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Joanne Burston  
Planning Inspectorate  
Sent via email to  
[louise@poservices.co.uk](mailto:louise@poservices.co.uk)

**Our ref:** KT/2009/108760/CS-  
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**Your ref:**  
**Date:** 16 August 2024

Dear Joanne Burston

**Draft Kent Minerals and Waste Local Plan 2024-2039: Inspector's Matters,  
Issues and Questions**

Please find to follow our Hearing Statements on the relevant Inspector's Matters,  
Issues and Questions.

I hope this is helpful.

Yours faithfully

**Ms Laura Edwards**  
**Planning Advisor**  
Direct e-mail [KSLPLANNING@environment-agency.gov.uk](mailto:KSLPLANNING@environment-agency.gov.uk)

## Policy CSM 10: Oil, Gas and Unconventional Hydrocarbons

53. Does this policy adequately consider the environmental impacts, including on groundwater, to be taken into account in the consideration of development proposals and the implications of climate change?

Yes, subject to the following comments.

Section 5.10.2 says: “...a need to establish, through exploratory drilling, whether or not there are sufficient recoverable quantities of **unconventional** hydrocarbons present...”

This sentence is equally true for ‘conventional’ hydrocarbon extraction as well, so we consider having this wording here unnecessarily emphasises the planning policy toward unconventional methods only. We would recommend deleting “*unconventional*.”

It would be advisable for Kent County Council to confirm they have considered this wording (and their role in examining climate impacts of hydrocarbon extraction permissions) in the light of the recent (June 2024) appeal decision against Surrey County Council’s granting of a planning permission at the Horse Hill site (which is for conventional hydrocarbon extraction): [R \(on the application of Finch on behalf of the Weald Action Group\) \(Appellant\) v Surrey County Council and others \(Respondents\) - The Supreme Court](#).

55. Policy CSM 10 refers to footnote 63. Should this information be included in the policy itself to ensure that it is effective?

Possibly, however, there is no clear definition in the relevant legislation around the meaning of ‘*Protected Groundwater Areas*.’ Therefore, we understand why Kent County Council have decided instead to propose consulting with the Environment Agency at the time, as there’s no other wording available.

**Policy CSW 17: Waste Management at the Dungeness Nuclear Licensed Sites**

83. To aid clarity does the supporting text to this policy need modifying to reference the document "Near-surface Disposal Facilities on Land for Solid Radioactive Wastes Guidance on Requirements for Authorisation" (February 2009)?

We recommended this in our response to the Regulation 19 Consultation and held a follow up meeting with Kent County Council to explain this in more detail. Please note this guidance is currently under review.

84. Policy CSW 17 refers to footnote 96. Should this information be included in the policy itself to ensure that it is effective?

We agree with this recommendation.

**Policy DM 10: Water Environment**

103. Should the policy refer to the need for a Site-Specific Flood Risk Assessment to be submitted with proposals for minerals development?

Para 7.8.2 We recommend the final sentence, "*Planning applications for sites located in areas prone to flooding must be accompanied by a suitable Flood Risk Assessment*" includes the following additional text "*which demonstrates the flood risk of the site can be safely managed without increasing flood risk elsewhere.*"

We recommend the following additional sentence at the end of the policy DM10. "*For sites within areas at risk of flooding, a Flood Risk Assessment will be required to demonstrate flood risks to the site can be safely managed, without increasing flood risk elsewhere.*"