the end of the Plan period it is likely that no sharp sand and gravel will be produced and there will be no opportunity to maintain a 7-year landbank (5.46mt) as envisaged by the NPPF. That is unavoidable. The intention is that the shortfall and future provision will be made up from other sources, principally recycled and secondary aggregates, marine-dredged aggregate, and imported mineral.

39. The commitment to maintain a 7-year landbank while resources allow does not mean that permission will be given for extraction from unsuitable sites. All applications would be explicitly subject to Policy CSM 4 *Non-identified land won minerals sites* and to all other policies of the Plan intended to protect the environment and amenity.
40. The table of mineral reserves requires modification in order to ensure consistency with the figure for sharp sand in the LAA [**MMAC/1**].

*Soft sand provision*

41. As proposed to be modified, Policy CSM 2 makes provision for soft sand through the maintenance of 7-year rolling landbanks for the whole of the Plan period and beyond, equivalent to at least 15.6mt, comprising 10.6mt from permitted resources and 5mt from sites to be allocated in the MSP. This is sufficient to satisfy the estimated demand of 11.05mt and to maintain a landbank of 4.55mt at the end of the Plan period, equivalent to the 7 years required by the NPPF.
42. I appreciate that the figures for the size of the landbank may become out of date as the Plan progresses. But they provide certainty at the beginning of the Plan period and provide a basis for the allocation of sufficient new sites in the MSP. The Council will monitor production in its annual LAA and will have the opportunity to review the Plan over its lifetime if circumstances require any significant change in provision.
43. The new sites provisionally identified as being suitable for inclusion in the MSP omit those which have been considered to be likely to adversely affect the Kent Downs Area of Outstanding Natural Beauty (AONB) or its setting. The policy relating specifically to the AONB (DM 2) is considered separately below. Amongst other things, a modification to that policy affects the approach to development within the setting of the AONB.
44. A significant number of representations have been made opposing the allocation of a site known as Shrine Farm. But this Plan does not specifically allocate this or any other aggregates site. Any sites put forward for allocation in the MSP or proposals for soft sand extraction in, or in the setting of the AONB will be considered having regard to Policy DM 2.

*Crushed rock provision*

45. Permitted reserves of crushed rock presently amount to in the region of 50mt and are more than sufficient to meet the estimated requirement for the whole of the Plan period and beyond, including the maintenance of a land bank of 10 years indicated in the NPPF.

**SECONDARY AND RECYCLED AGGREGATES**

46. This topic is addressed in the Plan under Policy CSM 6 (renumbered as CSM8). As submitted, it provides for production capacity to

produce secondary and recycled aggregate at the rate of 1.4mtpa at the start of the Plan period, rising to at least 1.56mtpa from 2020. These figures have been recalculated by the Council in the context of the proposed revisions to the policy for land-won aggregates. These are reflected in a modification [MM5/13A] which raises the required capacity to 2.7mtpa for the whole of the Plan period. This figure represents the approximate current capacity. I take the view that, if that capacity already exists, it would be retrograde and contrary to the sustainability principles of the NPPF to plan for its reduction. The use of secondary recycled aggregate reduces the need for land-won or marine aggregates and for unsustainable and wasteful landfill.

47. Sites will be identified in the MSP to ensure that capacity is maintained at that level. Permission will also be granted at other sites of different types, provided certain criteria are met. The opportunity presented by the MM has been taken to alter certain aspects of this part of the policy, principally in the interests of clarity and effectiveness.
48. In order to achieve consistency with the changes to the policy, the supporting text also requires modification [MM5/13].

#### **MARINE WON AGGREGATES**

49. The provision of sufficient aggregates over the Plan period depends in part on there being an adequate and continuing supply of marine won aggregate (MWA) [referred to in the Plan as marine dredged aggregate (MDA)] to make up the shortfall of land-won mineral. The Plan makes no specific provision from this source as it is outside its remit. Although some doubt was expressed in the Hearings, the Council's evidence suggests that there are large quantities of mineral capable of being dredged, principally from the licensed areas of the East Coast, the Thames Estuary, The East English Channel, and the South Coast.
50. The Plan sensibly includes policies to safeguard the necessary importation infrastructure such as wharfs. This topic is considered under the Safeguarding section of this report.
51. I am satisfied that the revised approach contained in the proposed MM is sound and provides an appropriate basis on which to plan for the provision of aggregates.

#### **INDUSTRIAL MINERALS**

52. KCC's approach to the provision of industrial minerals reflects the guidance of the NPPF to provide a stock of permitted reserves to support the level of actual and proposed investment required for new or existing plant and the maintenance and improvement of existing plant and equipment: at least 10 years for individual silica sand sites; at least 15 years for cement primary (chalk and limestone) and secondary (clay and shale) materials to maintain an existing plant, and for silica sand sites where significant new capital is required; and

at least 25 years for brick clay, and for cement primary and secondary materials to support a new kiln.

*Silica sand*

53. Silica sand is used for a wide variety of industrial purposes as well as for lower-grade uses such as in horticulture and as a sports surface. In Kent there are 2 quarries that presently produce silica sand – Wrotham Quarry (Addington Sand Pit) and Nepicar Sand Pit. These have permitted reserves in excess of 3mt, but also produce construction aggregates. The former site is capable of being extended, but that would be within the AONB where both national and local policy places severe restrictions on development, having the highest status of protection in relation to landscape and scenic beauty.
54. I consider the subject of the AONB under Policy DM 2 below, which is to be modified, including in relation to the tests applied to planning applications. A consequential modification to CSM 2 is necessary in order to ensure consistency[**FM3**], but there is no need to repeat the tests as set out in the proposed modification of Policy DM 2.
55. As submitted, Policy CSM 2 seeks to follow the requirements of the NPPF by saying that sufficient sites will be identified in order to maintain the required landbanks. But in my view it would be unsound to do so if considerable doubt exists as to whether suitable and acceptable sites can in practice be identified. In such a situation, the Plan would not be capable of being implemented.
56. The approach requires revision by modifying Policy CSM2 to say that the Council will seek to permit sites sufficient to provide the necessary landbanks, in response to planning applications which will be considered on their own merits, having regard to the policies of the development plan as a whole. Applications will also have to demonstrate how the mineral resources meet technical specifications required for silica sand (industrial sand) end uses and how they will be used efficiently so that high grade sand deposits are reserved for industrial end users [**MM5/7**].
57. Seeking to provide, rather than positively making provision in the Plan is less than ideal, because the policy does not precisely follow that of the NPPF. However, it may be unavoidable, in view of the potential constraints placed on mineral working in the AONB. I consider it appropriate that any applications that come forward should be considered on their merits, which may involve balancing divergent interests. For example, the NPPF says that when determining planning applications, local planning authorities should, as far as practical, provide for the maintenance of landbanks of non-energy minerals from outside ASONB. But, at the same time, great weight should be given to the benefits of mineral extraction, including to the economy. The acceptability of any particular proposal will

depend on its detailed nature and the balance of benefits and disadvantage.

58. Silica sand is capable of being used for industrial purposes in the manufacture of aerated concrete blocks. At present, the operator of a works at Ightham presently relies on pulverised fuel ash (PFA) – a by-product of coal fired power generation - for that purpose. But, with the progressive closure of coal-fired power stations, it has been estimated that it will not be economic to source that material after about 2020. The conversion from the use of PFA to silica sand would require major investment in the plant but, in order to justify this and to keep the plant in production, the operator would require certainty that the mineral would be available over a prolonged period estimated as 15 years. The works has a small dedicated quarry to supply silica sand but this has insufficient reserves to provide for the necessary 175,000 to 200,000tpa over that period (some 2.6 – 3mt).
59. There is considerable doubt as to whether the existing quarries that supply silica sand will be able to provide sufficient quantities and for a sufficient period of time for the blockmaking plant, even if permission were to be granted for extensions. The operator is therefore looking to the Plan to identify a need for an extension to its present quarry as an allocation in the MSP.
60. From the evidence, I am reasonably satisfied that a need exists for additional silica sand production capacity to serve the Ightham plant. Although I have not seen detailed financial information there appears to be a strong case to support an employer of around 120 people. However, the suggested site extension is within the AONB and also close to a Listed Building. It would not be sound for this Plan to say that the site should be allocated without reasonable confidence that it will be acceptable. There is at present insufficient information before me to come to that firm conclusion. Therefore I do not recommend the allocation of the site. I am satisfied that Policy CSM 2, together with other relevant policies in the Plan, provide a satisfactory basis on which to consider any planning application that may come forward. However, in order to make this clear, I consider that the supporting text to the policy should be modified to identify silica sand as having the potential to substitute for PFA [**MM5/1**].
61. Modifications need to be made to Appendix C of the Plan in order to correct factual errors: to delete Aylesford Quarry from the list of sites with silica sand reserves. The latter is to be added to the list of soft sand sites and is discussed later in this report under the heading of minerals safeguarding [**MMAC/1A, MMAC/1C, MMAC/1B**]. The quantity of soft sand (including silica or industrial sands) is also amended to reflect these alterations [**MMAC/2**].
62. Below I address Policy CSM 4 *Non-identified land won mineral sites* which is modified, including by the exclusion of silica sand sites from its ambit. As a consequential modification, reference to CSM 4 in the



supporting text to Policy CSM2 (para 5.2.34) should be removed [FM4].

*Brickearth & clay for brick and tile manufacture*

63. Brickearth is widespread in Kent; and the stock of existing planning permissions is sufficient for the Plan period to support the few brick and tile manufacturers in Kent together with one brickworks in East Sussex. There is also sufficient clay available should any of the dormant brick and tile works reopen. However, there will be a need to identify further supplies of brickearth through the MSP in order to maintain the required landbanks.

*Chalk for cement*

64. The Plan's Spatial Vision and Strategic Objectives seek amongst other things to deliver a supply of minerals for cement manufacture, but at present there is no operational cement works in Kent. In order to address this issue, Policy CSM 3 identifies the site of the proposed Medway Cement Works, together with its permitted mineral reserves, sufficient for at least 25 years, as a Strategic Site for minerals. The policy as submitted sets out criteria for the working and processing of the chalk, which in large measure duplicate a number of the DM policies, particularly DM 2 so far as it relates to the AONB, DM 11 (health and amenity); DM 13 (transportation); and DM 19 (restoration). In order to clarify the nature of the strategic site designation and thus its effectiveness and soundness, a modification to Policy CSM 3 is required to state that that planning permission will not be granted for any development other than chalk extraction, cement manufacture and restoration of the resultant void [MM5/7A].

*Other uses for chalk*

65. Chalk is employed as bulk fill and for agricultural purposes. Based on available sales data, the Council estimates that between 14.5 and 19.4 years of permitted reserves presently exist. It is prudently planning to identify sites in the MSP to ensure a continuing supply. Chalk is abundant in Kent, and there is a reasonable expectation that sufficient sites can be identified. The quantity identified for agricultural uses requires correction in the table of mineral reserves [MMAC/2A].

*Clay for engineering purposes*

66. There is no policy imperative to maintain a landbank of engineering clay. As there are no published figures on which to base a requirement, the Council has estimated future demand on the basis of local sales data for the 11 years for which information is available. That seems to me to be a reasonable approach. It amounts to some 459,000mt over the Plan period. Provision is to be made through the allocation of the Norwood Quarry and landfill site extension and other sites in the MSP. Clay is abundant in Kent and there is a reasonable expectation that sufficient sites can be identified.

*Industrial minerals overall conclusion*

67. I am satisfied that the revised approach contained in the proposed Main Modifications is sound and provides an appropriate basis on which to plan for the provision of industrial minerals.

**OTHER MINERALS POLICIES**

*Building stone*

68. Subject to certain criteria being met, Policy CSM 9 provides for permission to be granted for small scale developments that are needed to provide a supply of suitable local building stone necessary for restoration work associated with the maintenance of Kent's historic buildings and new-build projects in conservation areas. This is in accordance with the policy in the NPPF. As the need for such stone is likely to be limited and intermittent, there is no need to allocate specific sites. Notwithstanding that the policy is unnecessarily repetitious of some general requirements of the development management policies, it is sound.

*Non-identified land-won minerals sites*

69. As submitted, Policy CSM 4 says proposals for mineral extraction other than the strategic minerals site and those identified in the MSP will be granted permission only if they demonstrate "overriding benefits" that justify extraction at the exception site. The supporting text sets out a non-comprehensive list of criteria that may provide justification, including prior extraction; the use of borrow pits; poor relationship of consented reserves to the market; special qualities of the mineral; constraints on consented reserves; and permitted sites not producing.
70. As the supporting text says, allocated sites will have been subject to detailed assessment and may reasonably be expected to be the most appropriate at the time of allocation. But over the lifetime of the Plan it is possible that allocated sites may not in practice come forward; and equally that sites not allocated during the MSP process may become available or become free of constraints that had formerly prevented them being allocated. Notwithstanding the criteria, I consider that the policy might prevent the development of sites that could contribute to the objectives of the Plan, notably that of providing a steady and adequate supply of minerals. Although the supporting text says that proposals on non-allocated sites will be granted only where they meet a need for a steady and adequate supply this critical criterion is not included in the policy itself. Instead, it says that proposals should include information to demonstrate overriding need and how they meet the requirements of the development plan.
71. The requirement that non-allocated sites should demonstrate "overriding benefits" is given greater emphasis in the supporting text,

by saying that “substantial social and environmental benefits” should be provided. This gives me concern not only because it sets a higher threshold of acceptability than may have been applied at the site allocation stage, but also because it does not refer to the third element of sustainability: the economic role.

72. The justification for the requirement for overriding benefits to be demonstrated: that granting permission for non-allocated sites “would normally be contrary to the strategy of the Plan and potentially lead to the unnecessary release of finite resources” is in my view weak and unjustified. In any particular instance it should be for the MPA to demonstrate any conflict with the strategy of the Plan, including with the principles of sustainability. Moreover, there is no evidence that resources would be unnecessarily released. If a proposal were to seek extraction of mineral which the MPA considered “unnecessary”, it would be for it to demonstrate the harm that might result from such extraction rather than assume that harm would necessarily be caused. It is open to an applicant to seek to demonstrate benefits that might override any such harm identified, but there is no justification for the MPA to require such benefits to be demonstrated in the absence of any clear harm.
73. Moreover, Policy CSM 2 as proposed to be modified acknowledges that although sites for sharp sand and gravel production will be identified in the MSP, these will not be sufficient to maintain the appropriate landbank for the whole of the Plan period. Even so, any additional non-allocated site that may come forward will explicitly be caught by the requirement of Policy CSM 4 to show overriding benefits. It is possible that this could be demonstrated by the meeting the criterion of “known constraints on the availability of consented reserves that might limit output over the Plan period”, but this does not fully recognise the particular circumstances that apply to sharp sand and gravel.
74. Modifications to Policy CSM 4 and its supporting text [**FM5 & FM6**], are necessary to overcome the unsoundness of the submitted version, by removing the requirement to demonstrate overriding need in all cases and replacing it with consideration of proposals having regard to the development plan as a whole. Where harm to the strategy of the development plan is shown, then permission will be granted only where a demonstration of overriding benefits has been made. I consider this to be a more balanced approach.
75. There is a conflict between Policy CSM 4 (as submitted) and Policy CSM2 (as proposed to be modified) with respect to silica sand. As the modifications to Policy CSM2 already provide the basis for determining applications for silica sand extraction, it should be specifically excluded from the ambit of Policy CSM 4. This modification is incorporated into **FM5**.

*Oil, gas and unconventional hydrocarbons*

76. Oil, gas and coal-bed methane are addressed in the submission version of the Plan by Policy CSM 8. It includes a presumption in favour of granting permission for proposals associated with the exploration, appraisal and development of oil, gas (including shale gas and natural gas), coal-bed methane, abandoned mine methane and underground coal seam gasification subject to 5 criteria, 4 of which are already wholly or mainly covered by policies DM 9, DM 10, and DM 18. The remaining criterion relates to exploration and appraisal operations being for an agreed, temporary length of time.
77. The policy is in line with the NPPF insofar as it applies to the 3 phases of development: exploration, appraisal and production. The use of the word "development" rather than "production" - the word used in the NPPF - does not make the policy unsound. But in the interests of consistency and to avoid any misunderstanding, it would be better if the latter were to be employed. The Council propose to make an AM to address this.
78. Although it is not made explicit in the supporting text, "proposals associated with the exploration, appraisal and development" might reasonably include underground gas storage and associated infrastructure, for which encouragement is sought by the NPPF. Such infrastructure might, for example, include pipelines. In order to make the position clear, the Council is also proposing to clarify this in an AM.
79. Reference is made in supporting text to the Crown owning all of the oil, gas and coal resources in the country, with Crown property being administered by the Crown Estates. I understand that this is technically incorrect: all hydrocarbons are owned by "the State", in the form of the Oil and Gas Authority, the Coal Authority and the Department of Energy and Climate Change. Again, this is to be corrected by way of an AM.
80. More fundamentally, as submitted, the policy fails to address constraints on production and processing within areas that are licensed for oil and gas exploration or production. This is a specific requirement of the NPPF. Nor does it refer to "unconventional hydrocarbons" or specifically to the release of shale gas by hydraulic fracturing ("fracking"). Hydraulic fracturing is a technique addressed by section 50 of the Infrastructure Act 2015 which, when brought into force, will insert section 4A in to the Petroleum Act 1998. This sets out a number of safeguards for developments involving onshore hydraulic fracturing. Some of those safeguards are wholly or partially the responsibility of local planning authorities.
81. Principal amongst these are that (1) the environmental impact of the development which includes the relevant well has been taken into account by the local planning authority; (5) the associated hydraulic fracturing will not take place within protected groundwater source

- areas or (6) within other protected areas; (7) cumulative effects (from that development and others) will be taken into account; and (8) consideration should be given to imposing a restoration condition.
82. As the policy as submitted does not fully reflect the requirements of the NPPF and recent legislation, it is not sound.
83. In order to bring it into line with policy, a modification involving significant revision to the policy (renamed *Oil, Gas and Unconventional Hydrocarbons* and renumbered CSM 10) is required [**MM5/8C**], together with supporting text [**MM5/8B**]. Apart from the criterion concerning the temporary nature of exploration and appraisal operations, the others are removed as being unnecessary. They are replaced by 6 additional criteria, relating to:
- siting to minimise impacts on the environment and communities;
  - the development being outside protected Groundwater Source Areas;
  - there being no unacceptable adverse impacts on sensitive water receptors;
  - all other environmental and amenity impacts being mitigated to ensure no unacceptable adverse impact;
  - exploration being for an agreed, temporary length of time;
  - the drilling site being restored to a high quality and an appropriate afteruse; and
  - it being demonstrated that greenhouse gases associated with fugitive emissions will not lead to unacceptable adverse environmental impacts.
84. The supporting text indicates that these are in addition to the matters addressed by the DM policies.
85. An additional section of the policy is proposed to be added, specifically addressing considerations in relation to the location of hydraulic fracturing: impacts on water resources, seismicity, local air quality, landscape, noise and lighting. Some duplicate matters addressed in the more generally applicable criteria of Policy CSM 8 (new Policy CSM 10) or in the DM policies, but this is not inherently unsound.
86. The policy as proposed to be modified reflects the planning requirements of section 50 of the Infrastructure Act 2015 / section 4A of the Petroleum Act 1998. All are covered in the proposed modified criteria; or in the final new part of the policy; or (for example the matter of cumulative impact) in the DM policies.
87. As to which localities fall within the definition of "other protected areas", these must be specified in Regulations by the Secretary of State. The Regulations [the Onshore Hydraulic Fracturing (Protected Areas) Regulations 2015] include AsONB in the definition. At the time of writing, the Regulations have been made, but will not come into effect until the appropriate part of s50 of the Infrastructure Act

2015 - which inserts s4A(3) into the Petroleum Act 1998 - has been enacted. The explanatory memorandum to the draft Regulations states that the Government is committed to commencing in full s50 of the 2015 Act as soon as is reasonably practicable. In the event that the Regulations are brought into effect before adoption of the Plan, I recommend that the Council makes a modification to the supporting text to reflect the up-to-date situation.

88. I am satisfied that the constraints on production and processing within licensed areas would be sufficiently addressed by the proposed modified policy so far as the application of the planning system is concerned.
89. Planning is but one of a number of regulatory regimes that would be brought into play in relation to hydraulic fracturing; and inevitably there is a degree of overlap. Licensing and consent for drilling operations is administered by the Department of Energy and Climate Change. Management and control of safety risks, including well design and monitoring is regulated by the Health and Safety Executive; and environmental regulation is addressed by the Environment Agency (EA). It must be assumed that the other regulators will carry out their responsibilities diligently; and it is not necessary or appropriate for a planning authority to seek to add a separate layer of control over matters already addressed by them where the objectives of the regulation is broadly the same. The fact that some representors may consider the techniques unproven or risky is not a reason to further modify the policy.
90. Moreover, it would not be reasonable for all phases of development to be considered as a whole. The supporting text explains that the granting of permission for exploration or appraisal does not imply that permission will subsequently be granted for production.
91. It has to be acknowledged that the use of oil, gas and unconventional hydrocarbons will lead to the release of greenhouse gases, but that is a matter that is essentially outside the control of the planning authority. The Plan is not unsound because it does not seek to control such emissions. But, having regard to its duty for plans to contribute to the mitigation of emissions that impact on climate, it is appropriate that consideration should be given to fugitive emissions directly associated with the development.
92. The NPPF says that bonds or other financial guarantees to underpin planning conditions such as those dealing with restoration should only be sought in exceptional circumstances. It is therefore not appropriate to include a requirement for such bonds as a general requirement in relation to hydraulic fracturing. If exceptional circumstances are considered to exist in any particular case, then provision exists through Policy DM 17 *Planning Obligations* for seeking financial guarantees to ensure restoration of a site.

## WASTE MANAGEMENT

### *Main Issues:*

*Are the predictions for waste arisings for the various categories of waste and the need for management facilities soundly based and realistic? Does the Plan set out a planning strategy for sustainable development to enable sufficient opportunities for the provision of waste management facilities in appropriate locations and at appropriate times, in line with the Plan's strategic objectives, in accordance with national policy and consistent with the Joint Municipal Waste Management Strategy? Is the waste management strategy realistic and deliverable?*

## VISION & OBJECTIVES

93. Unlike with respect to minerals, the Vision for waste planning does not include any reference to site restoration, though it is arguably of equal importance. This may be rectified by the insertion of an additional point (point 14) in a modification [FM7] substituting wording to make the 2 visions consistent.
94. Objective 13 relates to using waste as a resource for the generation of renewable energy by various means. Gasification and aerobic / anaerobic digestion are given as examples. Elsewhere in this report the policy concerning energy from waste (Policy CSW 9 / "new" Policy CSW 8) are modified to make it clear that the approach is technology neutral. Though not strictly going to a matter of soundness, replacing the word "mechanisms" with "technologies" more accurately reflects the Planning Policy for Waste [MM4/1A].
95. Objective 14 seeks to provide locations for additional waste sites and facilitate expansion of existing sites, where appropriate, to enable waste to be managed in a sustainable manner. In order to refer to providing suitable opportunities for additional waste management capacity to enable waste to be managed in a more sustainable way a modification is necessary [MM4/1B]. The distinctions are subtle, but the revised wording is more accurate, in that, other than the extension to the Norwood Farm landfill site, the Plan does not in fact identify locations for new waste sites. The objective to manage waste more sustainably reflects point 9 of the Vision to move waste up the Waste Hierarchy.
96. Modification FM8 inserts an additional objective (15) that derives from the insertion of the new element of the Vision with respect to the restoration of waste sites. It proposes a similar wording to the same objective for minerals for the reasons given above and in the interests of consistency.

## WASTE QUANTITIES AND THE MEANS OF MANAGING IT

*The Kent Joint Municipal Waste Management Strategy*

97. The Kent Joint Municipal Waste Management Strategy (JMWMS) has evolved out of co-operative working between Kent CC and the Kent District Councils. Working together as the Kent Waste Partnership (KWP), the thirteen local authorities in Kent have produced a Strategy intended to ensure a coherent and sustainable management of Kent's municipal solid waste for the next 20 years.
98. The JMWMS has informed the preparation of the Plan. Its assessment of the required new types of facilities in terms of categories (i.e. landfill, recycling and composting and other recovery) that conform to the recognised Waste Hierarchy has influenced the Plan's *Waste Needs Assessment* evidence paper. I am satisfied that the Plan has taken appropriate regard to the JMWMS and the *Needs Assessment*.

*Non-hazardous wastes & Energy from waste / recovery facilities for non-hazardous waste*

99. For the purposes of the Plan, the Council has combined Municipal Solid Waste (MSW) and Commercial and Industrial (C&I) waste into a single waste stream. Although this is unusual, I am satisfied that the 2 types of waste are sufficiently similar having regard to their properties and methods of management that they can be considered together. The great majority of this waste would be derived from Kent, though some (approximately 21,500tpa at the beginning of the Plan period, rising to 87,000tpa from about half way through) would derive from London.
100. As submitted, the Plan addresses the management of these wastes in 2 policies: CSW 8 *Waste Management for Non-Hazardous Waste* (renumbered following modifications as CSW 7) and CSW 9 *Energy from Waste Facilities for Non-Hazardous Waste* (renumbered as CSW 8). The former and its supporting text show that there is no lack of capacity for the recycling or processing (preparing for re-use) of non-hazardous waste. This is important in order to promote its management as far up the waste hierarchy as possible. Further capacity does not need to be provided during the Plan period, but there is no intention to restrict the amount. However the opportunity exists to move other wastes from landfill, the lowest category in the hierarchy, to "other recovery", for example through the production of energy from waste (EfW). As well as moving waste up the hierarchy, an additional benefit would be the preservation of scarce landfill capacity for wastes that cannot be managed by any other more sustainable means.
101. Based on the *Needs Assessment* for waste carried out for the Council in 2011 and 2012, submitted Policy CSW 8 sets out the quantities for which additional facilities will be required over the Plan period. The assessment considered low and high growth scenarios (the difference accounted for wholly by estimates of growth in Kent C & I waste) and a preferred "cautious approach" that takes into account that EfW plants cannot be expected to be operated at full capacity all the time.



An 80% operating capacity has been assumed, based on operator information.

102. The preferred approach as set out in the submitted Plan is both cautious and flexible. It seeks to encourage EfW capacity in order to divert waste away from landfill: attempting to provide the availability of sufficient capacity should the high growth forecasts be shown to be accurate, but not over-providing in the event that they are not; and at the same time maintaining landfill capacity for the Plan period.
103. The policies identify a requirement to manage the high growth scenario - 450,000t of waste per annum - requiring the provision of additional recovery capacity of 562,000tpa, taking account of the 80% operational assumption. It has been estimated that the bulk of the additional requirement will need to be provided in 2016, amounting to 1 or 2 new facilities, with a further facility needed by 2021 and another by 2026, a total of 3 or 4 over the Plan period.
104. It has also been calculated that a capacity gap will also emerge for green and kitchen wastes of 64,000tpa over the same period, leading to a requirement for 3 new management facilities.
105. Subject to criteria, submitted Policy CSW 8 says that management capacity will be provided through sites for anaerobic digestion, composting, EfW, Mechanical Biological Treatment recycling, and other energy and value recovery technologies that assist Kent in meeting the capacity gap.
106. However, submitted Policy CSW 9 only refers to the Waste Sites Plan (WSP) identifying sites for additional EfW facilities, with the capacity to handle the full 562,000tpa. In order to ensure that over-provision does not occur, a cap of 437,500tpa capacity (the "cautious" capacity required to manage the low growth scenario of 350,000tpa) is put in place until such time as monitoring indicates that this restriction would lead to the loss of all non-hazardous landfill capacity in the county before the end of the Plan period. If monitoring so indicates, the cap would be lifted in order to preserve the landfill capacity. The higher EfW provision would amount to some 10 years landfill being available at the end of the Plan period, whereas, the lower provision would be just 2 years
107. The success of this approach depends on careful monitoring of the amount of waste going to non-hazardous landfill and / or quantities of waste produced. The trigger point will need to be identified in sufficient time for the waste industry to respond within a reasonable time frame. The *Needs Assessment* concludes that there are very limited options for annual waste data that can be used to assess whether the strategy is on track. However, annual data from the EA on the origin, type and quantity of waste that goes to permitted landfills should provide an up-to-date picture. The monitoring schedule (Section 8) is proposed to be modified (see Monitoring

section of this report) to reflect the need for effective monitoring of this important matter.

108. Some doubt must exist as to whether the additional recovery capacity will be provided by the dates indicated in the Plan. But the need has been identified; and the Plan is essentially a responsive document. Swift progress on the WSP and careful monitoring will be essential to the provision being made.
109. The technology of waste management has progressed swiftly in recent years and may continue to develop during the Plan period. In that context, and indeed that of Policy CSW 8, the restriction of recovery of waste to EfW is not sound, because it may exclude other more sustainable technologies. This is rectified by a modification [FM9], that alters the policy title to *Recovery facilities for non-hazardous waste* and the references to EfW to "recovery". Reference to incineration facilities is also proposed to be deleted, to be replaced by the requirement that facilities using waste as a fuel will only be permitted if they qualify as recovery operations as defined by the Revised Waste Framework Directive (Directive 2008/98EC). The revised supporting text [AM6/8A] adds reference to MTB as a means of fuel preparation in the context of calculating the recovery contribution, but continues to refer to EfW capacity rather than recovery. This should be corrected before adoption of the Plan, in the interests of accuracy and consistency.
110. I have been urged by a representor to have regard to a perceived need for a multi-fuel combined heat and power (CHP) scheme at Northfleet as part of the major development proposed at Ebbsfleet, and for the Plan to take this into account.
111. I do not doubt that the Ebbsfleet development might provide an opportunity for a sustainable CHP facility. However, for this Plan to make any allocation for it; or for the WSP to make an allocation; or for an allocation to be made for any infrastructure associated with it (such as transport infrastructure or plant to convert waste into fuel); or even for any reference to it being justified, the development would have to be categorised as waste-related. Moreover, the project would have to be deliverable and would also have to be subject to Sustainability Appraisal (SA).
112. If a CHP plant were to use waste as a fuel it would fall within the ambit of this Plan, as would a plant that used waste to create a fuel. But the definition of what is or is not to be regarded as waste is a complex legal matter. Waste derived fuel may cease to be waste if it has been completely recovered, but not all processing of waste to render it a fuel will necessarily have lost its waste status. Consequently, a CHP plant may or may not be waste-related development, depending on the precise nature of the fuel. In the absence of any detailed information on the subject, I am not in a position to say with reference to the suggested project at Ebbsfleet whether it would fall to be considered as a waste-related

development, under the provisions of this Plan, or as something else, to be considered under policies in other plans produced by other authorities.

113. What is certain, however, is that, in the event that a CHP plant at Ebbsfleet were to fall within the ambit of this Plan (and the WSP), I have not been presented with sufficient information to make any recommendation for the allocation of that plant or any supporting infrastructure. I do not have details of the site(s) in question. Nor do I have any detail of the quantities of waste that might be involved, either directly or indirectly. No SA has been carried out and no positive suggestions have been made with respect to alterations which could be made to the Plan in order to take account of or facilitate the project. In short, I have no basis on which to make any informed, evidence-based modifications to the Plan.
114. Nonetheless, the opportunity still exists for a case to be made out either for a CHP scheme or for associated infrastructure, insofar as it may be within the ambit of this Plan, to be allocated in the context of the WSP. The present Plan (under Policy CSW 9 / "new" Policy CSW 8) identifies the need for substantial new waste recovery capacity, and so would apply to any facility where waste may be recovered, including a plant for the processing of waste into fuel or, in certain circumstances a CHP plant. Policy CSW 6 provides criteria for identifying suitable sites. The Plan is technology neutral and so neither presumes in favour of, nor against, any particular form of recovery from waste. The case for any particular development would have to be made out in appropriate detail, at the appropriate time and in the appropriate context.
115. Overall, I consider the approach of the Plan with respect to the management of non-hazardous waste as proposed to be modified is sound.

#### *Hazardous waste*

116. The supporting text to Policy CSW 13 as submitted (CSW 12 as proposed to be modified) says that when hazardous waste management is viewed as a whole, net self-sufficiency is achieved. However, the Council acknowledges that this could cease to be the case if the likely significant increase in hazardous residues from EfW plants is taken into account, and if the existing landfill facility for asbestos disposal were to close.
117. In order to bring this in line with the proposed modifications to Policy CSW 9 ("new" Policy CSW8) the text is proposed to be revised (by Additional Modifications AM6/13A and AM6/14) to make it clear that:
- residues from the existing Allington EfW plant and from any additional EfW capacity requiring management are intended to be landfilled at an extension to Norwood Quarry and landfill identified as a strategic site for waste under Policy CSW 5 (see below);

- developments for any proposed built hazardous waste management facilities will be subject to Policy CSW 6 *Location of built waste management facilities* ; and
- a site for an asbestos landfill will be identified in the WSP Plan.

118. I am satisfied that the revisions do not revise the approach or go to matters of soundness and so may be dealt with in this way. The policy is sound.

#### *Strategic Waste Site*

119. As indicated above, Policy CSW 5 identifies an extension area to the existing Norwood clay quarry and landfill site to allow a continuation of mineral extraction, landfilling / restoration of residual wastes from EfW plants and any ancillary treatment plant. A modification is necessary to Figure 19 to remove the northern area of the extension, as it has been agreed by both the operator and the Council to be undeliverable and thus unsound [MM6/3]. Otherwise, the policy is uncontentious and sound. Minor revisions to the development criteria for the site are also proposed by the Council, but these do not go to matters of soundness and so may be dealt with as Additional Modifications.

#### *Non inert waste landfill*

120. The title of Policy CSW 10 Non-hazardous waste landfill in Kent is wrong, because it is intended to relate to non-inert landfill, ie a combination of landfill of non-hazardous wastes together with stable hazardous wastes and dedicated hazardous waste. This requires correction by means of a modification [MM6/10) including a revised title of heading of *Non inert waste landfill in Kent*, renumbering (to CSW 9) and an explanatory footnote. The opportunity is also taken to revise the criteria of acceptability slightly.

#### *Inert waste*

121. A substantial quantity of inert wastes, principally CD&E wastes, is managed through the existing network of permanent and temporary recycling facilities, the capacity of which is sufficient to handle all of those wastes produced in Kent, together with some spare capacity for imported waste. This is covered under my consideration of Policy CSM 8 Secondary and recycled aggregates.

122. Although the Plan seeks to divert inert wastes away from landfill to more beneficial and sustainable re-use and recycling for aggregate, the county possesses a very significant amount of permitted inert landfill capacity sufficient to cater for imports, particularly from London, at the rate of 300,000tpa for the whole of the Plan period and a further 10 years after that. Much of this capacity takes the form of active and former mineral workings requiring restoration.

123. Policy CSW 12 Inert waste management in Kent (proposed to be renamed *Permanent Deposit of Inert Waste* and renumbered CSW 11) under an Additional Modification) limits the granting of permission to circumstances where the waste cannot be managed in accordance with the objectives of Policy CSW 2 (ie more sustainably); for the restoration of landfill sites and mineral workings; where environmental benefits will result; and where sufficient material is available to ensure that can be done within agreed timescales. The approach is wholly sustainable, and is sound.

#### *Household waste recycling centres*

124. The supporting text to Policy CSW 7 *Identifying sites for municipal solid waste* says that in the medium to long term provision will be needed to replace a number of household waste recycling centres (HWRC) that have limited scope for improvement in Folkestone (Shornecliff), Dartford (Dartford Heath), Sittingbourne (Church Marshes) and Sevenoaks (Dunbrick). An additional HWRC is required in Maidstone; and a new one will be required to serve the Borough of Tonbridge and Malling. The policy states that a site will be identified in the WSP to serve the latter, but does not refer to the others. The Plan recognises that improvements will be required in order to increase the rate of recycling and to ensure that non-recyclable wastes can be bulk transported to the Allington EfW plant.

