



Kent County Council

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

Duty to Cooperate Report

May 2024

Revision	Date	Reason
1	January 2024	Original draft published with evidence base for Regulation 19 KMWLP public consultation
2	May 2024	Amended following Regulation 19 consultation

Contents

1. Introduction	4
Purpose of the Duty to Cooperate Report	6
2. The Consultation Process	7
3. Engagement with Kent District and Borough Councils	12
4. Engagement with Neighbouring Minerals and Waste Planning Authorities .	47
South East Waste Planning Advisory Group (SEWPAG).....	47
South East England Aggregates Working Party (SEEAWP)	48
Minerals and Waste Planning Officers Society Learning Group.....	49
5. Engagement with Other DtC Prescribed Bodies	61
Appendix 1: Policy Context and the Requirements of the Duty to Cooperate..	70
Appendix 2: Duty to Cooperate Bodies Engaged with Throughout the Preparation of the Kent Minerals and Waste Local Plan 2024-39	73
Appendix 3: Supporting documents published alongside drafts of the updated Kent Minerals and Waste Local Plan	75
Appendix 4: Statement of Common Ground with Kent County Council and Canterbury City Council dated April 2024	78
Appendix 5: Statement of Common Ground with Kent County Council and Ebbsfleet Development Corporation dated April 2024	84
Appendix 6: Statement of Common Ground with Kent County Council and Tonbridge and Malling Borough Council dated April 2024	94
Appendix 7: Statement of Common Ground between Waste Planning Authority members of the South East Waste Planning Advisory Group Concerning Strategic Policies for Waste Management (March 2020)	106
Appendix 8: South East Mineral Planning Authorities Soft Sand Position Statement (2023)	124
Appendix 9: Statement of Common Ground (SoCG) on Soft Sand between Kent County Council, West Sussex County Council, East Sussex County Council, Brighton & Hove City Council, South Downs National Park Authority and Maidstone Borough Council (July 2022)	171

Appendix 10: DRAFT Statement of Common Ground Between Medway Council and Kent County Council - October 2020 version updated and reviewed in April 2024 - Draft for consideration by SEEAWP dated 24 April 2024 197

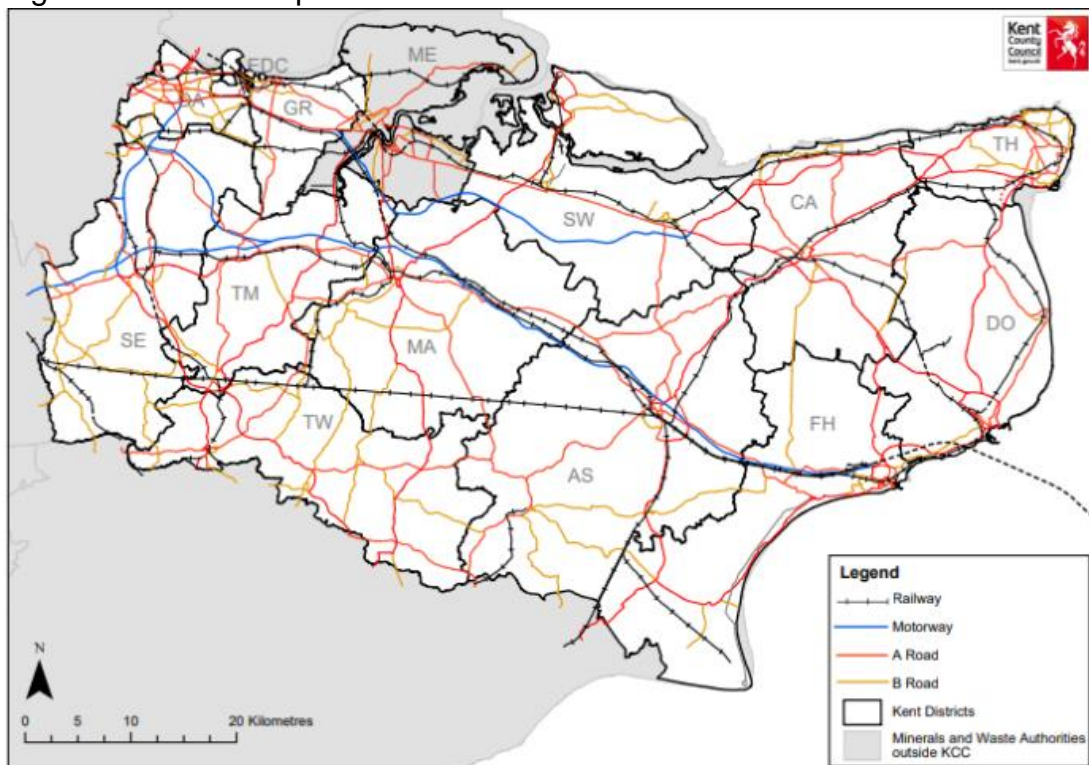
Appendix 11: DRAFT Statement of Common Ground Between Kent County Council and Surrey County Council - Draft for consideration by SEEAWP dated May 2024 226

Appendix 12: Statement of Common Ground Between County Council and Natural England dated 243

1. Introduction

- 1.1 Section 33(a) of the Localism Act 2011 sets out a mandatory procedure (known as the Duty to Cooperate (DtC)) requiring Local Planning Authorities (LPAs) to engage on strategic matters during the preparation of development plan documents. Strategic matters relate to cross boundary, larger than local issues that could significantly impact more than one authority area (such as any matter determined by County Councils in two-tier authority areas). The aim of the DtC is to encourage positive and continuous partnership working on the matters that go beyond single administrative boundaries.
- 1.2 Kent is located in the southeast corner of the United Kingdom (UK) and is partly defined by two bodies of water; the River Thames to the north and the English Channel to the south and east. Kent also neighbours Greater London, via its north-western boundary, and the counties of Surrey and East Sussex via its western and southern boundaries. Kent's network of road, rail and water links allow excellent connections to London, Essex, the South East of England and mainland Europe.

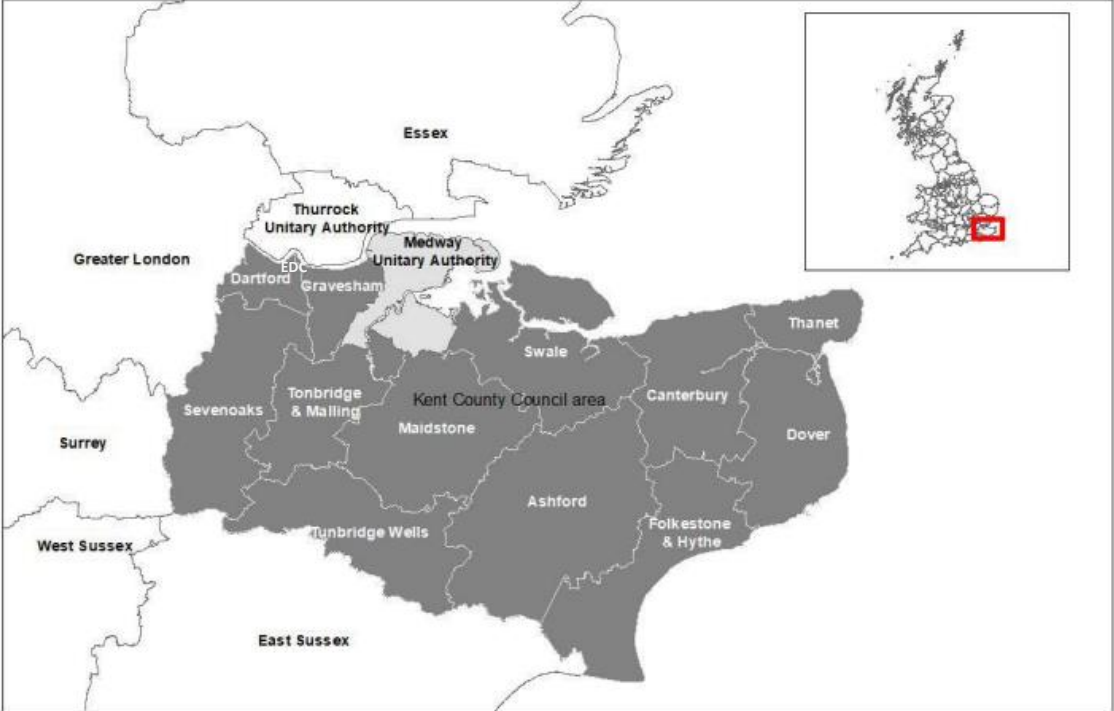
Figure 1: Kent Transport Links



- 1.3 The historic county of Kent is administered by Kent County Council (KCC), the Ebbsfleet Development Corporation (EDC), Medway Council and 12 district/borough councils (excluding Medway Council). The EDC is not a plan

making authority but is a separate authority that can determine applications for development, including minerals and waste. See Figure 2 below.

Figure 2: Kent County Council Local Authorities and Neighbouring Authorities



- 1.4 KCC is the Local Planning Authority (LPA) for matters relating to minerals and waste development in the county. The movement of minerals and waste across administrative boundaries into, within, and out of Kent, potentially impacts upon district planning authorities, neighbouring planning authorities, other Mineral Planning Authorities (MPAs) and Waste Planning Authorities (WPAs) and the responsibilities of other statutory bodies. Minerals and waste development in Kent is therefore a strategic planning matter and the Duty to Cooperate needs to be adhered to during the preparation of the Kent Minerals and Waste Local Plan 2024-39 (the Plan) which will supersede the Kent Minerals and Waste Local Plan (KMWLP) 2013-30 as amended by the Early Partial Review (adopted 2020).

