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Strategy Division
County Hall (Invicta House)
Maidstone
Kent
ME14 1XX

Our ref: KT/2009/108760/CS-12/PO1-L01
Your ref:
Date: 20 February 2024

Dear Planning Team

Kent Minerals and Waste Local Plan 2024-2039 - Regulation 19 Public Consultation January 2024 - Pre submission Draft

Thank you for consulting us on the above.

Generally we consider you draft document “sound”. However we would recommend the following matters are also considered, and suggested minor changes made for clarification purposes.

Policy CSM 10
Groundwater Protection Areas

We note that you have included most of our amendments, but have removed entirely the reference to ‘Protected Groundwater Areas’ in regard to the Infrastructure Act which influences policy regarding hydraulic fracturing (Policy CSM 10). We would recommend the following change of wording for clarification purposes.

CSM 10 to be amended to read:

Such development will not be supported within source protection zones or other relevant groundwater protection areas such as those identified under the Infrastructure Act..

Section 6.14.1

Section 6.14.1 of the document states “*When the dredged materials do not consist of aggregates or cannot be accommodated within projects to enhance the biodiversity of the estuaries, then landfill is the only option currently available.*”

Please note that dredging spoils consisting of soil and plant matter can be deposited and used under the conditions of the D1, U1, U10 and U11 waste exemptions. Please see guidance: [D1 waste exemption: depositing waste from dredging inland waters - GOV.UK \(www.gov.uk\)](http://www.gov.uk), [U1 waste exemption: use of waste in construction - GOV.UK \(www.gov.uk\)](http://www.gov.uk), [U10 waste exemption: spreading waste to benefit agricultural land -](http://www.gov.uk)

GOV.UK (www.gov.uk), U11 waste exemption: spreading waste on non-agricultural land - GOV.UK (www.gov.uk).

6.17 Radioactive waste document.

The radioactive waste document is much better than previously. Not all ILW from Dungeness A will be put into DCICs and sent to Bradwell. Some will be stored in another ISF once processed e.g. ILW pond skips. Page 16 talks about taking waste from other sites. This has been done in a nuclear context at Dungeness A e.g. waste being taken from Bradwell for processing and subsequent disposal. Taking waste into a near surface on-site facility for disposal is covered below. As said there has been no interest expressed by anybody for this.

Habitats regulation document.

Wordings on pages 19 and 20 need clarifying. An Operator may choose to apply for authorisation to dispose of radioactive waste to a dedicated near-surface on-site disposal facility. Full guidance on the environment agencies' requirements for authorisation of such a facility (GRA guidance), is here.

Near-surface disposal facilities on land for solid radioactive wastes - GOV.UK (www.gov.uk). This would require its own environmental safety case. This guidance is currently being updated. One question that we didn't answer with our previous communications with KCC was the issue of taking waste from other sites. Our E&B colleagues have recently confirmed that if waste was taken for disposal from other sites outside Dungeness A (for example), into an engineered facility then the facility would have to follow the GRA guidance.

The rest would need to say that (for clarity from the GRR guidance) that radioactive waste could be disposed of at site but Operators must be authorised by the Environment Agency before they can dispose of radioactive waste on-site, whether

1. In situ disposal of radioactive waste, such as buried object or structure, leaving it permanently in situ (including radioactive waste disposed of in-situ with engineered closure) or
2. On-site disposal of radioactive waste for a purpose.
 - making land safe, for example by filling voids
 - constructing roads, tracks and hard-standing
 - constructing bunds, barriers or screens
 - landscaping to comply with local planning authority requirements

Radioactive waste disposal for filling an existing structure, radioactive waste disposal for void filling and radioactive waste disposal for screening bund (in the GRR guidance)

The GRR guidance would also cover in situ contamination which would not become waste until dug up. All waste management options would be covered in the waste management plan and site wide environmental safety case. Any disposals of radioactive waste would need to be authorised by being permitted and demonstrate that they are the optimised solutions. Also, through the GRR is for radioactive wastes

we encourage integration of the management of radioactive and non-radioactive waste in the lifetime plan.

You may wish to choose to summarise the above in your own way. Does table 4 CSW17 need updating?

Section 7.8.4 and Policy DM10

The following text should be amended as follows:

“**7.8.4** To ensure compliance with the Water FD113 minerals and waste developments must not cause any unacceptable adverse impact on local water bodies. Applications for minerals and waste proposals within Source Protection Zones (SPZ) and Groundwater Vulnerability and Aquifer Designation areas **must** be accompanied by a hydrogeological and/or hydrological assessment(s) that investigate the potential present and future risks of unacceptable adverse impacts on the water environment associated with the proposed development and how these will be adequately mitigated to prevent such impacts. Waste operations are not usually considered compatible within SPZ1.”

Policy DM 10 Water Environment

“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 or hydrogeologically connected to the site. Hydrogeological and/or hydrological assessment(s) **will** be required to demonstrate the effects of the proposed development on the water environment and how these may be mitigated to an acceptable level.”

Sustainability assessment.

The plan the concept of sustainable remediation could be included within this document? More info can be found here [Sustainable Remediation Forum](#).

Habitats regulation document.

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[Near-surface disposal facilities on land for solid radioactive wastes - GOV.UK \(www.gov.uk\)](#). This would require its own environmental safety case. This guidance is currently being updated. One question that we didn't answer with our previous communications with KCC was the issue of taking waste from other sites. Our E&B colleagues have recently confirmed that if waste was taken for disposal from other sites outside Dungeness A (for example), into an engineered facility then the facility would have to follow the GRA guidance.

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Permitting

The document stipulates the criteria for KCC to grant planning permissions for new and existing waste facilities. The requirement of obtaining the relevant environmental permits for such facilities, issued by the Environment Agency, is not mentioned. We recommend consideration is written into the document to consult the Environment Agency and other relevant bodies of proposed planning permissions for new and existing sites, as these sites will require the relevant environmental permits which may or may not be granted, dependant on the assessment of these applications.

If you have any queries, please do not hesitate to contact me.

Yours faithfully

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