125. In response to my questioning about the lack of clarity over what facilities the Plan should in practice provide for, the Council indicated that during the lifetime of the Plan there is an intention to rationalise provision, but it was unable to say what this might entail. It is not known with any certainty what facilities would be required or where. On that basis, the policy is to be deleted in its entirety under a modification [**MM6/7B**], and text is to be substituted [**MM6/7A**] to the effect that proposals for HWRCs will be considered against Policy CSW 6 *Location of Built Waste Management Facilities*. I regard this as less than ideal, as it does not provide a clear steer for the future planning of this aspect of waste management. It is, however, unavoidable in the absence of information. Nonetheless, in general terms, Policy CSW 6 provides an appropriate basis for considering proposals, should they come forward.

#### *Dredgings*

126. The Plan does not specify the likely quantity of dredgings from the navigable channels in the Kent estuaries that may arise during the Plan period. By its very nature it is likely to be periodic and variable. Dredging gives rise to material which may be capable of being processed to supply aggregates. Material that is not suitable for that purpose may be used to enhance biodiversity in the estuaries. Any surplus material will have to be disposed on land with convenient river access. Policy CSW 15 (proposed to be renumbered CSW 14) supports this approach. A site for the purpose will be identified in the WSP. Permission will be granted for new sites provided the re-use of

the material is not practicable and when there are no opportunities for its use to enhance biodiversity. The Policy is uncontentious and is sound.

#### *Wastewater development*

127. The Plan does not specify the number, type or location of facilities for wastewater treatment or sludge treatment and disposal that may be required during the Plan period. The level of additional provision and its location will be dependent on the need generated by other developments. Consequently the general locational criteria of Policy CSW 6 will not always apply. In the circumstances, Policy CSW 16 (proposed to be renumbered CSW 15) simply supports wastewater development subject only to there being a proven need. Naturally the DM policies to protect the environment and communities would also apply. The Policy is uncontentious and is sound.

#### *Nuclear waste treatment and storage at Dungeness*

128. There are 2 nuclear power stations at Dungeness. Station A is undergoing decommissioning that will continue through the Plan period and beyond; and station B is due to end operation during the Plan period. Both will require treatment and storage facilities for the waste. Further, if a third station is built, that will require storage facilities until the (national) Geological Disposal Facility is available.

129. This topic is addressed under Policy CSW 18 *Nuclear Waste Treatment and Storage at Dungeness* (proposed to re-numbered as CSW 17 following modifications to other parts of the Plan). It gives support to the storage and/or management of radioactive wastes within the Nuclear Licensed Area at Dungeness subject to that being consistent with the national strategy for managing radioactive wastes and discharges and the outcome of environmental assessment justify it being managed on site. Only non-radioactive wastes from the demolition of the power stations will be allowed to be used for backfill of voids; and no landfill or landraising using radioactive wastes will be permitted. The policy neither precludes the building of a third power station nor the consolidation of treatment and storage of waste associated with the A and B stations. The policy is uncontentious and sound.

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

130. The Plan acknowledges that there may be a need for facilities in Kent to manage low level radioactive wastes such as those arising from research establishments, universities and hospitals. No data is available on these arisings, but they are likely to be low. Policy CSW 19 *Non-nuclear Radioactive Low Level Waste Management* supports the provision subject to there being a need and where a proportion of the wastes arise in Kent. It is uncontentious and sound. The policy is proposed to be renumbered as CSW 18 and the title corrected to "*Non-nuclear industry ...*" under an Additional Modification. This also

needs to be corrected in the text of the policy, and I urge the Council to do so.

#### *Remediation of brownfield land*

131. Remediation of brownfield land by means of temporary waste developments that facilitate its redevelopment by reducing or removing contamination from previous development is supported by Policy CSW 14, provided the site is identified in a local plan for redevelopment or has planning permission for it; and where the site is part of a network of brownfield sites which are allocated or have permission, and where it is to receive wastes from other sites as well as treating the land within the site. It is an uncontroversial policy, but one which lacks clarity. In order to overcome this, a modification is necessary [MM6/10A]. The opportunity is taken to renumber the Policy as CSW 13.

#### *Waste reduction*

132. Policy CSW 3 *Waste Reduction* is not concerned with waste-related development, but to development that gives rise to waste. It seeks the minimisation of the production of construction, demolition and excavation (CD&E) wastes and the incorporation into new development of adequate space for the storage of waste prior to collection. Details of the measures to be taken and of details of the nature and quantity of the wastes and their destinations are required to be submitted with planning applications other than for household applications.

133. The purpose of the policy is in the interests of waste minimisation, and appropriate waste management. Its aims are clear and laudable and justified by reference to the principles of sustainability. But, as submitted, it would be largely ineffective, not least because it provides little information for the District Councils who would have the responsibility for applying it. There is no supporting text to assist. The requirement to state the destination of wastes at the planning application stage is onerous and unreasonable. It is not sound and requires modification.

134. With respect to CD&E wastes, the "destination" requirement should be replaced by the provision of details of its subsequent management. The general statement about wastes arising from the use of the development should be substituted by a requirement to consider how waste, including recyclables, would be stored, collected and managed; and details of the matters to be addressed provided. These are set within the context of the submission of a "recycling and waste management strategy" that would demonstrate the ability to meet local authority waste management targets. I do not believe that what is required is excessively onerous and certainly not comparable to the obligations placed on developers under the now-repealed Site Waste Management Plans Regulations 2008. The strategy could, for example, form part of a Design and Access

Statement and consequently be proportionate to the development involved. It would be for the individual planning authorities dealing with planning applications to decide on the precise level of detail required, which would be informed by their own local waste management practices and targets [MM6/2].

## LOCATION OF WASTE MANAGEMENT FACILITIES

135. The only site identified specifically in the Plan is the extension to Norwood Quarry and Landfill site allocated under Policy CSW 5. The identification of other sites required to meet the demand for new and replacement facilities is to be addressed by allocations within the forthcoming WSP within the context of criteria set out in Policy CSW 6 *Location of non-strategic waste management facilities*. The title distinguishes such sites from the strategic site for waste allocated under Policy CSW 5, but is misleading, because some of the sites which may be granted approval under this policy may in themselves be of strategic importance.

*Built waste management facilities.*

136. As submitted, Policy CSW 6 does little more than identify the types of land on which waste facilities would be acceptable, including those listed in the NPPW, together with a wide range of others, including land forming part of a new major development for employment, leisure, commerce, and or residential uses, provided these were enclosed in a building. I take the view that the range would be so broadly drawn as to be of very little value in the identification of sites; and in some cases it is not appropriate (eg within a development for leisure or residential uses). The policy is clearly unsound and requires modification.

137. Its shortcomings are addressed as part of a significant series of alterations to the policy [MM6/7] and its supporting text [MM6/6] including altering the title to *Location of Built Waste Management Facilities*, thereby distinguishing it from the policy for landfill. It specifically indicates that permission will be granted for the sites to be allocated in due course in the WSP Plan to meet the need identified for the management of non-hazardous waste in Policy CSW 7 (CSW 8 as submitted).

138. Modifications MM6/7 include a completely new set of criteria for acceptability of development on sites allocated in the WSP, mostly by reference to the prevention of significant adverse impacts on sensitive receptors. These include national and international designations having landscape, ecological and historic interest; locally designated sites, including Air Quality Management Areas; where the development would be inappropriate within the Green Belt; in Groundwater Source Protection Zones (SPZ); sites with planning permission for other uses, those allocated for such or incompatible with sites allocated in an adopted local plan. For energy producing facilities, sites should be in proximity to potential heat users; for



facilities that may involve prominent structures the landscape must be capable of accommodating them; and facilities that may give rise to bioaerosols should be at least 250m from any potentially sensitive receptor.

139. Although a number of these criteria wholly or partly duplicate a number of the DM policies, and the presumption against inappropriate development in the Green Belt does no more than repeat national policy, they nonetheless provide a good basis for the allocation of sites in the WSP consistent with the approach of the NPPW. I am satisfied that the criterion relating to avoiding sites for alternative uses that may be incompatible is sufficient to address the effect of waste developments on the commercial attractiveness of industrial estates. There is no need for a preference to be expressed for facilities to be enclosed, as the potential for environmental consequences is covered by other criteria. However, a presumption that processing activities will be contained in a covered building is included in supporting text.

140. For non-allocated sites, the same criteria apply. Development is directed to the types of land identified in the NPPW.

141. The modified policy presumes against the development of greenfield land unless it forms part of new major development for B8, employment or mixed uses, in line with the NPPW; or where it can be demonstrated that there are no suitable locations within the preferred locations for non-allocated development. Regard will also be had to whether the nature of the development requires an isolated location.

## **SAFEGUARDING**

### **Main Issue:**

*Is the approach to safeguarding mineral resources and mineral and waste related development soundly based, appropriate for Kent, proportionate, consistent with national and local policy, and effective?*

142. The subject of safeguarding of land appears in the submitted Plan under a number of policy headings:

- Policy CSM 5: *Land-won Mineral Safeguarding*
- Policy CSM 11: *Safeguarded Wharves and Rail Depots*
- Policy CSM 12: *Safeguarding Other Mineral Plant Infrastructure*
- Policy CSW 17: *Safeguarding of Existing Waste Facilities*
- Policy DM 7: *Safeguarding Mineral Resources and Importation Infrastructure*
- DM 8 *Extraction of Minerals in Advance of Surface Development*
- DM 14: *Safeguarding of Transportation Infrastructure.*

### *Minerals safeguarding*

143. Policy CSM 5 states that economic mineral resources are safeguarded from being unnecessarily sterilised by other development by the identification of Mineral Safeguarding Areas (MSA) and Minerals

Consultation Areas (MCA). It defines an MCA only adjacent to the strategic site for minerals at Medway Cement Works, Holborough (introduced by Policy CSM 3), but none relating to the other MSAs. This is not in accordance with the NPPF, which says that planning authorities should define MCAs based on MSAs. I consider it unsound. The omission can be rectified by a modification to the policy [**MM5/8A**] which states that MCAs will be identified covering the same area as the MSAs; and in supporting text that explains the approach to safeguarding generally [**MM5/8**].

144. National policy does not prescribe the method of identifying MSAs, but KCC have had regard to guidance provided in the *Mineral Safeguarding in England good practice advice* (MSEGPA) published by the British Geological Survey and the Coal Authority (2011). The MSAs have been identified having regard to the British Geological Survey Resource Maps, which as a starting point represent the best available geological data. The MSEGPA recommends that where available, other data should also be incorporated into the definition of MSAs, including information available from the industry.
145. The owners of Aylesford Quarry have provided the Council with information that shows that the silica sand resource is not workable, and that very limited reserves of building (soft) sand (between 150,000 – 200,000 tonnes) remain within the consented area. There is no reason to doubt that conclusion; and the Plan may be corrected by a modification [**MMAC/1B**] removing the quarry from the list of sites included in calculations of permitted silica sand reserves (Appendix C to the Plan). But it is nonetheless proposed to be included as a soft sand site [**MMAC/1A**]. Even though the amount of recoverable mineral may be fairly small, I consider it reasonable for the site to remain in the MSA.
146. The NPPF says that MSAs should be defined in relation to known locations of specific minerals resources of local and national importance so that they are not needlessly sterilised by non-mineral development. I appreciate that some minerals for which there is a limited identified demand – for example brickearth – are abundant or widespread in Kent. There is an argument for not including locations of these minerals in an MSA. But, as the MSEGPA states, the use of information from BGS resource maps largely eliminates the need for MPAs to make their own judgments on which mineral deposits are or may become of potential economic interest. MSAs should usually cover the whole resource.
147. Brickearth is not a mineral identified in the NPPF as requiring a stock of permitted reserves to be provided. However, it is analogous to brick clay, for which 25 years reserves are required to be maintained. It is reasonable that the same landbank should be maintained for brickearth. I appreciate that at present brickearth sourced from Kent is used for just 2 brickworks. But over the Plan period and beyond it is possible that demand could increase. In that context, I do not

consider it unreasonable for the Plan to safeguard brickearth. The Plan is not unsound in that regard.

148. The MSEGPA says that safeguarding is not precluded by the presence of national and international designations. They have been identified for a different purpose and so should not be used as a proxy for minerals safeguarding. Against that background, it is right that areas protected for their natural history interest, for example, should not be excluded from an MSA.
149. Notwithstanding the limited opportunities to extract mineral in a wholly or mainly built-up area, the advice is that MSAs should usually be defined in such areas to highlight (for example) the potential for extracting minerals beneath regeneration projects and brownfield sites. It also reduces the need to alter the boundaries to take account of urban expansion. The inclusion of developed areas into MSAs / MCAs is therefore not unsound. However, I appreciate that their inclusion could present District Councils and potential developers with a significant administrative and financial burden. Therefore in the interests of practicality KCC has chosen to modify the originally proposed MSAs largely to exclude urban / built up areas. I consider this to be a matter of balance, but I am content for them to be redefined in this way for each individual District. Although contrary to the advice of MSEGPA, it is not contrary to national policy as set out in the NPPF.
150. Section 9 introduces mineral safeguarding maps which are bound separately. The revised maps for each District are to be included in the Plan document. These have been the subject of consultation as part of the Main Modifications publicity and while, as Policies Maps, they are not before me for examination, provided that the Council makes the necessary amendments, the Plan will be effective and therefore sound. However, introductory paragraph 9.2.1 requires modification to reflect the changes [MM9/3].
151. Although Policy CSM 5, through the maps, identifies the areas to be safeguarded, it does not include the mechanism as to how it is to be implemented. That is included in Policy DM 7, which as submitted also applies to the safeguarding of importation infrastructure such as wharfs (covered by Policy CSM11). This sets out a number of alternative circumstances in which non-minerals development may be allowable (here referred to as "exemptions"), notwithstanding being located in an MSA. I agree with a number of representors who consider that, as submitted it is ineffective and imprecise as to its meaning and operation, and therefore unsound. Modification [MM7/3] covering the policy and the supporting text is necessary to overcome these failings.
152. In Policy DM 7 as submitted, exemption (1) relating to the mineral being able to be extracted satisfactorily prior to development is proposed to be explicitly linked to the specific policy that addresses

- that matter (DM 8 as submitted / DM 9 under proposed modifications).
153. Exemption (2) as submitted requires applicants to demonstrate that the mineral is either not of economic value or does not exist. That is replaced by a simple requirement that those scenarios should be demonstrated. To this is added a sensible new exemption relating to circumstances where the extraction would not be viable or practicable, potentially reducing the burden on applicants in situations (for example, where the site is clearly too small or unsuitable or has already been developed).
154. A new exemption (5) is added to cover the situation where material considerations indicate that the need for the development overrides the presumption for safeguarding. That allows a degree of flexibility to take account of other priorities. I agree with the Council that it is appropriate nonetheless that opportunities for prior extraction of minerals should be explored. This is not inconsistent. Indeed, to do otherwise could undermine the purpose of the relevant policy (Policy DM 8 as submitted / DM 9 as proposed to be modified).
155. Although as submitted the policy exempted "any sites identified in the local plan", this is unclear as to its meaning. Proposed new exemption (7) adds clarity by saying that "a site allocated for development in the adopted development plan" will also not be subject to minerals safeguarding.
156. Given the limited weight that should be accorded to draft plan allocations, I agree with the Council not to include these within the list of exemptions. Similarly, while I accept that the policy must be proportionate, I do not consider it appropriate to include the replacement of buildings, including houses, and agricultural buildings in the list of exemptions. Even quite small developments can themselves have a disproportionate impact on the ability to extract minerals. The application of the policy to such developments would allow the policy of promoting mineral extraction prior to development to be more effective. The Policy does not affect permitted development rights.
157. Matters dealing with "importation infrastructure" in Policy DM 7 as submitted (eg wharves) is proposed to be placed within a new policy ("new" Policy DM 8). I consider that later in this report.
158. Overall, I take the view that these modifications largely overcome the concerns of a number of District Councils that the policy as submitted could frustrate adopted development plan policies. They would also allow flexible judgments to be made, balancing the merits of development proposals with the desirability of safeguarding minerals for future generations.
159. The proposed modification also adds the sites in the (future) MSP to those listed in Appendix C (sites included in landbank calculations for

mineral working within the Plan period) as being safeguarded. As these sites are known to include mineral, they would in any event logically fall within the defined MSAs and MCAs and so their identification adds little to the policy. But it is not made unsound by this.

160. The modified supporting text to Policy DM 7 [MM7/3] includes new advice that proposals located within an MSA will usually need to be accompanied by a "minerals assessment", prepared by the promoter, to include for example information about the mineral, and the timescale, practicability and viability of prior extraction. Guidance on such assessments is included in the MSEGPA. I appreciate that their preparation may represent a financial cost to potential developers, but they can bring to light information that may be important to the decision-making process.
161. The supporting text is also proposed to be altered to take account of the modifications to the policy. Together with the revised supporting text to Policy CSM5 [MM5/8], it sets out in broad and adequate terms the way in which it will be used, but the policy helpfully states that further guidance on its application and on the use of minerals assessments will be included in a Supplementary Planning Document (SPD). I consider that appropriate. It is not necessary for it to be referenced in the policy. The SPD is also intended to cover matters relating to the other safeguarding policies. The revised text includes the statement that the Mineral Planning Authority will work with District Planning Authorities and the promoters of development to assess the viability and practicability of prior extraction of the mineral resource.
162. The revised supporting text to Policy CSM 5 also indicates that the MSAs will be reviewed and updated as necessary at least every 5 years. The SPD will set out the matters to be taken into account in such reviews, but amongst them will be previously worked land; transport infrastructure; land within urban areas; proposed urban extensions and site allocations for non-minerals use in adopted local plans; the importance of mineral resources; and the accessibility of the mineral resource (ie whether it can be practically and viably worked). Consideration of these and other matters should ensure that the definition of the MSAs will take account of changing circumstances and priorities.
163. Overall, the modifications make Policies CSM 5 and DM 7 comprehensible, flexible and effective. The introduction of minerals assessments will place an onus on developers to provide reasons why the safeguarding should not prevail in any particular circumstance. But the omission of urban areas from the MSAs and the rationalisation of the criteria of Policy DM 7 should limit the number of assessments that have to be made; and the SPD should provide the necessary detail about how the process should work in practice.

164. Unfortunately, modification MM5/8 includes a number of minor errors. In particular, paragraph 5.5.2 says that Policy DM 7 also relates to the safeguarding of wharves and rail depots, whereas this is proposed to be considered under (new) Policy DM 8. The description of the purpose of Policy DM8 actually applies to the (new) Policy DM 9. I have taken the opportunity to correct these errors; and, with those minor alterations, I conclude that the modifications overcome the unsoundness I have identified.

*Safeguarded Wharves & Rail depots*

165. Policy CSM 11, as submitted (CSM 6 as proposed to be modified), includes a list of wharves and rail depots which are safeguarded for their use for the importation of minerals into Kent. This is in line with the NPPF which requires the safeguarding of existing, planned and potential rail heads, wharfage and associated storage. As indicated above, the way in which the safeguarding is to be implemented is included in Policy DM 7.

166. An additional site "Old Sun Wharf" is to be added to the list under **MM5/9A**. Though there is no wharf on this site at present, permission has in the past been granted for the construction of a maritime jetty for the importation of sand and stone by river. That permission expired in February 2015 without the jetty having been constructed. Nonetheless, the site must be regarded as having potential under the provisions of the NPPF. It would not be sound to exclude it. Another site "Red Lion Wharf" is retained in the list, despite reservations from some representors. That wharf has permission for full port operational use and is only conditioned for aggregate use. It too falls within the NPPF expectations of safeguarding; and similarly it would not be sound to exclude it.

167. Both sites lie within a key regeneration site identified in Gravesham Borough Council's Core Strategy (Policy CS03). I recognise that their safeguarding could have implications for the successful implementation of the regeneration strategy. But "new" Policy DM 8 [**MM7/3A**] (consistent with the proposed modification to "new" Policy DM 7 in relation to minerals safeguarding) includes an exception to the general presumption of safeguarding from incompatible development in the case of a site that has been allocated in the adopted development plan. Thus the safeguarding of these sites will not be prejudicial to the regeneration strategy.

168. There is some force to the argument that, as both sites are already allocated in the Gravesham Core Strategy, and as they are thereby exempt from the safeguarding by virtue of "new" Policy DM 8, there is an inconsistency in the Plan and they should not be listed in "new" Policy CSM 6 as being safeguarded. However, I take the view that it may be prudent to retain the safeguarding of the sites, if only to take account of any changes that might be made to future development plan allocations. It may be unlikely, but it is possible that the sites may at some time in the future be "de-allocated". If that were to happen, then they would not be covered by the safeguarding policy.

In the meantime, the District Council's regeneration policies are not in any way compromised. I do not believe that the Plan is unsound by reference to this matter.

169. It is clear from the context that "allocated in the adopted development plan" refers to the plans produced by District planning authorities, and not the mineral and waste planning authority. The policy applies only to safeguarding from incompatible development. Any allocation by MPA / WPA would in any event be consistent with the safeguarding.
170. Policy CSM 11 is to be revised to include Old Sun Wharf and renumbered as CSM 6 [MM5/9A]. The opportunity is also taken to correct the names of some other sites and to provide a revised supporting text [MM5/9]. Consequential revisions are also necessary to the schedule of Policies Maps showing the safeguarded wharfs and rail transportation depots in Section 9 [MM9/1, MM9/1A, MM9/2].
171. Changes to the Key Diagram and to the Policies Maps as a result of these modifications and to correct factual errors (for example, redefining the boundary to East Quay, Whitstable) are necessary. These have been the subject of consultation as part of the Main Modifications publicity. While the Policies Maps and other plans are not before me for examination, provided that the Council makes the necessary amendments to them in order to reflect the MMs, the Plan will be effective and therefore sound.
172. The relevant parts of Policy DM 7 are set out and revised in the new Policy DM 8 [MM7/3A] as *Safeguarding Minerals Management, Transportation Production and Waste Management Facilities*. This includes the "exemption" where material considerations indicate that the need for the development overrides the presumption for safeguarding. This does not, in my view, weaken the basis for safeguarding important infrastructure such as wharfs, but simply recognises that in some circumstances other considerations may outweigh the need to safeguard.
173. The modification also incorporates a number of revisions which overcome various aspects of unsoundness, principally by means of clearer wording, thereby ensuring effectiveness. In particular, the exception that requires a demonstration of irreversible obsolescence is replaced by a test of viability.
174. I have considered whether the inclusion of "changes of use" as an exemption (criterion 1) is appropriate, bearing in mind that a change of use could potentially affect the ability of a wharf to continue to operate effectively. But I am satisfied that the expression is qualified by "minor". I consider that full phrase should logically read: "minor extensions and changes of use of buildings ..." rather than "and buildings ...". I have amended the text of the modification accordingly.

175. Policy CSM 11 as submitted also seeks to protect safeguarded sites from new development in the vicinity that may be sensitive to importation activities; and which may constrain access. So, for example, new residential development close by may be sensitive to dust and noise and so may prejudice the effective working of a facility. The policy requires applications for new development "adjacent to or opposite" the safeguarded site to demonstrate that they would not jeopardise it. I consider that this wording is vague and ineffective and therefore unsound.
176. This is addressed by an important modification (to "new" Policy CSM 6, contained in **MM5/9A**) which provides a new process whereby Local Planning Authorities would be required to consult with the MPA and take account of its views before making a planning decision on non-mineral related development proposed at, or within 250m of safeguarded minerals transportation facilities (other than "exempt" development listed in "new" Policy DM 8). In that way, an explicit balance may be drawn in planning decisions, taking account of the safeguarding issue. The safeguarding SPD proposed to be produced (see above) is also intended to apply to this policy and will provide a fuller description as to how the process of consultation and decision-making is to work in practice.
177. The Council acknowledges that there is no evidential basis for the distance of 250m proposed to be introduced by the modifications. Nonetheless, setting a specific distance has the advantage of bringing certainty to the process. So various are the variables involved that it may not be possible to justify any specific distance for all sites, but 250m strikes me subjectively as being a reasonable and not excessive distance. I am satisfied that the modification proposed is not unsound.
178. The modifications to Policies CSM 11 and DM 7 include some that are significant and some which do little more than add clarity. As submitted, these policies were ineffective and therefore unsound. As modified, as "new" policies CSM 6 and DM 8, I am satisfied that the elements of unsoundness would be overcome and that they provide an appropriate basis for safeguarding mineral wharfs and rail depots.

#### *Safeguarding other mineral plant infrastructure*

179. The NPPF requires MPAs to safeguard existing, planned and potential sites for concrete batching, the manufacture of coated materials, other concrete products and the handling, processing and distribution of substitute, recycled and secondary aggregate material. This is addressed in the submitted Plan under Policy CSM 12. However, although mentioned in the supporting text, the policy does not explicitly seek to safeguard "planned and potential" facilities. Indeed, it refers to sites being safeguarded "for their ongoing use", which assumes pre-existence. The policy is therefore not fully compliant.



180. So far as potential sites are concerned, I consider that it would be unreasonable and impractical to safeguard all sites that possessed some potential for use for these kinds of facilities. For example, a substantial proportion of industrial sites would possess potential; and there would be very little practical benefit in safeguarding such a large number. Rather, I consider that it would be worthwhile only if certain sites had been brought to the attention of the Council as having specific potential. I am not aware of any such sites. I therefore do not find the Plan unsound in omitting reference to potential sites.
181. Although this Plan does not allocate any sites for these purposes, it is possible that the forthcoming MSP document may do so. It would be appropriate, therefore, for the policy to be modified to incorporate a reference to the safeguarding of future allocated sites, in the same way as "new" Policy CSM 6 (originally CSM 11) does. I have amended the wording of a modification to that policy [**MM5/12A**] accordingly, in the interests of consistency.
182. The policy sensibly recognises that many safeguarded facilities will be on sites (eg a quarry) which themselves will have a limited life, and so limits the safeguarding to the life of the host site. That is not unsound. But in the case of the loss of permanent facilities to other uses, the policy and its supporting text seeks the provision of suitable replacement capacity elsewhere. In that way, capacity can be maintained, while allowing some flexibility. That too is not an unsound approach, even though it is not specifically promoted in the NPPF.
183. As part of the broader reorganisation of the safeguarding policies, Policy CSM 12 is re-numbered as CSM 7 [**MM5/12A**], together with revised supporting text [**MM5/12**]; and the section dealing with the provision of replacement capacity is transferred to "new" Policy DM 8 [**MM7/3A**] and its supporting text, so that the approach will be consistent with that applying to wharfs and rail heads.
184. Under **MM5/12A**, "new" Policy CSM 7 adds a section comparable to that introduced into "new" Policy CSM 6 concerning the process of consultation and decision-making by Local Planning Authorities dealing within applications on, or near safeguarded sites. That too refers to a distance of 250m. I have considered that matter above. I note that the MM includes a minor error, in that it refers to a consultation with the Waste Planning Authority when the Mineral Planning Authority is meant. I have corrected the modification.
185. Overall, subject to the correction referred to above and the policy being extended to safeguard allocated sites, I am satisfied that, as modified, it is sound.

*Safeguarding of existing waste facilities*

186. This topic is addressed under Policy CSW 17 which, under the broader re-organisation of safeguarding policies in the Plan, is re-numbered CSW 16 [**MM6/13A**].
187. In contrast to the approach of the NPPF with respect to minerals, the NPPW does not include any reference to the safeguarding of existing or proposed waste sites, in the sense of protecting them from development that may inhibit their development or effective use. Nonetheless, waste management is an important element of infrastructure that would benefit from reasonable and proportionate protection. The inclusion of a waste facilities safeguarding policy into the Plan is not intrinsically unsound.
188. Many waste management sites are by their nature temporary (eg waste disposal and sites associated with other temporary operations). It would not be reasonable to extend safeguarding to such sites. "New" Policy DM 8 makes it clear that the safeguarding would not apply if the facility is not viable or incapable of being made so.
189. As submitted, Policy CSW 17 includes similar provisions to CSM 12 *Safeguarding other mineral plant infrastructure* and DM 7 *Safeguarding mineral resources and importation infrastructure*, relating to the need for replacement capacity to be provided in the event that development affecting the safeguarded site were to reduce it. As part of the broader reorganisation of the safeguarding policies, all these provisions are incorporated into "new" policy DM 8.
190. Although I appreciate that the Plan seeks, so far as possible, for Kent to be self-sufficient with respect to minerals and waste facilities and for the MPA / WPA to be able so far as possible to exercise control over them, I take the view that the requirement for replacement capacity to be in the county is unjustified. In some circumstances, it may be more practical and indeed sustainable for provision to be made in a neighbouring authority's area where it serves the same market. From the further consultation responses received, this approach does not appear to have raised any issues in any of the neighbouring authorities. In order to address this issue, reference to Kent in the third criterion of Policy DM 8 is removed by a modification [**FM11**]. In the interests of clarity I have added reference to the facility serving the same market.
191. Consistent with proposed "new" policy DM 8, a section to Policy CSW 17 ("new" policy CSW 16) is added to make it comparable to that introduced into "new" Policy CSM 6 and "new" Policy CSM 7 concerning the process of consultation and decision-making by Local Planning Authorities dealing within applications on, or near safeguarded sites. That too refers to a distance of 250m. I have already considered the principle of the specified distance above. I am satisfied that it may also be employed with respect to waste facilities.

192. The supporting text to Policy CSW 17 ("new" Policy CSW 16) is modified to bring it into line with modifications to the policy and to the broader reorganisation of the safeguarding policies within the Plan [MM6/13].

193. Subject to the modifications, I am satisfied that the policies of the Plan relating to the safeguarding of waste facilities are sound.

*Extraction of minerals in advance of surface development*

194. The NPPF requires MPAs to set out policies to encourage the prior extraction of minerals where practicable and environmentally feasible, if it is necessary for non-mineral development to take place. This is addressed in the Plan under Policy DM 8.

195. As submitted, the policy says that permission will be granted for "mineral extraction that is in advance of permitted surface development". But this would not apply to development which incorporated extraction together with surface development. It is too restrictive and thereby ineffective and unsound.

196. The shortcomings may be overcome by a modification to the policy and its supporting text [MM7/3B], the latter explicitly linking the operation of the policy to development proposed in a Minerals Safeguarding Area, and to the Safeguarding Mineral Resources Policy ("new" Policy DM 7) in order to provide context. As part of the general reorganisation of the policies in the Plan, it is renumbered as Policy DM 9.

197. When read together with the modified supporting text, it is clear that the development being referred to is non-mineral development and that the aim of the policy is to prevent needless sterilisation of resources in line with the NPPF. There is no need to further amend the policy in the interests of soundness.

*Safeguarding of transportation infrastructure*

198. This topic is addressed under Policy DM 14. Although described as a safeguarding policy, in effect it does little more than identify the effect on aviation, rail, river, sea, other waterways and road transport as a consideration in minerals and waste development proposals. Where there would be a severe impact, permission would be refused; and elsewhere mitigation would be sought. Under a proposed Additional Modification, "severe" is proposed to be changed to "unacceptable", and the Policy is re-designated as DM 15, but these are not matters that relate to soundness so I make no further observations.

**DEVELOPMENT MANAGEMENT POLICIES**

***Main issue***

*Are the policies for development management consistent with national*

*policy, justified and effective?*

199. During the course of the Hearings, the 23 development management (DM) policies were considered. I consider most to be sound, albeit that the Council has proposed a number of Additional Modifications which improve them to a greater or lesser extent, mostly in response to representations or in order to remove requirements duplicated in other policies. But I do not concern myself with those, which do not go to the question of soundness. I consider the remainder below.

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

200. Policy DM 2(2) relates to minerals or waste proposals in or within the setting of a designated AONB, applying the same tests to both situations: where a proposal is considered likely to have any unacceptable adverse impacts on the purpose of the AONB, it will not be granted planning permission or identified in the MSP or the WSP except in exceptional circumstances and where it can be demonstrated to be in the public interest. The wording of the exception derives from the NPPF in relation to applications for major development, but also applies it to the allocation of sites.

201. The policy includes matters to be assessed by proposals. These largely reflect the matters to be assessed in the consideration of applications set out in the NPPF. An Additional Modification has been put forward by the Council (AM7/1) that alters one of these considerations to more accurately reflect the NPPF and adds reference to account being taken of the relevant AONB Management Plan.

202. First, Section 85 of the Countryside and Rights of Way Act 2000 requires that in exercising or performing any functions in relation to, or so as to affect land, in AONB, relevant authorities shall have regard to their purposes. Section 82(1) says that the purpose of designation of an AONB is that of conserving and enhancing the natural beauty of the area.

203. While the general duty of public bodies clearly applies to the Council in drawing up the Plan and making development management decisions, Policy DM 2 appears to conflate it with the NPPF "exceptional circumstances" test with respect to major development. Major development is not necessarily the same as development that has an adverse impact on the purpose of the AONB. Consequently Policy DM 2 does not accurately reflect either the law or national policy.

204. Second, I take the view that Policy DM 2 goes beyond what is intended by the policy of the NPPF, insofar as it seeks to apply more widely a test which plainly applies only to the designated area. In this, the NPPF makes a distinction from designated heritage assets, where the significance of and material harm to the asset or to its setting is accorded comparable weight. It is reasonable to suppose

that, had it been the intention of the NPPF to refer to the setting of the AONB, it would have done so.

205. That is not to say that the setting of an AONB may not be worthy of some degree of protection in a development plan. Indeed, Planning Policy Guidance (PPG) states that the Section 85 duty is relevant in considering development proposals that are situated outside the boundaries of an AONB, but which might have an impact on the setting of, and implementation of the statutory purposes of the protected area. For example, a very unsightly development outside, but highly visible from the AONB that would adversely affect the landscape or scenic beauty of the Area may be considered unacceptable for that reason.
206. But if the NPPF is to be implemented correctly, any protection to the setting must be distinguishable from that afforded to the designated area. Consequently, I consider that it may be appropriate to have regard to the purpose of the AONB, but not to apply the same test as that for major development within it.
207. For the above reasons, the policy is unsound as submitted, but this may be rectified by means of a modification [**FM14**] to bring the policy into line with the NPPF and the law. I consider it appropriate that consideration of sites put forward for allocation in the MSP and the WSP should take into account the likelihood of the relevant legal duty and tests being met; and so I am content that the "considerations" set out in the policy should also be retained. The supporting text is acceptable as it stands, and does not require alteration.

*Policy DM 4: Green Belt*

208. The policy as submitted effectively required proposals for mineral extraction in the Green Belt to demonstrate that the development would enhance it by reference to the 4 matters identified in paragraph 81 of the NPPF. But the Council has confused itself as to national policy. While the NPPF urges planning authorities to plan positively to enhance the beneficial use of the Green Belt, and used these 4 matters as examples of how that could be done, they are not identified as being prerequisites of permission being granted. Moreover, the policy sets out 3 more tests for acceptability, which though they may in themselves be desirable, similarly do not form part of the criteria of acceptability set out in national policy. No mention is made in the policy of the fact that mineral extraction is not "inappropriate development" for Green Belt purposes, provided that it preserves its openness. Further, no mention is made of waste development. The Policy is not sound as it does not reflect national policy.
209. Modification **MM7/2A** rectifies this unsoundness which replaces the submitted policy by a statement that proposals for minerals and waste development in the Green Belt will be considered in the light of

their potential impact, and shall comply with national policy and the NPPF. While brief, this at least has the benefit of being consistent with national policy and does not add any unnecessary, unhelpful or conflicting gloss to it. For consistency, modified supporting text [MM7/2] broadly explains the national policy and includes the Council's intention to plan positively to enhance the Green Belt.

*Policy DM9 Water Environment*

210. This policy (re-numbered as DM 10) seeks to protect the water environment from any harmful effects of minerals or waste development. Although as submitted it refers to waterbodies (rivers, streams, lakes and ponds) and to SPZs, it does not explicitly apply to water resources generally. It may thereby be considered to be not wholly effective. This omission is corrected in a modification [MM7/5] which also refers to a new Figure 15 showing Flood Zones, SPZs and Petroleum Exploration and Development Licence Areas (replacing the submitted figure showing major clay horizons and Water Resource Areas). It additionally states that in some circumstances hydrological and hydrogeological assessments may be required to demonstrate the effects of a proposed development on the water environment and how these may be mitigated. Revised supporting text introduces the new Figure 15 [MM7/5B] and a new Figure 21 (water availability status) [MM7/5C].