- 1.5 For Kent County Council, the DtC bodies are the Districts and Borough Councils within the county of Kent, planning authority areas bordering Kent and authorities in whose areas there are significant movements of mineral aggregates and waste (imports/exports) to and from Kent. In addition, the DtC parties also include prescribed bodies as required by The Town and Country Planning (Local Planning) (England) Regulations 2012 of which a full list is set out in Appendix 1.

Purpose of the Duty to Cooperate Report

- 1.6 This document summarises the evidence that shows how the Plan has been prepared in accordance with the statutory requirements and planning policy guidance relating to the DtC. Evidence of the cooperation will be assessed at an independent examination and used to determine whether the DtC requirements have been met. Full details of the relevant national legislation and planning policy guidance are set out in Appendix 1: Policy Context and the Requirements of the Duty to Cooperate.
- 1.7 KCC has a history of on-going cooperation with DtC bodies which include: neighbouring authorities; district/borough/city councils, the Ebbsfleet Development Corporation; and other bodies prescribed in the legislation (see Appendix 2). Engagement with other key stakeholders (e.g. waste and minerals industry) and other relevant authorities and organisations including parish councils has taken place throughout the full review of the KMWLP and preparation of the draft Plan.
- 1.8 Cooperation has occurred in several ways including the following:
- Formal Public Consultation: Consultation on published documentation and supporting evidence base has been undertaken throughout the development of the Plan. There has been several rounds of public consultation pursuant to Regulation 18, details are set out in table 1 below. A Regulation 19 public consultation has also taken place.
 - Engagement with other Mineral and Waste Planning Authorities: KCC's active participation as a member of minerals and waste joint working groups; individual engagement with a number of specific authorities on certain matters of relevance to particular authorities; preparation of Statements of Common Ground and 'joint position statements'.
 - Engagement with Statutory Stakeholders and Other Relevant Organisations: Consultation and further engagement with the organisations described as prescribed bodies (for the purpose of DtC) in the legislation.
 - Intra-county engagement: Discussion and engagement events with Kent district and borough councils on the development and potential impacts of the full review.
- 1.9 Engagement activities described in this report have contributed to the evidence base that underpins the draft Plan. The Plan itself has also evolved from that which was presented at earlier Regulation 18 stages due to ongoing engagement, discussion and feedback with DtC bodies.

2. The Consultation Process

- 2.1 During the preparation of the draft Kent Minerals and Waste Local Plan 2024-39, KCC has actively invited relevant key stakeholders, including DtC bodies, to comment on draft updated text. Stakeholders include neighbouring authorities, prescribed/statutory bodies, district and parish councils, non-statutory interest and local groups, local businesses, minerals and waste industries and related interest groups and interested members of the public. KCC's online planning policy consultation portal (www.kent.gov.uk/mineralsandwaste) allows any interested person to register their details to be notified of future minerals and waste consultation, the database of contacts has expanded as preparation of the updated Plan has progressed.
- 2.2 Table 1 below briefly summarises each formal stage in the development of the Pre-Submission Draft of the Kent Minerals and Waste Local Plan 2024-39 and the level of comments received. In addition to the main stages of consultation shown in Table 1, various DtC parties have been engaged on an individual basis on specific matters.

Table 1: Summary of consultation stages related to the update of the Kent Minerals and Waste Local Plan 2024-39¹

Consultation Event	Date	Summary
Initial informal consultation with key stakeholders	26th March 2021 - 9th April 2021 14 days	<p>This was the first initial evidence gathering consultation carried out on the statutory 5-year review of the KMWLP following the adoption of the KMWLP in 2016 and subsequent Early Partial Review adopted in 2020. The initial consultation with key stakeholders was to determine which parts of the Plan may need updating.</p> <p>To inform the review, views on the need for updates to the Kent Minerals and Waste Local Plan were sought from key stakeholder groups including District and Borough Councils in Kent, neighbouring Minerals and Waste Planning Authorities, other DtC bodies such as the Environment Agency, Natural England and Historic England and other interested parties such as representatives from the minerals and waste operators in Kent.</p> <p>A total of 9 responses were received and included recommended updates from the statutory consultees such as the Environment Agency, several Kent District/Borough Councils and Neighbouring Authorities.</p>
Regulation 18 public consultation on Kent Minerals and Waste Local Plan Refresh	16th December 2021 - 9th February 2022 8 weeks	<p>Consultation on proposed changes to the KMWLP's vision, objectives, policies and supporting text in light of government policy and legislation published since 2016. Amongst other matters, this included changes to the NPPF, legislation and policy concerning the need to adapt to, and mitigate climate change and associated low carbon growth, new policy relating to the management of low-level radioactive waste, policy and legislation concerned with achieving a circular economy where more waste is prevented or reused, and more ambitious targets concerning biodiversity net gain.</p> <p>This was a public consultation carried out under Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The document presented the proposed amendments to the KMWLP. This was a public consultation launched using the County</p>

¹ A list of the supporting documents published as part of each consultation is available in Appendix 3.
Pre-Submission Draft Kent Minerals and Waste Local Plan 2024-39
Duty to Cooperate Report
May 2024

Consultation Event	Date	Summary
		<p>Council's consultation hub which notified DtC bodies including Kent Borough and District Councils, the EDC, neighbouring authorities and key statutory bodies associated with minerals and waste development. Interested stakeholders and minerals and waste organisations also received direct notification of the consultation as well as over 5,000 members of the public who had registered an interest in environmental and planning consultations undertaken by the Council.</p> <p>A total of 183 comments from 60 different stakeholders were received including from DtC bodies. The responses received were generally supportive of the proposed approach, particularly in relation to the proposed changes to the Objectives and Vision, the measures to mitigate and adapt to climate change and greater measures to support biodiversity net gain. Responses from the DtC bodies and the Council's response are summarised in the tables below.</p>
Regulation 18 public consultation on draft Kent Minerals and Waste Local Plan 2023-38	24th October 2022 - 5th December 2022 6 weeks	<p>Following comments received in response to the previous Regulation 18 consultation, it was proposed that the period covered by the updated KMWLP should extend to cover a full 15 years and would therefore in effect be a replacement plan, rather than a 'refreshed' one, with a period covering 2023 to 2038 (now to be 2024-39 given the timeline for plan preparation). As this was considered a significant change which impacts on requirements for waste management and mineral supply, a further Regulation 18 consultation was undertaken.</p> <p>The draft Kent Minerals and Waste Local Plan 2023-38 set out additional proposed changes including those to policies CSW 8, 12 and 17 and the deallocation of the strategic mineral site at Holborough (CSM 3).</p> <p>The consultation took the same form as the previous Regulation 18 consultation.</p> <p>A total of almost 300 comments were received from 54 different stakeholders including from DtC bodies. In summary, the comments were generally supportive with some requesting clarity</p>

Consultation Event	Date	Summary
		on a variety of policies. Responses from the DtC bodies and the Council's response are summarised in the tables below.
Informal consultation with waste operators	6th February 2023 - 20th March 2023 6 weeks	An informal consultation with waste operators took place, providing a further opportunity to comment on the review of the Kent Minerals and Waste Local Plan. No responses were received.
Informal targeted consultation on potential deallocation of Norwood Farm	20th March - 31st March 2023 2 weeks	Whilst not DtC bodies, an informal targeted consultation with the waste operators in Kent regarding the potential deallocation of an extension to Norwood Quarry landfill for hazardous flue dust (ash) residue was undertaken. The proposed change related to the deletion of Policy CSW 5 in light of the availability of more preferable opportunities for managing hazardous (flue) dust ash residues further up the waste hierarchy. 1 response was received from a waste operator that raised concerns about the approach.
Regulation 18 public consultation on Further Proposed Changes to the Kent Minerals and Waste Local Plan	13th June - 25th July 2023 6 weeks	Consultation on further proposed changes to KMWLP including extending the plan period to 2039, updates to aggregate requirements in Policy CSM 2, the removal of the strategic waste site allocation at Norwood Quarry, Isle of Sheppey for the landfill of hazardous waste specifically incinerator fly ash (CSW 5) and the removal of a commitment to make specific provision for the management of residual non-hazardous waste by landfill or energy recovery that arises in London. The consultation took the same form as the previous Regulation 18 consultations. A total of 73 comments were received from 53 different stakeholders including DtC bodies such as district and borough councils and statutory bodies. Comments were also received from individuals, the waste and minerals industry, and other stakeholder groups and organisations. The comments received were generally supportive. Responses from the DtC bodies and the Council's response are summarised in the tables below.

Consultation Event	Date	Summary
Consultation with certain DtC bodies	22nd September - 3rd November 2023 6 weeks	DtC bodies set out in the Regulations who had not responded to the consultations were given a further opportunity to comment on the review of the KMWLP work to date. 1 response was received.
Regulation 19 Public Consultation on the Pre-Submission Draft of the Kent Minerals and Waste Local Plan 2024-39	17th January 2024 - 29th February 2024 6 weeks	Formal public consultation on the Pre-Submission Draft of the Kent Minerals and Waste Local Plan 2024-39. A total of 58 representations were received including from DtC bodies such as district and borough councils and statutory bodies. Comments were also received from individuals, the waste and minerals industry, and other stakeholder groups and organisations. The comments received were generally supportive and all representations received in response to the Regulation 19 consultation form part of the submission of the Plan to the Planning Inspectorate for Independent Examination. A further 3 late representations were also received and have not been forwarded to the Planning Inspectorate. No representations were made which raised issues with the Council's compliance with the Duty to Cooperate requirements. A number of DtC parties, including Tonbridge and Malling Borough Council and Essex County Council have specifically referred to a good working relationship on DtC matters.

2.3 Throughout the process, the County Council has made a conscious, on-going effort to widely publicise all consultations in accordance with the adopted Statement of Community Involvement (SCI) by actively notifying all stakeholders via email, raising awareness by distributing information at the main County Council office and regularly updating information on the team’s online consultation portal and the County Council’s website.

3. Engagement with Kent District and Borough Councils

3.1 As part of its plan making process, the County Council has engaged with the Kent District and Borough Councils on its emerging Local Plan. This has principally been on a one to one and ongoing basis with individual authorities. The table below sets out the activity that have taken place in relation to engaging with the District and Borough Councils collectively on the Minerals and Waste Local Plan work. This includes a presentation to Kent Planning Policy Forum, an invitation to comments on various Regulation 18 public consultations and lastly a review of the need for any changes to existing Statements of Common Ground. In addition, as set out in paragraph 3.6 below, the County Council has engaged with the District and Borough Council’s on minerals and waste matters in relation to their respective Local Plan work and development management matters.

Table 2: Kent Planning Policy Forum

Event	Date	Comment
Kent Planning Policy Forum with KCC and Kent District and Borough Councils	14th July 2023	A briefing note was presented to the Kent Planning Policy Forum on Friday 14th July 2023. This forum is attended by Planning Officers from the District and Borough LPAs in Kent involved in the development of local plans and planning policy across the county. The briefing note aimed to raise awareness of the Regulation 18 consultation on the Draft Kent Minerals and Waste Local Plan 2024-39 Further Proposed Changes that was live at the time. It provided a summary of the proposed changes to the Kent strategy, an opportunity to raise questions and set out the consultation deadline.

3.2 As part of the Duty to Cooperate requirements, the County Council wrote to the planning policy team of each District and Borough Council within Kent, drawing attention to the public consultations, inviting them to make comments, and provided an opportunity to seek further information or raise queries with the County Council’s Planning Policy Team.

3.3 The tables below summarise the engagement specifically as a result of the Regulation 18 public consultation with the Kent District and Borough Councils, along with the County Council’s response and, where justified, changes to the

Plan's policy and supporting text as a result of the engagement. The representations received in response to the Regulation 19 public consultation on the Pre-Submission Draft of the Kent Minerals and Waste Local Plan 2024-39 have not been summarised in the tables below as they have been submitted in full as part of the submission of the Local Plan to the Planning Inspectorate for Independent Examination.

Table 3: Consultation with Kent District and Borough Councils (Regulation 18 Public Consultation - December 2021 to January 2022)

Invited to comment on the Kent Minerals and Waste Local Plan 2013-30 Refresh - Regulation 18 Public Consultation - December 2021 to January 2022

Kent District/ Borough	Section	Summary of Representation	Outcomes/KCC Response
Ashford Borough Council	1.3 The Links with Legislation, Other Policies and Strategies Paragraph 1.3.11	Incorrect to say that <i>'Kent Resource Partnership (KRP) plans and budgets for Kent's household waste so that new facilities can be built where and when they are needed.'</i> This misrepresents what is conducted through KRP. The Kent authorities make a small financial contribution to run communication projects together, this in no way enables budgeting or planning for waste facilities in Kent. Therefore, this statement is fundamentally misleading and the Council consider that it should be removed.	Agree - Kent Resource Partnership (KRP) is intended as forum for Waste Collection Authority (WCA) and Waste Disposal Authority (WDA) cooperation. Change to text proposed.
Ashford Borough Council	2.4 Kent's Waste Infrastructure Paragraph 2.4.5	It is unclear how long facilities mentioned paragraph 2.4.5 are planned to last. Districts need to understand this including whether renewals and replacements are planned and how the County could work across the wider South East network to support need. This needs addressing within the plan.	Given these facilities have permanent planning permission they are expected to continue to contribute capacity over the life of the Plan. In any event, the policies of the Plan allow for renewal and replacement of such waste capacity subject to proposals being consistent with the policies and objectives of the Plan. The adopted Kent Joint Municipal Waste Management Strategy seeks to ensure that all Local Authority Collected Waste (LACW) collected in the County be managed within the County – this supports the Council's environmental ambitions to reduce its carbon footprint. All waste infrastructure utilised in the management of LACW is either within County and/or very close to its borders. This has been intentionally delivered by KCC's commissioning strategies to reduce haulage and to encourage investment in the Kent economy.
Ashford Borough Council	Vision	The proposed amendments to the 'Spatial Vision' for the Plan do not cover the vision of managing increasing levels of service infrastructure to meet growth and demands in waste and resource management. Furthermore, the plan period 2013 – 2030 (8 years) is not considered sufficient a period for such a strategic vision. It is considered that the plan should have a longer horizon and that both disposal capacity and transfer capacity should be dealt with as one function of the Waste Disposal Authority (WDA).	Final disposal and transfer capacity are two distinct items serving wholly different purposes. Much of the final disposal infrastructure serves areas across and beyond Kent's borders. The Plan period is to be extended to cover the period to 2038.
Ashford Borough Council	Objectives	The objectives are not currently aligned with the spatial vision of circular economy. The objectives should be updated to address this. With regard to the objective to minimise the production of waste, minimising waste relies on a change of culture from members of the public as well as Deposit Return Schemes (DRS) and Extended Producer Responsibility (EPR). Notwithstanding policies seeking to manage waste in a sustainable way, the reality is that due to population growth and growing housing need, waste will continue to increase and consequently must be planned for through the Local Plan process by the Waste Disposal Authority and Kent Authorities.	A general objective covering both waste and minerals has been added as follows: '4b Ensure that waste is managed and minerals are supplied in a manner which is consistent with the achievement of a more circular economy. The Annual Monitoring Report (AMR) updates the assessment of need and this demonstrates that there is sufficient capacity for the management of waste in Kent to 2040.
Ashford Borough Council	Objective 10	Objective 10 looks to industry for solutions to minimise waste and increase its re-use. This is considered contrary to objectives seeking to treat waste and recycle in Kent. There is a need to plan for required infrastructure, and partner with industry to provide solutions. All the while the objective fails to reflect this approach, there will not be adequate facilities in Kent, and materials will need to be transported further afield when current infrastructure reaches end of life.	The objective does not necessarily expect industry to provide solutions to minimise waste and increase reuse. Waste management facilities are developed by the waste management industry. The Plan provides a decision-making framework which determines which facilities are needed and where. The current wording of the objective will allow adequate facilities to come forward.
Ashford Borough Council	Objective 14	Objective 14 is supported but in reality reflects the need only to restore old sites for a different future use. What is urgently needed is an objective to deliver a new Materials Recycling Facility, preferably delivered by a Private Finance Initiative in Kent, developing sustainable transfer stations capable of household and commercial waste and potential facilities aligned with rail networks to reduce on road freight would all be more pressing than remediating current / closed sites. This needs a more holistic approach.	Subject to the design and location of a Materials Recycling Facility (MRF) being consistent with the policies of the Plan, the Plan would allow such a facility to be developed should a proposal for such a facility come forward. The plan would encourage this if it were demonstrated that such a development resulted in decreased impacts e.g. transport and was consistent with driving waste up the waste hierarchy. New proposed text in paragraph 6.3.6 specifically recognises the need for a new waste transfer facility for Local Authority Collected Waste, especially to serve the Folkestone and Hythe district and the Ebbsfleet Garden City area.