*Policy DM 20 Aggregate recycling*

211. This policy is permissive of new aggregate recycling processing plant provided it is contained in covered buildings. To my mind, any environmental consequences of recycling plant which is not contained would in any case be addressed under Policy DM 10 *Health and Amenity* (re-numbered as DM 11) which states that minerals and waste development will be permitted if it can be demonstrated that they are unlikely to generate unacceptable adverse effects from noise, dust, vibration, odour, emissions bioaerosols, illumination, visual intrusion, traffic or exposure to health risks an associated damage to the qualities of life and wellbeing to communities and the environment. The matter is also addressed in the supporting text to Policy CSM 8. There is no practical reason why aggregates recycling should be subject to a specific requirement to be enclosed in every instance. It is therefore unjustified and Policy DM 20 is unsound. It is deleted through a modification [MM7/5A].

212. A substantial number of other policies in the Plan include criteria expressed in a number of forms that effectively seek to duplicate "new" Policy DM 11. While not unsound, this is bad practice. KCC is proposing to delete many of those criteria by way of Additional Modifications and I make no recommendation on this subject.

213. I am satisfied that, with the modifications I have identified, the Development Management policies of the Plan are justified, effective and consistent with national policy.

## **SUSTAINABILITY**

### ***Main issue***

*Does the Local Plan seek to achieve sustainable development, with respect to its 3 dimensions: economic, social and environmental? Are the policies clear as to their intentions and effective in promoting sustainable minerals and waste management development?*

214. The Spatial Vision looks to minerals and waste development to make a positive and sustainable contribution to the Kent area and to assist progress towards a low carbon economy. The Strategic Objectives develop the theme by encouraging the use of sustainable modes of transport for moving minerals and waste and minimising road miles; and ensuring that minerals and waste developments contribute to the minimisation of, and adaptation to the effects of climate change. Though broadly consistent with the NPPF as submitted, it does not fully reflect national policy and is thereby unsound. A modification [MM4/1C] inserts additional text that quotes at greater length from the Framework and rectifies the omission.
215. Other sustainable minerals objectives include the safeguarding of mineral bearing land for future generations; the promotion and encouragement of the use of recycled and secondary aggregates; and the encouragement of the sustainable use of the inert non-recyclable fraction of CD&E Waste for quarry restoration. For waste, particular sustainable objectives include increasing the amount re-used, recycled or recovered, thereby promoting the movement of waste up the waste hierarchy and reducing the need for landfill; the promotion of managing waste close to the source of production in a sustainable manner; using waste as a resource; and providing opportunities for additional waste management capacity to enable waste to be managed more sustainably. The restoration of both minerals and waste sites to beneficial uses is also sustainable.
216. The Plan includes near-identical policies (CSM 1 and CSW 1) relating to the overarching approach to sustainable development respectively in relation to minerals and waste, following directly from the Vision and Objectives. They provide the context of sustainability in its 3 roles: economic, social and environmental, reflecting the approach of the NPPF. There is no clear need for them to be repeated, but the Plan is not thereby made unsound. Policy CSW 2 *Waste Hierarchy* introduces the concept of the hierarchy that runs throughout the waste section of the Plan.
217. Throughout the Plan, the presumption in favour of sustainable development is to be found either explicitly or implicitly in most of its policies. Notable examples are briefly shown in this table. (NB the policy numbers are those of the Plan as proposed to be modified).

<b>Policies</b>	<b>Aspects of sustainability</b>
Safeguarding policies (CSM 5, CSM 6, CSM 7, CSW 16 & DM 7) & extraction of minerals prior to development (DM 9)	Seeking to make the best use of finite resources and infrastructure.
Sustainable transport (CSM 12, DM 13)	Limiting unnecessary travel and use of energy resources; resisting climate change.
Sustainable design (DM 1)	Addressing the need for development to be designed having regard to the minimisation of greenhouse gas emissions, energy and water consumption and loss of best and most versatile agricultural land (the latter added as an Additional Modification), together with the promotion of recycling of materials & sustainable drainage systems.
Minerals policies	Providing minerals essential for economic development and supporting use of secondary & recycled aggregate. Promoting self-sufficiency in minerals supply.
Waste Policies	Promoting the principles of the Waste Hierarchy in order to use waste as a resource and minimise unsustainable disposal. Promoting self-sufficiency in waste management.
DM policies and throughout the Plan	Protection of economic, social & environmental assets and mitigation of unavoidable harm to them.

218. The uses to which minerals may be put will not always be sustainable. For example, the use of gas or oil for energy production will result in the emission of greenhouse gases that may contribute to climate change. But that is outside the scope of this plan. However, the oil, gas and unconventional hydrocarbons policy (as modified) seeks to prevent unacceptable adverse environmental impacts from direct emissions of fugitive gases.

219. I am satisfied that the Plan as a whole is sound in terms of sustainability.

## **MANAGING AND MONITORING THE DELIVERY OF THE STRATEGY**

### ***Main Issue***

*Does the Local Plan contain realistic, achievable targets, and indicators to monitor the performance and delivery of the strategy and policies; delivery mechanisms and timescales for the implementation of policies and an indication of who is intended to implement each policy? Would the monitoring framework be effective in identifying the performance of the Plan in meeting its objectives and informing future action by the mineral and waste planning authority?*



220. The submitted Plan includes a monitoring schedule, arranged by objectives and policies. During the course of the Hearings this was found to be unsound principally by reason of ineffectiveness. In particular, it lacks measurable targets for each objective or policy against which performance may be judged. Similarly, the indicators (for example numbers of planning applications determined in a particular way) are not expressed either numerically or proportionally, such that the degree of compliance with the Plan cannot be assessed objectively. It also lacks trigger points for action in the event that monitoring shows a failure to meet objectives and an indication of the action that may be taken.
221. In order to correct the errors and omissions, the schedule is wholly replaced together with an expanded and revised introductory text as a modification [MM8/1], set out in Appendix 2 to this report. I do not propose to consider the detailed changes here. They represent a significant improvement when compared to the original. As proposed to be modified, this element of the Plan is sound.

## Assessment of Legal Compliance

222. Under the Planning and Compulsory Purchase Act 2004, [S20(5)(a)] an Inspector is charged with checking that the Plan has complied with legislation. My examination of the compliance of the Plan with the legal requirements is summarised in the table below. I conclude that the Plan meets them all.

<b>LEGAL REQUIREMENTS</b>	
Local Development Scheme (LDS)	The Kent Minerals and Waste Local Plan is identified within the approved LDS 2010- 2016 which sets out an expected adoption date as April / May 2015. The Plan's content and timing are about a year behind that expectation, but a proportion of that time has been taken up with a second round of consultations on the Main Modifications. Overall, the timescale has not been breached to a significant extent.
Statement of Community Involvement (SCI) and relevant regulations	The SCI was adopted in January 2011, and subject to Addenda in April 2013 and January 2014. Consultation has been compliant with the requirements therein, including the consultation on the post-submission proposed Main Modifications.
Sustainability Appraisal (SA)	SA has been carried out, including on the Main Modifications, and is adequate.
Appropriate Assessment (AA)	A Habitats Regulations Assessment on the draft Plan was published in July 2014. It concludes that the Plan is unlikely to result in significant effects on European sites owing to the included safeguarding policies. Further guidance was provided regarding project-level measures for Policies CSW 18 and CSM

	3.
National Policy	The Local Plan complies with national policy except where indicated and Main Modifications are recommended.
2004 Act (as amended) and 2012 Regulations.	The Local Plan complies with the Act and the Regulations.

## Overall Conclusion and Recommendation

**223. The Plan has a number of deficiencies in relation to soundness for the reasons set out above which mean that I recommend non-adoption of it as submitted, in accordance with Section 20(7A) of the Act. These deficiencies have been explored in the main issues set out above.**

**224. The Council has requested that I recommend Main Modifications to make the Plan sound and/or legally compliant and capable of adoption. I conclude that, with the recommended Main Modifications set out in the Appendices, the Kent Minerals and Waste Local Plan 2013 – 2030 satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the National Planning Policy Framework.**

*Jonathan G King*

Inspector

*This report is accompanied by Appendices 1 and 2 containing the Main Modifications*

# KENT MINERALS AND WASTE LOCAL PLAN - INSPECTOR'S REPORT

## Appendix 1

### Schedule of Main Modifications

- Additions of new text are shown in bold and italicised e.g. *like this*
- Deleted text is shown struck through e.g. ~~like this~~

Modification Ref. No.	Location in Plan	Proposed Modification
MM3/3	Vision Point 5	<p><u>Amend to:</u></p> <p><del>“Seek to D</del>deliver a sustainable, steady and adequate supply of land-won minerals including aggregates, silica sand, crushed rock, brickearth, chalk and clay, <b>building stone</b> and minerals for cement manufacture.”</p>
MM3/1	Vision Point 7	<p><u>Amend to:</u></p> <p>“Safeguard economic mineral resources for future generations and all <b>existing, planned and potential</b> mineral <b>transportation and processing infrastructure</b> <del>importation</del> facilities (<b>including</b> wharves and rail depots <b>and production facilities</b>).”</p>
FM1 Superseding MM3/1A	Vision Point 8	<p><u>Replace by:</u></p> <p><b>“Restore minerals sites to a high standard that will deliver sustainable benefits to Kent communities”.</b></p>

<p><b>FM7</b></p> <p>Superseding MM3/2</p>	<p>Vision Point 14</p>	<p><u>Replace by:</u></p> <p><b>“Restore waste management sites to a high standard that will deliver sustainable benefits to Kent communities”.</b></p>
<p><b>MM4/1C</b></p>	<p>Objective 2</p>	<p><u>Amend to:</u></p> <p>“Ensure minerals and waste developments contribute towards the minimisation of, and adaptation to, the effects of climate change. <b><i>This includes helping to shape places to secure radical reductions in greenhouse gas emissions and supporting the delivery of renewable and low carbon energy and associated infrastructure.</i></b>”</p>
<p><b>MM4/3</b></p>	<p>Objective 5</p>	<p><u>Amend to:</u></p> <p><b><i>“Seek to</i></b> ensure the delivery of adequate and steady supplies of <b><i>sand and gravel</i></b>, chalk, brickearth, clay, silica sand, crushed rock, building stone and minerals for cement <del>and sand and gravel</del> during the plan period, through identifying sufficient sites and safeguarding mineral bearing land for future generations”</p>
<p><b>MM4/1</b></p>	<p>Objective 7</p>	<p><u>Amend to:</u></p> <p>“Safeguard <b><i>existing, planned and potential</i></b> sites for <b><i>mineral infrastructure including</i></b> wharves and rail depots across Kent to enable the on-going <b><i>transportation</i></b> <del>importation</del> of marine dredged aggregates, crushed rock and other minerals <b><i>as well as other production facilities.</i></b>”</p>
<p><b>FM2</b></p> <p>Superseding MM4/1AA</p>	<p>Objective 9</p>	<p><u>Replace with:</u></p> <p><b><i>“9. Restore minerals sites to the highest possible standard to sustainable afteruses that benefit the Kent community economically, socially or environmentally. Where possible, afteruses should conserve and improve local landscape character and incorporate opportunities for biodiversity to meet targets outlined in the Kent Biodiversity Action Plan, the Biodiversity Opportunity Areas and the Greater Thames Nature Improvement Area.”</i></b></p>
<p><b>MM4/1A</b></p>	<p>Objective 13</p>	<p><u>Amend to:</u></p>

		"13. Use waste as a resource <del>to</del> and provide opportunities for the generation of renewable energy for use within Kent through energy from waste <del>and other mechanisms</del> <b>technologies</b> such as gasification and aerobic/anaerobic digestion."
<b>MM4/1B</b>	Objective 14	<u>Amend to:</u>  "14. Provide <b>suitable opportunities</b> <del>locations</del> <b>for additional waste management capacity</b> <del>for additional waste sites and facilitate expansion of existing sites, where appropriate,</del> to enable waste to be managed in a <b>more</b> sustainable manner."
<b>FM8</b>  Superseding MM4/2	New Strategic Objective 15	<u>Add:</u>  <b>"15. Restore waste management sites to the highest possible standard to sustainable afteruses that benefit the Kent community economically, socially or environmentally. Where possible, afteruses should conserve and improve local landscape character and incorporate opportunities for biodiversity to meet targets outlined in the Kent Biodiversity Action Plan, the Biodiversity Opportunity Areas and the Greater Thames Nature Improvement Area."</b>
<b>FM3</b>	Paragraph 5.2.34	<u>Delete:</u>  "Any application for development of silica sand quarries within the AONB or its setting must have regard to the particularly sensitive nature of the environment and demonstrate how the proposed development meets the requirement for exceptional circumstances and why it is in the public interest."
<b>FM4</b>	Paragraph 5.2.34	<u>Amend as follows:</u>  "Proposals will be considered on their merits against policies <b>CSM2</b> <del>and CSM4</del> in particular."
<b>MM5/1</b>	Section 5.2 Preamble to Policy CSM 2	<u>Amend to:</u>  <b>5.2 Policy CSM 2: Supply of Land-won Minerals in Kent</b>  5.2.1 Economic minerals that are currently extracted from Kent quarries include: <b>aggregate minerals and industrial minerals. Aggregate minerals include:</b> sand and gravel (both soft sand, and sharp sand, and gravel); and crushed rock (ragstone); <b>industrial minerals include:</b> silica sand, brickearth,

clay for tile-making, chalk for agricultural and industrial uses and building stone. In the recent past, shale from the coal measures in East Kent has been used for brick making, clay has been used for brick-making and raw materials have been extracted for cement manufacture within Kent. Up until the late 1980s, coal was extracted from underground coal mines in East Kent.

5.2.2 The NPPF requires Mineral Planning Authorities (MPAs) to ***aim to source minerals supplies indigenously*** and identify and include policies for the extraction of mineral resources of national and local importance in their areas ***so far as practicable, and take account of the contribution that substitute or secondary and recycled materials and minerals waste would make to supply, before considering extraction of primary materials. For land-won primary materials the NPPF expects MPAs to identify, and include policies for the extraction of, mineral resources of national and local importance in their area.*** Every MPA that has mineral resources within it has a role to play in meeting both national and local demand. It is important that the Kent MWLP provides a clear guide to both mineral operators and the public about locations where land-won mineral extraction may take place.

***Sharp Sand and Gravel***

**Flint Gravels**

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

**Sandstone Gravels**

***5.2.4 The sandstone dominant gravels in the Medway Valley upstream of Maidstone became the subject of increasing interest from operators as other deposits became worked out, although their use in the production of high-quality concreting aggregates has not normally been possible. Only one Medway Valley sandstone gravel quarry was operational at the time***

	<p><i>of plan preparation; this site imports crushed rock for blending with the indigenous sandstone gravels to produce aggregates suitable to supply the concrete production market.</i></p> <p><b>Soft Sand</b></p> <p><i>5.2.5 Kent's soft sand reserves extracted from the Folkestone Beds continue to be important for mortar and asphalt production. Soft sand supplies in Kent are relatively abundant, whereas they are scarce in other parts of the South East of England, with supplies from seven sites continuing to be important for mortar and asphalt production.</i></p> <p><b>Crushed Rock</b></p> <p><del>5.2.156</del> <i>National policy requires landbanks of at least 10 years for crushed rock. The only resource crushed rock exploited commercially to supply crushed rock in the county is Kentish Ragstone, which is found in a band crossing Kent from east to west. The ragstone resource to the west of Maidstone has been the focus of crushed rock supply extraction in the recent past. Crushed rock Other resources capable of producing crushed rock are also found in the form of a Carboniferous Limestone deposit in east Kent (see section 5.9).</i></p> <p><b>Alternative Sources of Materials to Markets Supplied by Land-won Sharp Sand &amp; Gravels</b></p> <p><i>5.2.7 Secondary and recycled aggregates can, in some circumstances, provide a replacement for sharp sand and gravel in many applications. The suitability of such materials to substitute for land-won supplies has been considered in detail in the preparation of this plan. Sales of secondary and recycled materials in 2014 were 0.84mt, although sales have been as high as 1.3mt in the last decade. The importance of maintaining supply from this source is recognised in Policy CSM 8 which seeks to maintain and increase production capacity.</i></p> <p><i>5.2.8 With its coastal location, Kent fulfils an important role in the importation of minerals including a range of construction aggregates from mainland Europe, as well as marine dredged aggregates (MDA) and imported recycled and secondary materials. Kent benefits from a number of aggregate wharves, into which significant quantities of MDA and crushed rock are landed. Kent is understood to be the largest importer of MDA in the South East of England, with 1.7 million tonnes (mt) being imported into its wharves in 2013 and of the total of 3.13mt of MDA landed in Kent and Medway in 2009 (1.41mt into Kent), 2.5mt was consumed within Kent and Medway(43). Land-won sharp sand and gravel is also imported by</i></p>
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	<p><b><i>rail and road from areas beyond Kent. Assurances regarding the security of these minerals imports during the Plan period have been obtained.</i></b></p> <p><del>5.2.3</del> The following criteria will be taken into account for selecting and screening the suitability of sites for identification in the Minerals Sites Plan:</p> <p><del>the requirements set out in Policy CSM 2: Supply of Land-won Minerals in Kent</del>  <del>all policies set out in Chapter 7: Development Management Policies</del>  <del>relevant policies in district local plans</del>  <del>strategic environmental information, including landscape assessment and HRA as appropriate</del></p> <p>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.</p> <p><b>Sand and Gravel</b></p> <p><del>5.2.4</del> Sources of high-quality flint gravels in Kent have been concentrated in the areas where flints derived from the chalk have been deposited by river and marine action. These were the three main river valleys of the Darent, Medway and Stour, and the beach deposits along the coast (particularly at Dungeness). As far back as 1970, planning studies identified concerns about the lack of alternatives to the flint gravels being extracted in Kent at that time. <del>(40)</del> Flint gravels in the river valleys were becoming exhausted and increasing weight had been accorded to nature conservation and water resource constraints in the Dungeness area, which in the past had provided an area of extensive working and substantial resources. Flint dominant head gravel resources near Herne Bay, previously identified as Areas of Search (AoS) <del>(41)</del> have proved to be disappointing and have effectively been abandoned by industry. The sandstone dominant gravels in the Medway Valley upstream of Maidstone became the subject of increasing interest from operators as other deposits became worked out, although their contribution to the production of high-quality concreting aggregates has not normally been possible. Only one Medway Valley sandstone gravel quarry remains operational at the time of plan preparation; the site benefits from a rail depot that is used for the importation of crushed rock for blending with the indigenous sandstone gravels to produce aggregates suitable for concrete. Kent's soft sand reserves extracted from the Folkestone Beds continue to be important for mortar and asphalt production. Soft sand supplies in Kent are relatively abundant, whereas they are scarce in other parts of the South East</p>
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		<p>of England:</p> <p><del>5.2.5</del> Recycled aggregates can, in some circumstances, provide a replacement for sharp sand and gravel in concrete manufacture. Kent also benefits from a number of aggregate wharves around its coastline, into which are landed significant quantities of MDA and crushed rock from other areas that provide an alternative to land-won sharp sand and gravel sources in meeting market demand for concreting aggregates. Kent is the largest importer of MDA in the South East of England, importing 1.7 million tonnes (mt) of MDA into its wharves in 2011. <del>(42)</del> With its coastal location, Kent fulfils an important role in the importation of minerals including a range of construction aggregates from Europe, as well as MDA and recycled and secondary aggregates.</p> <p><del>5.2.6</del> The amount of land-won aggregates that need to be supplied from quarries in Kent over the plan period has taken into consideration the current and future contributions to aggregate supply made by MDA, imported crushed rock, other land-won aggregates and imported secondary and recycled aggregates. <del>(43)</del></p> <p><b>Demand</b></p> <p><del>5.2.7</del> <b>5.2.9 The NPPF requires Minerals Planning Authorities to plan for a steady and adequate supply of aggregates through preparing an annual Local Aggregates Assessment (LAA) from which future planned provision should be derived based on a rolling average of 10-years aggregates sales data and an assessment of all supply options (including marine dredged, secondary and recycled sources), and other relevant local information. It also seeks for plans to make provision for the maintenance of</b> landbanks of at least seven years are required for land-won sand and gravel <b>and ten years for crushed rock. Landbanks of aggregate minerals reserves are used as the principal indicator of the future security of aggregate minerals supply, and to indicate the additional provision that needs to be made for new aggregate extraction and alternative supplies in mineral plans.</b></p> <p><del>While the 7-year landbank is required to be based on a rolling average of 10-years sales data, (44) and an assessment of all supply options (including marine dredged, secondary and recycled sources), other relevant circumstances that may affect the local demand should also be examined. (45)</del></p> <p><b>5.2.10 The NPPF and planning practice guidance also states that separate landbanks should be calculated and maintained for any aggregate materials of a specific type or quality which</b></p>
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	<p><i>have a distinct and separate market. Within Kent the economic sand and gravel resources are:</i></p> <ul style="list-style-type: none"> <li>• <i>the Medway Valley sandstone gravels and flint sands and gravels (collectively referred to as 'sharp sands and gravels') that are used primarily for concrete production</i></li> <li>• <i>soft sands that are predominantly used in asphalt and mortar production</i></li> </ul> <p><i>5.2.11 The Kent Local Aggregate Assessment (January 2015) sets out the 10 year average of sales for all aggregates and the contribution of different aggregates to overall supply.</i></p> <p><i>Since the sharp sands and gravels and soft sands serve predominantly different markets their supply has been assessed separately.</i></p> <p><i>5.2.12 Between 2004 and 2013 sales of sharp sand and gravel from quarries in Kent dropped from around 908,000 tonnes in 2004 to around 273,000 tonnes in 2013. The average of 10 years' sales of sharp sand and gravel is 0.78 million tonnes per annum (mtpa). If demand were at this level for the rest of the Plan period (the 17 years 2013-30), the requirement would be 13.26mt.</i></p> <p><i>5.2.13 Between 2004 and 2013 sales of soft (building) sand from Kent's quarries have dropped from around 780,000 tonnes in 2004 to around 483,000 tonnes in 2013. The average of 10 years' sales of soft sand is 0.65 mtpa.</i></p> <p><i>5.2.14 The 10-year average sales figure for crushed rock is 0.78mtpa and, as presented in the LAA, is based on assumed sales as the actual sales come from two quarries and hence data is confidential for the purposes of the annual monitoring returns.</i></p> <p><i>5.2.15 Other relevant local information that may affect supply of, or demand for, aggregates was considered in the LAA <sup>(48)</sup>. This did not indicate that a figure higher than the 10 year average sales figures would be justified as a basis for future provision.</i></p> <p><i>48 The Local Aggregates Assessment (2015) forecast a substantially lower figure for the 7 year period compared with the 10 year sales figure recommended by the NPPF</i></p> <p><del>5.2.8</del> <i>The government's updated planning practice guidance for minerals (46) to accompany the NPPF makes clear that separate landbanks should be assessed for distinctly different types of land won</i></p>
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		<p>aggregates. Within Kent the economic sand and gravel resources are:-</p> <p>the flint sands and gravels (often referred to as sharp sands and gravels) that are used primarily for concrete production</p> <p>the soft sands that are predominantly used in asphalt and mortar production</p> <p><del>5.2.9</del> It is therefore considered that sharp sands and gravels and soft sands do indeed serve predominantly different markets and should be assessed separately, in terms of their supply to meet the landbank requirements of national guidance. <del>(47)</del></p> <p><del>5.2.10</del> Between 2000 and 2013 sales of both types of sand and gravel aggregates from Kent's quarries dropped steadily from around 1.7 million tonnes per annum (mtpa) toward the beginning of the new century to around 1.0 mt in 2013. The reduction in land won sand and gravel sales has, in part, been compensated by increased sales of MDA from Kent's aggregate wharves in recent years. The importance of the importation capacity of Kent's wharves will increase as time goes on as the land won sustainable aggregate resources become depleted.</p> <p><del>5.2.11</del> It has been determined that, due to the imbalance in the availability the various types of remaining, land won sand and gravel resources in Kent, the predominance of soft sand in the existing sand and gravel landbank, together with the availability of alternative materials suitable for use as concreting aggregates, it is not possible or necessary to plan to provide a rolling 7 year landbank for sharp sand and gravel for the plan period. Provision will therefore be made for a landbank of at least seven years for sharp sand and gravel and a rolling landbank of soft sand of at least seven years for the whole of the plan period. Any shortfall in land won sharp sand and gravel sales over the plan period can be made up by increased supplies from marine dredged and recycled aggregates. A separate landbank will be provided for crushed rock.</p> <p><del>5.2.12</del> The rolling 10 year average sales figures for both sand and gravel and crushed rock had closely reflected the sub regional apportionments that had been made for the partially revoked <i>South East Plan</i> (SEP), <del>(48)</del> which were previously used for determining future provision. <del>(49)</del> The current practice is to assess the rolling 10 year average sales figures and consider local circumstances and other contributions to aggregate supply that can potentially affect aggregate demand in an annual Local Aggregate Assessment (LAA).</p>
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	<p><del>5.2.13</del> The sand and gravel sites included in the 2013 landbank calculations are listed in Appendix C. The 10-year rolling average sales for all construction aggregates in the county have been included in <i>Kent's first LAA</i>, and Minerals Topic Paper 1: <i>Construction Aggregate Assessments and Need</i>. <del>(50)</del></p> <p><b><i>Future Supplies of Land-won Sharp Sand and Gravel</i></b></p> <p><b><i>5.2.16 The starting point for identifying requirements for future land release for sand and gravel is the expected need for materials over the Plan period and beyond, taking into account the material which can be supplied from sites which already exist and have planning permission and the contribution that substitute or secondary and recycled materials would make. The Plan provides separate policies for sharp sand &amp; gravel, soft sand and crushed rock, all of which are won from the land within Kent.</i></b></p> <p><b><i>5.2.17 The sites included in the calculations of the supply of land won sand and gravel are listed in Appendix C.</i></b></p> <p><b><u>Sharp Sand and Gravel</u></b></p> <p><b><i>5.2.18 Permitted reserves at the end of 2013 were 3.61mt. Initial work through the 'call for sites' identified potential suitable sites that might supply a potential further 6.47mt of sharp sand and gravel over the Plan period. This, combined with existing permitted reserves, totals 10.08mt.</i></b></p> <p><b><i>5.2.19 As set out above, based on 10 year sales, the requirement for the Plan period (the 17 years 2013-30) is 13.26mt. The 10.08mt potentially available is not sufficient to meet this and, indeed, a 7 year landbank does not presently exist, and even if the potential new supply came on stream, it would still not be possible to maintain a 7 year landbank for the whole of the Plan period. This is due to insufficient suitable sites for release being identified by the minerals industry. It is possible that other suitable sources of aggregates will be identified, that currently uneconomic deposits become economic, or that constraints on the release of known aggregates sources (such as land ownership) may be overcome. This could lead to proposals coming forward to be judged against Policy CSM4 or to further sites being proposed in the Minerals Sites Plan.</i></b></p> <p><b><i>5.2.20 Diminishing land-won sharp sand and gravel supplies will increasingly be substituted over the plan period by supplies from production of alternative materials including secondary</i></b></p>
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*and recycled aggregates, supplies gained from blending of materials to generate material suitable to supply the construction aggregate market(50), landings of MDA and imports of land-won aggregates from elsewhere. Indeed, there is adequate existing capacity at wharves, railheads and recycling facilities for supplies from these sources to meet the predicted shortfall in supply of land-won sharp sand and gravel aggregate as resources are exhausted. The Plan provides for this flexibility in supply of aggregates as follows: Policy CSM5 seeks to safeguard sharp sand and gravel resources that may become economic and to maximise the opportunities for the development of 'windfall' reserves which may come forward under Policy CSM4. In addition, Policies CSM8 and CSM7 make provision for maintaining and developing further secondary and recycled aggregates supplies during the plan period and Policies CSM6, CSM7 & CSM 12 seek to ensure that the necessary minerals importation and processing infrastructure is in place.*

**5.2.14** ~~The sand and gravel sites identified in the Mineral Sites Plan will contain land-won sharp sand and gravel sites, soft sand (building sand) sites and sandstone gravel sites to reflect the different types of geological formations in Kent that are used as construction aggregates.~~

**Soft Sand**

*5.2.21 The current annual need for soft sand based on the 10-year rolling average sales figures is 0.65 million tonnes. If demand were at this level for the rest of the Plan period (the 17 years 2013-30), the requirement would be 11.05mt. In addition, provision of a landbank of seven years' supply to be available at the end of the Plan period (4.55mt) implies a total requirement of 15.60mt. At the end of 2012 there were permitted reserves of soft sand in Kent of 10.64mt and so the Plan needs to make provision for at least an additional 4.96mt of soft sand. The 'call for sites' from mineral companies has identified sufficient sites with estimated reserves at these sites sufficient to meet requirements without adversely impacting on the AONB or its setting. Therefore it will be possible to meet the requirement of the NPPF to maintain a landbank of at least 7 years of reserves for soft sand throughout the Plan period (4.55 million tonnes). Achieving supply in practice is dependent on sufficient satisfactory planning applications being submitted by mineral companies.*

*5.2.22 It should be noted that there can be a lack of clarity in geology between soft sand and silica sand as they occur in the ground. In light of this, it is necessary, in consultation with the operators, to determine the degree to which sites identified as supplying soft sand and/or*

	<p><b><i>silica sand may supply both materials. This review process may have an effect on the overall recorded landbank for soft sand in Kent. The outcome of this review will be reported in the LAA.</i></b></p> <p><b>Crushed Rock</b></p> <p><del>5.2.15</del> National policy requires landbanks of at least 10 years for crushed rock. The only crushed rock exploited commercially in the county is Kentish Ragstone, which is found in a band crossing Kent from east to west. The ragstone resource to the west of Maidstone has been the focus of crushed rock extraction in the recent past. Crushed rock resources are also found in the form of a Carboniferous Limestone deposit in east Kent.</p> <p><b><i>5.2.23 The stock of planning permissions for crushed rock (ragstone) in Kent at the time of plan preparation are sufficient to maintain a landbank of 10 years supply (assumed as 0.78mtpa) throughout and beyond the end of the plan period and so no additional crushed rock (ragstone) sites will be identified in the Minerals Sites Plan.</i></b></p> <p><del>5.2.16</del><b>24</b> The stock of planning permissions for crushed rock in Kent at the time of plan preparation is sufficient for the whole of the plan period and beyond. However, a <del>At the time of plan preparation,</del> consented reserves of crushed rock are contained within two Kentish Ragstone sites. One of which contains the bulk of the permitted reserves that are generally of low quality and so their use is limited, and mineral extraction only takes place from this site intermittently on a campaign basis. In view of this <del>type of situation,</del> a policy covering situations where non-identified land-won mineral sites could be acceptable is included as Policy CSM 4.</p> <p><u>Insert new paragraphs to follow para 5.2.24 as follows:</u></p> <p><b><i>Overall Provision of Land-won Aggregates</i></b></p> <p><b><i>5.2.25 The Plan will provide for land-won aggregates as follows:</i></b></p> <p><b><i>Sharp sand and gravel: at least 10.08mt (including 3.61mt of currently permitted reserves), and a landbank of at least 5.46 mt as long as resources allow.</i></b></p> <p><b><i>Soft sand: 10.64mt reserves at existing permitted sites and new allocations to provide at least 4.96mt making a total provision of 15.60mt, sufficient to provide 11.05mt for the Plan period</i></b></p>
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	<p><i>plus a landbank of 4.55mt in 2030;</i>  <i>Crushed rock: c.50mt reserves at existing permitted sites, sufficient to provide 13.26mt for the Plan period plus a landbank of 7.28mt in 2030 without the need for any new allocation</i></p> <p><b>5.2.26</b> <i>The sand and gravel sites identified in the Mineral Sites Plan will include land-won sharp sand and gravel sites, and soft sand (building sand) sites.</i></p> <p><del>5.2.327</del> <del>The following eCriteria</del> <b>that</b> will be taken into account for selecting and screening the suitability of sites for identification in the Minerals Sites Plan <b>are set out in Policy CSM2.</b>÷</p> <p><del>the requirements set out in Policy CSM 2: Supply of Land-won Minerals in Kent</del>  <del>all policies set out in Chapter 7: Development Management Policies</del>  <del>relevant policies in district local plans</del>  <del>strategic environmental information, including landscape assessment and HRA as appropriate</del></p> <p><del>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.</del></p> <p><b>Industrial Minerals</b></p> <p><b>5.2.28</b> <i>In seeking to provide a steady and adequate supply of industrial minerals, and following national policy, the Council will co-operate with other MPAs to co-ordinate the planning of industrial minerals (including silica sand) to ensure adequate provision is made to support their likely use in industrial and manufacturing processes. The Council will also seek to maintain a stock of permitted reserves to support the level of actual and proposed investment required for new or existing plant and the maintenance and improvement of existing plant and equipment as follows:</i></p> <p><i>at least 10 years for individual silica sand sites except where significant new capital is required in which case it is 15 years;</i>  <i>at least 15 years for cement primary (chalk and limestone) and secondary (clay and shale) materials to maintain an existing plant; and</i></p>
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	<p><i>at least 25 years for brick clay and for cement primary and secondary materials to support a new kiln.</i></p> <p><i>This section deals with how the Plan intends to provide to meet these expectations.</i></p> <p><b><u>Brickearth and Clay for Brick and Tile Manufacture</u></b></p> <p><del>5.2.17</del><b>29</b> At the time of plan preparation, Kent only has one operational brickworks near Sittingbourne, which is supplied by brickearth extracted from sites in the Sittingbourne to Faversham area to make yellow London stock bricks. Brickearth extracted from another site in north Kent provides the raw materials for a brickworks in East Sussex. National planning policy requires the provision of a stock of permitted reserves of at least 25 years for brick clay. There is a need to identify sufficient sites to provide brickearth for these two brickworks to ensure that the locally characteristic yellow London stock bricks can continue to be manufactured.</p> <p><del>5.2.18</del><b>30</b> In the past in Kent, bricks have also been made at various locations from supplies of Weald Clay, Gault Clay, London Clay, Wadhurst Clay and colliery shale. No operational brickworks that use clay and/or colliery shale remain in Kent. The stock of planning permissions for clay and colliery shale for brick and tile making is sufficient for the plan period if any of the dormant or closed brickworks is re-opened or new brickworks are established. Therefore, there is no need to identify further reserves of brick clay or colliery shale for brickmaking in the Mineral Sites Plan.</p> <p><del>5.2.19</del><b>31</b> A small-scale tile manufacturer that makes <del>hand-made</del> traditional 'Kent Peg' tiles is located in the Weald of Kent at Hawkenbury. This site has <del>sufficient reserves of Weald Clay to last until the end of the plan period</del> <b><i>a consented clay pit with reserves consented through to 2026.</i></b> However, the <del>planning permission is due to expire in 2026.</del> <b><i>Permitted reserves are however sufficient to supply the tile works beyond this date.</i></b> No further reserves are needed to be identified to sustain this operation during the plan period.</p> <p><b><u>Silica Sand</u></b></p> <p><i><u>Para 5.2.20 – no change – but amend paragraph no. to 5.2.32</u></i></p> <p><del>5.2.21</del><b>33</b> The silica sand quarries that have consented reserves at the time of plan preparation are identified in Appendix C and shown in Figure 13: Minerals Key Diagram. <b><i>Silica sand is used in a range</i></b></p>
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		<p><i>of applications including the manufacture of glass and production of materials used in construction. An example of a potential local use would be in the manufacture of 'Aircrete' blocks (also known as aerated concrete blocks) where it may substitute for the current supply of Pulverised Fuel Ash (PFA). Currently the existing market need for silica sand is being met by extraction from two quarries Wrotham Quarry (Addington Sand Pit) and Nepicar Sand Pit</i> While two of the three existing Kent silica sand quarries have sufficient reserves to last for the entire plan period, one site (Wrotham Quarry (Addington Sand Pit)) does not. Therefore, a site will be required in the Mineral Sites Plan to identify sufficient reserves to meet national landbank requirements for silica sand. However, <b><i>These have permitted reserves in excess of 3mt. These quarries are identified in Appendix C and shown in Figure 13: Minerals Key Diagram. While the Plan seeks to maintain a stock of permitted reserves, in line with national policy, it is recognised that this may not be possible if it would be inconsistent with policy to conserve the landscape and scenic beauty of the AONB.</i></b> The AONB is a nationally important designation and so developments within it or its setting must have regard to the particularly sensitive nature of the environment. Any application for <b><i>development of an extension to this silica sand quarries within the AONB or its setting must have regard to the particularly sensitive nature of the environment and</i></b> y will need to meet national policy requirements for development in AONBs, including demonstrate ion of how the proposed development meets the requirement for exceptional circumstances and why it is of public interest. <b><i>In light of national policy, the Plan does not seek allocation of sites within the AONB or in locations which would have an adverse impact on the setting of, and implementation of, the statutory purposes of the AONB. Proposals will be considered on their merits against policies CSM2 and CSM4 in particular.</i></b></p> <p><b><i>Chalk for Agricultural and Engineering Purposes</i></b></p> <p><b><i>5.2.2234</i></b> Chalk is abundant in Kent. It is used for agricultural uses (applying to fields to neutralise acid soils) and construction purposes (<b><i>primarily as a bulk fill material</i></b>) across the county.(56) <b><i>Since there are no plants dependant on the supply of chalk there is no policy requirement to make provision. However local sales data for agricultural and engineering use combined indicates that sales vary considerably from year to year. The indicative Kent landbank of chalk is estimated to be around 19.4 years according to 2013 sales rates, or 14.5 years at the three year average sales rates. In view of the possible under reporting of sales for certain uses it is considered that some provision for additional chalk supplies should be made and</i></b> To ensure a steady and adequate supply of chalk for agricultural and engineering uses throughout the plan</p>
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		<p>period, sufficient chalk extraction sites, <b>based on an assessment, at that time, of likely future requirements</b>, will be identified in the Minerals Sites Plan.</p> <p><b>5.2.35 To help facilitate future development of cement manufacture at the Medway Works, Holborough, specific reserves of chalk are safeguarded as set out in Policy CSM3.</b></p> <p><b><u>Clay for Engineering Purposes</u></b></p> <p><b>5.2.36</b> Clay is also abundant in Kent. There are four principal clay horizons in Kent: London Clay, Gault Clay, Weald Clay and Wadhurst Clay. Figure 15 shows the clay horizons across the county. London Clay, in particular, has been extensively used as an engineering clay, especially for sea defence work around the North Kent Marshes in the past. <del>(57)</del> To ensure a steady and adequate supply of clay for engineering use throughout the plan period, sufficient clay extraction sites will be identified in the Mineral Sites Plan. <b>Other than uses in brick manufacture, the principal use for extracted clay is for engineering purposes. Since there are no specific requirements for engineering clay for bulk fill, waterproof capping or flood defences there is no requirement to make specific provision. Local sales data indicates that sales vary significantly from year to year, however an average for the 11 years in which data was available indicates sales of approximately 27,000 tpa with a peak demand of 69,000 tonnes in 2002. This equates to a need over the plan period of around 459,000mt.</b> The proposed extension areas for Norwood Quarry and Landfill Site on the Isle of Sheppey, identified as the Strategic Site for Waste in Policy CSW 5, will be identified as an extraction site for engineering clay.</p>
MM5/7	Policy CSM 2	<p><u>Amend to:</u></p> <p><b>Policy CSM 2</b></p> <p><b>Supply of Land-won Minerals in Kent</b></p> <p>Mineral working will be granted planning permission at sites identified in the Minerals Sites Plan subject to meeting the requirements set out in the relevant site schedule in the Mineral Sites Plan and the development plan.</p> <p><b>1. Aggregates</b></p>