Ashford Borough Council	6.2 Policy CSW 2: Waste Hierarchy Para 6.2.3	<p>The aspirations of Policy CSW2 are supported, however, it is considered that the word 'support' should be replaced with the word 'ensure'. As the plan making authority for waste, it is considered this would demonstrate a greater level of commitment towards ensuring that development reflects the principles underpinning the Waste Hierarchy.</p> <p>With regard to draft paragraph 6.2.3 this states that '<i>recent assessment of waste management capacity is sufficient</i>' however, this is considered misleading as it fails to recognise the need for transfer and disposal facilities identified elsewhere in the plan.</p>	<p>It is considered that the term 'support' is appropriate as the Plan can only do that, it is for the market to respond. It is noted that the stated intention is to 'ensure' waste is managed in accordance with the waste hierarchy in the wording that follows the initial statement of support. Paragraph 6.2.3 is concerned with the overall availability of capacity to achieve recycling and landfill diversion targets rather than whether this capacity is located in the optimum location for logistical purposes. Paragraph 6.3.6 has been inserted specifically to address concerns about the adequacy of the spatial distribution of facilities managing Local Authority Collected Waste (LACW).</p> <p>It is unclear what the reference to "disposal facilities" relates to as the Plan does not identify a need for such facilities (other than Norwood Farm landfill for disposal of incinerator residues).</p>
Ashford Borough Council	Para 6.3.6	<p>The issue of waste disposal and transfer must be dealt with holistically and delivered through a plan led approach rather than relying on the "market" to deliver a solution, as currently suggested in the plan. The KMWLP Review must ensure that suitable sites/areas for the provision of waste transfer facilities are identified in appropriate locations in order to meet the identified shortfall, and to ensure that the necessary infrastructure is provided.</p> <p>As it stands, the KMWLP Review does not secure how waste transfer and disposal will be delivered, either through any of its proposed policy criteria or the site allocation strategy. Put simply, the location, nature of the facility, phasing plan and the total cost of any facility is not set out by KCC at this point. Consequently, it is hard to see how any future Local Plan that Ashford Borough Council produce can take this issue into account, or how it might seek to secure S106 payments for any future waste facility (assuming that funding towards waste infrastructure is justified, in principle).</p>	<p>Waste management facilities are developed by the waste management industry. The Plan provides a decision-making framework for the market to bring forward proposals for needed facilities in appropriate locations.</p> <p>It is recognised that to improve transportation logistics a new facility is needed for the transfer of Local Authority Collected Waste (LACW) but latest assessments show that there is sufficient capacity within the County overall to meet recycling targets beyond those relating solely to LACW and for this reason a specific location has not been identified.</p> <p>Paragraph 6.2.7 has been added specifically to confirm that S106 contributions may be needed in relation to the provision of waste infrastructure. The detail of these is a matter for discussion between the Waste Disposal Authority and the District and Borough Council determining the planning application.</p>
Ashford Borough Council	Para 6.3.6	<p>Draft paragraph 6.3.3 of the plan, which discusses the preferred method for the collection of different waste streams, is considered to be factually incorrect and misrepresents the legislation requirements. Defra are yet to confirm the preferred collection methodology. This section mistakenly pulls Deposit Return Schemes (the method of encouraging recycling by requiring and returning a deposit payment) into kerbside collection which are separate methodologies of collection and not likely to be managed by the WDA. This section needs to be updated to accurately reflect the legislative requirements. The need to work holistically on the outcomes required under the Environment Act gives KCC the opportunity to be open and transparent with the district partners in looking towards delivering "joined up" collection and disposal methodologies for the benefit of all and the environment.</p>	Noted - Related text has been updated to address this comment.
Ashford Borough Council	Policy DM 7 – Safeguarding Mineral Resources	<p>The Minerals Safeguarding Supplementary Planning Document (SPD) states '<i>A list of allocations in District and Borough Local Plans that the County Council consider have adequately taken waste and mineral safeguarding into account at the plan making stage will be included and updated in the County Council's Annual Monitoring Report (AMR). Development which comes forward within these allocations will be exempt from safeguarding provisions</i>'. But KCC's latest AMR dated December 2021 does not report any exemptions, although verbally we have been given assurances that the sites allocated in our Local Plan 2030 are exempt, apart from a few exceptions which we are aware of, and were aware of when the Ashford Local Plan 2030 was being produced.</p> <p>Whilst the Council accept that this is outside the scope of what is being consulted on by KCC, the Council wish to raise this as a suggestion. The Council consider that a Review of the Plan could be used to clarify this position once and for all and that this would help all those concerned particularly Plan Makers.</p>	This will be included in an addendum to the current Annual Monitoring Report (AMR) and in future Annual Monitoring Reports.
Canterbury City Council	5.5 Policy CSM 5: Land-won Mineral Safeguarding Paragraph 5.5.12	Noted that section 5.5.12 states that Mineral Safeguarding Areas (MSAs) will be reviewed once every 5 years. From the changes shown, this is not apparent, however we have been made aware that some of the Mineral Safeguarding Areas within Canterbury District cover mineral types which have been shown not to be of economic value. Ask that MSA	The Mineral safeguarding Areas have been updated.

		geographies are reviewed again to ensure that only minerals which have any potential economic value are safeguarded under this policy.	
Canterbury City Council	Policy CSM 6 - Safeguarded Wharves and Rail Depots	Noted that the East Quay at Whitstable Harbour is identified as a safeguarded site under Policy CSM 6. This part of the Canterbury District is covered by policies EMP11, TCL6, TCL10 and TV5 within the adopted Canterbury District Local Plan which are currently under review as part of the development of the new Local Plan for the district.	Noted.
Canterbury City Council	7.5 Policy DM 7: Safeguarding Mineral Resources	CCC has previously made clear our position that there should be a proportionate approach to a minerals assessment at the Local Plan development stage. This is necessary to enable proposed site allocations to address mineral safeguarding issues proportionately and provide certainty on the development trajectories which are tested at examination. We would like to take the opportunity to reiterate this statement and ask that further consideration is given to the revision of policies and/or guidance to support this objective.	Detail of the approach to mineral assessment is set out in the Safeguarding Supplementary Planning Document (SPD) that was adopted by KCC in 2021. It is not considered that the recommended approach is overly onerous, and it reflects NPPF requirements and other guidance. Developers nominating sites for allocation in Local Plans should be asked to provide information concerning mineral safeguarding if the allocation is within a Mineral Safeguarding Area (MSA). KCC provide support in assessing such nominations.
Dartford Borough Council	1.3 The Links with Legislation, Other Policies and Strategies Paragraph 1.3.16	Noted that KCC, as Waste Disposal Authority, is conducting a five-year review of its Waste Disposal Strategy which is the guiding assessment of current and future infrastructure operational requirements for the ongoing management of local authority collected waste across Kent. Noted that there is a need for Household Waste Recycling Centres and other household waste management infrastructure to be reviewed by the WDA (paras 1.3.16 and 6.61). Dartford BC is aware that KCC had considered that there was a need for a site in the Ebbsfleet area for this purpose and Dartford BC assumes that the need for this will be fully addressed as appropriate through KCC's work on reviewing its Waste Disposal Strategy and that the process of bringing forward a potential site would be taken forward via a future Waste Sites Local Plan.	Subject to the design and location of Household Waste Recycling Centres (HWRC) being consistent with the policies of the Plan, the Plan would allow such a facility to be developed. The requirement for a Transfer Station in the Ebbsfleet Development Corporation / Dartford Borough Council area was a finding from the original Waste Disposal Strategy and pursuing this, does not rely on a review of the strategy.
Dartford Borough Council	2.2 Kent's Environmental and Landscape Assets Figure 5 - Nationally Important Designations: Landscape	The newly designated Swanscombe Peninsula Site of Special Scientific Interest should now also be included, and the National Nature Reserve at Swanscombe does not seem to appear clearly on the figure.	Agree - change made
Dartford Borough Council	2.2 Kent's Environmental and Landscape Assets Figure 7 - Local Geological Sites and Local Wildlife Sites	The RIGS site at Bluewater does not seem to appear clearly on the figure.	This is correctly shown on the plan.
Dartford Borough Council	2.2 Kent's Environmental and Landscape Assets Figure 11 – Biodiversity Improvement Areas	Greater Thames Marshes NIA – We don't think that this exists anymore, and think that the references in Figure 11, Paras 2.2.2-2.2.6, Strategic Objectives 9 and 14, and Policy DM19 should be deleted.	Noted - text amended accordingly
Dartford Borough Council	9.2 Mineral Safeguarding Areas	Note intention to review and adjust these for changes to the defined urban areas and any uneconomic mineral deposits. We consider that the defined urban area should align with that shown in Diagram 1 (Key Diagram) of the Pre-Submission Dartford Local Plan September 2021 (see page 25 of the document here) and that the revised MSA map should be included as part of the refreshed Minerals and Waste Local Plan (in section 9.2).	Noted - Mineral Safeguarding Area (MSA) maps updated
Dartford Borough Council	Safeguarding Supplementary Planning Document	Dartford BC understood that KCC were in the process of revising the Safeguarding SPD and there was a consultation on this in late 2020/ early 2021. Dartford BC provided detailed comments on this on 21 January 2021 but have not heard anything further in relation to this. The proposed amendments to the wording of the sections on Policies DM7 and DM8 give the	The revised Safeguarding Supplementary Planning Document (SPD) was adopted in 2021 following engagement with the borough and district councils and other interested parties.

		impression that the SPD is no longer being revised. DBC consider that there remains a need to revise it and the text in this section should reflect this.	
Dartford Borough Council	GIS Safeguarding Data	Dartford BC have some GIS shapefiles provided by KCC showing safeguarded facilities. Request confirmation that these include all known sites safeguarded under policies CSM6 (Safeguarded Wharves and Rail Depots), CSM7 (Safeguarding other Mineral Plant Infrastructure) and CSW16 (Safeguarding of Existing Waste Management Facilities) of the adopted Minerals and Waste Local Plan please? Also, would be helpful if KCC would also provide GIS shapefiles of the mineral safeguarding/consultation areas under policy CSM5.	Noted - Mineral Safeguarding Area (MSA) maps have been updated and KCC will arrange the sharing of the relevant shapefiles.
Dartford Borough Council	Figures/maps	Welcome the proposed new references to Ebbsfleet Development Corporation but the diagrams need to be clear that parts of the EDC area fall within Dartford Borough's boundaries. Several of these show the major urban areas. Consider that the major urban areas should include Northfleet Green, Eastern Quarry and Ebbsfleet Central as development is taking place or will soon come forward in these locations.	Noted - maps updated accordingly
Dover District Council	5.6 Policy CSM 6: Safeguarded Wharves and Rail Depots	Note and support updated text relating to the Dunkirk Jetty safeguarded wharf.	Noted.
Dover District Council	6.2 Policy CSW 2: Waste Hierarchy and Policy CSW 3: Waste Reduction	Acknowledge reference to need for new Household Waste Recycling Centres (HWRC) and household waste management infrastructure and note need for financial contributions towards such facilities from new development. This will be included with the emerging Dover District Local Plan and supporting Infrastructure Delivery Plan, where relevant to Dover District.	Noted
Dover District Council	9.2 Mineral Safeguarding Areas	With regards to the Dover District Mineral Safeguarding Areas Map, please note that the settlement boundaries for some of the settlements in the district are being revised as part of the emerging Dover District Local Plan. We would be happy to share the latest GIS shapefile with you in order for your mapping to be up to date in this regard. Please contact us for this information.	Noted – MSA maps updated
Ebbsfleet Development Corporation	Contents	Policy CSW3 is missing from the policy list in the index.	Noted - amended accordingly.
Ebbsfleet Development Corporation	1.3 The Links with Legislation, Other Policies and Strategies Paragraph 1.3.11	Welcome proposed references to Ebbsfleet Development Corporation (EDC) - diagrams need to be clear that parts of the EDC area fall within Dartford Borough's boundaries and the status of the EDC should be explained further in a footnote. For example, the EDC is not listed in the authorities list relating to safeguarding areas and there is confusion in Paragraph 1.3.11. This discusses the original Joint Municipal Waste Strategy, which was adopted by the Kent Resource Partnership (KRP). The partnership comprises 12 district/borough Councils and but does not include the EDC. If the EDC is shown on the maps and figures, its relationship between the KRP and housing delivery in the EDC area should be clarified.	Map updated to show Ebbsfleet Development Corporation (EDC) area. The Ebbsfleet Development Corporation are not part of the Kent Resource Partnership as they are not a Waste Collection Authority.
Ebbsfleet Development Corporation	1.4 The Evidence Base Paragraph 1.4.3	Newly designated Swanscombe Peninsula Site of Special Scientific Interest should now be included & the National Nature Reserve at Swanscombe.	Agree - change made to Figure 5.
Ebbsfleet Development Corporation	2.2 Kent's Environmental and Landscape Assets Figure 5 - Nationally Important Designations: Landscape	The newly designated Swanscombe Peninsula Site of Special Scientific Interest should now also be included, and the National Nature Reserve at Swanscombe does not seem to appear clearly on the figure.	Agree - change made
Ebbsfleet Development Corporation	2.2 Kent's Environmental and Landscape Assets	Greater Thames Marshes NIA – We don't think that this exists anymore, and think that the references in Figure 11, Paras 2.2.2-2.2.6, Strategic Objectives 9 and 14, and Policy DM19 should be deleted.	Noted - text amended accordingly

	Figure 11 – Biodiversity Improvement Areas		
Ebbsfleet Development Corporation	2.4 Kent's Waste Infrastructure Paragraph 2.4.1	This paragraph say the population of Kent has fallen from 1,480,200 to 589,100 - should this say 1,589,100?	Agree - text amended accordingly
Ebbsfleet Development Corporation	6.2 Policy CSW 2: Waste Hierarchy and Policy CSW 3: Waste Reduction Paragraph 6.2.7	Paragraph 6.2.7 sets out that “financial contributions might be required for new residential development to assist with further waste infrastructure”. This should be looked at further as part of the review of the Waste Disposal Strategy and this should be made clear in the Local Plan. Although it is supported that businesses should self-sort their own waste (Dry Mixed Recyclables) into different recycling categories by 2026, noted that this may require additional processing facilities (paragraph 6.3.3). Therefore, proposal should form part of the review of the Waste Disposal Strategy, so that a thorough assessment of the proposals can be made and an informed response provided.	“Financial contributions might be required for new residential development to assist with further waste infrastructure” may be looked at as part of the review of the Waste Disposal Strategy, however this is not a matter for the KMWLP but instead is for agreement between Districts and KCC as Waste Disposal Authority on a case by case basis following the, to be adopted, Developer Contributions Guide.
Ebbsfleet Development Corporation	6.3 Policy CSW 4: Strategy for Waste Management Capacity Net Self-sufficiency and Waste Movements Paragraph 6.3.6	Paragraph 6.3.6 notes that “there are excessive travelling distances for waste transfer from the Ebbsfleet Garden City and Folkestone. In light of this the Waste Development Authority (WDA) has identified a specific need for waste transfer stations in these areas”. It is noted that KCC, in its role as WDA, is conducting a five-year review of its Waste Disposal Strategy which is the guiding assessment of current and future infrastructure operational requirements for the ongoing management of local authority collected waste across Kent. It is also noted that there is a need for HWRCs and other household waste management infrastructure to be reviewed by the WDA (paras 1.3.16 and 6.61). EDC is aware that KCC has considered that there is a need for a site in the Ebbsfleet area for this purpose and EDC assumes that the need for this will be fully addressed as appropriate through KCC's work on reviewing its Waste Disposal Strategy and that the process of bringing forward a potential site would be taken forward via a future Waste Sites Local Plan which include a full call for sites exercise. There are neighbouring authority areas to the EDC which also lack these facilities and could also benefit from any new proposed facilities.	At this stage there is no intention to identify specific sites in the Minerals and Waste Local Plan to accommodate Household Waste Recycling Centres and other household waste management infrastructure as overall the Plan has not identified a quantitative need for such capacity – rather the issue relates to one of logistics and the spatial distribution of facilities. The Plan is suitably flexible to allow proposals for facilities to come forward to meet Kent requirements in locations which would be most appropriate for accommodating waste management facilities.
Ebbsfleet Development Corporation	7.2 Policy DM 2: Environmental and Landscape Sites of International, National and Local Importance and Policy DM 3: Ecological Impact Assessment	The newly designated Swanscombe Peninsula Site of Special Scientific Interest should now also be included, and the National Nature Reserve at Swanscombe.	Noted. Policy DM2 provides protection for Sites of Special Scientific Interest (SSSI) and Local Nature Reserves. Reference to 'National Nature Reserves' has been added to paragraph 2.2 of Policy DM 2.
Ebbsfleet Development Corporation	9.2 Mineral Safeguarding Areas	Note intention to review and adjust these for changes to the defined urban areas and any uneconomic mineral deposits. We consider that the defined urban area should align with that shown in Diagram 1 (Key Diagram) of the Pre-Submission Dartford Local Plan September 2021 (see page 25 of the document here) and that the revised MSA map should be included as part of the refreshed Minerals and Waste Local Plan (in section 9.2).	Noted – MSA maps updated
Ebbsfleet Development Corporation	Figures/maps	Several of the maps and figures show the major urban areas. Consider that the major urban areas should include Ebbsfleet Green, Eastern Quarry and Ebbsfleet Central as development is taking place or will soon come forward in these locations.	Noted - Mineral Safeguarding Area maps updated
Folkestone & Hythe District Council	Policy CSM 10 - Oil, Gas and Unconventional Hydrocarbons	Note supporting text has been updated to reflect changes to the National Planning Policy Framework on unconventional hydrocarbons. However, the policy itself remains unchanged.	Noted. The Plan is consistent with national policy on extraction of fossil fuels and fracking. National policy currently does not rule out the use of Oil, Gas and Unconventional Hydrocarbons.

Folkestone & Hythe District Council	6.3 Policy CSW 4: Strategy for Waste Management Capacity Net Self-sufficiency and Waste Movements Paragraph 6.3.6	Recognise the statement in paragraph 6.3.6 regarding the need for additional waste transfer facilities to serve Folkestone and Hythe. The District Council is working closely with the County Council in order to identify a suitable solution and requests that this joint working is recognised in the text of the plan.	Text updated to acknowledge work between Waste Disposal Authorities (WDA) and Waste Collection Authority (WCA).
Folkestone & Hythe District Council	Policy CSW 17: Nuclear Waste Treatment and Storage at Dungeness	Note the update to Policy CSW 17, which proposes facilities for the storage and management of radioactive waste at Dungeness. It understands that the existing policy is not aligned to the Government's 2019 strategy for radioactive and nuclear industry integrated waste management for radiological waste as it does not allow for any radioactive waste disposal at the Dungeness Estate and so the policy and explanatory text require modification to ensure consistency with national policy.	Noted
Gravesham Borough Council	Planning for Waste in Kent will: (9)	Should this refer to the maximum re-use of materials and goods rather than the maximum use of materials and goods?	Yes - text amended accordingly
Gravesham Borough Council	Strategic Objectives for the Minerals and Waste Local Plan (4)	Whilst working minerals sites may provide opportunities for education and training, Gravesham Borough Council (GBC) would question whether such sites can in the majority of cases provide safe opportunities for recreation. Is the objective actually referring to the contribution such sites may make when restored to a beneficial after-use?	Restoration of quarries may lead to recreational opportunities. Text amended to say 'and educational and recreational opportunities where possible '.
Gravesham Borough Council	Strategic Objectives for the Minerals and Waste Local Plan (9)	GBC questions the status of some of the documents cited above in terms of determining planning applications. GBC's understanding of the current scheme proposed under the Environment Act 2021 and currently being consulted on is that the minimum ratio of biodiversity net gain will be set at a national level through secondary legislation, with any uplift in this locally being evidence-led through the Local Plan process. Whilst the documents referred to in Objective 9 may be material considerations within the plan-led process and provide the framework through which Biodiversity Net Gain and nature recovery are achieved, they will not in themselves be determinative – national policy is likely to require a minimum 10% net gain whilst any enhanced uplift locally will be subject to scrutiny through the Local Plan process. Objective 9 is unclear as to how an 'overall net gain' would be measured and against what baseline – is this baseline prior to or after mineral extraction has taken place and should it not refer to Natural England Biodiversity Metric 3.0 or its successor as the consistent means of measuring net gain?	Objectives are intended to be broad aims and so do not set out the detail sought by this comment. The achievement of net gain will be via the implementation of Policy DM3 and Policy DM19 rather than this objective. Policy DM3 contains detail on how biodiversity net gain should be identified and evidenced and includes a new reference to guidance that will be prepared by KCC that will set out how biodiversity net gain will be measured and monitored. The text of the Objective has been amended to improve its meaning. The proposed guidance will reflect the awaited secondary legislation.
Gravesham Borough Council	Strategic Objectives for the Minerals and Waste Local Plan (14)	The same points made by Gravesham BC in relation to Objective 9 apply to objective 14.	Objectives are intended to be broad aims and so do not set out the detail sought by this comment. The achievement of net gain will be via the implementation of Policy DM3 and Policy DM19 rather than this objective. Policy DM3 contains detail on how biodiversity net gain should be identified and evidenced and includes a new reference to guidance that will be prepared by KCC that will set out how biodiversity net gain will be measured and monitored. At the time of writing, regulations and further advice is awaited from Defra regarding implementation of this aspect of the Environment Act. These will inform the County Council's guidance to support the local plan policy. The text of the Objective has been amended to improve its meaning.
Gravesham Borough Council	Policy CSM 3: Strategic Site for Minerals	This site (Medway Works, Holborough) lies within the Tonbridge and Malling BC area. However, Gravesham BC has an interest in that the original planning permission was intended to facilitate the release of the Northfleet Cement Works site and other strategic development sites within the Ebbsfleet Garden City. The site is also close to the Gravesham rural area around Cobham and Luddesdown and has the potential to impact upon local people, especially in respect of traffic generation and air quality. Paragraph 5.2.36 states that there is no policy requirement imposed on KCC to make provision for chalk supply in Kent as there are no active plants. Paragraph 5.2.37 then goes	Comments noted and are relevant considerations had the planning permission for the site not been implemented. However, planning permission for this site has been implemented and so its further development is safeguarded by policies CSM5, DM7 and DM8. Policy CSM3 has therefore been deleted and supporting text has been included in section 5.0 to explain the position with regard to the provision of chalk for cement and the safeguarded extant implemented permission at Medway Works, Holborough.