		<p>Provision will be made for <del>the supply</del><del>landbanks</del> of land-won aggregates <i>as follows:-</i></p> <ul style="list-style-type: none"> <li>• <b>Sharp sand and gravel:</b> <del>This will consist of a</del><del>supply</del> <b>At least 10.08mt and a</b> landbank of at least seven years <del>supply</del> of sharp sand and gravel and <b>(5.46mt) will be maintained while resources allow. The rate of supply will decline through the Plan period from a supply of a 10-year average of around 0.78mtpa and resources will be progressively worked out (unless additional sites are brought forward which would be assessed against Policy CSM4). Demand will instead be met from other sources, principally a combination of recycled and secondary aggregates, landings of MDA, blended materials and imports of crushed rock through wharves and railheads. The actual proportions will be decided by the market.</b></li> <li>• <b>Soft sand:</b> <del>Rolling</del> landbanks for the whole of the plan period and beyond of at least seven years for soft sand <b>equivalent to at least 15.6mt, comprising 10.6mt from existing permitted sources and 5.0mt from sites allocated in the Minerals Sites Plan.</b></li> <li>• <del>and at least 10 years</del> <b>Crushed rock:- Rolling landbanks for the whole of the plan period and beyond of at least ten years equivalent to at least 20.5mt, all from existing permitted sources.</b></li> </ul> <p><del>A rolling average of 10 years' sales data and other relevant information will be used to assess landbank requirements. Sufficient</del> Sites will be identified in the Mineral Sites Plan <b>to support supplies of land-won aggregates at the stated</b> in order to facilitate the maintenance of aggregate landbanks at the required levels <b>above</b>. The stock of planning permissions for crushed rock (ragstone) is sufficient for the plan period and so no crushed rock (ragstone) sites will be identified. <b>A rolling average of 10 years' sales data and other relevant information will be used to assess landbank requirements on an ongoing basis, and this will be kept under review through the annual production of a Local Aggregates Assessment.</b></p> <p><b>2. Brickearth and Clay for Brick and Tile Manufacture</b></p> <p><del>Sufficient</del> Sites will be identified <b>in the Mineral Sites Plan for the supply of</b> brickearth <b>by providing</b> to enable <b>a stock</b> the maintenance of landbanks of permitted reserves <b>of equivalent to at least 25 years to support the level of actual and proposed investment required for new or existing plant and the maintenance and improvement of existing plant and equipment.</b> <del>of production based on past</del></p>
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		<p>sales. The stock of <b>existing</b> planning permissions for clay for brick and tile making is sufficient for the plan period.</p> <p><b>3. Silica Sand</b></p> <p><i>In response to planning applications, the Mineral Planning Authority will seek to permit sufficient sites for silica sand production sufficient will be identified for silica sand production in order to provide a stock of permitted reserves of at least 10 years maintain landbanks at for individual existing sites of 10 years and 15 years for sites where significant new capital is required, to support the level of actual and proposed investment required for new or existing plant and the maintenance and improvement of existing plant and equipment. Proposals will be considered on their own merits, having regard subject to the policies of the Development Plan as a whole subject to them proposals demonstrating:</i></p> <ol style="list-style-type: none"> <li>a. how the development mineral resources meets technical specifications required for silica sand (industrial sand) end uses</li> <li>b. how the mineral resources will be used efficiently so that high-grade sand deposits are reserved for industrial end uses</li> </ol> <p><b>4. Chalk for Agriculture and Engineering Purposes</b></p> <p>Sites will be identified to enable sufficient chalk extraction to continue through the plan period to supply Kent's requirements for agricultural and engineering chalk.</p> <p><b>5. Clay for Engineering Purposes</b></p> <p><i>A site for the extraction of clay for engineering purposes will be identified at Norwood Quarry and Landfill Site in the Minerals Sites Plan. Other sites will be identified if required in order to enable clay extraction to continue through the plan period to supply Kent's requirements.</i></p> <p><b>Selection of Sites in the Minerals Sites Plan</b></p> <p><i>The criteria that will be taken into account for selecting and screening the suitability of sites for identification in the Minerals Sites Plan will include:</i></p> <ul style="list-style-type: none"> <li>• the requirements for minerals set out above</li> </ul>
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		<ul style="list-style-type: none"> <li>• <b>relevant policies set out in Chapter 7: Development Management Policies</b></li> <li>• <b>relevant policies in district local plans and neighbourhood plans</b></li> <li>• <b>strategic environmental information, including landscape assessment and HRA as appropriate</b></li> <li>• <b>their deliverability</b></li> <li>• <b>other relevant national planning policy and guidance</b></li> </ul>
MM5/7A	Policy CSM 3	<p><u>Amend second paragraph as follows:</u></p> <p>“Planning permission will not be granted for any development other than <b>chalk extraction</b> for cement manufacture, cement manufacture <del>chalk extraction</del> and restoration <b>of the resulting void.</b>”</p>
FM6	Paragraphs 5.4.2 & 5.4.3	<p><u>Amend to:</u></p> <p><b>“5.4.2 The sites identified in the Minerals Sites Plan will have been subject to a detailed assessment that will seek to balance demand for the mineral and any other benefits against potential adverse impacts, with a view to securing a steady and adequate supply of aggregates and industrial minerals, having regard to national planning policy and the objectives and policies of this plan, including sustainability objectives. The presumption is that provision will be made by means of the allocated sites coming forward and providing the mineral required at the appropriate time. Planning applications for minerals development on non-allocated sites (other than with respect to silica sand, where no allocations are proposed to be made) will be considered having regard to the relevant objectives and policies of the development plan as a whole, in particular the need to plan for a steady and adequate supply of mineral.</b></p> <p><b>5.4.3 Where a proposal for minerals development on a non-allocated site fails to comply with the development plan or is otherwise shown to cause harm to its objectives, planning permission will be granted only if sustainable benefits are clearly demonstrated that are sufficient to outweigh the harm identified. Examples of criteria that may justify permission being granted include:”</b></p> <p>[the 7 bullet points listed in para 5.4.3, together with the following additional criterion:]</p>

		<ul style="list-style-type: none"> <li>• <b>Sites in the Minerals Sites Plan not coming forward as anticipated."</b></li> </ul>
FM5	Policy CSM 4	<p><u>Replace with:</u></p> <p><b><i>"With the exception of proposals for the extraction of silica sand provided for under Policy CSM 2, proposals for mineral extraction other than the Strategic Site for Minerals and sites identified in the Minerals Sites Plan will be considered having regard to the policies of the development plan as a whole and in the context of the Vision and Objectives of this Plan, in particular the objective to plan for a steady and adequate supply of aggregates and industrial minerals. Where harm to the strategy of the development plan is shown, permission will be granted only where it has been demonstrated that there are overriding benefits that justify extraction at the exception site."</i></b></p>
MM5/8	Section 5.5 – preamble to Policy CSM 5	<p><u>Amend to:</u></p> <p><b>5.5 <del>Policy CSM 5: Land-won</del> Mineral Safeguarding</b></p> <p>5.5.1 Protecting mineral resources from unnecessary sterilisation is a very important part of minerals planning policy. It is central to supporting sustainable development. <b><i>Minerals are a finite natural resource which need to be used prudently.</i></b> The purpose of safeguarding minerals is to <b><i>ensure</i></b> establish a mechanism so that there are sufficient economic minerals <b><i>are available</i></b> for future generations to use. <b><i>The viability of extracting resources may change over time and is likely to increase as resources become more scarce.</i></b> Mineral <b><i>transportation</i></b> <del>importation</del> infrastructure is also important because, <b><i>as described in section 5.2,</i></b> imported minerals make a major contribution to the County's requirements <b><i>and production facilities convert materials into useable products.</i></b> <b><i>Such transportation infrastructure also allows for the export of minerals from Kent to other areas. The BGS Mineral Resource maps provide the best available geological data on the extent of mineral resources in Kent and so have been used as the starting point for safeguarding mineral resources in Kent.</i></b></p> <p><b>5.5.2</b> Policy CSM 5 describes how land-won minerals will be safeguarded and Policies CSM <del>614</del> and CSM <del>712</del> describe how mineral infrastructure will be safeguarded. Policy DM <del>57</del> describes the circumstances in which the safeguarding policy can be implemented when non-mineral developments that are incompatible with safeguarding <del>at the land-won mineral</del> <b><i>resource</i></b> would be acceptable. <b><i>Policy DM9 sets</i></b></p>

	<p><b><i>out how applications for prior extraction of safeguarded mineral resources that would otherwise be sterilised by non-minerals development, would be considered and Policy DM8 describes the circumstances in which non-mineral developments that might be incompatible with safeguarding minerals and/or waste infrastructure would be acceptable</i></b></p> <p><b><i>5.5.3 Land-won mineral safeguarding is carried out through the designation of Mineral Safeguarding Areas (MSAs) and Mineral Consultation Areas (MCAs). Further explanation is provided below.</i></b></p> <p><b><i>5.5.4 MSAs cover areas of known mineral resources that are, or may in future be, of sufficient value to warrant protection for future generations. MSAs ensure that such resources are adequately and effectively considered in land-use planning decisions so that they are not needlessly sterilised. The level of information used to indicate the existence of a mineral resource can vary from geological mapping to more in-depth geological investigations. Defining MSAs carries no presumption for extraction and there is no presumption that any areas within MSAs will ultimately be acceptable for mineral extraction.</i></b></p> <p><b><i>5.5.5 National policy expects all MPAs, both unitary and two-tier authorities, to include policies and proposals in their local plans to safeguard mineral resources and to set out their extent on maps of MSAs. In two-tier authority areas, such as Kent, MSAs should be included on the Policies Maps of the Development Plan maintained by the District and Borough Councils. This is intended to alert prospective promoters of development and the local planning authority, to the existence of mineral resources and shows where local mineral safeguarding policies may apply.</i></b></p> <p><b><i>5.5.6 Geological mapping is indicative of the existence of a mineral resource. It is possible that the mineral has already been extracted and/or that some areas may not contain any of mineral resource being safeguarded. Nevertheless, the onus will be on promoters of non-mineral development to demonstrate satisfactorily at the time that the development is promoted that the indicated mineral resource does not actually exist in the location being promoted, or extraction would not be viable or practicable under the particular circumstances.</i></b></p> <p><b><i>5.5.7 The MCA designation is intended to ensure that consultation takes place between county and district/borough planning authorities when mineral interests might be compromised by</i></b></p>
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	<p><i>non-minerals development, especially in close proximity to a known mineral resource. The designation of MCAs is not obligatory, but consultation on development within an MCA is. The MCAs within Kent cover the same areas as the MSAs, other than that around the safeguarded mineral reserves at Holborough Works as shown in Figure 17.</i></p> <p><i>5.5.8 Where an application is made for non-mineral development within a MSA identified in this Plan, then the determining authority will consult the MPA for its views on the application and take them into account in its determination. For non-minerals development determined by the County Council e.g. schools and waste management, the safeguarding policies will equally apply.</i></p> <p><b>5.5.29</b> Economic land-won minerals that are identified for safeguarding in Kent are sharp sand and gravel, soft sand, silica sand, crushed rock, building stone and brickearth. <b>As chalk and clay (other than brickearth) are abundant across the county, they are not being safeguarded.</b> The mineral resource areas identified for safeguarding are shown in the MSAs in Chapter 9: Adopted Policies Proposals Maps. <b>The MSAs are based on mapping of the mineral resource prepared by the British Geological Survey (BGS). Current guidance advises that mineral safeguarding should not be curtailed by any other planning designation, such as environmental designations without sound justification. The mineral resources within the Plan area are extensive and whilst they continue beneath urban areas they are already sterilised by non-mineral development with very little prospect of future working. Therefore in order for the safeguarding to be practical such areas have been excluded from the MSAs.</b></p> <p><del>5.5.3 Land-won mineral safeguarding is carried out through the designation of Mineral Safeguarding Areas (MSAs) and Mineral Consultation Areas (MCAs). Their definitions are given in paragraphs 5.5.4 to 5.5.9.</del></p> <p><del>5.5.4 MSAs are areas of known mineral resources that are of sufficient economic or conservation value to warrant protection for future generations. The level of information used to indicate the existence of a mineral resource can vary from geological mapping to more in-depth geological investigations. Defining MSAs carries no presumption for extraction and there is no presumption that any areas within MSAs will ultimately be acceptable for mineral extraction.</del></p> <p><del>5.5.5 The purpose of MSAs is to ensure that mineral resources are adequately and effectively considered in land-use planning decisions, so that they are not needlessly sterilised, so thereby compromising the</del></p>
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		<p>ability of future generations to meet their own needs. The designated MSAs are shown in Chapter 9: Adopted Proposals Maps.</p> <p><del>5.5.6</del> All MPAs, both unitary and two-tier authorities, must include policies and proposals to safeguard mineral resources within MSAs and show them in their local plans. This will alert prospective applicants for planning permission to the existence of valuable mineral resources and show where specific local mineral safeguarding policies apply. In two-tier authorities, the MPAs must pass information on the location of MSAs to the district councils who are obliged to ensure that they are shown in appropriate district local plans.</p> <p><del>5.5.7</del> Geological mapping is indicative of the existence of a mineral resource. It is possible that the mineral has already been extracted and/or that sites within or close to a boundary between different geologies may not contain any of mineral resource being safeguarded. Nevertheless, the onus will be on planning applicants of non-mineral development to prove to the MPA that the indicated mineral resource does not exist on the application site.</p> <p><del>5.5.8</del> The MCA designation is a mechanism that aims to ensure that consultation takes place between county and district planning authorities in two-tier authority areas when mineral interests could be compromised by non-mineral development, especially in close proximity to a known mineral resource. The definition of MCAs is not obligatory, but consultation within an MCA is. They are useful additional methods of supporting mineral safeguarding by facilitating discussion between respective authorities in relation to important safeguarded mineral resources. An MCA has been established around the safeguarded mineral reserves at Holborough Works. This is shown in Figure 17.</p> <p><del>5.5.9</del> As chalk and clay are abundant across the county, they are not being safeguarded. However, the cement minerals required to supply the proposed cement works at Holborough Works are being defined as an MSA.</p> <p><del>5.5.10</del> The surface working area of the proposed East Kent Limestone Mine is not identified for safeguarding. This is because there has been no advancement in the mine's development since the identification of this resource as a possible area of mining in the 1993 Minerals Subject Plan. There is no certainty where the built footprint for the surface aggregate processing facility is likely to be situated (if it is ever developed) and planning policies should avoid the long-term protection of sites identified for employment use where there is no reasonable prospect of a site being used for that purpose. Any</p>
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		<p>proposals for prospecting the Carboniferous Limestone deposit will be considered under Policy CSM 9.</p> <p><b>5.5.11</b> Coal, oil, and deep pennant sandstone resources are also not being safeguarded, as they are located at considerable depth underground and may potentially form extensive resources. The safeguarding of these deep underground minerals would dilute the importance of the safeguarding policy that focuses on safeguarding resources that are more likely to be lost to built development.</p> <p><b>5.5.12</b> <i>Following the adoption of this Plan, the MSAs will be reviewed and updated as necessary. Further reviews of the MSAs will take place at least every five years. Matters to be taken into account in these reviews will be set out in a Supplementary Planning Document on minerals safeguarding to be prepared following adoption of this Plan. Such matters will include the following:</i></p> <ol style="list-style-type: none"> <li><b>1. Previously worked land (provided the mineral resource is exhausted)</b></li> <li><b>2. Transport infrastructure</b></li> <li><b>3. Land within urban areas</b></li> <li><b>4. Proposed urban extensions and site allocations for non-minerals uses in adopted local plans</b></li> <li><b>5. The importance of minerals resources</b></li> <li><b>6. The accessibility of the minerals resource i.e. whether it can be practicably and viably worked</b></li> </ol> <p><b>At the same time, the need to safeguard sites hosting specific infrastructure (transportation and production) will also be reviewed.</b></p> <p><b>5.5.13</b> <i>The process of allocating land for non-minerals uses in local plans will take into account the need to safeguard minerals resources and mineral infrastructure. The allocation of land within an MSA will only take place after consideration of the factors that would be considered if a non-minerals development were to be proposed in that location, or in proximity to it, as set out in Policies DM7, DM8, CSM5 and CSM6. The Minerals Planning Authority will support the District and Borough Councils in this process.</i></p>
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<p><b>MM5/8A</b></p>	<p>Policy CSM 5</p>	<p><u>Amend to:</u></p> <p><b>Policy CSM 5</b></p> <p><b>Land-won Mineral Safeguarding</b></p> <p>Economic mineral resources <del>are</del> will be safeguarded from being unnecessarily sterilised by other development by the identification of:</p> <ol style="list-style-type: none"> <li>1. Mineral Safeguarding Areas for the areas of <del>remaining</del> brickearth, sharp sand and gravel, soft sand (including silica sand), ragstone and building stone <b>as defined on the Mineral Safeguarding Area Policies Maps in Chapter 9</b></li> <li>2. <del>a Mineral Safeguarding Area for the Strategic Site for Minerals at Medway Works, Holborough as shown in Figure 17</del></li> <li>3. <del>2.</del> Mineral Consultation Areas <b>which cover the same area as the Minerals Safeguarding Areas and a separate area</b> adjacent to the Strategic Site for Minerals at Medway Works, Holborough as shown in Figure 17</li> <li>4. <del>3.</del> Sites for mineral working within the plan period identified <b>in Appendix C and in</b> the Mineral Sites Plan</li> </ol>
<p><b>MM5/8B</b></p>	<p>Section 5.10 (5.8) – preamble to Policy CSM 10 (CSM 8)</p>	<p><u>Amend to:</u></p> <p><b>5.10 Policy CSM 8 10: Oil, Gas and Unconventional Hydrocarbons <del>Coal-bed Methane</del></b></p> <p><b>5.10.1 Oil and gas are important mineral resources and primary sources of energy in the United Kingdom. They underpin key aspects of modern society and remain an important part of the UK's energy mix. Maximising economic production of UK oil and gas reserves to provide reliable energy supplies is a key activity the Government are taking forward to minimise international energy supply risks.</b></p> <p><b>5.10.2 The Crown owns all of the oil, gas and coal resources in the country. Crown property is administered by the Crown Estates. Companies who wish to exploit the Crown minerals are invited to bid for licences by the Government. A conditional underground licence does not give an operator the power to exploit underground resources and is conditional upon planning</b></p>

		<p><i>permission (and other rights) being granted too.</i></p> <p><b><i>5.10.3 Where possible reserves have been identified there is a need to establish, through exploratory drilling, whether or not there are sufficient recoverable quantities of unconventional hydrocarbons present to facilitate economically viable full scale production. There are three phases of onshore hydrocarbon extraction: exploration, testing (appraisal) and production.</i></b></p> <p><b><i>5.10.4 In the case of appraisal wells, decisions will not take account of hypothetical future activities, since the further appraisal and production phases will be the subject of separate planning applications and assessments. When determining applications for subsequent phases, the fact that exploratory drilling has taken place on a particular site is only likely to be material in determining the suitability of continuing to use that site insofar as it establishes the presence of hydrocarbon resources. There is no presumption that because permission is granted for one phase, then permission will be granted for a subsequent one, i.e. permission granted for exploration should not be assumed to lead to permission for appraisal, nor for appraisal to production. Each application will be considered on its merits.</i></b></p> <p><b><i>5.10.5 The Mineral Planning Authority is one of four key regulators for hydrocarbon extraction. Its role is to provide clear guidance and criteria for the local assessment of hydrocarbon extraction within Petroleum Licence Areas and to grant planning permission for the location of any wells and wellpads and impose conditions to ensure that the impact on the use of land is acceptable. There are clear roles and responsibilities for each of the regulators and an expectation that the Mineral Planning Authority should assume non-planning regimes will operate effectively and should not ordinarily need to carry out its own assessments where it can rely on the assessments of other regulatory bodies. However, before granting planning permission the MPA will need to be satisfied that these issues can or will be adequately addressed by taking and considering advice from the relevant regulatory body relating to the specific risks/concerns posed by particular proposals. For example in the case of proposals involving hydraulic fracturing mitigation of seismic risks; well design and construction; well integrity during operation; operation of surface equipment on the well pad; mining waste; chemical content of hydraulic fracturing fluid flaring or venting; final off-site disposal of water and well decommissioning / abandonment.</i></b></p> <p><b><i>5.10.6 Where it is intended to utilise new or existing infrastructure, the MPA will need to be</i></b></p>
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***satisfied that any associated environmental and amenity impacts are mitigated to ensure that there is no unacceptable adverse impact on the local environment or communities, the MPA will need to be satisfied that any associated environmental and amenity impacts are mitigated to ensure that there is no unacceptable adverse impact on the local environment or communities.***

***Resources and Potential***

~~5.8.1~~ The East Kent Coalfield covers an area of 157,900 hectares beneath the Kent landmass. It was exploited for its coal reserves between 1912 and 1989. Kent coal was bituminous~~(64)~~ to semi-anthracitic~~(65)~~ in nature with a high calorific value and generally low sulphur content. The depth of the coal~~(66)~~ and the difficult geological conditions made Kent coal among the most expensive to mine in the UK.

~~64~~ Bituminous coal is soft black coal, rich in hydrocarbons, that burns with a smoky yellow flame. Its fixed carbon content is 46-86%.

~~65~~ Anthracite is a hard natural coal that burns slowly and gives intense heat, the carbon content being between 92.1 and 98%.

~~66~~ Coal was found at over 3000ft depth below ground level at Tilmanstone and Snowdown, two of the East Kent coalmines.

~~5.8.2~~ The Crown owns all of the oil, gas and coal resources in the country. Crown property is administered by the Crown Estates. Companies who wish to exploit the Crown minerals are invited to bid for licences by the Government.

~~5.8.3~~ Underground licence applications to investigate the East Kent Coalfield are being processed by the Coal Authority at the time of writing this Plan. A conditional underground licence does not give an operator the power to mine coal and is conditional upon planning permission and other rights being granted, most notably planning permission and surface access rights for the mine site.

~~5.8.4~~ There is also interest in coal-bed methane in Kent (that may include abandoned mine methane normally associated with past coal mine activity). Permission to drill an exploratory borehole to test the in-situ coals, Lower Limestone Shales and associated strata was granted in 2011 at Woodnesborough, in East Kent. During the preparation of the Plan, a further three planning applications for test drilling in

		<p>East Kent were received by KCC and were subsequently withdrawn.</p> <p><del>5.8.5</del> Underground coal gasification is a technique used to gasify coal underground and to bring the energy to the surface as a gas for subsequent use in heating or power generation. It requires precision drilling of two boreholes: one to supply oxygen and water/steam and the other to bring the resulting gas back to the surface.</p> <p><b>Oil</b></p> <p><b>5.10.7</b> Kent is part of the Southern Permian Basin Area, an area of potential for oil resource that stretches across northern Europe from Dorset to Yorkshire in the west, across northern France, Belgium, Holland, Denmark, Germany and Poland. On-going exploration has established a series of oil and gas fields across the Basin Area. Notable commercial discoveries in the English sector of this basin, associated with the Weald and south coast, are Wytch Farm (Dorset) which is the largest onshore oil field in western Europe, Alvington (Hampshire), Storrington (West Sussex) and Palmers Wood (Surrey). The Department of Energy and Climate Change (DECC) issues Petroleum Exploration and Development Licences (PEDLs). Parts of west and east Kent have been included in the most recent release of areas for investigation under PEDLs and are shown in Figure <del>1513: Minerals Key Diagram</del>. Geophysical evidence <del>indicates</del> identifies that the PEDL licence area 153 in the Weald area of Kent contains three prospects that exhibit the same potential regime as <b>the commercial field at Palmers Wood, Surrey</b>.</p> <p><b>5.10.8</b> A planning permission was granted in 2010 for exploratory drilling and subsequent oil and gas field testing at Bidborough in West Kent. <b>In 2015 the planning permission had not been implemented</b>. Exploratory drilling has also taken place in Cowden near Tunbridge Wells from August 1999 (planning permission SE/98/234). Subsequent extensions were granted to complete planned testing operations on the capped well at Cowden to establish the extent of productive capacity of the oil field, the last of which expired in 2012 (SE/11/1396).</p> <p><b>Gas</b></p> <p><b>5.10.9</b> Minor reserves of natural gas have been exploited in the past (<del>in 1885 and 1896</del>) near Heathfield in East Sussex. <del>h</del> However <del>o</del> Only two resources have been <del>detected</del> found or announced following exploration undertaken more recently as a result of the government licences issued. They are at Durlston Head in Dorset and Godley Bridge in Surrey. Natural Gas exploration and extraction is undertaken in a similar way to oil exploration. Policy CSM 8 defines the planning requirements for the</p>
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	<p>acceptable exploration, appraisal and development of oil, gas (including shale gas and natural gas), coal-bed methane, abandoned mine methane and underground coal seam gasification.</p> <p><b><i>Unconventional hydrocarbons</i></b></p> <p><b><i>5.10.10 Unconventional hydrocarbons refers to oil and gas which comes from sources such as shale or coal seams which act as the reservoirs. Shale gas, shale oil and coal bed methane are often referred to as unconventional hydrocarbons as they are extracted using technologies that enables oil and gas locked into rock formations that were previously considered to be unsuitable or uneconomic to be exploited.</i></b></p> <p><b><i>5.10.11 Coal Bed Methane is methane that is trapped within the pore spaces of coal in coal seams, such as the East Kent Field. In coal, methane is held in an almost liquid state within the porous elements so that if pressure is reduced by human intervention such as mining or drilling into a coal seam, the gas is liberated. As the gas is combustible it is a potential resource. The East Kent Coalfield covers an area of 157,900 hectares beneath the Kent landmass. It was exploited for its coal reserves between 1912 and 1989. Underground licence applications to investigate the East Kent Coalfield are being processed by the Coal Authority at the time of writing this Plan. There is currently no information available on the potential of coal bed methane resources in Kent. However interest has been shown in Kent and permission was granted to drill an exploratory borehole to test the in situ coals, Lower Limestone Shales and associated strata in 2011 at Woodnesborough, in East Kent. During the preparation of the Plan, a further three planning applications for test drilling in East Kent were received by KCC but were subsequently withdrawn.</i></b></p> <p><b><i>5.10.12 Underground coal gasification is a technique that gasifies coal underground and then brings the resultant gas to the surface for subsequent use in heating or power generation. It requires precision drilling of two boreholes: one to supply oxygen and water/steam and the other to bring the resulting gas back to the surface. Currently there are no commercial scale underground coal gasification processes present in the UK.</i></b></p> <p><b><i>5.10.13 Hydraulic fracturing (often called fracking) is a technique used to extract gas or oil from shale rock strata whereby water (and additives) is pumped under pressure into productive shale rocks via a drilled bore to open up pore spaces releasing the gas or oil for</i></b></p>
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		<p><i>pumping to the surface for use.</i></p> <p><i>5.11.14 The British Geological Survey (BGS) completed a resource study for the Weald Basin, which includes part of Kent. The study concluded that with the current level of geological data and information there is no significant shale gas potential within the Weald Basin. There is however potentially a significant volume of unconventional shale oil. The study estimates that the oil in place (OIP) across the whole Weald Basin, which is the resource estimate, ranges from 2.2 to 8.6 billion barrels (billion bbl). There is currently insufficient information and data to estimate how much of that oil resource is economically and technically viable to extract; further exploratory drilling, sampling and socio-economic and environmental studies would be required.</i></p> <p><i>5.10.15 Section 50 of the Infrastructure Act 2015, once in force, inserts section 4A of the Petroleum Act 1998 which sets out a number of safeguards for developments involving onshore hydraulic fracturing. This includes no hydraulic fracturing within protected groundwater source areas and within "other protected areas". "Other protected areas" are to be defined in secondary legislation that is currently awaited. The extent to which this might include areas falling under designations such as AONB is currently unclear. Decisions on planning applications will be made in accordance with the Infrastructure Act and associated secondary legislation as it emerges.</i></p> <p><i>5.10.16 The Act also places a duty on the Mineral Planning Authority to take account, where relevant, of the cumulative effects of an application for onshore hydraulic fracturing, and any other applications relating to exploitation of onshore oil and gas obtainable by hydraulic fracturing. It is important to examine how differences in context such as geological and environmental characteristics might lead to differing levels of risk, for example this may include consideration of the depth of shale exploration and mitigation measures such as restricting water use to wetter seasons or requiring recirculation. Each application will be considered on its merits.</i></p> <p><i>5.10.17 Provision has also been made in the Infrastructure Act (in section 49) for the Secretary of State to request the Committee on Climate Change to provide advice (in accordance with section 38 of the Climate Change Act 2008) on the impact which combustion of, and fugitive emissions from, petroleum, got through onshore activity, is likely to have. The way in which minerals produced in Kent are subsequently used is not within the control of the</i></p>
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		<p><i>Plan. However, the Council will review any such advice to consider whether it raises any consideration that needs to be taken into account in determining an application for planning permission relating to hydraulic fracturing and whether any review of policy CSM 10 is required. Any such reviews will take into account any relevant national planning policy and guidance.</i></p> <p><i>5.10.18 There are several issues associated with the extraction of oil and gas and unconventional hydrocarbons which need careful attention at the planning application stage. The nature and significance of these issues will vary between the technology utilised and the phases of exploration, testing (appraisal) and production. These issues are set out below, together with the development management policies which ensure they are adequately addressed:</i></p> <ul style="list-style-type: none"> <li>• <i>The discharge of artesian groundwater to the surface (Policy DM10)</i></li> <li>• <i>Impact on ground and surface waters (both quantity and quality) (Policy DM10)</i></li> <li>• <i>Visual and amenity (e.g. noise, lighting) impacts of surface operations (including those resulting from 24 hour operations) (Policies DM2, DM11, DM12, DM14)</i></li> <li>• <i>Impacts of vehicles transporting staff and materials to and from the drill site (Policy DM13)</i></li> <li>• <i>Impacts on biodiversity (Policy DM3)</i></li> <li>• <i>Stability of land (Policy DM18)</i></li> <li>• <i>Restoration of the surface operations following their cessation (Policy DM19)</i></li> <li>• <i>Cumulative effects (Policy DM 12)</i></li> </ul> <p><i>5.10.19 Policy CSM 10 sets out the matters that need to be taken into account when considering proposals for the exploration, appraisal and development of oil, gas and unconventional hydrocarbons.</i></p>
<p><b>MM5/8C</b></p>	<p>Policy CSM 10 (<del>CSM-8</del>)</p>	<p><u>Amend as follows:</u></p> <p><b>Policy CSM 8 10: Oil, Gas and Unconventional Hydrocarbons <del>Coal-bed Methane</del></b></p>