	<p>on to say that to help future development of cement manufacture at the Medway Works, Holborough, specific reserves are 'safeguarded' under policy CSM3.</p> <p>However, policy CSM3 goes further than 'safeguarding' in that it effectively puts in place a presumption in favour of permission subject to compliance with the development plan and a limited range of criteria.</p> <p>Whilst the site benefits from an extant planning permission granted by the Secretary of State in 2001, this is not in itself sufficient justification for such a policy. On this, it is noted that the site lies within the Green Belt and planning permission was only granted on the basis of the demonstration of Very Special Circumstances, which to a large extent no longer apply.</p> <p>The Very Special Circumstances relied on at the time included:</p> <ul style="list-style-type: none"> • The (then) identified need for cement production capacity in the South East to offset the need for imports; • The need to identify a replacement for Northfleet Works with a production capacity of around 1.4 mtpa; • That continued chalk extraction at Eastern Quarry would undermine the delivery of the Thames Gateway planning strategy (RPG9a); and • The lack of reasonable alternative sites. <p>The planning permission granted by the Secretary of State was time limited on the basis that the anticipated life of the works would only be 35 years. Conditions also applied an 'end date' whereby the site should have been fully restored by 2041, with cement production and chalk extraction ceasing by 2041.</p> <p>In relation to the Very Special Circumstances set out above, Northfleet Works has since ceased production and has been demolished. This has been replaced with a cement import facility with a capacity of 1 mtpa and planning permission has been granted on the remainder of the land for a Bulk Aggregates Import Terminal (BAIT) alongside extensive mixed use development. Eastern Quarry has also been released and development is on-going in terms of the creation of Ebbsfleet Garden City.</p> <p>It is difficult to see therefore how these factors could still constitute Very Special Circumstances should a fresh planning application be submitted even if the extant planning permission could be deployed as a 'fall-back' position subject to the considerations set out at paragraph 17 to the Tonbridge and Malling 2016 judgement at [2016] EWHC 2832 (Admin).</p> <p>In relation to the above, it is also worth looking at the position adopted by Blue Circle Industries (the applicant) set out in the Inspector's report on the re-opened Public Inquiry dated 16 October 2001 – see https://www.kentplanningapplications.co.uk/Planning/Display/TM/98/785</p> <p>Given the above and the fact that import facilities have been put in place at Northfleet, Gravesham BC would suggest that Kent CC review the strategic need for the minerals safeguarding at Holborough. Should such a review find that such a policy remains justified, thought should still be given to making it more robust by stating that any such proposal is likely to be considered inappropriate development in the Green Belt requiring the demonstration of Very Special Circumstances in line with national policy.</p> <p>Reference should also be made to changes in national policy that have occurred since permission was originally granted in 2001 and the higher environmental standards that are likely to apply.</p> <p>On this, proposed changes to air quality standards; Water Framework Directive requirements; and the introduction of Biodiversity Net Gain are likely to be relevant. Any emissions from the plant and associated traffic would also need to have regard to impacts on assets of nature conservation importance, including the North Downs Woodland SAC adjoining.</p> <p>It should also be noted that CSM3(1) does not reflect national policy in relation to the Kent Downs AONB in that impact of development on its setting is now material rather than just views from the AONB. Any changes to national policy in relation to AONB purposes and the</p>	
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Gravesham Borough Council	6.2 Policy CSW 2: Waste Hierarchy and Policy CSW 3: Waste Reduction Paragraph 6.2.6	The proposition that development should seek to reduce waste based on the 'circular economy' principle set out in paragraph 6.2.6 and have regard to adaptability; the ability to deconstruct and re-use; and embodied carbon versus energy efficiency from new build in considering the acceptability of proposals is welcomed.	Noted
Gravesham Borough Council	6.2 Policy CSW 2: Waste Hierarchy and Policy CSW 3: Waste Reduction Paragraph 6.2.7	The principle that new development should make a proportionate contribution toward the delivery of waste infrastructure at paragraph 6.2.7 is accepted subject to the application of the normal policy and legal tests; the financial viability of the scheme in question; and judgements to be made by the LPA on a case by case basis as to prioritisation of resources. KCC should be prepared to accept that not all developments may be capable of making a contribution towards waste infrastructure and/or that any contribution towards waste infrastructure may result in reductions in funding for other services provided by the County Council.	Noted KCC accepts that not all developments may be capable of making a contribution towards waste infrastructure – the paragraph includes 'may' which is intended to recognise that seeking financial contributions may not be appropriate in all circumstances.
Gravesham Borough Council	Policy CSW3: Waste Reduction	Concerns regarding detailed wording of policy CSW3 given it would appear to apply to the design of all new development above the level of 'householder' development irrespective of scale. Given the policy effectively also appears to require the production of a Site Waste Management Plan (SWMP) for development of any scale, attention is drawn to the Government's revocation of the Site Waste Management Plans Regulations 2008 in 2013 under the 'Red Tape Challenge'. These only applied to building contracts above a certain value and not all development. Even so, the conclusion reached was that these requirements were ineffective and largely ignored when it came to smaller scale developments. Larger developments tended to have SWMPs because it was in the interests of the developer to secure economies anyway. It is suggested therefore that consideration be given to redrafting the policy so that the requirements only apply to developments above a certain size. Logically this could be linked to the requirement to produce Design and Access Statements under Article 9 to the Town and Country Planning (Development Management Procedure) (England) Order 2015, which require information to be provided on 'the design principles and concepts that have been applied to the development'. The reference to applications made by or on behalf of a 'householder' is also ambiguous because it could relate to an application for any scale made by or on behalf of any person who is a 'householder'. A 'householder application' has a different meaning as defined by secondary legislation.	Noted that Government revoked the Site Waste Management Plans Regulations 2008 in 2013, however since then the Government published its Resources and Waste Strategy with ambitious aims for waste management. The Government published a Draft Waste Prevention Programme for England that anticipates such information being submitted with new development. Agree that this could be linked to the requirement to produce Design and Access Statements under Article 9 to the Town and Country Planning (Development Management Procedure) (England) Order 2015 and the text has been amended accordingly such that Circular Economy Statements only need to be provided for development of 10 or more dwellings or provision of a building(s) where the floor space to be created is over 1,000 square metres or where the site is 1 hectare or more. The term 'householder applications' has been reinserted to avoid confusion.
Gravesham Borough Council	6.3 Policy CSW 4: Strategy for Waste Management Capacity Net Self-sufficiency and Waste Movements Paragraph 6.3.6	Whilst there have been discussions in the past regarding future strategy and the need for additional waste facilities, the Regulation 18 consultation document does not appear to be accompanied by supporting evidence setting out how this position has been reached and options appraised. GBC would expect this to be provided at Regulation 19 to ensure transparency and so the appointed Inspector can properly evaluate policy against the tests of soundness. Any site/area of search identified for such a facility should also be properly evidenced.	While the Plan recognises the Waste Disposal Authorities (WDA) particular desire for a new transfer station to manage Local Authority Collected Waste, no site/area of search has been identified for such a facility in the Plan and existing policy would be applied to any application were it to be received. Information supporting the need for such a transfer station will be provided at Regulation 19 stage.