		<p>Planning permission will be granted for proposals associated with the exploration, appraisal and development of oil, gas (including shale gas and natural gas), coal-bed methane, abandoned mine methane and <b>unconventional hydrocarbons</b> underground coal seam gasification subject to:</p> <ol style="list-style-type: none"> <li>1. <b>well sites and associated facilities being sited, so far as is practicable, to minimise impacts on the environment and communities</b></li> <li>2. developments taking place in appropriate <b>being</b> locations where the proposals do not have an unacceptable adverse impact upon the local environment or communities <b>outside Protected Groundwater Source Areas;</b></li> <li>3. there being no unacceptable adverse impacts <b>(in terms of quantity and quality)</b> upon sensitive water receptors including groundwater, water bodies and wetland habitats</li> <li>4. all other environmental <b>and amenity</b> impacts being mitigated to ensure that there is no unacceptable adverse impact on the local environment or communities</li> <li>5. exploration and appraisal operations <b>being</b> for an agreed, temporary length of time</li> <li>6. the drilling site and any associated land being restored to a high quality standard and appropriate after-use that supports <b>reflects</b> the local landscape character <b>at the earliest practicable opportunity</b></li> <li>7. <b>it being demonstrated that greenhouse gases associated with fugitive emissions from the exploration, testing and production activities will not lead to unacceptable adverse environmental impacts</b></li> </ol> <p><b>Particular consideration will be given to the location of hydrocarbon development involving hydraulic fracturing having regard to impacts on water resources, seismicity, local air quality, landscape, noise and lighting impacts. Such development will not be supported within protected groundwater source protection zones or where it might adversely affect or be affected by flood risk or within Air Quality Management Areas or protected areas for the purposes of the Infrastructure Act 2015, s.50.</b></p>
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<p><b>MM5/9</b> incorporating MM5/10, MM5/11</p>	<p>Section 5.6 <del>44</del> preamble to Policy CSM 6 (<del>CSM 11</del>)</p>	<p><u>Amend to:</u></p> <p><b>5.6 <del>44</del> Policy CSM <del>6</del> 44: Safeguarded Wharves and Rail Depots</b></p> <p><b>5.644.1</b> Kent has a range of mineral <del>transportation</del> <b>importation</b> facilities around its coast as well as inland. The importance of safeguarding these facilities to enable the on-going supply of essential minerals is identified in national planning policy. Development <b>in proximity</b> adjacent to, or opposite, a mineral <del>transportation</del> <b>importation</b> facility could prejudice or constrain current or future operations. It is important therefore, <b>that the Plan</b> Policy CSM <del>11</del> gives consideration to the steps that need to be taken to ensure that the safeguarded wharves and rail depots are <b>safeguarded and are</b> not put at risk by neighbouring <b>non-minerals</b> developments. The locations of the safeguarded wharves and rail depots are shown in Figure 13: Minerals Key Diagram and in Chapter 9: Adopted <del>Policies</del> <b>Proposals</b> Maps.</p> <p><b>5.644.2</b> Policy DM <del>78</del> identifies situations where <b>development at, or in proximity to</b>, the loss of safeguarded <b>infrastructure including</b> wharves and rail depots, would be acceptable, subject to the provision of alternative or replacement capacity at another equivalent site within Kent. Policy DM <del>7</del> also identifies exemptions from the safeguarding policy.</p>
<p><b>MM5/9A</b></p>	<p>Policy CSM 6 (<del>CSM 11</del>)</p>	<p><u>Amend to:</u></p> <p><b>CSM <del>644</del>: Safeguarded Wharves and Rail Depots</b></p> <p><b><i>Planning permission will not be granted for non-minerals development that may unacceptably adversely affect the operation of existing, planned or potential sites, such that their capacity or viability for minerals transportation purposes may be compromised.</i></b></p> <p>The following sites, and the <del>allocated</del> <b>relevant</b> sites included in the Minerals Sites Plan, are safeguarded for their use for the importation of minerals into Kent:</p> <ol style="list-style-type: none"> <li>1. Allington Rail Sidings</li> <li>2. Sevington Rail Depot</li> <li>3. Hothfield Works</li> <li>4. East Peckham</li> <li>5. Ridham Dock (both operational sites)</li> </ol>

		<ol style="list-style-type: none"> <li>6. Johnson's Wharf, Greenhithe</li> <li>7. Robins Wharf, Northfleet (both operational sites)</li> <li>8. Denton Marine Terminal, Gravesend</li> <li>9. East Quay, Whitstable</li> <li>10. Red Lion Wharf, Gravesend</li> <li>11. Ramsgate <del>Port</del>Harbour</li> <li>12. Wharf 42, Northfleet (including Northfleet Cement Wharf)</li> <li>13. Dunkirk Jetty (Dover Western Docks)</li> <li>14. Sheerness</li> <li>15. Botany Marshes (Northfleet Wharf)</li> <li><b>16. Old Sun Wharf, Gravesend</b></li> </ol> <p>Their locations are shown in Figure 13: Minerals Key Diagram in Chapter 2-3 and <del>and</del> their site boundaries are shown in Chapter 9: Adopted <del>Policies</del>Proposals Maps.</p> <p><del>Planning applications for development adjacent to or opposite the safeguarded importation facilities listed above will need to demonstrate that acceptable levels of noise, dust, light and air emissions, derived from the mineral importation site would be experienced at the proposed development and that vehicle access to and from the wharf or rail depots would not be jeopardised by the development proposed.</del></p> <p><b><i>The Local Planning Authorities will consult the Minerals Planning Authority and take account of its views before making a planning decision (in terms of both a planning application and an allocation in a local plan) for non-mineral related development (other than that of the type listed in policy DM8 (clause 1) on all development proposed at, or within 250m of, safeguarded minerals transportation facilities."</i></b></p>
MM5/12	Section 5.7. Preamble to Policy CSM 7 (CSM 42)	<p><u>Amend as follows:</u></p> <p><b>5. 742 Policy CSM 742: Safeguarding Other Mineral Plant Infrastructure</b></p> <p><b>5. 742.1</b> National policy requires other types of mineral infrastructure to be safeguarded. This includes <b><i>existing, planned and potential sites for concrete batching, the manufacture of coated</i></b></p>

		<p><del><i>materials, other concrete products and the handling, processing and distribution of substitute, recycled and secondary aggregate materials</i> concrete, mortar and asphalt plants, which use local sources of aggregates to make value added products. Other types of mineral processing infrastructure that should be safeguarded are secondary and aggregate recycling facilities. It is important that the capacity of secondary and aggregate recycling facilities is maintained in order to enable recycling targets to continue to be met throughout the plan period.</del></p> <p><del><b>5.742.2</b> As there are many sites within the county, with considerable numbers being located on industrial estates identified in local plans for general industrial and commercial uses, a generic (non-site specific) policy for safeguarding these facilities and their ongoing, overall capacities is necessary. Policy CSM 742 addresses the need to safeguard mineral <i>production</i> infrastructure, while being flexible to the needs of the industry by enabling the loss of capacity (potentially required for the industry to remain competitive and viable) provided there is replacement <i>capacity available elsewhere</i> of a type <i>that is at least</i> equal <i>to or better than</i> that <i>provided by</i> of the original facility elsewhere. <b>Policy DM 8 identifies situations where development at, or in proximity to safeguarded mineral plant infrastructure would be acceptable.</b></del></p>
<p><b>MM5/12A</b></p> <p><b>NB underlined text added by Inspector</b></p>	<p>Policy CSM 7 (CSM 42)</p>	<p><u>Amend as follows:</u></p> <p><b>Policy CSM 742: Safeguarding Other Mineral Plant Infrastructure</b></p> <p><b><i>Facilities for concrete batching, the manufacture of coated materials, other concrete products and the handling, processing and distribution of substitute, recycled and secondary aggregate material,</i></b> Concrete, asphalt, mortar plants as well as existing secondary and aggregate recycling facilities in Kent <b><u>together with sites allocated for these purposes in the Minerals Sites Plan</u></b> are safeguarded for their on-going use. Where these facilities are situated within a host quarry, wharf or rail depot facility, they are safeguarded for the life of the host site.</p> <p><del>Proposals for alternative, non-mineral uses for other mineral plant infrastructure and secondary and aggregate recycling facilities with permanent planning permission, will need to demonstrate that:</del></p> <p><del>the facility is no longer needed for its permitted use</del></p> <p><del>replacement capacity for the same type of operation is available at a suitable, alternative site in Kent,</del></p>

		<p>which is equivalent or better than the facility that it is replacing</p> <p>Replacement capacity must be equivalent or better in terms of: accessibility, location in relation to the market, suitability/size of adjacent available land for processing and stockpiling of minerals. There must also be no incompatible developments in close proximity that could jeopardise the operation of the replacement site.</p> <p><b><i>Where other development is proposed at, or within 250m of, safeguarded minerals plant infrastructure, Local Planning Authorities will consult the Mineral Planning Authority and take account of its views before making a planning decision (in terms of both a planning application and an allocation in a local plan).</i></b></p>
<p>MM5/13</p>	<p>Preamble to Policy CSM 8 (CSM 6)</p>	<p>Amend to:</p> <p><b>5.8 Policy CSM 68: Secondary and Recycled Aggregates</b></p> <p><b><i>5.8.1 The use of secondary and recycled aggregates is generally more sustainable than extracting primary land-won aggregates. It is for this reason that national policy expects MPAs to take account of the contribution that secondary and recycled materials would make, before considering extraction of primary materials so far as practicable. As considered in Section 5.2, the replacement of primary aggregates with secondary and recycled supplies materials is becoming increasingly important as indigenous land-won primary supplies diminish. The County Council is therefore keen to see the quantities of secondary and recycled aggregates being produced within Kent increase.</i></b> The target figures of 1.4 mtpa for secondary and recycled aggregate recycling in Kent for the early part of the plan period (up to 2020) and 1.56 mtpa for the latter part of the plan period (2020 to 2030) are the minimum requirements specified in the partially revoked SEP. <del>(62)</del> The use of secondary and recycled aggregates is more sustainable than extracting primary land-won aggregates. The County Council is therefore keen to increase the amounts of secondary and recycled aggregates being re-processed.</p> <p><b><i>5.8.2 The current, permitted capacity at permanent <b>consented</b> secondary and recycled aggregates processing capacity within Kent currently exceeds 2.7mtpa, 0.63 mtpa of which is identified as temporary capacity. Inert construction, demolition and excavation waste is the main source of recycled aggregate and arisings of this waste in Kent are estimated to be 2.6 mtpa which</i></b></p>

		<p><i>indicates that some capacity may be utilised for imported materials. In addition, arisings of materials suitable for conversion into secondary aggregates such as furnace bottom ash are expected to increase as more Energy from Waste capacity is developed during the plan period in line with CSW8.</i></p> <p><b>5.8.23</b> Policy CSM 68 includes <i>sets out</i> criteria <i>to be used in the consideration of</i> for assessing more site proposals that would be considered in addition to the identified sites within the Mineral Sites Plan. <i>additional secondary and recycled aggregate production capacity. Where permanent consent is being sought, to avoid adverse amenity impacts the presumption will be that processing activities will be contained within a covered building or similar structure. While sites with permanent consent will be safeguarded under Policy CSM7, to compensate for the loss of capacity located on temporary sites, sites will be identified in the Minerals Sites Plan to ensure processing capacity is maintained to allow the production of at least 2.7 million tonnes per annum of secondary and recycled aggregates, throughout the Plan period.</i></p>
MM5/13A	Policy CSM 8 (CSM-6)	<p><u>Amend to:</u></p> <p><b>Policy CSM 68</b></p> <p><b>Secondary and Recycled Aggregates</b></p> <p>Secondary and recycled aggregate production and processing will be granted planning permission at the sites identified in the Mineral Sites Plan subject to meeting the requirements set out in the relevant site schedule in the Mineral Sites Plan and the development plan.</p> <p>Sufficient sites will be identified <i>in the Minerals Sites Plan</i> to provide <i>ensure processing capacity is maintained</i> to recycle allow the production of at least <del>1.4</del> <b>2.7</b> million tonnes per annum of secondary and recycled aggregates, <i>throughout the Plan period</i> rising to at least <del>1.56</del> million tonnes per annum from 2020.</p> <p><del>62</del> The SEP and its evidence base are still relevant to the Kent MWLP and form part of its evidence base.</p> <p>Outside identified sites, recycling <i>Proposals for additional capacity</i> for secondary and recycled aggregate production <i>including those relating to the expansion of capacity at existing facilities that increases the segregation and hence end product range/quality achieved</i>, will be granted planning permission if they are well located in relation to the source of <i>input</i> materials <i>or need for</i></p>

		<p><b>output materials</b>, have good transport infrastructure links and accord with the other relevant policies in the development plan, at the following types of sites:</p> <ol style="list-style-type: none"> <li>1. temporary demolition, construction, land reclamation and regeneration projects <b>and highways developments where materials are either generated or to be used in the project or both for the duration of the project (as defined by the planning permission)</b></li> <li>2. highways developments</li> <li>3. appropriate mineral operations (including wharves and rail depots) for the duration of the <b>host site permission</b> is either connectivity with the sale of aggregates, or where the host site will use the residual waste from the recycling in the restoration of the site</li> <li>4. appropriate waste management operations for the duration of the host site <b>permission</b></li> <li>5. industrial estates, <b>where the proposals are compatible with other policies set out in the development plan including those relating to employment and regeneration.</b></li> <li>6. any other appropriately located sites <b>that meets the requirements cited in the second paragraph of this policy above.</b> close to the source of materials with good infrastructure links</li> </ol> <p>The term 'appropriate' in this policy is defined in terms of the <b>proposal demonstrating that</b> additional recycling facility being appropriate if it <b>will</b> does not give rise to additional, unacceptable adverse impacts on any nearby sensitive receptors <b>communities or the environment as a whole</b> over and above the impact levels that had been considered to be acceptable for the host site <b>when originally permitted</b> without the <b>additional</b> recycling facility.</p> <p>Where environmental impacts can be controlled to an insignificant <del>acceptable</del> level, <del>planning</del> permission will be granted to re-work old inert landfills and dredging disposal sites <b>to produce replacement aggregate material where it is demonstrated that</b> net gains in landscape, and biodiversity or amenity can be achieved by the operation <b>and environmental impacts can be mitigated to an acceptable level.</b></p>
MM6/2	CSW 3	<p><u>Amend to:</u></p> <p>"All new development should minimise the production of construction, demolition and excavation waste and manage any waste sustainably <b>.in accordance with the objectives of Policy CSW2 .</b> New</p>



		<p><del>development should incorporate into its design, adequate space for the occupiers of the proposed buildings to store waste separately from recyclable and compostable materials prior to their collection. The following details shall be submitted with the planning application, except for householder applications:</del></p> <ol style="list-style-type: none"> <li><del>1. the measures to be taken to show compliance with this policy <del>on waste reduction</del></del></li> <li><del>2. the details of the nature and quantity of any construction, demolition and excavation waste to be sent off-site and <b>its subsequent management</b> the destinations</del></li> </ol> <p><b><i>New development should include detailed consideration of waste arising from the occupation of the development including consideration of how waste will be stored, collected and managed. In particular proposals should ensure that:</i></b></p> <ol style="list-style-type: none"> <li><b><i>1. There is adequate temporary storage space for waste generated by that development allowing for the separate storage of recyclable materials; and</i></b></li> <li><b><i>2. As necessary, there is adequate communal storage for waste, including separate recyclables, pending its collection; and</i></b></li> <li><b><i>3. Storage and collection systems (e.g. any dedicated rooms, storage areas and chutes or underground waste collection systems), for waste are of high quality design and are incorporated in a manner which will ensure there is adequate and convenient access for users and waste collection operatives and will contribute to the achievement of waste management targets; and</i></b></li> <li><b><i>4. Adequate contingency measures are in place to manage any mechanical breakdowns. All relevant proposals should be accompanied by a recycling &amp; waste management strategy which considers the above matters and demonstrates the ability to meet local authority waste management targets."</i></b></li> </ol>
MM6/3	Figure 19	<u>Delete</u> Northern extension from the Norwood Quarry strategic allocation.

	Strategic Waste Site	
MM6/6	Section 6.5 – preamble to Policy CSW 6	<p><u>Amend to:</u></p> <p><b>6.5 Policy CSW 6: Location of <del>Non-strategic</del> Built Waste Management Facilities Sites</b></p> <p><b>6.5.1</b> The preference identified in response to earlier consultations during the formul ation of the Plan was for a mix of new small and large sites for waste management. This mix gives flexibility and assists in balancing the benefits of proximity to waste arisings while <del>being able to enable</del><b>ing operators developers</b> of large sites <b>facilities</b> to exploit economies of scale. <b>National policy recognises that new facilities will need to serve catchment areas large enough to secure the economic viability of the plant and this is particularly relevant when considering the possible sizing and location of facilities required to satisfy the strategic need identified in CSW8.</b></p> <p><b>6.5.2</b> The location of waste sites in appropriate industrial estates was also the preference identified from the consultation. This has the benefit of using previously developed land and enabling waste uses to be located proximate to waste arisings. There is vacant employment land throughout Kent <b>and its</b> <del>The availability of undeveloped employment land is monitored annually by both the KCC and all the district and borough</del> councils. While vacancy rates of premises in industrial estates generally preclude identification of any particular unit, unless it is being promoted by an operator/landowner, whole industrial estates may be identified as suitable locations. It should be appreciated that all industrial estate locations may not be suitable for some types of waste uses, <del>because of high land and rent costs, or because of their limited size or close proximity to sensitive receptors</del> <b>or high land and rent costs.</b></p> <p><b>6.5.3</b> There will still be a need for other locations for certain types of waste or waste facilities, such as Construction, Demolition and Excavation (CDE) recycling facilities that are often co-located on mineral sites for aggregates or landfills, which <del>by their very nature</del> are usually found in rural areas. Also, in rural areas where either the non-processed waste arisings or the processed product can be of benefit to agricultural land (as is the case with compost <b>and anaerobic digestion</b>), the most proximate location for the waste facility will be within the rural area.</p> <p><b>6.5.4</b> Specific identification of sites for EfW plants will be made regardless of whether the sites are within</p>

		<p>an appropriate industrial estate because large sites are needed. The protection afforded through policy will prevent these sites from either being developed or partially developed by <b>other industrial uses</b> .</p> <p><del>6.5.6</del> The development of <b>built waste management facilities on</b> greenfield sites <b>is not</b> <del>totally ruled out</del> <b>precluded. This is</b> because the goal of <b>achieving</b> sustainable development will lead to new development which may incorporate waste facilities to recycle or process the waste <del>to be produced by the users of</del> <b>on</b> the site, or to generate energy for use <del>at</del> <b>on</b> the site.</p> <p><del>6.5.7</del> Existing mineral and waste management sites may offer good locations for siting <del>some</del> <b>certain</b> temporary waste management facilities because of their infrastructure and location. In such cases, the developer will need to demonstrate the <b>benefits of co-location such as the</b> connectivity with the existing use of the site. <b>For example</b> <del>such as</del> the co-location of CDE recycling (i.e. aggregate recycling) at an aggregate quarry that can enable the blending of recycled and virgin aggregates to increase the marketability of the <del>recycled</del> product.</p> <p><del>6.5.8</del> <b>In order to reinforce and maintain a network of facilities across the County (See Figure 16), the Waste Sites Plan will identify suitable development locations and give clear guidance on the type of facility that may be developed in such locations, based on this Plan's vision, strategic objectives and policies.</b> The following <b>criteria included in Policy CSW6</b> will be taken into account <b>when</b> <del>for</del> selecting and screening the suitability of sites for identification in the Waste Sites Plan. <del>the requirements set out in Policy CSW 6: Location of Non-strategic Waste Sites and Policy CSW 8: Waste Management for Non-hazardous Waste</del></p> <ul style="list-style-type: none"> <li><del>• all policies set out in Chapter 7: Development Management Policies</del></li> <li><del>• relevant policies in district local plans</del></li> <li><del>• strategic environmental information, including landscape assessment and HRA as appropriate</del></li> </ul> <p><del>6.5.9</del> The scope of the above information considered to be will be appropriate for a strategic site selection process. More detailed information will be required for consideration at the planning applications stage.</p> <p><del>6.5. 10</del> <b>9</b> Policy CSW 6 will apply to sites identified in the Waste Sites Plan and when determining planning applications for waste facilities at sites that have not been identified in the Waste Sites Plan.</p>
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		<p><i>applies to all proposals for built waste management facilities. Sites identified for allocation in the Waste Sites Plan will be assessed for their suitability to accommodate certain types of waste management facility and therefore certain sites may only accommodate certain types of facility deemed appropriate to that location.</i></p>
<p><b>MM6/7</b></p> <p>Incorporating <b>FM10</b></p>	<p>Policy CSW 6</p>	<p><u>Amend to:</u></p> <p><b>Policy CSW6 Location of <del>Non-Strategic</del> Built Waste Management Sites Facilities</b></p> <p><i>Planning</i> permission will be granted <del>for proposals</del> <i>uses identified as appropriate to the sites allocated in the Waste Sites Plan to meet the need identified in CSW 7 providing that such proposals:</i></p> <ul style="list-style-type: none"> <li>• <i>do not give rise to significant adverse impacts upon national and international designated sites, including Areas of Outstanding Natural Beauty (AONB), Sites of Special Scientific Interest (SSSI), Special Areas of Conservation (SAC), Special Protection Areas (SPAs), Ramsar sites, Ancient Monuments and registered Historic Parks and Gardens.</i></li> <li>• <i>do not give rise to significant adverse impacts upon Local Wildlife Sites (LWS), Local Nature Reserves (LNR), Ancient Woodland Air Quality Management Areas (added) and groundwater resources.</i></li> <li>• <i>are well located in relation to Kent's Key Arterial Routes , avoiding proposals which would give rise to significant numbers of lorry movements through villages or on unacceptable stretches of road.</i></li> <li>• <i>do not represent inappropriate development in the Green Belt.</i></li> <li>• <i>avoid Groundwater Source Protection Zone 1 or Flood Risk Zone 3b.</i></li> <li>• <i>avoid sites on or in proximity to land where alternative development exists/ has planning permission or is identified in an adopted Local Plan for alternate uses that may prove to be incompatible with the proposed waste management uses on the site.</i></li> <li>• <i>for energy producing facilities - sites are in proximity to potential heat users.</i></li> <li>• <i>for facilities that may involve prominent structures (including chimney stacks) - the ability of the landscape to accommodate the structure (including any associated emission plume) after mitigation.</i></li> <li>• <i>for facilities involving operations that may give rise to bioaerosols (e.g composting) to</i></li> </ul>

		<p style="text-align: center;"><b>locate at least 250m away from any potentially sensitive receptors.</b></p> <p><b>Where it is demonstrated that provision of capacity additional to that required by CSW 7 or that waste will be dealt with further up the hierarchy or it is replacing capacity lost at existing sites, facilities that satisfy the relevant criteria above on land in the following locations will be granted consent, providing there is no adverse impact on the environment and communities and where such uses are compatible with the development plan:</b></p> <p><b>a)</b> within or adjacent to an existing mineral development or waste management use;</p> <p><b>b)</b> forming part of a new major development for <b>B8 employment or mixed uses</b> ;</p> <p><b>c)</b> within existing industrial estates;</p> <p><b>d)</b> previously developed, contaminated or derelict land <b>not allocated for another use</b>;</p> <p><b>e)</b> redundant agricultural and forestry buildings and their curtilages.</p> <p>Proposals on greenfield land falling outside a) to e) above will only be permitted if: (i) it can be demonstrated that there are no suitable locations identifiable from categories a) to e) above within the intended catchment area of waste arisings. Or b. if <b>Particular regard will be given to whether</b> the nature of the <b>proposed</b> waste management <b>activity</b> requires an isolated location."</p>
<p><b>MM6/7A</b></p>	<p>Preamble to Policy CSW 7 (Deleted Policy)</p>	<p><u>Amend to:</u></p> <p><b>"6.6 Policy CSW 7: Identifying Sites for <del>Municipal Solid Waste</del> Household Waste Recycling Centres</b></p> <p>6.6.1 The county has an existing well-established network of facilities for receiving household waste delivered by residents of Kent. <del>It is anticipated that over the life of the Plan that the majority of new development of facilities to manage MSW will occur in order to increase the rate of recycling and to ensure that residual waste can be bulk transported to the Allington EfW plant. These Household Waste</del></p>

		<p><b><i>Recycling Centres (HWRC) play an important role in meeting waste recovery and landfill diversion targets. The intention for the Plan period is to ensure facilities are provided to meet local population needs accounting for economic and projected housing growth. During the lifetime of the Plan, there is an intention to rationalise facilities. Proposals for Household Waste Recycling Centres will be considered against Policy CSW6 Location of Built Waste Management Facilities and relevant Development Management Policies."</i></b></p> <p><del>6.6.2 In the medium and long terms, provision will be needed to replace a number of existing facilities that have limited scope to be improved. These sites are:</del></p> <ul style="list-style-type: none"> <li><del>• Shornecliff HWRC in Folkestone</del></li> <li><del>• Dartford Heath HWRC in Dartford</del></li> <li><del>• Church Marshes HWRC and waste transfer station in Sittingbourne</del></li> <li><del>• Dunbrick HWRC and waste transfer station in Sevenoaks</del></li> </ul> <p><del>6.6.3 A new HWRC will be needed to serve the borough of Tonbridge and Malling as this is the only borough in Kent that does not have one; a site for this development will therefore be identified in the Waste Sites Plan. There is also a need for an additional HWRC to serve</del></p> <p><del>Maidstone. As no site specific proposals came forward as part of the call for sites to make provision for this development need, the location of any new development will need to comply with Policy CSW6: Location of Non-Strategic Waste.</del></p>
<p><b>MM6/7B</b></p>	<p>Policy CSW 7 (Deleted Policy)</p>	<p><del>Policy</del></p> <p><del><b>Policy CSW 7</b></del></p> <p><del><b>Identifying Sites for Municipal Solid Waste</b></del></p> <p><del>A site will be identified in the Waste Sites Plan for a Household Waste Recycling Centre to serve the Borough of Tonbridge and Malling.</del></p>

<p><b>FM9</b></p>	<p>CSW 8 (CSW 9)</p>	<p><u>Renumber policy and amend to:</u></p> <p>"Policy <del>CSW 9</del> <b>CSW 8</b></p> <p><del>Energy from Waste</del> <b>Recovery Facilities for Non-hazardous Waste</b></p> <p>Sites for <del>Energy from Waste</del> additional recovery facilities will be identified in the Waste Sites Plan to treat a capacity of 562,500 tonnes per annum.</p> <p>Permission will be granted for a maximum of 437,500 tonnes in total at new <del>Energy from Waste</del> facilities <b>capacity</b> until such time that the results of annual monitoring indicate that this restriction would result in the loss of all non-hazardous landfill capacity in the county before the end of the plan period.</p> <p><del>Incineration facilities with power generation will be permitted if they are recovery facilities that are designed to meet or exceed the energy efficiency ratio of 0.65 (as defined by Annex ii of the Revised waste Framework Directive).</del> <b>Facilities using waste as a fuel will only be permitted if they qualify as recovery operations as defined by the Revised Waste Framework Directive.</b></p> <p>When an application for a combined heat and power facility has no proposals for use of the heat when electricity production is commenced, the development will <b>only</b> be granted planning permission if: it is located in an area that has potential users for the heat. <b>the applicant and landowner enter into a planning agreement to market the heat and to produce an annual public report on the progress being made toward finding users for the heat."</b></p>
<p><b>MM6/10</b></p> <p>incorporating <b>MM6/11</b></p>	<p>CSW 9 (CSW 10)</p>	<p><u>Modify title to:</u></p> <p>"Policy CSW <del>10</del> <b>9</b> Non-hazardous <b>Inert</b> Waste Landfill in Kent"</p> <p><u>Modify first sentence to:</u></p> <p>"The strategy <b>Planning permission will only be granted</b> for non-hazardous <b>inert</b> waste landfill is only</p>

		<p>to grant planning permission for new sites or extensions to existing sites if:</p> <ol style="list-style-type: none"> <li>1. it can be demonstrated that the waste stream that needs to be landfilled cannot be managed through alternative technologies that are higher in the Waste Hierarchy <b>in accordance with the objectives of Policy CSW 2</b> or disposed of at existing <b>sites and for which no suitable disposal capacity exists</b>; and</li> <li>2. environmental <b>or other</b> benefits are to be secured by <b>will result from</b> the development</li> <li>3. the development avoids causing any unacceptable adverse impacts on the local environment or communities</li> </ol> <p><b>3. the site and any associated land being restored to a high quality standard and appropriate after-use that accords with the local landscape character as required by Policy DM 19."</b></p>
<p><b>MM6/10A</b></p>	<p>CSW 13 (CSW 14)</p>	<p><u>Amend to:</u></p> <p>"Planning permission will be granted for a temporary period for waste <b>related</b> developments on brownfield land that facilitate its redevelopment by reducing or removing contamination from previous development, for any of the following purposes: <b>where (1) ....., or (2) ....</b></p> <p><u>Delete:</u></p> <p>"3. The development avoids causing any unacceptable adverse impacts to the local environment or communities."</p>
<p><b>MM6/13</b></p>	<p>Section 6.16 Preamble to Policy CSW 16 (CSW 17)</p>	<p><u>Amend to:</u></p> <p><b>"6.16 Policy CSW 16 17: Safeguarding of Existing Waste Management Facilities</b></p> <p><b>6.16.1</b> The current stock of waste management facilities are important to <b>maintaining</b> achieving net self-sufficiency. <del>and</del> The loss of annual capacity at an existing permitted <b>waste</b> site could have an adverse effect upon delivering the waste strategy and so t. The protection of the existing stock of <b>sites</b></p>



		<p><b>with permanent</b> waste permissions is therefore as important to achieving the aims of the Plan as identifying new sites. Existing permitted sites <b>with permanent permission</b> for waste facilities can be protected through refusing permission for the redevelopment of these sites to non-waste management uses. <del>unless alternative waste management capacity is provided elsewhere. No such protection is offered to waste sites that are operating under a Certificate of Lawful Use because these sites fall outside the normal planning application system. Neither is any protection afforded at sites that have a temporary planning permission.</del> <del>(91)</del> By definition, the waste use of the site will eventually expire. A list of waste sites is updated and published each year in the Kent MWLP AMR. <b>Policy DM 8 identifies situations where development at, or in proximity to safeguarded waste management facilities would be acceptable.</b></p> <p><del>6.16.2</del> The safeguarding of waste sites from redevelopment does not prevent further development associated with the waste use of the site, improvements at a waste site, or on adjoining land, that would either increase the amount of waste managed at a higher level within the Waste Hierarchy or that would decrease any impacts on the local environment or community would often constitute development. In such cases, to ensure that the County Council can consider the implications of any increase in the annual capacity of the waste site, Policy CSW 17 will only apply to the development of a waste site or adjoining land where the development does not increase the annual capacity of the facility.</p>
MM6/13A	Policy CSW 16 (CSW 17)	<p><u>Amend to:</u></p> <p><b>“Policy CSW 16 17</b></p> <p><b>Safeguarding of Existing Waste Facilities</b></p> <p><b><i>Sites that have permanent planning permission for waste management, or are allocated in the Waste Sites Plan are safeguarded from being developed for non-waste management uses.</i></b></p> <p>Planning permission will not be granted for non-waste development of sites that have permanent planning permission for waste management, or that are identified in the Waste Sites Plan, unless it can be demonstrated that the development proposed would not reduce the existing waste management capacity of the site or that an equivalent annual capacity can be provided on an alternative site.</p> <p><b><i>Where other development is proposed at, or within 250m of, safeguarded waste management facilities Local Planning Authorities will consult the Waste planning Authority and take account of its views before making a planning decision (in terms of both a planning</i></b></p>

		<i>application and an allocation in a local plan).</i> ”
FM14	DM 2	<p>Replace the second section by:</p> <p><b>“National Sites</b></p> <p><b>2.1 Designated Areas of Outstanding Natural Beauty (AONB) have the highest status of protection in relation to landscape and scenic beauty. Regard must be had to the purpose of the designation when exercising or performing any functions in relation to, or so as to affect land in an AONB. For the purposes of this policy, such functions include the determination of planning applications and the allocation of sites in a development plan. Planning permission for major minerals and waste development in a designated AONB will be refused except in exceptional circumstances and where it can be demonstrated that it is in the public interest. In relation to other minerals or waste proposals in an AONB, great weight will be given to conserving its landscape and scenic beauty. Proposals outside, but within the setting of an AONB will be considered having regard to the effect on the purpose of conserving and enhancing the natural beauty of the AONB.</b></p> <p><b>Consideration of such applications will assess:”</b></p> <p><b>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></p> <p><b>b. the cost of, and scope for developing elsewhere outside the designated area, or meeting the need in some other way</b></p> <p><b>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.</b></p> <p><b>Sites put forward for allocation for minerals or waste development in the Minerals Site Plan or the Waste Sites Plan will be considered having regard to the above tests. Those that appear to the Minerals and Waste Planning Authority to be unlikely to meet the relevant test(s) will not</b></p>

		<i>be allocated."</i>
MM7/2	Preamble to Policy DM 4	<p><u>Amend to:</u></p> <p><b>"7.3 Policy DM4: Green Belt</b></p> <p><b><i>7.3.1 The western area of Kent is situated within the Green Belt around London (see Figure 6 in Chapter 2.2). The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.</i></b></p> <p><b><i>7.3.2 Proposals for minerals and waste development within the Green Belt will be considered in light of their potential impacts, national policy and the National Planning Policy Framework.</i></b></p> <p><b><i>7.3.3 There is a presumption against inappropriate development within the Green Belt. Inappropriate development is, by definition harmful to the Green Belt and should not be approved except in very special circumstances. When considering any planning application, the planning authority will ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.</i></b></p> <p><b><i>7.3.4 The National Planning Policy Framework provides guidance on the purposes of the Green Belt and what constitutes inappropriate development. It states that minerals extraction, engineering operations and the re-use of buildings provided that the buildings are of permanent and substantial construction are not inappropriate development in the Green Belt provided that they preserve the openness of the Green Belt and proposals do not conflict with the purpose of including land in the Green Belt. Processing plant, although commonly associated with mineral extraction, is unlikely to preserve openness, owing to its size, height and industrial appearance and would therefore be inappropriate development. Elements of many renewable energy projects will also comprise inappropriate development. In such cases developers will need to demonstrate very special circumstances if projects are to proceed. Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources.</i></b></p>

		<p><b>7.3.5 Within the Green Belt, the planning authority will plan positively to enhance the beneficial use of the Green Belt, such as looking for opportunities to provide access; to provide opportunities for outdoor sport and recreation; to retain and enhance landscapes, visual amenity and biodiversity; or to improve damaged and derelict land."</b></p> <p>7.3.1 The western area of Kent is situated within the Green Belt around London (see Nationally Important Designations: Heritage &amp; Green Belt in Chapter 2.2). The fundamental aim of the Green Belt is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are both their openness and permanence.</p> <p>7.3.2 National planning policy does not preclude mineral extraction, the re-use of permanent buildings or the replacement of existing buildings. As long as the new building is in the same use and not materially larger than the one that it replaces. in the Green Belt, as long as the development preserves the openness of the Green Belt and does not conflict with the purposes of including land in the Green Belt. Policy DM 4 explains when minerals and waste development in the Green Belt would be acceptable.</p>
<p><b>MM7/2A</b></p>	<p>Policy DM 4</p>	<p><u>Replace with:</u></p> <p><b>"Policy DM 4 Green Belt</b></p> <p><b><i>Proposals for minerals and waste development within the Green Belt will be considered in light of their potential impacts, and shall comply with national policy and the NPPF."</i></b></p>
<p><b>MM7/3</b></p> <p>incorporating <b>MM7/4</b></p>	<p>Policy DM 7 and preamble</p>	<p><u>Amend to:</u></p> <p><b>"7.5 Policy DM 7: Safeguarding Mineral Resources and Importation Infrastructure</b></p> <p><b>7.5.1 As set out in section 5.5, it is important that <i>certain</i> the remaining economic mineral resources in Kent are safeguarded for potential use by future generations. <i>However, from time to time</i>, It is essential to the delivery of the Plan's mineral strategy that existing wharves and rail depots are safeguarded for the future, in order to enable them to continue to be used to import the minerals needed by society.</b></p> <p><b><del>7.5.2</del> There are circumstances when <i>proposals to develop</i> areas overlying safeguarded minerals <i>resources for non-minerals purposes will come forward</i> need to be developed. <i>The need for such</i></b></p>

		<p><i>development will be weighed against the need to avoid sterilisation of the underlying mineral and the objectives and policies of the development plan as a whole will need to be considered when determining proposals.</i></p> <p><i>7.5.2 Policy DM7 sets out the circumstances when non-minerals development may be acceptable at a location within a Minerals Safeguarding Area. This policy recognises that the aim of the safeguarding policy is to avoid unnecessary sterilisation of resources and encourage facilitate prior extraction of the mineral where practicable and viable ever possible before non-mineral development occurs.</i></p> <p><i>7.5.3 Proposals located in MSAs will usually need to be accompanied by a 'Minerals Assessment', prepared by the promoter, which will include information concerning the availability of the mineral, its scarcity, the timescale for the development, the practicability and the viability of the prior extraction of the mineral. Guidance on undertaking Minerals Assessments is included in the BGS Good Practice Advice on Safeguarding. Further guidance will be provided through a Supplementary Planning Document.</i></p> <p><i>7.5.4 Where proposals are determined by a district/borough planning authority, the Mineral Planning Authority will work with the relevant authority and/or the promoter to assess the viability and practicability of prior extraction of the minerals resource.</i></p> <p><b>Policy DM 7</b></p> <p><b>Safeguarding Mineral Resources and <del>Importation Infrastructure</del></b></p> <p>Planning permission will only be granted for non-mineral developments that <del>is</del> are incompatible with safeguarding the mineral within a Mineral Safeguarding Area and/or importation infrastructure within a safeguarded wharf or rail depot identified in the proposals maps in Chapter 9 or in the Minerals Sites Plan <del>minerals safeguarding</del>, where <b>it is demonstrated that</b> either:</p> <ol style="list-style-type: none"> <li><del>1. the mineral can be extracted satisfactorily prior to the incompatible development taking place</del></li> <li><del>2. the applicant can demonstrate to the satisfaction of the Mineral Planning Authority that</del></li> </ol> <p><b>1. the mineral is either not of economic value or does not exist; or</b></p>
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	<p><b>2. that extraction of the mineral would not be viable or practicable; or</b></p> <p><b>3. the mineral can be extracted satisfactorily, having regard to Policy DM9, prior to the non-minerals development taking place without adversely affecting the viability or deliverability of the non-minerals development; or</b></p> <p><del>2. the applicant can demonstrate to the satisfaction of the Mineral Planning Authority that the mineral is either not of economic value or does not exist</del></p> <p><del>3.4. the incompatible development is of a temporary nature that can be completed and the site returned to a condition that does not prevent mineral extraction within the timescale that the mineral is likely to be needed; or</del></p> <p><b>5. material considerations indicate that the need for the development overrides the presumption for mineral safeguarding such that sterilisation of the mineral can be permitted following the exploration of opportunities for prior extraction; or</b></p> <p><del>4. in the case of a wharf or rail depot, it must be demonstrated that the same type of operation is available at a suitable alternative site in Kent, which is equivalent or better than the facility that it is replacing</del></p> <p><del>5. in the case of a wharf or rail depot, the applicant can demonstrate that the use of the facility for freight handling will not compromise its potential in the future for aggregate importation</del></p> <p><del>6. the applicant can demonstrate that the facility is now entirely obsolete<sup>*2</sup> and further investment cannot reverse this; or</del></p> <p><del>6.7. it constitutes development that is exempt from mineral safeguarding policy, namely householder applications, infill development of a minor nature in existing built up areas, advertisement applications, reserved matters applications, minor extensions and alterations to existing buildings, minor works, <b>non-material</b> amendments to current planning permissions; or and any sites identified in the local plan</del></p> <p><b>7. it constitutes development on a site allocated in the adopted development plan</b></p> <p><b>Further guidance on the application of this policy will be included in a Supplementary</b></p>
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		<p><b><i>Planning Document.</i></b></p> <p><del>Replacement capacity must be equivalent or better in terms of accessibility, location in relation to the market, suitability and size of the berth for dredgers, barges or ships, suitability or size of adjacent available land for processing and stockpiling of minerals. There must also be no incompatible developments in close proximity that could jeopardise the operation of the replacement site.</del></p>
<p><b>MM7/3A</b></p> <p><b>Incorporating FM11, FM12 &amp; FM13</b></p> <p><b>NB underlined text added by Inspector</b></p>	<p>Policy DM 8 and preamble</p>	<p><u>Amend to:</u></p> <p><b><i>“7.6 Policy DM 8: Safeguarding Minerals Management, Transportation &amp; Waste Management Facilities</i></b></p> <p><b><i>7.6.1 It is essential to the delivery of this Plan's minerals and waste strategy that existing facilities used for the management of minerals (including wharves and rail depots) and waste are safeguarded for the future, in order to enable them to continue to be used to produce and transport the minerals needed by society and manage its waste.</i></b></p> <p><b><i>7.6.2 Policy DM8 sets out the circumstances when safeguarded minerals and waste development may be replaced by non-waste and minerals uses. This includes ensuring that any replacement facility is at least equivalent to that which it is replacing and it specifies how this should be assessed.</i></b></p> <p><b><i>7.6.3 In the case of mineral wharves the factors to be considered include the depths of water at the berth, accessibility of the wharf at various states of the tide, length of the berth, the size and suitability of adjacent land for processing plant, weighbridges and stockpiles, and existing, planned or proposed development that may constrain operations at the replacement site at the required capacity.</i></b></p> <p><b><i>7.6.4 There also are circumstances when development proposals in the vicinity of safeguarded facilities will come forward. The need for such development will be weighed against the need to retain the facility and the objectives and policies of the development plan as a whole will be need to be considered when determining proposals. Policy DM8 sets out the circumstances when development may be acceptable in a location proximate to such facilities. The policy recognises that the aim of safeguarding is to avoid development, which may impair the effectiveness and acceptability of the infrastructure.</i></b></p>

	<p><b>7.6.5 Certain types of development which require a high quality amenity environment (e.g. residential) may not always be compatible with minerals production or waste management activities which are industrial in nature. Policy DM8 therefore expects the presence of waste and minerals infrastructure to be taken into account in decisions on proposals for non-waste and minerals development made in the vicinity of such infrastructure.</b></p> <p><b>Policy DM 8</b></p> <p><b>Safeguarding Minerals Management, Transportation &amp; Waste Management Facilities</b></p> <p><b>Planning permission will only be granted for development that is incompatible with safeguarded minerals management, transportation or waste management facilities, where it is demonstrated that either:</b></p> <ol style="list-style-type: none"> <li><b>1. it constitutes development of the following nature: advertisement applications; reserved matters applications; minor extensions and changes of use <u>of</u> buildings; minor works; and non-material amendments to current planning permissions; or</b></li> <li><b>2. it constitutes development on the site that has been allocated in the adopted development plan; or</b></li> <li><b>3. replacement capacity, of the similar type, is available at a suitable alternative site <u>servicing the same market</u>, which is at least equivalent or better than to that offered by the facility that it is replacing; or</b></li> <li><b>4. it is for a temporary period and will not compromise its potential in the future for minerals transportation; or</b></li> <li><b>5. the facility is not viable or capable of being made viable.</b></li> </ol> <p><b>Replacement capacity must be at least equivalent in terms of tonnage, accessibility, location in relation to the market, suitability, availability of land for processing and stockpiling of waste and minerals and,</b></p> <p><b>in the case of wharves, size of the berth for dredgers, barges or ships, and. in the case of waste facilities, replacement capacity must be at least at an equivalent level</b></p>
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		<p><i>of the waste hierarchy and capacity may be less if the development is at a higher level of the hierarchy</i></p> <p><i>There must also be no existing, planned or proposed developments that could constrain the operation of the replacement site at the required capacity.</i></p> <p><i>Planning applications for development within 250m of safeguarded facilities need to demonstrate that impacts, e.g. noise, dust, light and air emissions, that may legitimately arise from the activities taking place at the safeguarded sites would not be experienced to an unacceptable level by occupants of the proposed development and that vehicle access to and from the facility would not be constrained by the development proposed.</i></p> <p><i>Further guidance on the application of this policy will be included in a Supplementary Planning Document."</i></p>
MM7/3B	Policy DM 9 and preamble	<p><u>Amend as follows:</u></p> <p><b>"7.6 Policy DM 89: Extraction of Minerals in Advance of Surface Development</b></p> <p><b>7.6.1</b> When built development is proposed within an <i>MSA, promoters will be encouraged to</i> area of safeguarded mineral resources, every effort is required to secure the prior extraction of the mineral <i>in advance of the main development</i> to prevent the resource from being sterilised. Policy DM <del>98</del> <i>aims</i> is needed to manage situations where built development located on a safeguarded mineral resource is to be permitted, <b>so as to avoid the needless</b> in order to minimise the risk of sterilisation of economic mineral resources <b>(in accordance with Policy DM7).</b>"</p>
MM7/5B	Paragraph 7.8.1 (7.7.4) and new Figure 21	<p><u>Amend to:</u></p> <p>"Minerals and waste development can have significant impacts on flooding <b>water quantity</b> and water quality. <b><i>In Kent there are many catchments where there is little or no water available for abstraction during dry periods. Pressures are particularly notable in Kent as it is one of the driest parts of England and Wales, coupled with high population density and household water use (See Figure 21 below).</i></b> Areas of mineral excavation can often provide opportunities for water storage at times of flood and therefore mitigate against the effects of flooding. There are five sources of</p>

		<p>flooding that are considered in the SFRA:”</p> <p><u>Replace Figure 21</u> with new Figure 21 entitled:</p> <p><b><i>Water Availability Status (Source: Environment Agency, State of Water in Kent, 2012)</i></b></p>
MM7/5C	Para 7.8.4 ( <del>7.7.4</del> )	<p><u>Amend to:</u></p> <p><del>Groundwater provides drinking water and</del> <b><i>“Groundwater Source Protection Zones (SPZ) for Kent are set out in Figure 15. Groundwater accounts for over 70% of public water supply in Kent. This reliance on groundwater resources makes it important that mineral and waste developments do not adversely affect groundwater supplies in any way.”</i></b></p>
MM7/5	Policy DM 10 ( <del>DM-9</del> )	<p><u>Amend to:</u></p> <p>“Planning permission will be granted for minerals or waste development where it does not:</p> <ol style="list-style-type: none"> <li>1. result in the deterioration of physical state, water quality or ecological status of any <b><i>water resource</i></b> and waterbody, <b><i>including namely</i></b> rivers, streams, lakes and ponds</li> <li>2. have an unacceptable impact on groundwater Source Protection Zones (<b><i>as shown in Figure 15</i></b>)</li> <li>3. exacerbate flood risk in areas prone to flooding (<b><i>as shown in Figure 15</i></b>) and elsewhere, both now and in the future</li> </ol> <p>All minerals and waste proposals must include measures to ensure the achievement of both no deterioration and improved ecological status of all waterbodies within the site and/or hydrologically connected to the site. <b><i>A hydrogeological and /or hydrological assessment may be required to demonstrate the effects of the proposed development on the water environment and how these may be mitigated to an acceptable level.”</i></b></p>
MM7/5A	Policy DM 20 and preamble (Deleted Policy)	<p><u>Delete Policy DM 20 and preamble</u> i.e. formerly section 7.18 including paras 7.18.1 and 7.18.2</p>

<p><b>MM8/1</b></p>	<p>Section 8  Managing and monitoring the Delivery of the Strategy</p>	<p><u>Replace complete Section</u>  (see Appendix 2)</p>																				
<p><b>MM9/1</b>  <b>MM9/1A</b>  <b>MM9/2</b></p>	<p>Adopted proposals maps</p>	<p>Replace with:</p> <p><b>9.1 Safeguarded Wharves and Rail Importation Transportation Depots</b>  <b>9.1 Safeguarded Wharves and Rail Importation Transportation Proposals Adopted Policies Maps</b>  <i>NB Excludes Medway wharves &amp; rail depots</i></p> <table border="1" data-bbox="656 804 2072 1321"> <thead> <tr> <th data-bbox="656 804 1453 892">Site Name</th> <th data-bbox="1453 804 1886 892">Operator</th> <th data-bbox="1886 804 2072 892">Site Code</th> </tr> </thead> <tbody> <tr> <td data-bbox="656 892 1453 979">Allington Rail Depot</td> <td data-bbox="1453 892 1886 979">Hanson</td> <td data-bbox="1886 892 2072 979">A</td> </tr> <tr> <td data-bbox="656 979 1453 1067">Sevington Rail Depot</td> <td data-bbox="1453 979 1886 1067">Brett</td> <td data-bbox="1886 979 2072 1067">B</td> </tr> <tr> <td data-bbox="656 1067 1453 1155">Hothfield Works Rail Depot</td> <td data-bbox="1453 1067 1886 1155">Tarmac</td> <td data-bbox="1886 1067 2072 1155">C</td> </tr> <tr> <td data-bbox="656 1155 1453 1243">East Peckham Rail Depot</td> <td data-bbox="1453 1155 1886 1243">Clubb</td> <td data-bbox="1886 1155 2072 1243">D</td> </tr> <tr> <td data-bbox="656 1243 1453 1321">Ridham Dock</td> <td data-bbox="1453 1243 1886 1321">Brett &amp; Tarmac</td> <td data-bbox="1886 1243 2072 1321">E</td> </tr> </tbody> </table>			Site Name	Operator	Site Code	Allington Rail Depot	Hanson	A	Sevington Rail Depot	Brett	B	Hothfield Works Rail Depot	Tarmac	C	East Peckham Rail Depot	Clubb	D	Ridham Dock	Brett & Tarmac	E
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KENT MINERALS AND WASTE LOCAL PLAN 2013-2030. INSPECTOR'S REPORT APPENDICES – Main Modifications

		Johnsons Wharf	Lafarge	F
		Robin's Wharf, Northfleet	Aggregate Industries & Brett	G
		<del>Denton</del> <b>Clubbs</b> Marine Terminal	Clubb	H
		East Quay, Whitstable	Brett	J
		Red Lion Wharf	Stema Shipping Ltd	K
		Ramsgate Port	Brett	L
		Dunkirk Jetty, Dover Western Docks	Brett	M
		Wharf 42, Northfleet (including Northfleet Cement Wharf)	Lafarge	N
		Sheerness	Aggregate Industries	O
		<del>Botany Marshes (Northfleet Wharf)</del>	Cemex	P
		<b>Old Sun Wharf, Gravesend</b>	<b>Fleetmix Ltd.</b>	<b>Q</b>

<p><b>MM9/3</b></p>	<p>Paragraph 9.2.1  Mineral Safeguarding Maps</p>	<p><u>Amend to refer to revised MSA Policy Maps</u></p>
<p><b>MMAC/1A</b>  <b>MMAC/1B</b>         <b>MMAC/1</b>  <b>MMAC/2</b>  <b>MMAC/2A</b></p>	<p>Appendix C</p>	<p><u>Modify</u> Table 2 (<del>Table 1</del>) as follows:</p> <ul style="list-style-type: none"> <li>- Italicise reference to Aylesford Quarry as a <u>soft sand site</u></li> <li>- <u>Delete</u> Aylesford Quarry as a silica sand site and replace 'CEMEX (UK) Ltd' with 'Aylesford Heritage Ltd</li> </ul> <p><u>Modify</u> Table 3 (<del>Table 2</del>) as follows:</p> <ul style="list-style-type: none"> <li>- Sharp Sand and Gravel: <del>3.6 mt</del> <b>3.61 mt</b></li> <li>- Soft sand: <del>14.4 mt</del> <b>10.6 mt.</b></li> <li>- Chalk for agricultural uses: <del>1.5 mt</del> <b>1.9 mt.</b></li> </ul>

## APPENDIX 2

### Main Modification MM8/1

Replace Section 8 in its entirety, as follows:

#### **8 Managing and Monitoring the Delivery of the Strategy**

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

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

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

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

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

- new mineral reserves granted permission

- construction aggregate landbanks
- other minerals landbanks
- safeguarding of wharves and rail depots
- sales of construction aggregates at wharves and rail depots
- waste growth rate
- exports and imports of waste.
- capacity for managing waste in Kent

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

**8.0.6** The National Planning Policy for Waste also refers to specific parameters being monitored to inform the determination of planning applications. In particular:

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

**8.0.7** The supporting Planning Practice Guidance also refers to the need to monitor annual arisings to allow for review of the forecasts that underpin the strategy.

**8.0.8** Data on Local Authority Collected Waste is readily available and reported to central Government on an annual basis. Data on C&I waste arisings is less readily available. Similarly, until now there has not been any regular reporting of hazardous waste arisings in Kent

or the amount of hazardous waste managed in the county. This information was collated as part of the evidence base for the Plan. It is proposed to include the following additional new local output indicators to monitor the effectiveness of the Kent MWLP policies regarding these waste streams in future AMRs:

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

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

Monitoring Schedule: Sustainable Development Policies							
Policy	Indicator(s)	Who?	How?	When?	Target	Trigger	Link to Strategic Objective
Policy CSM 1 'Sustainable Development' & Policy CSW 1 'Sustainable Development'	1. Mineral and waste applications granted contrary to national policy and guidance.	KCC	DM decisions	On-going (annual monitoring)	No application granted planning permission contrary to national policy and guidance	One application permitted contrary to national policy and guidance	SO1; SO2
	2. Minerals and waste applications determined within 13 / 16 weeks. <sup>(128)</sup>	KCC	DM decisions	On-going (annual monitoring)	100% within the target/ agreed timescale	One application determined beyond the agreed timescale	SO1; SO2
Policy DM 1 'Sustainable Design'	1. Minerals and waste applications granted that accord with the Kent Design Guide and/or KCC's environmental	KCC District authorities	District authority local plan adoption	On-going (annual monitoring)	100% of major applications granted planning permission	One application permitted contrary to the cited guidance	SO1; SO2; SO3; SO5; SO11; SO12



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	strategy.						
	2. Adoption of the Kent Design Guide by district authorities	KCC District authorities	District authority local plan adoption	On-going (annual monitoring)	100% adoption as supplementary planning guidance	One authority without the adopted supplementary guidance	
Policy CSM 2 'Supply of Land-won Minerals in Kent'	1. Reserve data for sharp sand and gravel	KCC Minerals operators	Aggregates Monitoring Survey	Annual data collection from the previous calendar year	Maintain at least 10.08mt and at least a 7 year landbank (5.46mt) while resources allow	Permitted reserves equivalent to 10% above supply target	SO5;
	2. Reserve data for soft sand	KCC Minerals operators	Aggregates Monitoring Survey	Annual data collection from the previous calendar year	Maintain a rolling landbank of at least 7 years supply equivalent to 11.05mt	Permitted reserves equivalent to 10% above landbank target	SO5;
	3. Reserve data for crushed rock (confidential) <sup>(129)</sup>	KCC Minerals operators	Aggregates Monitoring Survey	Annual data collection from the previous calendar year	Maintain a rolling landbank of at least 10 years supply equivalent to at least 20.5mt)	Permitted reserves equivalent to 10% above landbank target	SO5;
	4. Reserve data for brickearth and clay for brick and tile manufacture	KCC Minerals operators	KCC Survey	Annual data collection from the previous calendar year	Stock of permitted reserves of at least 25 years for brickearth  Maintenance of sufficient reserves of clay based on past sales and market	Permitted reserves equivalent to less than three years above the minimum stock of permitted reserves target	SO5;

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					demand		
	5. Reserve data for silica sand	KCC Minerals operators	KCC Survey	Annual data collection from the previous calendar year	Stock of permitted reserves for individual sites of at least 10 years and 15 years for sites where significant new capital is required	Permitted reserves equivalent to less than three years above the minimum stock of permitted reserves target	SO5;
	6. Reserve data for chalk for agricultural and engineering purposes	KCC Minerals operators	KCC Survey	Annual data collection from the previous calendar year	Maintenance of sufficient reserves to meet supply requirements for the plan period	Permitted reserves equivalent to less than three years of reserves at current (annual) rates	SO5;
	7. Reserve data for clay engineering purposes	KCC Minerals operators	KCC Survey	Annual data collection from the previous calendar year	Maintenance of sufficient reserves to meet supply requirements for the plan period	Permitted reserves equivalent to less than three years of reserves at current (annual) rates	SO5;
Policy CSM 3 'Strategic Site for Minerals'	1. Planning applications granted for alternative development within the Strategic Site for Minerals at Medway Cement Works and the Minerals Consultation Area.	KCC Tonbridge & Malling Borough Council	DM decisions	On-going (annual monitoring)	100% refusal for proposals with an objection from the County Council	One application permitted with an objection from the County Council	SO5;
Policy CSM 4 'Non-identified Land-won Mineral Sites'	1. Planning applications granted for mineral extraction at alternative sites	KCC	DM decisions	On-going (annual monitoring)	100% of applications meeting all policy criteria granted planning permission	One application permitted that does not meet all policy criteria	SO5;

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	outside allocated sites						
Policy CSM 8 'Secondary and Recycled Aggregates'	1. Identification of secondary and recycled aggregate capacity in the Minerals Sites Plan.	KCC Secondary and recycled aggregate operators	Mineral Sites Plan	Adoption of the Mineral Sites Plan On-going (annual monitoring)	To maintain at least 2.7mtpa of processing capacity throughout the plan period	Processing capacity falls by the equivalent to 10% below the target capacity	SO2; SO6; SO10
	2. Planning applications granted for secondary and recycled aggregate production.	KCC	DM decisions	On-going (annual monitoring)	100% of applications meeting all policy criteria granted planning permission	One application permitted that does not meet all policy criteria	
Policy CSM 9 'Building Stone in Kent'	1. Planning applications granted for building stone extraction.	KCC	DM decisions	On-going (annual monitoring)	100% of applications meeting all policy criteria granted planning permission	One application permitted that does not meet all policy criteria	SO5; SO8;
Policy CSM 10 'Oil, Gas and Unconventional Hydrocarbons'	1. Planning applications granted associated with the exploration, appraisal and development of oil, gas and unconventional hydrocarbons.	KCC	DM decisions	On-going (annual monitoring)	100% of applications meeting all policy criteria granted planning permission	One application permitted that does not meet all policy criteria	SO1; SO2; SO3; SO9
Policy CSM 11 'Prospecting for Carboniferous Limestone'	1. Planning applications granted for underground limestone prospecting.	KCC	DM decisions	On-going (annual monitoring)	100% of applications meeting all policy criteria granted planning permission	One application permitted that does not meet all policy criteria	SO5;

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Policy CSM 12 'Sustainable Transport of Minerals'	1. Planning applications granted for the sustainable transport of minerals (e.g. water or rail).	KCC	DM decisions	On-going (annual monitoring)	100% of applications meeting all policy criteria granted planning permission	One application permitted that does not meet all policy criteria	SO1; SO2; SO3; SO5; SO7; SO12; SO14;
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Policy	Indicator(s)	Who?	How?	When?	Target	Trigger	Link to Strategic Objective
Policy CSW 2 'Waste Hierarchy'	1. Existing waste capacity by facility type and Waste Hierarchy category.	KCC EA	EA waste management facility data  DM information	On-going (annual monitoring, when data is made public)	Increasing the proportions of waste management capacity further up the waste hierarchy	Relative and total fall in the proportion of waste capacity provided further up the waste hierarchy	SO2; SO3; SO11; SO12; SO13
	2. Planning applications for waste management to include information on how the proposal will help drive waste to ascend the Waste Hierarchy wherever possible and practicable	KCC Waste operators	DM decisions and information	On-going (annual monitoring)	100% of proposals granted planning permission providing the required information where relevant	One application permitted without the required information	
Policy CSW 3 'Waste Reduction'	1. All development applications <sup>(130)</sup> submitted with details of the compliance to policy CSW 3 as applicable	KCC District authorities	DM decisions	On-going (annual monitoring)	100% of applications granted planning permission providing the required information where relevant	One application permitted without the required information	SO2; SO3; SO6; SO10; SO11; SO13

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Policy CSW 4 'Strategy for Waste Management Capacity'	1. Annual capacity of waste management facilities.	KCC EA	Planning permission data  Data on flows to and from permitted waste management facilities of waste arising from Kent	On-going (annual monitoring)	Household waste:  Recycling/ composting rates of at least 45% by 2015/16;  Landfilling no more than 10% by 2015/16;  Recycling/ composting rates at least 50% by 2020/21;  Landfilling no more than 5% by 2020/21 <sup>(131)</sup>	Capacity fallen to 10% above the target capacity beyond the years stated	SO1; SO6; SO10; SO11; SO13
	2. Net self-sufficiency plus proportion of London's waste.	KCC EA	Data on flows to and from permitted waste management facilities in Kent	On-going (annual monitoring)	Tonnages of waste arisings from Kent equivalent to the tonnages of waste managed within Kent  Capacity for residual waste from London	More than - 10% difference in the annual levels of imports and exports  Spare consented capacity falls below forecast need for Kent by 10%	

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Policy CSW 5 'Strategic Site for Waste'	1. Planning decisions resulting in development (other than mineral working with restoration through the landfilling of hazardous flue dust from Energy from Waste plants in Kent) on or near the Strategic Site for Waste that could adversely affect development of required capacity to serve Allington EfW	Swale Borough Council	DM decisions	On-going (annual monitoring)	100% refusal for applications with an objection from the County Council	One application permitted with an objection from the County Council	SO13; SO14;
	2. An appropriate planning application granted on the Strategic Site for Waste	KCC	DM decisions	On-going (annual monitoring)	100% of applications meeting all policy criteria granted planning permission	One application permitted that does not meet all policy criteria	
Policy CSW 6 'Location of Built Waste Management Facilities'	1. Planning applications granted for waste management uses as per the site allocations in the Waste Sites Plan.	KCC	Sites allocated in the Waste Sites Plan DM decisions	Adoption of the Waste Sites Plan; On-going (annual monitoring)	100% of applications meeting policy criteria a - i granted planning permission	One application permitted that does not meet all policy criteria	SO1; SO2; SO3; SO10; SO11; SO12; SO14;
	2. Planning applications granted for built waste management facilities.	KCC	DM decisions	On-going (annual monitoring)	100% of applications meeting policy criteria 1-5 (and	One application permitted that does not meet all relevant policy	

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					A-B as appropriate) granted planning permission	criteria	
Policy CSW 7 'Waste Management for Non-hazardous Waste'	1. Capacity identified in the Waste Sites Plan for non-hazardous waste.	KCC	Sites allocated in the Waste Sites Plan	Adoption of the Waste Sites Plan	Suitable sites allocated in the Waste Sites Plan to meet minimum capacities stated in CSW 7	Capacity falls by the equivalent to 10% below the target capacity at or beyond the dates stated in CSW 7	SO2; SO3; SO11; SO13; SO14;
	2. Planning applications granted for non-hazardous waste developments	KCC	DM decisions and conditions	On-going (annual monitoring)	100% of applications meeting all policy criteria granted planning permission	One application permitted that does not meet all policy criteria	
Policy CSW 8 'Recovery Facilities for Non-hazardous Waste'	1. Percentage of waste managed in Kent diverted from landfill.	KCC WMU KCC EA	EA waste management facility data  National survey data	On-going (annual monitoring-when national data is made public)	Landfilling of no more than 5% of household waste by 2020/21	Within 10% of the target maximum for the household waste landfill diversion target at or beyond the dates stated	SO2; SO3; SO11; SO12; SO13; SO14;
	2. Remaining capacity of non-hazardous landfill.  3. Planning applications granted for EfW Facilities and their capacity.	KCC WMU KCC EA	EA waste management facility data  DM information and decisions	On-going (annual monitoring)	Maintain sufficient voidspace for residual waste to the end of the plan period  Planning permission	Sufficient capacity for net self - sufficiency (import and export levels) for non-inert management capacity plus	

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					<p>granted for a maximum of 437,500 tonnes of non-hazardous waste recovery facility</p> <p>100% of applications meeting all policy criteria granted planning permission</p>	<p>10%</p> <p>Insufficient capacity for non-hazardous landfill to manage predicted level of non-hazardous waste requiring final disposal plus 10% at end of the plan period</p> <p>One application permitted that does not meet all policy criteria</p>	
Policy CSW 9 'Non Inert Waste Landfill in Kent'	1. Planning decisions resulting in non-inert waste landfilling	KCC District authorities	KCC & District authority DM decisions	On-going (annual monitoring)	100% of applications meeting all policy criteria granted planning permission	One application permitted that does not meet all policy criteria	SO3; SO11; SO14; SO15
CSW 10: Development at Closed Landfill Sites	1. Planning applications granted on closed Biodegradable Landfill Sites for the developments listed in Policy CSW 10	KCC	DM decisions	On-going (annual monitoring)	100% of applications meeting all policy criteria granted planning permission	One application permitted that does not meet all policy criteria	SO2; SO3; SO10; SO11; SO15



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Policy CSW 11 'Permanent Deposit of Inert Waste'	1. Annual volume of CDE waste arisings.	KCC	National survey data DM decisions and information	On-going (annual monitoring-when national data available)	Timely restoration of landfills and mineral working where their restoration requires fill material	Delay in restoration timetable of landfills and mineral workings due to lack of available suitable fill material  Delay in development of mineral extraction sites where phasing requires progressive restoration.	SO3; SO10; SO11; SO14; SO15
	2. Annual CDE waste recycling capacity.	KCC	National survey data DM decisions and information	On-going (annual monitoring-when national data available)	Suitable sites allocated in the Waste Sites Plan to maintain the minimum capacities stated in CSW 8 throughout the Plan period	More than 10% deficit in the actual capacity provided at or beyond the dates stated in CSW 8	
	3. Planning applications granted for permanent deposit of inert waste.	KCC	DM decisions	On-going (annual monitoring)	100% of applications meeting all policy criteria granted planning permission	One application permitted that does not meet all policy criteria	

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Policy CSW 12 'Identifying Sites for Hazardous Waste'	1. Identification of capacity for the continued landfilling of asbestos	KCC	Site identified in the Waste Sites Plan	Adoption of the Waste Sites Plan	Sufficient capacity allocation(s) for the plan period in accordance with CSW 11	Export of asbestos waste for landfilling exceeds that managed in Kent by 10%	SO10; SO3; SO14;
	2. Capacity of hazardous waste management facilities.	KCC EA	DM information EA data on hazardous waste movements	On-going (annual monitoring)	Annual net self-sufficiency in hazardous waste	Capacity fallen to 90% of capacity for net self sufficiency	
	3. Planning decisions resulting in permitted built hazardous waste management facilities	KCC District authorities	KCC & District authority DM decisions	On-going (annual monitoring)	100% of applications meeting all relevant policy criteria in CSW 6 granted planning permission	One application permitted that does not meet all policy criteria	
Policy CSW 13 'Remediation of Brownfield Land'	1. Temporary waste related planning applications granted on brownfield land that facilitate its redevelopment	KCC District authorities	DM decisions Sites identified in an adopted district local plan	On-going (annual monitoring)	100% of applications meeting all policy criteria granted planning permission	One application permitted that does not meet all policy criteria	SO2; SO3; SO4; SO14; SO15
Policy CSW 14 'Disposal of Dredgings'	1. Planning applications granted for the disposal of dredgings.	KCC	DM decisions	On-going (annual monitoring)	100% of applications meeting all policy criteria granted planning permission	One application permitted that does not meet all policy criteria	SO3; SO14

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Policy CSW 15 'Wastewater Development'	1. Wastewater treatment works, sewage sludge treatment and disposal facilities granted planning permission.	KCC	Sites identified in the Waste Sites Plan	Adoption of the Waste Sites Plan	100% of applications meeting all policy criteria granted planning permission	One application permitted that does not meet all policy criteria	SO1; SO3; SO12; SO14;
Policy CSW 17 'Nuclear Waste Treatment and Storage at Dungeness'	1. Planning applications granted for storage and/or management of radioactive waste in the licensed area at Dungeness.	KCC	DM decisions	On-going (annual monitoring)	100% of applications meeting all policy criteria granted planning permission	One application permitted that does not meet all policy criteria	SO2; SO3; SO12; SO14
Policy CSW 18 'Non-nuclear Industry Radioactive Low Level Waste Management (AM6/20, AM6/20)'	1. Planning applications granted for facilities managing non-nuclear LLW and VLLW waste.	KCC	DM decisions	On-going (annual monitoring)	100% of applications meeting all policy criteria granted planning permission	One application permitted that does not meet all policy criteria	SO3; SO12; SO14
	2. Monitoring of waste material source.	KCC	Planning application information	On-going (annual monitoring)	100% of applications granted planning permission providing the required information	One application permitted without the required information	

Policy	Indicator(s)	Who?	How?	When?	Target	Trigger	Relevant Strategic Objective
Policy CSM 5 'Land-	1. Decisions resulting in non-	KCC	District/	On-going	100% refusal for applications with	One application	SO3; SO5

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won Mineral Safeguarding'	mineral development permitted within Kent MSAs.	District authorities	Borough Council DM decisions	(annual monitoring)	an objection from the County Council	permitted with an objection from the County Council	
	2. Decisions resulting in non-mineral development permitted within the separate MCA adjacent to the Strategic Site for Minerals at Medway Works, Holborough.	KCC District authorities	District/ Borough Council DM decisions	On-going (annual monitoring)	100% refusal for applications with an objection from the County Council	One application permitted with an objection from the County Council	
	3. Decisions resulting in non-mineral development permitted on sites for mineral working within the plan period identified in Appendix C and in the Minerals Sites Plan.	KCC District authorities	District/ Borough Council DM decisions Mineral Sites Plan	On-going (annual monitoring) Adoption of the Mineral Sites Plan	100% refusal for applications with an objection from the County Council	One application permitted with an objection from the County Council	
	4. Review of Minerals Safeguarding Areas (MSAs)	KCC	KCC	On-going (annual monitoring)	The need to revise the boundaries of the MSAs has been reviewed at least once each year	MSAs not reviewed in any one year	
Policy CSM 6 'Safeguarded Wharves and Rail Depots'	1. Decisions resulting in non-mineral development permitted within 250m of safeguarded minerals transportation facilities listed in Policy CSM 6 <sup>(132)</sup> and allocated sites in the Mineral Sites Plan (other	KCC District authorities	District authority DM decisions	On-going (annual monitoring) Adoption of the Minerals Sites Plan	100% refusal for applications with an objection from the County Council	One application permitted with an objection from the County Council	SO1; SO2; SO7

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	than the developments listed in Policy DM8 criteria 1)						
Policy CSM 7 'Safeguarding Other Mineral Plant Infrastructure'	1. Decisions resulting in other development permitted on, or within 250m of, sites safeguarding for other mineral plant infrastructure	KCC District authorities	KCC & District authority DM decisions	On-going (annual monitoring)	100% refusal for proposals with an objection from the County Council	One application permitted with an objection from the County Council	SO1; SO2; SO6; SO7
Policy CSW 16 'Safeguarding of Existing Waste Management Facilities'	1. Decisions resulting in non-waste management uses permitted on, or within 250m of, sites with permanent planning permission for waste management uses and sites allocated in the Waste Sites Plan	KCC District authorities	District DM decisions	On-going (annual monitoring) Adoption of the Waste Sites Plan	100% refusal for applications with an objection from the County Council	One application permitted with an objection from the County Council	SO1; SO4; SO14
Policy DM 7 'Safeguarding Mineral Resources'	1. Decisions resulting in incompatible non-mineral development permitted in mineral safeguarded areas (as defined in Policy CSM 5).	District authorities KCC	District authority DM decisions	On-going (annual monitoring)	100% of applications meeting all policy criteria granted planning permission	One application permitted that does not meet all policy criteria with an objection from the County Council	SO3; SO5
	2. Adoption of a Supplementary Planning Document (SPD) setting out further information about the approach to Minerals Safeguarding	KCC	KCC	2015 - 2017	SPD adopted by end of 2016	Failure to adopt SPD by end of 2016	SO3; SO5

<p>Policy DM 8 'Safeguarding Minerals Management, Transportation Production &amp; Waste Management Facilities'</p>	<p>1. Decisions resulting in incompatible non-minerals or waste development permitted within, or in the vicinity of, existing safeguarded minerals management, transportation or waste management facilities.</p>	<p>District authorities KCC</p>	<p>District authority DM decisions</p>	<p>On-going (annual monitoring)</p>	<p>100% of applications meeting all policy criteria granted planning permission</p>	<p>One application permitted that does not meet all policy criteria with an objection from the County Council</p>	<p>SO1; SO2; SO4; SO7; SO12;</p>
<p>Policy DM 9 'Prior Extraction of Minerals in Advance of Surface Development'</p>	<p>1. Planning applications granted / decisions resulting in, or incorporating, mineral extraction in advance of built development where the resources would otherwise be permanently sterilised.</p>	<p>KCC District authorities</p>	<p>KCC and/or District authority DM decisions</p>	<p>On-going (annual monitoring)</p>	<p>100% of applications meeting all policy criteria granted planning permission</p>	<p>One application permitted that does not meet all policy criteria (with an objection from the County Council in the case of District decisions)</p>	<p>SO3; SO5</p>

### Approach to the Monitoring of Development Management Policies

**8.0.10** The Plan's Development Management policies will be monitored using the relevant planning applications data as an indicator. The performance of each policy will be monitored on an annual basis and recorded in the AMR in accordance with the following strategy:

- **Target:** 100% of applications meeting all applicable policy criteria granted planning permission. To include the submission of the required information where relevant.
- **Trigger:** One application permitted that does not meet all relevant policy criteria and requirements, unless clearly justified.