Gravesham Borough Council	Policy CSW 6: Location of Built Waste Management Facilities	<p>Policy CSW 6(c) refers to planning permission for waste management facilities being granted in locations well located in relation to railheads or wharves. However, the policy does not make clear that such locations are only likely to be acceptable where transportation of waste by rail or by water is a primary means of intended transport and there are no unacceptable adverse impacts on communities or the highway network. It is also worth recognising that such locations may be within highly populated areas where there might not be capacity for additional road movements.</p> <p>In addition, whilst the wording of the policy at CSW6 (a) and (b) is right to highlight potential adverse impacts on designated sites or those with particular sensitivities, it should also highlight that other sites may be unacceptable in general on the grounds of unacceptable impacts (NPPF paragraph 185).</p> <p>As per paragraph 6.5.4, policy CSW 6 should also cross-refer to DM4: Green Belt.</p> <p>For the sake of completeness, there is also a typo in the first line of 6.5.7 where 9 appears instead of (.</p>	<p>Movement of waste by means other than road is preferred by the Plan (which is consistent with national policy) and the impact on roads used to access such a facility would be considered by applying policy DM13 Transportation of Minerals and Waste.</p> <p>This policy is setting out the main criteria used to assess the suitability of land for locating waste management facilities. Other matters which might make the development unacceptable in a particular location would be identified through the application of the Development Management policies.</p> <p>The policy mentions Green Belt, but it is not considered necessary to make such a specific reference in the Policy, especially as this is included in the supporting text</p> <p>Typo noted and amended accordingly.</p>
Gravesham Borough Council	Policy DM 1: Sustainable Design	It is suggested this policy should cross-refer to CSW3.	<p>Agree. Add the following new paragraph:</p> <p>7.1.3 Policy CSW3 sets out in detail how proposals should consider the production and management of waste arising from development.</p>
Gravesham Borough Council	Policy DM2: Environmental and Landscape Sites of International, National and Local Importance	This policy does not appear to be entirely consistent with NPPF paragraph 180 which also refers to ancient or veteran trees as irreplaceable habitat; a need to demonstrate exceptional circumstances; and where the latter is demonstrated, a suitable compensation strategy to mitigate such loss.	<p>Agree - paragraph 2.3 of Policy DM2 has been amended to include updated reference to ancient and veteran trees as irreplaceable habitat, to ensure consistency with paragraph 180 of the NPPF.</p>
Gravesham Borough Council	Policy DM 3: Ecological Impact Assessment	<p>Policy DM 3(5) requires that proposals should demonstrate that a minimum 10% biodiversity net gain will be achieved. However, the policy does not refer to how this would be measured or provide guidance on how it should be delivered to meet wider strategic objectives. It is suggested that reference should be made to the Natural England's Biodiversity Metric 3.0 calculator (or any subsequent update) and that net gain should contribute to strategic Local Nature Recovery objectives within the locality of the development. Reference should also be made to the long-term maintenance of any net gain package and its monitoring over the maintenance period.</p> <p>To avoid possible conflict with Local Plan policies that may set a requirement above the 10% net gain minimum, it is also suggested that the policy be amended to read 'where it has been demonstrated that at least 10% of biodiversity net gain will be achieved or such higher level justified through the Local Plan process'. This would then avoid a situation whereby mineral or waste proposals are subject to one BNG requirement compared to other forms of development.</p>	<p>Text amended to ensure that maximum practicable biodiversity net gain is sought.</p> <p>The text of a commitment to prepare guidance on how biodiversity net gain will be measured and delivered will be included in a Supplementary Planning Document has been inserted.</p>
Gravesham Borough Council	Policy DM 5: Heritage Assets	<p>The wording of this policy is not entirely consistent with national policy as set out in NPPF paragraphs 189 – 2008.</p> <ul style="list-style-type: none"> • The term 'locally listed' should refer to 'non-designated heritage assets'; • Paragraph one in terms of the approach to the conservation of heritage assets does not correctly reflect national policy. This section should refer to the conservation of significance of heritage assets and the contribution made to that significance by their setting; • Paragraph two to the policy does not reflect the approach set out in national policy whereby the level of protection accorded to heritage assets varies according to their level of significance and the potential degree of harm to that significance (i.e. substantial or less than substantial harm); • In line with the point made above, paragraph two should refer to an 'unacceptable adverse impact on the significance a heritage asset'; and • Given the potential for mineral proposals to adversely affect archaeological deposits, it is also suggested that the policy include reference to the approach set out in footnote 68 to 	<p>Historic England have commented that the changes reflect updates in national policy and guidance.</p>

		the NPPF – i.e. non-designated heritage assets of archaeological interest, which are demonstrably of equivalent significance to scheduled monuments, will be considered subject to national policy for designated heritage assets.	
Gravesham Borough Council	Policy DM 11: Health and Amenity	Suggest that supporting text and/or policy refer to a possible requirement that applications may need to be supported by a Health Impact Assessment (HIA) in certain cases, with reference to guidance issued by Public Health England in October 2020 at https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/929230/HIA_in_Planning_Guide_Sept2020.pdf	Agree - text added
Gravesham Borough Council	9.2 Mineral Safeguarding Areas	Gravesham BC wishes to discuss the changes made to the safeguarding plan for to understand the justification for these. These changes have not been agreed with Gravesham BC in advance and clearly do not reflect what is on the ground. As such, the Borough Council could not support the changes as they currently stand. A discussion therefore needs to take place to resolve these issues.	The MSA maps had not been revised at the time of the publication of the Reg 18 draft KMWLP Refresh. The MSA maps have now been updated and include the latest data from 2022 for the main town of Gravesend.
Gravesham Borough Council	Sustainability Appraisal Scoping Report	The SA/SEA Scoping Report might usefully consider whether the KMWLP should be subject to scoping in relation to the need or otherwise of a Health Impact Assessment of policies etc. Doesn't appear to be reference in the SA to light pollution and/or dark skies etc. Thought might also be given to the wording of policies in the KMWLP itself to cover this aspect in more detail given potential impacts.	The Sustainability Appraisal (SA) framework includes an appraisal criteria on 'Community and Wellbeing' that requires protection of health, so impacts on health are addressed within the Sustainability Appraisal. The issue of light pollution has been added to the Sustainability Appraisal framework.
Gravesham Borough Council	Habitat Regulations Assessment	The Habitat Regulations Assessment (HRA) position statement says that HRA is only required in relation to the proposals for Dungeness. However, policy CSM 3 relates to the safeguarding of a strategic site for a new cement works and quarry at Holborough immediately adjacent to the North Downs Woodland Special Area of Conservation (SAC). Potential impacts on the SAC should also form part of the HRA of the emerging KMWLP.	CSM3 is proposed to be deleted as the planning permission has been implemented and so has been screened out from the need for Habitat Regulation Assessment (see HRA document). Not raised as an issue by Natural England. Habitats Regulation Assessment Screening has been completed and this identified that only changes to Policy CSW17 required Habitats Regulation Assessment.
Maidstone Borough Council	Policy CSW3: Waste Reduction	Supportive of the plan as a whole and the overall aims of the policy refresh, however MBC of the view that Policy CSW 3 (Waste Reduction) requires further consideration. The proposed new wording of the policy requires that for applications submitted to MBC additional information be supplied at application stage. This will likely mean that MBC is required to add to their Local List a requirement for a Waste Management Supplement to accompany Design and Access Statements. Additionally, the Head of Service considers that a planning condition to this effect is unlikely to meet the legal tests.	Supporting text to Policy CSW3 has been amended to clarify that the requirement for a Circular Economy Statement will only apply to major development which is the same size as that requiring the preparation of a Design and Access Statement. Furthermore, text relating to a commitment to provide guidance on how such information should be provided has also been inserted. If updated Policy CSW3 is adopted, then conditions can be added to a permission to ensure the policy is implemented.
Maidstone Borough Council	Miscellaneous	Like to emphasise that it welcomes proposed expansion of the Tovil facility and development of a new household waste recycling facility in the east of the borough.	Noted
Swale Borough Council	1.3 The Links with Legislation, Other Policies and Strategies Paragraph 1.3.4	Although Environment Act 2021 identifies separate waste collections for certain waste streams if practicable, detail is yet to be agreed as the regulations have not yet been published. Co-mingled collections are likely to continue for some years to come (especially for those areas like Mid Kent who are planning new 8-year waste collection contracts in the absence of guidance from government). Carbon and financial implications of all household collected waste will need to be considered and factored in at the earliest opportunity when reviewing MRF considerations and end recycling destinations. Support the main changes to the document that take into account the latest updates to the NPPF, legislation around the need to adapt to, and mitigate climate change and associated low carbon growth.	Through Extended Producer Responsibility (EPR) a Scheme Administrator (SA) is proposed to act on behalf of the packaging producers, this SA will pay the Collection Authorities to collect these materials, a fully co-mingled recyclable collection would likely require more processing at the Material Recycling Facility, so it may be the case that Swale BC do not get remunerated by the SA in the way those that collect a cleaner twin stream mix will. Until the Government's intentions of the consultations following up on the Resources and Waste Strategy i.e. EPR, Deposit Return Schemes (DRS) and consistency in collection are known, this won't be fully understood.
Swale Borough Council	1.3 The Links with Legislation, Other Policies and Strategies Paragraph 1.3.11	Final sentence relating to the Kent Resource Partnership (KRP) - These issues may be discussed at this group but ultimately it is the responsibility of KCC not KRP. The two roles and the associated finances are clearly defined into the district and borough functions as the waste collection authorities and KCC as the waste disposal authority.	This is correct, the Kent Resource Partnership is intended as forum for Waste Collection Authority & Waste Disposal Authority cooperation. Change to text proposed.
Swale Borough Council	Objectives	Supports the updated environmental policies and their preamble and the proposed vision and objectives.	Noted.