**8.0.11** Policy DM 2 applies to both proposals for minerals and waste development and the identification of sites in the Kent Minerals and Waste Sites Plans:

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- **Target:** 100% of applications/ proposed site allocations meeting all applicable policy criteria granted planning permission / allocated in the Minerals or Waste Sites Plan. To include the submission of the required policy information where relevant.
- **Trigger:** One application permitted / adopted site allocation that does not meet all policy criteria, unless clearly justified.

Policy	Who?	How?	Link to Strategic Objective
Policy DM 2 'Environmental and Landscape Sites of International, National and Local Importance'	KCC	DM decisions Adoption of Mineral and Waste Sites Plans	SO2; SO3; SO9; SO15
Policy DM 3 'Ecological Impact Assessment'	KCC	DM decisions	SO2; SO3; SO9; SO15
Policy DM 4 'Green Belt'	KCC	DM decisions	SO1; SO2; SO3; SO9; SO15
Policy DM 5 'Heritage Assets'	KCC	DM decisions	SO3;
Policy DM 6 'Historic Environment Assessment'	KCC	DM decisions	SO3;
Policy DM 10 'Water Environment'	KCC	DM decisions	SO2; SO3;
Policy DM 11 'Health and Amenity'	KCC	DM decisions	SO1; SO2; SO3; SO4; SO9; SO15
Policy DM 12 'Cumulative Impact'	KCC	DM decisions	SO1; SO2; SO3; SO12; SO14
Policy DM 13 'Transportation of Minerals and Waste'	KCC	DM decisions	SO1; SO2; SO3; SO6; SO7; SO10; SO12; SO14

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Policy DM 14 'Public Rights of Way'	KCC Minerals/ waste operators	DM decisions	SO3; SO9; SO15
Policy DM 15 'Safeguarding of Transport Infrastructure'	KCC	DM decisions	SO1; SO2; SO3; SO7;
Policy DM 16 'Information Required In Support of an Application'	KCC Minerals/ waste operators	DM decisions	SO2; SO3; SO4; SO9; SO11; SO13; SO15
7.16 'Policy DM 18: Land Stability'	KCC Minerals/ waste operators	DM decisions	SO3;
Policy DM 19 'Restoration, Aftercare and After-use'	KCC Minerals/ waste operators	DM decisions	SO2; SO3; SO4; SO9; SO15
Policy DM 20 'Ancillary Development'	KCC	DM decisions	SO1; SO2; SO3; SO6; SO9 SO10; SO11; SO12; SO15
Policy DM 21 'Incidental Mineral Extraction'	KCC District authorities	KCC and district authority DM decisions	SO3; SO4; SO5; SO9

**8.0.12** The performance of Development Management policies DM 17 and DM 22 will be monitored as follows:

Policy	Who?	How?	When?	Target	Trigger	Link to
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						<b>Strategic Objective</b>
Policy DM 17 'Planning Obligations'	KCC	DM decisions	On-going (annual Monitoring)	100% of Planning Obligations agreed and implemented on a case by case basis	One unimplemented legal agreement within 3 years of consent being implemented	SO2; SO3; SO4
Policy DM 22 'Enforcement'	KCC	DM decisions	On-going (annual monitoring)	100% of cases reported to the Regulation Committee on a quarterly basis	Any alleged breaches being resolved within 6 months of detection	SO2; SO3; SO4

## **Appendix 4 – Summary of Main Modifications to the Kent Minerals and Waste Local Plan 2013-30**

Following the examination hearings which took place over April-May 2015, the County Council proposed a number of main modifications to the Plan to address issues of potential unsoundness and legal compliance. A number of minor modifications were also proposed throughout the document, although these related to matters such as grammatical errors, ensuring up-to-date legislation is quoted and providing factual updates.

Consultation on these modifications took place over August-October 2015 and a total of 91 representations were received, copies of which were sent to the Inspector for consideration. Whilst the comments related to a vast amount of the modifications, there were several distinct areas which they focused on. These included development within the Green Belt and the AONB, the County Council's policy on oil, gas and unconventional hydrocarbons, safeguarding minerals and minerals and waste infrastructure, mineral landbanks, and silica sand extraction.

Once in receipt of the representations, the Inspector proposed a number of further main and additional modifications to the Plan; these were subject to public consultation over January-March 2016.

All of the main modifications to the Plan are detailed in the Inspector's report and can be summarised as follows:

### **Chapter 1: Introduction**

No main modifications proposed.

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

Old Sun Wharf in Gravesend was added to figure 14 to reflect its status as a mineral wharf.

### **Chapter 3: Spatial Vision for Minerals and Waste in Kent**

Slight changes to the wording were made in places to ensure consistency with both the NPPF and proposed modifications to policy CSM 2 which are detailed below. New text was added to specify what outcomes are expected of restoration of minerals and waste sites; although this was amended in the further modifications as it was seen as limiting what could be considered an appropriate after-use.

### **Chapter 4: Objectives for the Minerals and Waste Local Plan:**

Text was added to emphasise the importance of reducing greenhouse gas emissions and planning for renewable and low carbon energy, as well as ensuring all opportunities for increasing waste management capacity are captured. A new objective was added which identifies delivery of landscape and biodiversity enhancement as a restoration aim and text was added to support this, although this was amended in the further modifications as, like the text in Chapter 3, it was deemed too prescriptive. Text was altered elsewhere to improve clarity and ensure consistency with the NPPF, as well as the modified policy CSM 2.

## **Chapter 5: Delivery Strategy for Minerals**

Policy CSM 2 and its accompanying preamble was modified to ensure that the figures are consistent with the revised Local Aggregates Assessment (LAA), and an amendment was made to Policy CSM 3 to clarify that any consent for chalk extraction at the strategic site for minerals (Holborough Cement Works) is conditional on the materials being used for cement manufacture. In the further modifications, Policy CSM 4 and some of its preamble was reworded to address issues of unsoundness. As a result of this, the reference to CSM 4 in the preamble of CSM 2 was removed. The further modifications also saw deletion of a reference to a test which was deemed to be incorrect in another further modification to the DM policies.

Policies CSM 5 and CSM 6 were reworded to clarify the County Council's approach to safeguarding minerals, as well as minerals infrastructure, and to ensure that all of the policies relating to safeguarding are in the same place within the chapter. Old Sun Wharf was added to Policy CSM 6 to reflect its status as a potential mineral wharf and terminology used to describe the safeguarding maps was updated to be consistent with current legislation.

Policies CSM 7 and CSM 8 were reworded to improve their overall effectiveness, Policy CSM 10 and its preamble was reworded to clarify the County Council's approach to conventional and unconventional hydrocarbons.

## **Chapter 6: Delivery Strategy for Waste**

Amendments were made to several policies to ensure accordance with the NPPF, avoid duplication, and improve policy coherence. A clause on hazardous landfill applications was added to Policy CSW 9. One of the policies; "Identifying Sites for Municipal Solid Waste", was deleted to allow more flexibility and ensure the Plan is in accordance with the Waste Disposal Authority's most recent aspirations with regard to municipal waste. As a result of this the numbering of the subsequent policies was altered.

The northern extension to Norward Quarry as a strategic allocation was deleted as it is no longer deemed to be suitable or deliverable.

Modifications to Policy CSW 6 ensure that the policy applies to all built facilities in the absence of an adopted Waste Sites Plan, and clarify that not all types of waste uses may be suitable for development on certain allocated sites. These modifications included a clause referring to preference being given to proposals for enclosed operations; however this clause is removed as part of the further modifications.

The further modifications changed the status of a modification which was previously considered minor, to main. It related to ensuring proposals are focused on driving waste to ascend the waste hierarchy.

## **Chapter 7: Development Management Policies**

Policy DM 7 was reworded so it is better aligned with local plans, fulfils NPPF requirements and is reflective of current legislation. Initially, the policy would inform when a non-mineral development which clashes with a safeguarded area may be deemed acceptable, but this subject has now been made a policy in its own right (DM 8).

The new policy DM 8 originally specified that when any safeguarded infrastructure or facility is threatened by other development, a replacement facility must be sought in Kent. As part of the further modifications, the requirement for the replacement to be in Kent was considered unjustifiable and was removed. A couple of exemption scenarios were also added to this policy as part of the further modifications so that the policy is more consistent with DM 7.

Policy DM 9 was reworded to clarify its purpose and extent.

A new figure and some accompanying text was added to the preamble of policy DM 10 to recognise the reliance on groundwater in Kent and its vulnerability. The policy itself was amended to express the need for a hydrogeological assessment to be submitted when proposing development in a Groundwater Source Protection Zone.

Part of Policy DM 2 was reworded in the further modifications so that it better aligns with the NPPF.

### **Chapter 8: Monitoring Schedule**

Modifications were made throughout the monitoring schedule to improve its effectiveness.

### **Chapter 9: Adopted Policies Maps**

Old Sun Wharf was added to reflect its status as a potential mineral wharf and the names of two of the other wharves were amended to ensure consistency with the Gravesham Local Plan. Terminology was updated making it consistent with up to date legislation. The safeguarding maps were amended to exclude urban areas and site allocations from mineral safeguarding areas.

In the further modifications, the red line of Site J: East Quay, Whitstable was amended to correctly reflect its operational boundary.

### **Appendix A: Glossary**

No main modifications proposed

### **Appendix B: List of Replaced, Deleted and Retained Policies**

No main modifications proposed

### **Appendix C: Lists of Mineral Sites that are included in Landbank Calculations**

Table 2 was updated to correctly reflect the type of mineral reserve present at Aylesford Quarry and Borough Green Sandpit. The mineral reserve figures in Table 3 were updated to align with the most current data.

## Appendix 5 – Additional (Minor) Modifications to the Kent Minerals and Waste Local Plan 2013-30

### First round of additional minor modifications

AM1/1	Chapter 1 – Paragraph 1.2.1	Text is added to clarify the status of the Neighbourhood Plans and the wider context of the Development Plan
AM1/1A	Chapter 1 – New paragraph; 1.2.3	New paragraph is added to clarify the role of the District and Borough Councils in the Implementation of the Plan
AM1/2	Chapter 1 – Paragraph 1.2.3	Reference to policy is updated to ensure consistency with the current national planning policy concerning waste management
AM1/3	Chapter 1 – Paragraph 1.2.4	Sentence is added to clarify the position concerning minerals and waste planning policies in the Medway Unitary Authority Area
AM1/3A	Chapter 1 – Paragraph 1.3.5	Reference to policy is updated to ensure consistency with national planning policy for waste management
AM1/3B	Chapter 1 – New section; 1.5	New section is added to provide further context with regard to other regulatory regimes that control the management of waste and production of minerals
AM1/4	Chapter 2 – Figure 13	Old Sun Wharf added to reflect its status as a potential mineral wharf. Winterbourne Quarry deleted to reflect the 2013 permitted reserves and Aylesford Quarry deleted as an Industrial Sand site
AM1/5	Chapter 2 – Figure 14	Names of wharfs are modified to ensure consistency with Gravesham Local Plan. Old Sun Wharf added
AM1/6	Chapter 2 – Paragraph 2.4.1	Sentence is replaced to show correct figure for proposed number of new dwellings.
AM2/1	Chapter 2 – Figure 15	Figure 15 modified to show PEDL areas, sites with consent for hydrocarbons, SPZs, AQMAs and other relevant constraints
AM2/1A	Chapter 2 – Paragraph 2.3.12	Reference to Fig 15 is removed to account for deletion of clay horizons. Clay horizons have now been replaced by other environmental information on Figure 15 (AM2/1)
AM2/1B	Chapter 2 – Paragraph 2.4.3	Paragraph is amended to reflect the changes to Figure 15. Clay horizons have now been replaced by other environmental information on Figure 15 (AM2/1)
AM2/2	Chapter 2 – Figure 16	Figure 16 updated with positions of other facilities
AM3/1	Chapter 3 – Point 6 of the Vision	Text amended to clarify that the Vision is intended to cover encouragement of secondary as well as recycled aggregates
AM3/2	Chapter 3 – Point 13 of the Vision	Text is amended to reflect that there aren't any immediate actual shortfalls in waste management capacity
AM4/1	Chapter 4 - Paragraph 4.0.2	Factual update – the “National Strategy for Sustainable Communities” is updated to the “National Infrastructure Plan 2014”
AM4/2	Chapter 4 – Objective 12	Text is added to enforce the strategic commitment

		to maintaining net self sufficiency
AM5/1	Chapter 5 – Policy CSM1	Factual update –“associated Technical Guidance” is updated to “Planning Practice Guidance”
AM5/2	Chapter 5 – Paragraph 5.1.4	Definition of community is added
AM5/5	Chapter 5 – Paragraph 5.4.1	Changes to text to improve clarity
AM5/6	Chapter 5 – Paragraph 5.4.3	Chapter 5 – Criterion added which would apply to consideration of minerals proposals beyond identified sites
AM5/6A	Chapter 5 – Paragraph	Footnote inserted to make reference to other policies
AM5/12A	Chapter 5 – Policy CSM 9 (Previously CSM 7)	A clause is added to improve clarity, avoid duplication and promote policy coherence
AM5/16	Chapter 5 – CSM 11	Clauses are deleted to improve clarity, avoid duplication and promote policy coherence
AM5/17	Chapter 5 – Paragraph 5.12.1	Reference to ‘SPAs within the estuary that could be impacted by an increase in sea traffic’ is deleted
AM5/18	CSM 12 (Previously CSM 10)	Clause 3 is deleted and re-written to avoid duplication and promote Plan policy coherence
AM6/1A	Chapter 6 – Policy CSW 1	Text is amended to reflect that the correct legislation is now “National Planning Policy for Waste”
AM6/1B	Chapter 6 – Policy CSW 2	Text is amended for clarity and to improve effectiveness of policy
AM6/1D	Chapter 6 – Paragraph 6.3.6	Slight changes to text to ensure consistency with modification to Policy CSW 4
AM6/1	Chapter 6 – Policy CSW 4	Insertion of “(as amended)” after mention of Kent Joint Municipal Waste Management Plan to reflect that the targets have been updated, as well as the removal of the reference the South East Plan as these policies are no longer applicable.
AM6/1E	Chapter 6 – Footnote 72	Reference to “Planning Policy Statement 10: Planning for Sustainable Waste Management” is updated to “National Planning Policy for Waste”
AM6/2	Chapter 6 – Paragraph 6.3.3	Final sentence is deleted as it refers to Policy CSW 1 when it was worded differently
AM6/2A	Chapter 6 – Paragraph 6.4.3	Reference to Norwood Quarry accepting flue ash from other facilities is deleted as it only has the capacity to accept ash from Allington EfW
AM6/2B	Chapter 6 – Paragraph 6.4.5	Last sentence is deleted as it makes reference to treatment of flue ash from Allington EfW. It is accepted that the flue residues will continue to be landfilled
AM6/2C	Chapter 6 – Policy CSW 5	Text is added to advise any prospective developer of Norwood Quarry that a contribution may be needed to counter the impacts on the A2500
AM6/2D	Chapter 6 – Paragraph 6.5	Title is amended to reflect the modified title of policy CSW 6
AM6/2E	Chapter 6 – Paragraph 6.5.8	First bullet point is amended to reflect the modified title of policy CSW 6
AM6/5B	Chapter 6 – Preamble to Policy CSW 7	Preamble reworded to improve the clarity of the text
AM6/5C	Chapter 6 – Policy CSW 7	Footnote is added to improve the clarity and effectiveness of the policy
AM6/6	Chapter 6 – Policy CSW 7	Text is added to clause 1 of the policy to allow for

		possibility that certain waste streams may not be appropriate or beneficial
AM6/7	Chapter 6 – Policy CSW 7	Text is added at the end of clause 4 to ensure coherence with policy CSW 2
AM6/8	Chapter 6 – Policy CSW 7	Clause 5 is deleted to avoid duplication as it is already covered by Policy DM10 and other DM policies
AM6/8A	Chapter 6 – Section 6.8	Text is reworded to clarify the Plan's approach to waste recovery
AM6/8B	Chapter 6 – Policy CSW 8	Text is reworded to ensure compliance with the Waste Framework Directive and to ensure there is policy coverage for plants producing refuse derived fuel and consistency between CSW 8 and CSW 9
AM8/8D	Chapter 6 – Paragraph 6.9.1	Text is added to clarify the Plan's approach to hazardous waste landfill
AM6/11A	Chapter 6 – Paragraph 6.9.2	Text is amended to a change to the name of the policy and make link to policy in the plan concerning restoration and aftercare
AM6/11B	Chapter 6 – Policy CSW 10 (formerly CSW 11)	Policy is re-written to improve clarity and avoid duplication
AM6/11C	Chapter 6 – Section 6.11	Title, paragraph 6.11. and paragraph 6.11.2 are amended to ensure that the title properly reflects the context of the policy and improve clarity
AM6/12	Chapter 6 – Policy CSW 11 (formerly CSW 12)	Text is amended to ensure the title properly reflects the context of the policy, to avoid duplication, improve clarity, consistency and policy coherence
AM6/13A	Chapter 6 – Section 6.12	Text is reworded to instate that the capacity provision at Norwood Quarry is for Allington EFW residues only
AM6/14	Chapter 6 – Policy CSW 12 (formerly CSW 13)	Wording amended for clarity and consistency
AM6/16	Chapter 6 – Policy CSW 14 (formerly CSW 15)	Slight amendments to wording. Clause 3 is deleted to avoid duplication as this point is covered in other policies.
AM6/18	Chapter 6 – Policy CSW 15 (formerly CSW 16)	Clause 2 deleted to avoid duplication as this point is covered in other policies.
AM6/19A	Chapter 6 – Paragraph 6.18.1	Factual update- the year that Dungeness B is scheduled to end power generation is in fact 2028 as opposed to 2018.
AM7/1A	Chapter 7 – Policy DM 1	Some changes to the wording are made to avoid duplication
AM7/1B	Chapter 7 – Paragraph 7.2.5	First bullet point is amended to reflect the proposed change to the title of policy CSW 6
AM7/1	Chapter 7 – Policy DM2	Slight changes to wording to ensure that the plan takes into account the AONB Management Plans
AM7/3C	Chapter 7 – Paragraph 7.9.1	Examples are added of outdoor uses of land that could be affected by minerals and waste development
AM7/4	Chapter 7 – Policy DM11 (formerly DM10)	Text is added and reference to "buildings" is removed as it is considered to be too narrow
AM7/6	Chapter 7 – Paragraph 7.10.2	Text is amended to ensure that it is correct
AM7/6B	Chapter 7 – Paragraph 7.10.3	Reference to climate change is added to reflect its importance within the Plan

AM7/7	Chapter 7 – Policy DM 12 (formerly DM 11)	Wording is altered slightly to improve the effectiveness of the policy.
AM7/7A	Chapter 7 – Policy DM 13 (formerly DM 12)	Policy is reworded to improve its meaning
AM7/7B	Chapter 7 – Paragraph 7.13.1	Grammar is corrected
AM7/8	Chapter 7 – Policy DM 15 (formerly DM 14)	Wording amended to remove ambiguity
AM7/9	Chapter 7 – Policy DM 16 (formerly DM 15) Footnote 114	Factual update to the footnote to reflect the current position regarding guidance on information required within applications.
AM7/9A	Chapter 7 – Paragraph 7.15.1	Wording is added to improve accuracy
AM7/10	Chapter 7 – Policy DM 18 (formerly DM 17)	Slight change to wording to ensure that the policy is effective
AM7/10A	Chapter 7 – Preamble to Policy DM 19 (formerly DM 18)	Preamble reworded to reflect AM7/11
AM7/11	Chapter 7 – Policy DM 19 (formerly DM 18 & DM 19)	Policies are merged to avoid duplication. Wording is altered to ensure correct use of terminology, allow longer aftercare periods and make reference to management of gas (from landfills) as part of aftercare schemes.
AM7/13	Policy DM 20 (formerly DM 21)	Clause is deleted to avoid duplication and improve Policy coherence; this clause is covered by other DM policies
AM7/14	Policy DM 21 (formerly DM 22)	Some text is deleted to avoid duplication; the points are covered by other DM policies
AMA/1	Appendix A Glossary	Definition of aftercare is added
AMA/2	Appendix A Glossary	Definition of Energy from Waste is expanded to clarify the range of facilities which could be categorised as “Energy from Waste”
AMA/2A	Appendix A Glossary	Definitions associated with Policy CSM 10 are added to reflect the modifications to the policy
AMA/2B	Appendix A Glossary	Factual update to ensure that the Plan is up to date with the latest EIA legislation
AMA/3	Appendix C Table 2	Title amended to ensure it accurately reflects the contents of the table
AMA/4	Appendix C – Paragraph C.2	Text is amended to ensure correct use of terminology
AM/A/5	Appendix C - Table 3	Title amended to ensure it accurately reflects the contents of the table

Further proposed additional modifications

FAM1	Chapter 1 - Paragraph 1.3.4	Factual update - PPS10 is no longer the most current legislation so paragraph is amended to refer to the National Planning Policy for Waste 2014
FAM2	Chapter 5 – Policy CSM2	Words “to enable” are removed to improve clarity
FAM3	Chapter 5 – Paragraph 5.2.33	Word “menage” is changed to “manege”
FAM4	Chapter 5 – Policy CSM10,	The phrase, “exploration, appraisal and



	first paragraph	development” is amended to “exploration, appraisal and production” to comply with the NPPF
FAM5	Chapter 5 –Policy CSM 10	Text is added to the preamble of the policy clarifying that Proposals associated with exploration, appraisal and production might reasonably include underground gas storage and associated infrastructure, for which encouragement is sought within the NPPF.
FAM6	Chapter 5 – Policy CSM10, Paragraph 5.10.1	Correction; all hydrocarbons are in fact owned by “The State”, in the form of the Oil and Gas Authority, the Coal Authority and the Department for Energy and Climate Change.
FAM7	Chapter 6 – Policy CSW11, criterion 4	“that” is deleted for grammatical improvement
FAM8	Policy DM7 – Criterion 6	Change of word “and” to “of” to improve clarity
FAM9	Policy CSM7 – second section	Correction: “Waste Planning Authority” is amended to “Minerals Planning Authority”
FAM10	Footnote 109	Reference is changed to Section <u>82</u> (1) of the CROW act
FAM11	Chapter – Paragraph 5.5.10	Correction: Reference to CSM 9 is changed to CSM 11
FAM12	Chapter 5 – Paragraph 5.5.2	Correction: Reference to DM 8 should be DM 9
FAM13	Chapter 8 – Monitoring Schedule Policy CSW 16	Reference to Strategic Objective 14 is changed to Strategic Objective 12 as it is more appropriate
FAM14	Chapter 9 – Section 2	Title of Tonbridge and Malling is changed to “Tonbridge and Malling Safeguarding Areas” to ensure consistency with the other map titles
FAM15	Chapter 5 – Paragraph 5.10.7	Paragraph is amended to correctly reflect information on PEDLs (Petroleum Exploration and Development Licenses)
FAM16	Chapter 5 – Paragraph 5.10.15	Paragraph is modified to accommodate the Onshore Hydraulic Fracturing (Protected Areas) Regulations 2015

## **Subsequent Minor Modifications Made to the Plan**

Paragraph 1.1.1- first bullet point	Insertion of comma after “mineral extraction” for grammatical improvement
Paragraph 1.3.4	Footnote 12 is amended to reflect factual update in FAM1
Paragraphs 1.3.9 and 1.3.11	“KWP” changed to “KRP” to correctly refer to the Kent Resource Partnership
Appendix C Table of Land-Won Mineral Sites in Kent	Borough Green Sandpits removed from list of sites containing silica sand reserves after being advised by the owner of the quarry that this is no longer correct
Policy CSM 3	Amendment to the wording in the policy text to correctly reflect the modification MM5/7A
Policy CSM 8	Removal of “s” at the end of “sites” in criterion 5, for grammatical improvement and ensure consistency with the proposed modification
Paragraph 1.5.1	Removal of “will” from the start of the last bullet point for grammatical improvement
Paragraph 5.4.3	Change of word “it” to “is” to make the sentence read “site fails to comply with the development plan or is otherwise shown to cause harm”
Paragraph 5.5.1	Change full stop after the first sentence to a comma so that the paragraph reads better
Abbreviations	Added the date (2014) to the NPPW
2.2 Kent’s Environmental and Landscape Assets	Number of “Biodiversity Improvement Areas” Map is amended to Figure 11 to correctly match list of figures.
2.3 Kent’s Economic Mineral Resources	Number of “Geology in Kent” map is amended to Figure 11 to correctly match the list of figures
Figures	Page numbers of some figures are amended so that they are correct
2.4 Kent’s Waste Infrastructure	Waste Key Diagram: Waste Spatial Strategy- figure number amended from 16a to just 16 to correctly match the list of figures
Figures - 15	Air Quality Management Areas added to the description to correctly reflect what is in the Figure
Figure 17: Strategic Mineral Site	Address is added to the actual figure for clarity and consistency with Figure 19
CSW 17 Figure 20	Title is amended to match the Figures contents page
Introduction, Paragraph 1.1.1	Full stop added for grammatical improvement
Introduction, Paragraph 1.2.2	Abbreviation: “MWLP” is changed to full “Minerals and Waste Local Plan”
Introduction, Paragraph 1.2.3	Titles of 2 policies are amended to correctly reflect their actual titles
Introduction, Paragraph 1.2.8	Reference to page iii is correctly amended to page v
2.2 Kent’s Environmental and Landscape Assets	Ordering of bullet points “National Importance” is changed to improve clarity
2.2 Kent’s Environmental and Landscape Assets	A few amendments made to the bullet points to improve clarity, ordering is changed for the same reason
Paragraph 2.3.1 Kent’s Economic Mineral Resources	Word “had” is removed to improve grammar and clarity
Chapter 5, Paragraph 5.1.1	“s” is removed from the end of “types” so that the sentence makes sense
Chapter 4; “Waste”, point 11	“s” removed from the end of “landfills” for grammatical improvement
Chapter 5, Paragraph 5.2.29	CSM 8 and CSM 7 are switched round to improve grammar

Footnote 57	Date changed so that it is correct
Paragraph 7.8.1	Word “below” removed after “Figure 21” to improve grammar
7.11.2	Made a couple of small changes to the paragraph to improve grammar
Policy DM 13	Added a comma to improve grammar and removed “see” before “figure 15”
Policy DM 14	Capitals added to Public Rights of Way
Paragraph 7.13.1	Changed PLA to Port of London Authority and added “River” before “Thames”
Paragraph 7.14.3	Changed “County Council” to “Minerals and Waste Planning Authority”
Paragraph 8.0.1	Removed “s” from the end of vision
Paragraph 8.0.5	Changed “are likely” to “likely” to improve grammar
Glossary	Rearranged wording in the definition of “Agricultural Waste” to improve clarity
Glossary	Added to the definition of amenity to improve clarity
Policy DM 12	Added a full stop in the Policy for grammatical improvement.
Glossary – Apportionment definition	Changed SEP to South East Plan and capitalised Regional Plan
Glossary – Appraisal of hydrocarbon extraction	Changed “but” to “and”
Glossary – Area of Search	Added a comma between “areas” and “planning”
Glossary – Commercial Waste	Amended the definition to improve clarity
Glossary – Construction Waste	Amended the definition to improve clarity
Glossary – Demolition Waste	Slight amendments made to improve clarity
Glossary – Environmental Impact Assessment	Changed ES to Environmental Statement
Glossary – European Sites	Capitalised “Regulation 8”, changed “EC”, “SAC” and “SPA” to European Community, Special Areas of Conservation and Special Protection Areas.
Glossary – Exempt Sites	Grammatical improvements
Glossary – Hazardous Waste	Clarification added that fly ash is essentially flue ash
Glossary – Impact Pathways	Changed HRA to Habitat Regulations Assessment
Glossary – Imported Materials	Changed MDA to Marine Dredged Aggregates
Glossary – Materials Recovery Facility	Made a grammatical improvement and changed MSW, C&I and CD to full
Glossary – Municipal Solid Waste	Changed HWRCs to full
Glossary – Natura 2000 Sites	Added “European” before “Birds Directive”
Glossary – Non-hazardous Waste	Improved clarity of the definition
Glossary - Reuse	Definition amended to improve clarity
Glossary – Sites of Special Scientific Interest	English Nature amended to Natural England
Glossary – Transfer Stations	Removed “(or in some cities by barges)”
Glossary – Waste Management Permit	Changed EA to Environment Agency
Glossary - Reuse	Definition is amended to improve accuracy

Paragraph 5.10.15	Added a comma to the sentence to improve grammar
Paragraph 1.1.5	Added Equalities Impact Assessment to the list of accompanying documents
Spatial Vision- Point 1	Amended “and assist progress” to “and assist with progression”
Spatial Vision – Point 7	Remove word “facilities” to correctly reflect the proposed modification
Paragraph 4.0.4	Changed word “below” to “overleaf” to correctly advise where the strategic objectives can be found
Paragraph 5.2.6	Changed reference to 5.9 to 5.11
Footnote 67	Comma removed from the end of “sites”
Paragraph 5.8.3	Changed wording to reflect FM 10
Paragraph 5.10.18	Added “PROW” as an example of visual and amenity impacts
Policy CSM 10	Changed s.50 to “section 50”
Paragraph 5.2.37	Added “land” before “engineering purposes”
Changed South East LEP Business Plan to Strategic Economic Plan	The document was superseded

**Modifications proposed by the Inspector in his report to the County Council**

Location	Modification
Preamble to policy CSW 8	Removed reference to EfW to reflect modification FM9 (previously AM6/8B)
Policy CSW 18 – Non-nuclear Industry Radioactive Low Level Waste Management	Policy text amended to reflect change in title suggested in another modification

## **Appendix 6 – Equalities Impact Assessment (EqIA) Summary**

## **KENT COUNTY COUNCIL EQUALITY IMPACT ASSESSMENT**

**This document is available in alternative formats and can be explained in a range of languages. Please call 03000 413359 or 03000 413376 or email [mwdf@kent.gov.uk](mailto:mwdf@kent.gov.uk) for details.**

**Directorate: Growth, Environment and Transport**

**Name of policy, procedure, project or service**

Kent Minerals and Waste Plan 2013-30 (the MWLP Plan)

**What is being assessed?**

Planning policy for minerals and waste management

**Responsible Owner/ Senior Officer**

Sharon Thompson, Head of Planning Applications

**Date of Initial Screening**

10 September 2013

**Date of Final EqIA**

28 April 2016. Updated July 2015 and subsequently December 2015

Version	Author	Date	Comment
1	J Prosser	August 2013	Original
2	R Cutler/J Prosser	September 2013	Updated using the July 2013 template and to take account of Clive Lever's (Equality Impact Advisor) comments dated 28.08.13
3	R Cutler	June 2014	Updated following the MWLP Pre-submission consultation (Jan-Mar 2014)
4	R Cutler	July 2015	Updated following the Independent Examination hearings on the Plan by a Planning Inspector appointed by the Secretary of State
5	B Geake	December 2015	Updated following further consideration on the Plan by the appointed Planning Inspector post Hearings
6	B Geake	April 2016	Final EQIA screening and sign off for the Plan post receipt of the Inspector's Report from the Planning Inspectorate on 26.04.16
7	A Agyepong	May 2016	Comments

On the 26 April 2016 the County Council received the Inspector's report concluding the Examination of the Kent Minerals and Waste Local Plan in accordance with planning legislation. The non-technical summary stated:-

*"This report concludes that the Kent Minerals and Waste Local Plan provides an appropriate basis for the planning of minerals and waste in the county providing a number of modifications are made to the Plan. The Kent County Council has specifically requested me to recommend any modifications necessary to enable the Plan to be adopted.*

*All of the modifications to address this were proposed by the Council but where necessary I have amended detailed wording and/or added consequential modifications; and I have recommended their inclusion after considering the representations from other parties on these issues.*

*The Main Modifications I recommend cover a large proportion of the subject matter of the Plan, but the principal ones may be summarised as follows:*

- *Revising the approach to the supply of land-won minerals and secondary and recycled aggregates in order to ensure a steady and adequate supply.*
- *Removing the requirement for all minerals development on non-allocated sites to demonstrate overriding benefits.*
- *Placing silica sand within the ambit of the policy for the supply of land-won minerals rather than that relating to non-identified land-won minerals sites.*
- *Revising the suite of policies relating to the safeguarding of land and facilities for minerals and waste development.*
- *Revising the policy relating to oil, gas and coal bed methane to address hydraulic fracturing and to reflect the planning requirements of section 50 of the Infrastructure Act 2015 & section 4A of the Petroleum Act 1998.*
- *Placing greater emphasis on waste recovery instead of energy from waste.*
- *Making policy for the Green Belt and the AONB consistent with the NPPF.*
- *Revising the monitoring framework for the Plan.”*

The Plan in its final modified form requires a further screening process to be undertaken to consider any new equality impacts that may flow from the modifications to inform the final assessment process. The table below details this screening process.



Characteristic	Could this policy, procedure, project or service affect this group less favourably than others in Kent? YES/NO If yes how?	Assessment of potential impact <b>HIGH/MEDIUM</b> <b>LOW/NONE</b> <b>UNKNOWN</b>		Provide details: a) Is internal action required? If yes what? b) Is further assessment required? If yes, why?	Could this policy, procedure, project or service promote equal opportunities for this group? YES/NO - Explain how good practice can promote equal opportunities
		Positive	Negative	Internal action must be included in Action Plan	If yes you must provide detail
1. Age	No	None	None	Any impacts would be no different to impacts on the general population. No further assessment is required.	No
2. Disability	No	None	None	Any impacts would be no different to impacts on the general population. No further assessment is required.	No
3. Gender	No	None	None	Any impacts would be no different to impacts on the general population. No further assessment is required.	No
4. Gender identity	No	None	None	Any impacts would be no different to impacts on the general population. No further assessment is required.	No
5. Race	No	None	None	Any impacts would be no different to impacts on the general population. No further assessment is required.	No
6. Religion or belief	No	None	None	Any impacts would be no different to impacts on the general population. No further assessment is required.	No

<b>7. Sexual orientation</b>	No	None	None	Any impacts would be no different to impacts on the general population. No further assessment is required.	No
<b>8. Pregnancy and maternity</b>	No	N/A	N/A	Any impacts would be no different to impacts on the general population. No further assessment is required.	No
<b>9. Marriage and Civil Partnerships</b>	No	N/A	N/A	Any impacts would be no different to impacts on the general population. No further assessment is required.	No
<b>10. Carer's responsibilities</b>	No	N/A	N/A	Any impacts would be no different to impacts on the general population. No further assessment is required.	No

### Screening Grid

Low	Medium	High
Low relevance or Insufficient information/evidence to make a judgement.	Medium relevance or Insufficient information/evidence to make a Judgement.	High relevance to equality, /likely to have adverse impact on protected groups

**Proportionality** - Based on the answers in the above screening grid what weighting is ascribed to this function

## State Rating & Reasons

Screening of the Kent Minerals and Waste Local Plan 2013-30 as modified by the Inspector is concluded that **Equality Impact Assessment of Potential Impact is Low**; screening indicates that impacts on the ten characteristic are unlikely, or no different to impacts on the general population.

## Context

The production of a Minerals and Waste Local Plan is a statutory requirement for the County Council as a Local Planning Authority. Once adopted, along with Local Plans produced by District Councils and Government Planning Policy Guidance, it will form the policy basis for decision making by the County Council in determining planning applications for proposed minerals and waste management development and mineral safeguarding for the District Councils. It will also provide the context for allocations in the future minerals and Waste Sites Plans

The Pre-Submission Draft Minerals and Waste Local Plan (January to March 2014) was a draft for consultation prior to the County Council submitting the Plan to the Secretary of State for examination in November 2014.

The plan making process included an Independent Examination by an Inspector appointed by the Secretary of State to ascertain whether the KMWLP (Kent Minerals and Waste Local Plan) is sound prior to adoption and must conform to certain planning and legal criteria. The Planning Inspector held Hearings in April and May 2015 to consider objections to the Plan made by representors and to assess other matters that affected the soundness and legal compliance of the Plan. This resulted to in a number of main and additional modifications being recommended. These modifications required further consultation to be undertaken by the County Council in both August to October 2015 and January to March 2016. The Inspectors report concluded that the KMWLP “*provides an appropriate basis for the planning of minerals and waste in the county*” subject to these modifications being incorporated into the Plan. On that basis the county Council can adopt the KMWLP 2013-30.

On adoption of the Minerals and Waste Local Plan, the County Council can then proceed with the production of both a Supplementary Planning Document on Mineral and Waste Safeguarding, setting out the consultation protocols required to ensure the plan’s policies are effective in their mineral and waste safeguarding purpose. In addition, the Plan provides the context for the

County Council to proceed with the Minerals and Waste Sites Plans. The Mineral and Waste Local Plan 2013-30 sets the context for these Sites Plans by quantifying the need for new development and providing the locational criteria for the selection of sites.

### **Aims and Objectives**

The Minerals and Waste Local Plan 2013-30 establishes the following aims and objectives:

- make a positive and sustainable contribution to Kent and Progression to a low carbon economy, which supports Kent's growth;
- encourage and promote the use of recycling and secondary aggregates;
- the locational criteria for site selection in the Minerals and Waste Site Plans;
- the need for new minerals and waste development up to 2030 to maintain a and adequate ready supply of minerals;
- promote management of waste to higher levels of the defined waste hierarchy to reduce the amount of waste being sent to landfill for simple disposal;
- for waste management to achieve overall net self-sufficiency and manage waste close to the source of production (high proximity);
- promote the use of waste as a resource;
- two strategic sites - one for mineral development and one for waste management which are essential to the delivery of the objectives of the Plan;
- a development management policy framework against under which minerals and waste planning applications will be determined; and
- ensure high quality of restoration of land

The Minerals and Waste Local Plan 2013-30 will also provide safeguarding through protection from other development for:

- viable mineral reserves;
- mineral import wharves and railheads;
- all current permanent minerals and waste sites;

- sites identified in the Minerals and Waste Sites Plans.

These aims and objectives of the Plan will be achieved through the implementation of the strategy as set out in the document's strategy policies and as facilitated by the development management policies.

### **Beneficiaries**

When adopted, the Minerals and Waste Local Plan 2013-30 will provide greater certainty for residents and communities as to where future minerals and waste management development is likely to be acceptable. It will also provide the minerals and waste industries with a better understanding of the basis upon which planning permission is likely to be granted for new development. The Kent economy will benefit through the continuity of mineral production in Kent and the provision of facilities to manage the waste arisings in the county. These developments will play an important role in delivering infrastructure and economic growth in the county and the protection of its environment. Future generations will benefit from prudent safeguarding of economic minerals ensuring that they are used sustainability and not needlessly sterilised by other development.

### **Consultation and Data**

The process of consultation during the development of the Minerals and Waste Local Plan is driven by legislation. The County Council is required to produce a Statement of Community Involvement which sets out how and when consultations will be conducted during the production of the Plan. The Statement of Community Involvement was also subject to consultation prior to the final document being completed.

Since 2010 (up to the Submission of the Plan under Regulation 20 of the planning Act 2008), five major public consultations have been conducted in order to inform the development of the Minerals and Waste Local Plan 2013-30 formulation process. A variety of different methods have been used to both disseminate information and to encourage participation through providing views in writing to the County Council, such as:

- Direct notification to an evolving list of stakeholders, including the District and Parish Councils, Statutory Agencies, neighbouring Minerals and Waste Planning Authorities, the minerals and waste industries and local residents;

- Public Notices in local papers, press releases and notices for Parish Council notice boards;
- Drop in session at different locations in Kent;
- Workshops for the minerals and waste industry, for parish councillors and for district planning officers and environmental groups.

This has culminated in the development of a stakeholder database of nearly 3,000 contact details of residents, organisations and companies which are interested in the development of the Plan. The material has been available in electronic form and hard copy.

Following each consultation, the views of all participants were available to view online. Post consultation, a report on the results of the consultation was prepared and published online. These reports were used to inform the development of the next stage of the plan making process.

Wider population demographics are considered through the Minerals and Waste Annually Monitoring Report, using available data from Kent County Council's Research & Evaluation Team. These Monitoring Reports form part of the supporting evidence on which the Kent Local Plan is based and considered by the Inspector.

### **Summary of the Involvement and Engagement Process for the Plan**

The Minerals and Waste Local Plan Team have hosted public 'drop-in' sessions for pre-submission consultations. In recognition that people with vision or print impairments may not find out about the consultation, if they do not have internet access and/or are not able to read noticeboards or newspapers, the following actions were taken:

- Kent Association for the Blind was added to stakeholder database and was informed of consultations and their publication.
- Information on alternative formats was positioned on the inner side of the front cover of the consultation document where it is more likely to be seen sooner by anyone reading out loud to a person.

In order to ensure a wide dissemination of the emerging KMWLP's (the Plan) policies and engagement with plan formulation to submission consultations were primarily web-based with access to the consultation documents. There was the ability for submission of comments direct into an online system. Printed copies of the documents were also made available at all Kent libraries and Kent Gateways. CD ROMs with electronic copies of the consultation documents were sent to all Parish Clerks and to any member of the public who requested one as there are parts of Kent where the speed of web access makes viewing large documents on-line difficult.

The County Council analysed all the representations received during the Pre-submission Draft Plan consultation that was undertaken in January 2014, together with the views received during the Issues and Options and Preferred Options stages of the Plan. This included specifically an analysis of whether there were any identifiable groups that the Plan affected, and if so, was this effect negative. This approach was an ongoing step by step screening of the Plan during its formulation to its submission to the Secretary of State for Independent Examination. This initial screening did not reveal any negative impact upon the ten identifiable groups, as set out above in the screening grid table.

Moreover, the representations were considered by the Inspector as part of the Independent Examination process. Further consultation and stakeholder engagement took place as part of the Hearings (in April and May 2015) and the Examination process included public consultation on the proposed July 2015 and December 2015 modifications. During this process no specific impacts arising from the Plan's policies on definable groups (as per 1 to 10 above in the screening grid) were found.

Consultation at each stage was initiated through direct contact with our stakeholders, a notice in the local press, a press release and notices for Parish Council notice boards. Participation in the consultation by email or letter was possible. Comments received were added to the consultation portal so that they were also publically available. The submission of views in written format is essential as the consultations form part of the evidence base for the Plan which had to be submitted to the Secretary of State for Independent Examination by the Planning Inspector.

## **Submission and Examination of the Plan**

The *Kent MWLP 2013-30* was formally submitted to the Secretary of State on 03 November 2014 for Independent Examination. Planning Inspector Jonathan G King *BA (Hons) Dip TP MRTPI* was appointed by the Planning Inspectorate to undertake the Examination of the Plan.

The public Hearing on the Examination of the Plan commenced on Tuesday 14 April 2015, and ran for six days over a two-week period, reconvening for a further three days from 26 May 2015. The hearings were attended by a number of the parties who had made formal representations on the soundness of the Submission version of the Plan (published for consultation in July 2014). The Plan, supporting evidence and the formal representations received were reviewed and discussed with the Inspector and the representors in attendance.

During the course of the Independent Examination, a number of main modifications to the Plan were discussed with the Inspector. These main modifications were considered necessary to address potential unsoundness and legal compliance issues. Having considered the various representations made during the Examination, the County Council also proposed a number of minor changes. Whilst these additional (minor) modifications do not affect the overall soundness and legal compliance of the Plan, they add clarity to the Plan. Consultation on these modifications took place in August 2015 and January 2016.

None of the proposed modifications discussed with the Inspector has an adverse impact on equality issues.

## **Potential Impact**

The purpose of the Plan is to provide a framework for determining planning applications. The Minerals and Waste Local Plan 2013-30 policies are considered highly unlikely to have a specific impact, either positive or negative, on any of the protected groups identified above to any lesser or greater extent than the general population.

The subsequent Minerals and Waste Site Plans, which will allocate sites in Kent for minerals and waste development will be subject to their own Equality Impact Assessments. These allocation Plans will provide a further opportunity to consider the equality impacts arising from individual site considerations which are not possible at the strategic level of the current MWLP Plan. The Kent MWLP Plan will have no direct physical effect until such time as proposed developments are granted permission and development



commences. It should also be noted that the County Council is subject to a statutory requirement to conduct public consultations on planning applications.

**Adverse Impact:**

The Minerals and Waste Local Plan 2013-30 policies are unlikely to have a specific, adverse impact on any of the protected groups identified above to any lesser or greater extent than the general population.

**Positive Impact:**

The Minerals and Waste Local Plan 2013-30 policies are unlikely to have a specific, positive impact on any of the groups identified above to any lesser or greater extent than the general population.

**JUDGEMENT**

The Kent MWLP has been considered against the Equality Impact Assessment flow chart set out in Appendix 1. Having been screened, it is considered unlikely to have any specific, adverse or positive impacts upon the identified nine characteristics.

<b>Option 1 – Screening Sufficient</b>	<b>YES</b>
<b>Option 2 – Internal Action  Required</b>	<b>YES</b>
<b>Option 3 – Full Impact Assessment</b>	<b>NO</b>

Though the initial screening demonstrated the lack of negative impacts resulting from the Kent Minerals and Waste Local Plan 2013-30, the subsequent Minerals and Waste Sites Plans may demonstrate such impacts and are linked to the delivery of the current Plan's strategy. Therefore, while it can be concluded that a full impact assessment of this current Plan is not required, Option 2 of the process should recognise that further assessment will be required in relation to the following Sites Plans. These Plans will require wide consultation and engagement with their own separate Equality Impact Assessment and Independent Examination by an Inspector appointed by the Secretary of State. As has been acknowledged in this report the Minerals and

Waste Sites Plans proposals will have impacts upon Kent residents that may specifically impact upon particular protected characteristics. On this basis, it is considered that the Site Plans may well require a Full Equality Impact assessment.

### **Monitoring and Review**

The Minerals and Waste Annual Monitoring Report (AMR) undertaken by the County Council contains contextual data on Kent's population and is updated and published every year. Once the Plan is adopted, the AMR will monitor the effectiveness of the Plan's policies.

### **Sign Off**

I have noted the content of the equality impact assessment and agree that the Kent Minerals and Waste Local Plan 2013-30 does not have any adverse or positive impacts upon the identified ten characteristics of equality impact.

### **Senior Officer**

**Signed:** **Name:** Sharon Thompson

**Job Title:** Head of Planning Applications **Date:** 27th May 2016

### **DMT Member**

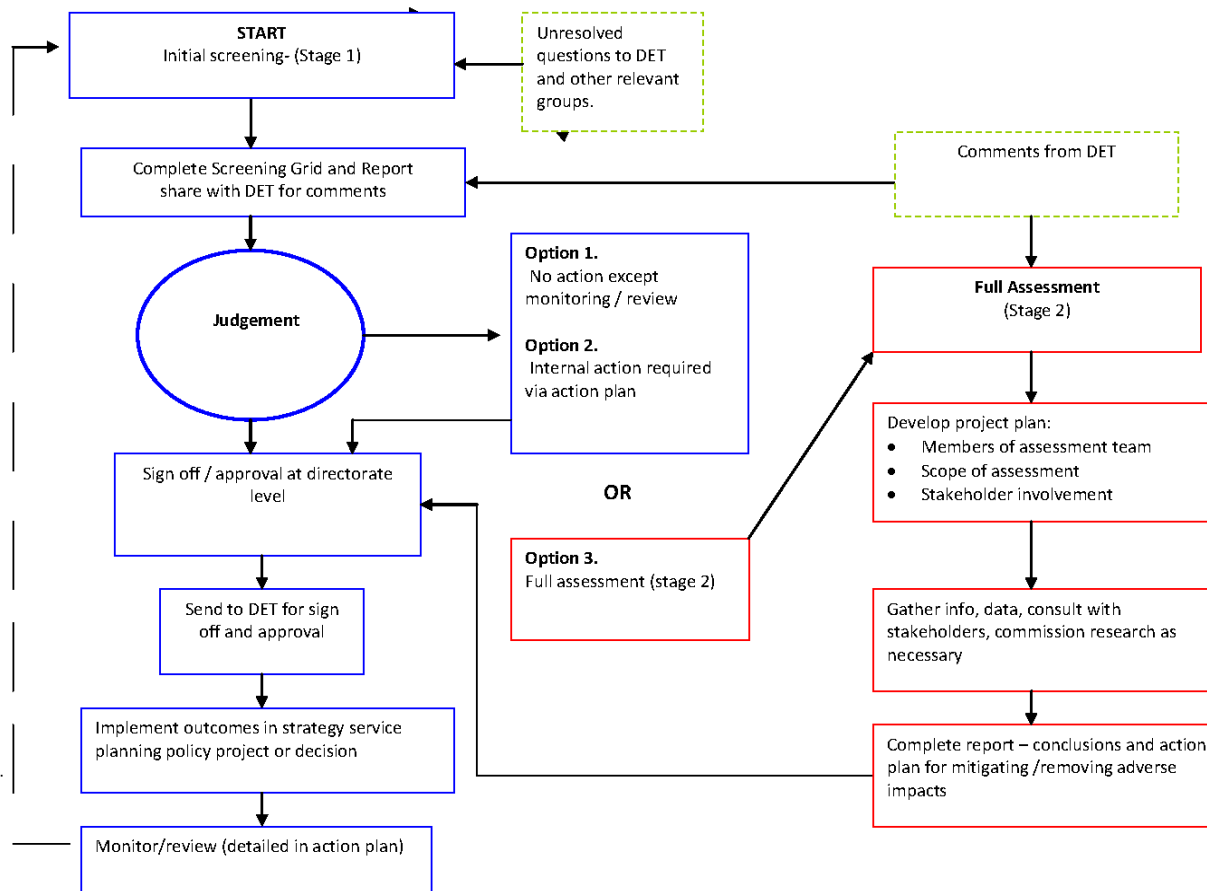
**Signed:** **Name:** Katie Stewart

**Job Title:** Director of EPE **Date:** 27th May 2016

# Appendix 1

DET = Diversity Equality Team

## Equality Impact Assessment See the EqIA guidelines on KNet for detail and forms



## **Appendix 7 – Sustainability Appraisal Synthesis Report**

# **Kent Minerals and Waste Local Plan 2013-30: Sustainability Appraisal**

**Synthesis Report  
April 2016**

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# **Kent Minerals and Waste Local Plan 2013-30: Sustainability Appraisal**

**Synthesis Report  
April 2016**

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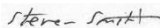
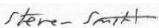
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## Quality information

Document name	Ref	Prepared for	Prepared by	Reviewed by	Approved by	Date
SA Synthesis report	Kent Minerals and Waste Local Plan 2013-2030	Kent County Council	Alex White Associate Director	Steve Smith Technical Director	Steve Smith Technical Director	April 2016
						



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# Introduction

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This report has been requested by Kent County Council (KCC) to support the adoption of their Minerals and Waste Local Plan (2013 – 2030) (the MWLP). Specifically, this report has been prepared to inform KCC and the elected members of the Sustainability Appraisal (SA) process that has been carried out to date alongside the MWLP.

This report is structured in two parts:

1. Legislative compliance
2. How two specific issues raised during examination have been addressed through the SA process, namely:
  - (i) potential effects on designated landscapes (i.e. Areas of Outstanding Natural Beauty); and
  - (ii) unconventional hydrocarbon policy

This is a synthesis document of the formal outputs of the SA (SEA) process. These are highlighted in **bold** below. If further detail is needed, please refer to the following documents:

- **SA Scoping Report** (2010) (See: <http://www.kent.gov.uk/about-the-council/strategies-and-policies/environment-waste-and-planning-policies/planning-policies/minerals-and-waste-local-plan/evidence-base>)
- SA Commentary (2010) (see: <https://shareweb.kent.gov.uk/Documents/environment-and-planning/planning-and-land-use/Issues%20consultation/Topic%20papers/Issues%20Sustainability%20Appraisal%20Commentary.pdf>)
- Further SA Commentary 2011 (see: <https://shareweb.kent.gov.uk/Documents/environment-and-planning/planning-and-land-use/Preferred%20Options%20consultation/Evidence%20base/Kent%20Minerals%20and%20Waste%20Sustainability%20Appraisal%20Commentary.pdf>)
- Interim SA Report (2012) (see: <https://shareweb.kent.gov.uk/Documents/environment-and-planning/planning-and-land-use/Preferred%20Options%20consultation%20-%20May%202012/interim-sa.pdf>)
- **SA Report 2014** (see: <http://consult.kent.gov.uk/file/3048890>)
- **SA Report Addendum 1** 2014 (see: <http://consult.kent.gov.uk/file/3532624>)
- **SA Report Addendum 2** 2014 (see: <http://consult.kent.gov.uk/file/3534299>)
- **SA Report Addendum 3** 2014 (see: <http://consult.kent.gov.uk/file/3746298>)

## Background

Plan-making has been on-going since 2009. The first major plan-making 'step' was the consultation on 'issues', which ran between 24 September and 19 November 2010. An 'SA Commentary' document was also published as part of the consultation with the intention of informing readers of the relationship between Plan issues and wider sustainability issues.

The next plan-making step involved consulting on ‘strategy and policy directions’ between 31 May and 09 August 2011. A further ‘SA Commentary’ document was published alongside the consultation document. The intention of the SA Commentary was to discuss the sustainability implications of the emerging preferred approach and alternatives presented. Recommendations were made as to how the preferred approach might be improved.

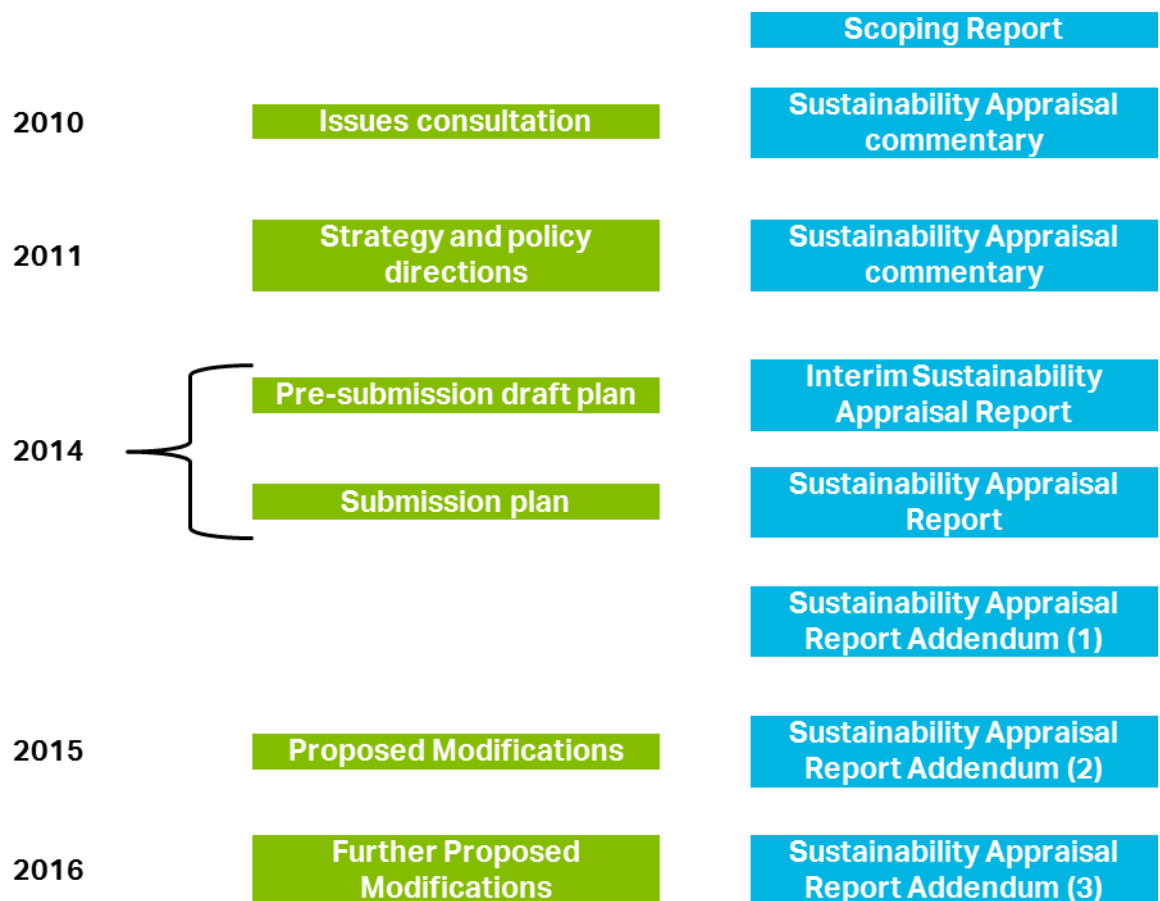
Between 2011 and 2013, there was a focus on further evidence gathering, analysis and consideration of options / alternatives (informed by SA).

In early 2014 a ‘Pre-submission’ Draft Plan was published for consultation, and an Interim SA Report was published alongside. The Interim SA Report set out to inform consultation and subsequent plan-making, i.e. preparation of the ‘Submission’ Draft Plan.

In June 2014, a Submission Plan was prepared. It was submitted to the Secretary of State for examination in November 2014. This was accompanied by an SA Report.

Post submission, the focus of plan-making has been on ‘modification-making’ in relation to a number of plan issues. These issues included the impacts of the Plan on designated landscapes, the consideration of reasonable alternatives and Proposed Modifications to the Plan. Three SA Report Addendums have been published post submission.

**Figure 1** presents a timeline with regards to documents published to date.



**Figure 1: Plan-making and sustainability appraisal timeline**

# Legislative compliance

The MWLP is subject to the requirements of Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment (the strategic environmental assessment (SEA) Directive) and the transposing Environmental Assessment of Plans and Programmes Regulations 2004 (the SEA Regulations). The SEA Regulations set out a series of requirements, both in terms of process and output. In the case of the MWLP, the SEA was integrated into a wider sustainability appraisal (SA) as advised in government guidance. Table 1 sets out where and when the regulatory requirements were discharged.

**Table 1: MWLP sustainability appraisal regulatory compliance.**

<b>Regulatory requirement</b>	<b>Discussion of how requirement has been met</b>
<b>Schedule 2 of the regulations lists the information to be provided within the environmental report</b>	
<i>"An outline of the contents, main objectives of the Plan or programme, and relationship with other relevant plans and programmes"</i>	See 2014 SA Report Section 5 (pages 6 – 8).
<i>"The relevant aspects of the current state of the environment and the likely evolution thereof without implementation of the Plan or programme"</i>	
<i>"The environmental characteristics of areas likely to be significantly affected"</i>	See 2010 Scoping Report Topic Papers 1 – 14, 2014 SA Report Section 6 – 8 (pages 9 – 31) and SA Report Addendum (2) Section 2 (pages 8 – 13).
<i>"Any existing environmental problems which are relevant to the Plan or programme including, in particular, those relating to any areas of a particular environmental importance, such as areas designated pursuant to Directives 79/409/EEC and 92/43/EEC"</i>	
<i>"The environmental protection, objectives, established at international, Community or national level, which are relevant to the Plan or programme and the way those objectives and any environmental, considerations have been taken into account during its preparation"</i>	See 2010 Scoping Report Topic Papers 1 – 14, 2014 SA Report Section 6 – 8 (pages 9 – 31) and SA Report Addendum (2) Section 2 (pages 8 – 13).

<p><i>“The likely significant effects on the environment, including on issues such as biodiversity, population, human health, fauna, flora, soil, water, air, climatic factors, material assets, cultural heritage including architectural and archaeological heritage, landscape and the interrelationship between the above factors. (Footnote: These effects should include secondary, cumulative, synergistic, short, medium and long-term permanent and temporary, positive and negative effects)”</i></p>	<p>See 2014 SA Report Part 2 (pages 32 – 41) with regard to the appraisal of reasonable alternatives and Part 3 (pages 42 – 75) for the appraisal of the draft MWLP.</p> <p>See also:</p> <ul style="list-style-type: none"> <li>- SA Report Addendum (1) Section 3 (pages 3 – 6)</li> <li>- SA Report Addendum (2) Section 3 (pages 15 – 32) with regard to the appraisal of reasonable alternatives and Section 4 with regard to the appraisal of the Proposed Modifications.</li> <li>- SA Report Addendum (3) Section 3 (page 16) and Section 4 (pages 18 – 38).</li> </ul>
<p><i>“The measures envisaged to prevent, reduce and as fully as possible offset any significant adverse effects on the environment of implementing the Plan or programme”</i></p>	<p>See 2014 SA Report Part 3 (pages 32 – 41). Note that recommendations have been iterative through the SA process and have been considered through the previous ‘informal’ SA documents.</p> <p>See also:</p> <ul style="list-style-type: none"> <li>- SA Report Addendum (1) Section 5 (page 6)</li> <li>- SA Report Addendum (2) Section 3 (page 30).</li> </ul>
<p><i>“An outline of the reasons for selecting the alternatives dealt with, and a description of how the assessment was undertaken including any difficulties (such as technical deficiencies or lack of know-how) encountered in compiling the required information”</i></p>	<p>See 2014 SA Report Part 2 (pages 32 – 41).</p> <p>See also:</p> <ul style="list-style-type: none"> <li>- SA Report Addendum (1) Section 3 (pages 3 – 6)</li> <li>- SA Report Addendum (2) Section 3 (pages 15 – 32).</li> <li>- SA Report Addendum (3) Section 3 (page 16).</li> </ul>
<p><i>“description of measures envisaged concerning monitoring in accordance with Art. 10”</i></p>	<p>See 2014 SA Report Part 4 (pages 76 – 77).</p> <p>See also:</p> <ul style="list-style-type: none"> <li>- SA Report Addendum (2) Section 5 (page 60).</li> </ul>
<p><i>“a non-technical summary of the information provided under the above headings”</i></p>	<p>See Non-Technical Summary for SA Report (2014) and SA Report Addendums 1-3)</p>

***The environmental report must be published alongside the draft Plan***

*"[A]uthorities with environmental responsibility and the public, shall be given an early and effective opportunity within appropriate time frames to express their opinion on the draft Plan or programme and the accompanying environmental report before the adoption of the Plan or programme."*

The 2014 SA Report was published for consultation for 8 weeks alongside the Submission Plan.

SA Report Addendum (1) was During the public examination as part of the examination library.

SA Report Addendum (2) was published alongside the MWLP Proposed Changes for 8 weeks

SA Report Addendum (3) was published alongside the MWLP Further Proposed Changes for 8 weeks.

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***The SA Report must be taken into account, alongside consultation responses, when finalising the Plan.***

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*"The environmental report prepared pursuant to Article 5, the opinions expressed pursuant to Article 6 and the results of any transboundary consultations entered into pursuant to Article 7 shall be taken into account during the preparation of the Plan or programme and before its adoption or submission to the legislative procedure."*

The SA commentaries (x2), the Interim SA, the SA Report and three addendums clearly demonstrate the influence of the SA process throughout the development of the plan.

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# How key issues have been addressed

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At submission and during the public examination, one SA Report and three SA Report addendums were produced and published to accompany the submission MWLP, to provide clarification as requested by the Inspector, and to inform two subsequent sets of modifications proposed by the Inspector. Summaries of the issues addressed within report are set out below.

## SA Report (2014)

The 2014 SA Report was submitted for examination alongside the submission MWLP. The SA Report was structured in four parts:

- **Part 1: What's the scope of the SA?** Part 1 of the SA Report introduced the reader to the scope of the SA. In particular, and as required by the SEA Regulations, this Part of the SA Report answered the a series of questions:
  - What's the Plan seeking to achieve?
  - What's the sustainability 'context'?
  - What's the sustainability 'baseline'?
  - What are the key issues and objectives that should be a focus of SA?
- **Part 2: What has plan-making / SA involved up to this point?** Part 2 of the SA Report set out the 'story' of plan development and, in-line with the SEA Regulations, this section had a particular focus on explaining the story of alternatives consideration that has informed preparation of the draft plan. Specifically, this section of the SA Report presented (and explained) the alternatives considered; presented appraisal findings; and explained how the appraisal has influenced plan-making. This section include appraisals of reasonable alternatives for the following issues:
  - Sharp sand & gravel and soft sand: making provision for landbanks
  - Brickearth and clay for brick and tile works
  - Provision for municipal solid waste
  - Landfill space for Kent's non-hazardous wastes
- **Part 3: What are the appraisal findings at this current stage?** Part 3 presented the appraisal findings and recommendations in relation to the 'draft' plan approach, i.e. the approach presented within the 'Submission' Plan document.
- **Part 4: What are the next steps (including monitoring)?** This Part of the SA Report explained the next steps that would be taken as part of the plan-making / SA process, including in relation to monitoring.

The SA Report concluded that, *inter alia*, that there were no significant negative effects and that there were significant positive effects in relation to biodiversity, the economy, land and landscape, heritage and the historic environment and transport.



## SA Report Addendum (1)

The first addendum addressed clarifications sought by the Inspector with regard to the effect of the MWLP on the Kent Downs and High Weald Areas of Outstanding Natural Beauty (AONB). The issue was addressed through the publication of SA Report Addendum (1) in February 2015.

SA Addendum (1) addressed the issues of AONB setting and the provision of soft sand and sharp sand and gravels. The thrust of the issue was that the SA Report had not adequately taken into account the 'setting' of the AONB and it had not been an explicit focus of the SA i.e. it was not an issue that was referenced in the list of issues and objectives that has been drawn-upon as a methodological 'framework' for the appraisal.

The response from AECOM (then URS) was that whilst the word 'setting' may not have been explicit in the SA Framework, it was nonetheless addressed in the appraisal of the Submitted MWLP (see paragraph 15.8.2. of the July 2014 SA Report).

This discussion of the assessment of the AONB setting had implication for other areas, most notably in the context of 'soft sand and sharp sand and gravels' and 'silica sand'

Following on from the overall issue with regard to the setting of the AONBs, the Kent AONB Unit asserted that, had greater consideration been given to issues around the setting of the AONB, then splitting the apportionment of soft sand and gravel in terms of 40% soft sand and 60% sharp sand and gravel would have been shown in even stronger terms to be the most favourable option.

This was addressed in SA Report Addendum (1) by highlighting that the 2014 SA Report did highlight clearly that the preferred approach (splitting the apportionment) performed well relative to the alternatives approach (not splitting the apportionment). It was accepted that explicit reference to landscape impacts should have been acknowledged.

With regard to silica sand, the Kent AONB Unit indicated that they had been misrepresented and that the appraisal of the preferred approach failed to take into account specific policy wording. The misrepresentation was addressed and settled through setting out the call for sites process be undertaken by KCC.

## SA Report Addendum (2)

A further addendum to the July 2014 SA Report (SA Addendum (2)) was published in July 2015. SA Addendum (2) set out the appraisal of the Proposed Main Modifications which were subject of public consultation in summer 2015 and addressed the points of clarification raised by the Inspector as follows:

1. The consideration of biodiversity as a 'proxy' for landscape in the sustainability appraisal accompanying the MWLP; and
2. The assertion of Friends of the Earth (FoE) that the sustainability appraisal had failed to "...identify, describe and evaluate the likely significant effects on the environment of reasonable alternatives taking into account the objectives and the geographical scope of the plan or programme" with regard to two policies (CSM8 and DM9 as submitted for examination) concerning the supply of oil and gas.

With regard to point 1, the biodiversity 'proxy' issue, the SA Report Addendum (2) included a "review of the appendices and Part 2 of the 2014 SA Report". This was to determine whether any of the appraisal elements need to be clarified or augmented.

An updated appraisal table was provided (see SA Report Addendum (2) Appendix C) setting out a clarified appraisal of "Alternatives Appraisal of Making Provision for Soft sand / Sharp Sand Landbanks: Biodiversity 'Proxy' Issue".

This review was largely academic as the process was overtaken by events related to the plan itself. As set out in the Addendum, "*Policy CSM 2, as modified, does not identify percentages but instead seeks to make provision to meet projected demand insofar as resources permit, with provision targets based upon previous average sales. The updated appraisal table from the July 2014 SA is thus included in the appendices of this document only in light of the issues raised at the hearing.*" [emphasis added]

With regard to point 2, alternatives for CSM8 (referred to in the rest of this report as CSM10) were not discussed in the 2014 SA Report as, at that time, there were not considered to be any. However, subsequent to submission, it emerged that Friends of the Earth (FoE) were of the view that there were reasonable alternatives that should have been considered. This issue was addressed in SA Report Addendum (2).

The consideration of alternatives to oil, gas and unconventional hydrocarbons in the plan-making process had been addressed through previous plan making stages:

- Minerals and Waste Core Strategy Issues Consultation: the consultation responses to this document yielded general support for a criteria-based policy to develop coal-based methane with some concerns expressed over impacts on groundwater, riverine habitats and noise (e.g. by Kent Wildlife Trust). There were no alternatives proposed in consultation responses or by KCC at this stage.
- Minerals and Waste Core Strategy: Strategy and Policy Directions Consultation: The consultation responses to this document yielded general support for a criteria-based policy to oil, gas and coal bed methane (CSM8 as submitted for examination)]. There were no alternatives proposed in consultation responses or by KCC at this stage. With regard to DM9, again, consultees were generally supportive and no alternatives were suggested (only modifications). There were two objections to the policy: one individual was against all forms of 'fracking' due to the environmental risks involved; and the Coal Authority requested an amendment to increase flexibility for coal extraction projects to come forwards in future.
- Kent Minerals and Waste Local Plan 2013-30 Pre-submission Consultation Draft: The consultation responses to this document yielded a number of objections from respondents, notably FoE who argued that the SA should address reasonable alternatives to the policy on oil, gas and coal bed methane (CSM8 as submitted for examination)]. There were no alternatives proposed in consultation responses or by KCC at this stage. With regard to DM9, there appeared to have been no significant comments with regard to alternatives.

In developing alternative approaches to oil, gas and unconventional hydrocarbons (OGUH) development, KCC were constrained by the National Planning Policy Framework (NPPF), government policy and the objectives and geographic scope of the Plan. It is in this context that, subsequent to the hearings, KCC began a dialogue with FoE to develop an alternative policy approach that could be tested through the SA process, and subsequently consulted on.

KCC's approach, developed with AECOM, was to test alternative criteria and wording for proposed changes against a framework of objectives that set a test for what is reasonable. In terms of the FoE proposals, some elements of these were considered by KCC to be unreasonable, in that, if included, they would be very likely to cause the Plan to be found unsound. This being the case, KCC took forward the following alternatives which were considered appropriate:

1. Policy CSM 8 from the Plan as submitted.
2. Policy CSM 10 (CSM8 as was) amended in light of matters raised at the Examination (NB based on the matters raised, KCC accepted that the policy could be improved).

SA Report Addendum (3) concluded that policy CSM 10 as proposed in the Proposed Changes provided a framework for determining any applications that may be submitted to the County Council for energy mineral development during the plan period. Compared to the other option proposed (i.e. CSM 8 as submitted), CSM 10 *"provided an improved policy approach in sustainability terms whilst retaining a sound planning perspective."*

Note that in the absence of proposed policy wording from FoE the Council undertook a comprehensive review of FoE's submissions to develop a 'composite policy' of those aspects that could be integrated into the plan and remain 'sound' (see SA Report Addendum (2) Appendix A).

Overall it was concluded that the Proposed Modifications *"would lead to negligible changes in the appraisal of the submission plan."*

## **SA Report Addendum (3)**

A final SA Report was published to address Further Proposed Modifications as suggested by the Inspector. The Further Proposed Modifications were modest in terms of policy amendments and the SA Report Addendum (3) concluded that the *"Further Proposed Modifications would result in negligible effects over and above the effects of the plan previously identified through the SA process. It is concluded that the Further Proposed Modifications would not alter the conclusions of the appraisal of the submission plan."*

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# Conclusion

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The SA of the MWLP has been a multi-staged and iterative process from 2009 to 2016. AECOM (formerly URS) have worked closely with the Council to ensure that the procedural steps set out in the SEA Regulations have been followed in a robust and pragmatic manner.

The documents produced as part of the process have sought to address a range of clarifications and issues in a clear and succinct manner. AECOM, and the Council have sought to be as helpful as possible to both the Inspector and stakeholders in order to produce a plan that is both sound and useful. The SA process has helped this through both the voluntary and regulatory stages that the plan has been subject to.

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