Swale Borough Council	6.2 Policy CSW 2: Waste Hierarchy and Policy CSW 3: Waste Reduction Paragraph 6.2.4	See comments above relating to paragraph 1.3.4. Although Environment Act 2021 identifies separate waste collections for certain waste streams if practicable, detail is yet to be agreed as the regulations have not yet been published. Co-mingled collections are likely to continue for some years to come (especially for those areas like Mid Kent who are planning new 8 year waste collection contracts in the absence of guidance from government). Carbon and financial implications of all household collected waste will need to be considered and factored in at the earliest opportunity when reviewing MRF considerations and end recycling destinations.	Through Extended Producer Responsibility (EPR) a Scheme Administrator (SA) is proposed to act on behalf of the packaging producers, this SA will pay the Collection Authorities to collect these materials, a fully co-mingled recyclable collection would likely require more processing at the Material Recycling Facility, so it may be the case that Swale BC do not get remunerated by the SA in the way those that collect a cleaner twin stream mix will. Until the Government's intentions of the consultations following up on the Resources and Waste Strategy i.e. Extended Producer Responsibility, Deposit Return Schemes (DRS) and Consistency in collection are known, this won't be fully understood.
Swale Borough Council	Policy CSW3: Waste Reduction	Waste collection accessibility needs to be a bigger consideration now that more people are working from home. This has resulted in more cars parked outside homes during the day. This can make vehicular access to collect household waste more challenging.	This is addressed by Policy CSW3 where it states (with emphasis added): "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."
Swale Borough Council	6.3 Policy CSW 4: Strategy for Waste Management Capacity Net Self-sufficiency and Waste Movements Paragraph 6.3.3	See comments above relating to paragraph 1.3.4. It would be useful to know the data sets used by KCC to arrive at the comment in paragraph 6.3.3 that the preferred option for businesses was to separate glass collections from the rest of their dry recyclables. It is not clear if this is KCC's preferred option or that of businesses. Recent Swale householder survey results showed a clear preference for co-mingling all dry recyclables (including glass) so it would be useful to understand the data sets used by KCC to help explain and understand the different preferences. It would help demonstrate that the statement is evidenced based.	Noted - Related text has been updated to address this comment. Text to refer to businesses preference for separate glass collections has been deleted.
Swale Borough Council	6.3 Policy CSW 4: Strategy for Waste Management Capacity Net Self-sufficiency and Waste Movements Paragraph 6.3.5	See comments above relating to paragraph 1.3.4. Although Environment Act 2021 identifies separate waste collections for certain waste streams if practicable, detail is yet to be agreed as the regulations have not yet been published. Co-mingled collections are likely to continue for some years to come (especially for those areas like Mid Kent who are planning new 8-year waste collection contracts in the absence of guidance from government). Carbon and financial implications of all household collected waste will need to be considered and factored in at the earliest opportunity when reviewing MRF considerations and end recycling destinations.	Noted - Related text has been updated to address comment. Text has been amended to remove reference to 'This has generated the need to provide additional management capacity for the separation of DMR into its constituent recyclates, plus bulking capacity for glass and food waste'.
Swale Borough Council	Policy CSW5: Strategic Site for Waste	Supports the plans continued proposals to extend Norwood Quarry on Sheppey for waste disposal as previously adopted.	Noted.
Swale Borough Council	Policy CSW 17: Nuclear Waste Treatment and Storage at Dungeness	Note and support the inclusion of the new policy relating to the management of low-level radioactive waste and updates to reflect policy and legislative changes around achieving a circular economy where more waste is prevented or reused.	Noted
Swale Borough Council	7.11 Policy DM 13: Transportation of Minerals and Waste Paragraph 7.11.2	Pleased to see reference to electric vehicles made in paragraph 7.11.2 and DM 13 but would like to see mention of alternative options such as hydrogen or LNG which could be preferable for larger vehicle haulage. We think it is important to consider options to support flexibility as technological advances are made.	Agree - text amended.
Swale Borough Council	Miscellaneous	The document would benefit from including detail on waste prevention for residents, setting out the role of KCC in supporting community re-use and repair workshops/ classes to repair and restore items rather than for them to be discarded, e.g., furniture upcycling, food waste reduction, home composting etc. Would support an early and holistic approach of engagement between Waste Disposal Authority and Waste Collection Authority, could be mutually beneficial for both parties, especially at the time of planning new waste collection contracts.	Detail on waste prevention for residents, setting out the role of KCC in supporting community re-use and repair workshops/ classes to repair and restore items rather than for them to be discarded, e.g. furniture upcycling, food waste reduction, home composting etc. is better provided for by the Waste Disposal Authority. Some information already exists - see https://www.kent.gov.uk/environment-waste-and-planning/rubbish-and-recycling/reduce-waste-and-recycle-more .
Swale Borough Council.	Vision	Supports the updated environmental policies and their preamble and the proposed vision and objectives.	Noted
Tonbridge and Malling	Vision	Tonbridge and Malling Borough Council (TMBC) acknowledge the changes to the spatial vision for minerals and waste and raise no objection to them.	Noted

Borough Council		In relation to Duty to Cooperate (DtC), TMBC endorses changes to points 1 & 3 and supports the management of minerals and waste extending beyond Kent. It is considered that a more regional collaborative approach within the South East can only be beneficial to the sustainable management of minerals and waste.	
Tonbridge and Malling Borough Council	Objectives	Tonbridge and Malling (TMBC) note the changes to the strategic objectives and raise no objection to them. TMBC supports insertion of low carbon modes of transport into objective 1 as well as the introduction of biodiversity net gain into objectives 4 and 9 through Nature Recovery Strategies (NRS). However, <u>Nature Recovery Strategies are a relatively new concept, and it is unclear how and when these will be established and managed.</u> TMBC also supports the requirement to restore waste and minerals sites at the earliest opportunity in the interests of visual amenity, as set out in objectives 9 and 14.	Support noted The Local Nature Recovery Strategy (LNRS) will establish priorities and map proposals for specific actions to drive nature's recovery and provide wider environmental benefits. Whilst the LNRS is not expected to be a constraint to development, they will be an important source of evidence for local planning and public authorities will have a duty to "have regard" to the LNRS. At the time of writing, the secondary legislation and statutory guidance relating to LNRS that will provide the detail and instruct the commencement of their development is awaited. Additional text has been added to the Plan to reflect this.
Tonbridge and Malling Borough Council	Policy CSM 3: Strategic Site for Minerals	The strategic mineral site at the Medway Cement works falls within Tonbridge and Malling borough. TMBC recognise that there are no changes to the policy or supporting text. For avoidance of doubt, consider that as a strategic site, the area of the chalk mineral reserve (specific to this site) should feature on the minerals safeguarding map/proposals map.	Planning permission for this site has been implemented and so its further development is safeguarded by policies CSM5, DM7 and DM8. Policy CSM3 has therefore been deleted and supporting text has been included in section 5.0 to explain the position with regard to the provision of chalk for cement and the safeguarded extant implemented permission at Medway Works, Holborough.
Tonbridge and Malling Borough Council	Policy CSW 6: Location of Built Waste Management Facilities	The additional wording to protect heritage assets (a) as well as granting planning permission for proposals that are well located in respect of railheads and wharves (c) are supported.	Noted
Tonbridge and Malling Borough Council	Policy DM2: Environmental and Landscape Sites of International, National and Local Importance	Tonbridge and Malling BC supports the additional wording relating to developments enhancing the Area of Outstanding Natural Beauty (AONB) and that these should be sensitively located and designed. It is recommended that further thought be given to including the consideration of the setting of AONB's in this policy wording.	Noted. Text included in Policy.
Tonbridge and Malling Borough Council	Policy DM 3: Ecological Impact Assessment	Tonbridge and Malling BC supports the addition of a 10% biodiversity net gain in this policy.	Text amended to ensure that maximum practicable biodiversity net gain is sought notwithstanding the statutory 10% minimum requirement.
Tonbridge and Malling Borough Council	Policy DM 7: Safeguarding Mineral Resources	Tonbridge and Malling BC commented on these policies previously as part of the KCC Early Partial Review. It is noted that there are no significant changes to these policies and TMBC has no further comments.	Noted
Tonbridge and Malling Borough Council	Policy DM 8: Safeguarding Minerals Management, Transportation, Production & Waste Management Facilities	Tonbridge and Malling Borough Council commented on these policies previously as part of the KCC Kent Minerals and Waste Local Plan Early Partial Review. It is noted that there are no significant changes to these policies and Tonbridge and Malling Borough Council has no further comments.	Noted
Tonbridge and Malling Borough Council	Policy DM 13: Transportation of Minerals and Waste	The insertion of wording for electric vehicle charging points into the policy is noted and supported in principle. However, it is questioned how affective this change would be bearing in mind minerals/waste transportation vehicles are likely to be HGV's that are predominantly diesel powered.	Noted. This concern has been addressed by the wording "where appropriate" when referring to vehicle charging points.
Tonbridge and Malling Borough Council	Sustainability Appraisal Scoping Report	Objective 1 - Recommended that there is a stronger emphasis on biodiversity net gain within the Framework objectives to link with the Plan objectives. Objective 7 - Recommended that the framework objectives include the setting of AONB landscapes.	Biodiversity net gain and the setting of Area of Outstanding Natural Beauty has been added to the Sustainability Appraisal framework.
Tonbridge and Malling Borough Council	Habitat Regulations Assessment and	KCC's position on the Strategic Flood Risk Assessment and Habitat Regulations Assessment are noted. TMBC have no comments to make on these pieces of evidence.	Noted

Borough Council	Strategic Flood Risk Assessment		
Tunbridge Wells Borough Council	5.1 Policy CSM 1: Sustainable Development	It is noted that there are three Sustainable Design Policies in the KMWLP – Policies CSM1, CSW1 (below) and DM1 (below). TWBC queries whether Policies CSM1 and policy CSW1, which relate to compliance with the NPPF are necessary, as compliance with the NPPF is taken as standard/expected. It is suggested that these two policies be deleted, and the wording used in the pre-text to them be reviewed, combined, and implemented as an overarching theme on Sustainability at the beginning of the Plan. A cross reference to Development Management Policy DM1: Sustainable Design could also be included in this new section	Noted. The structure of the plan provides strategic policies for minerals and waste separately and therefore lends itself to separate policies for CSM1 and CSW1. Policy DM1 provides the sustainable design policy considerations for both minerals and waste.
Tunbridge Wells Borough Council	5.2 Policy CSM 2: Supply of Land-won Minerals in Kent	The changes are noted - no further comment. It should also be noted that the requirement for Annual Monitoring Reports have been replaced by Authority Monitoring reports – this reference should be updated.	Noted and addressed in the glossary. The term Annual Monitoring Report is used throughout the plan as it has a clearer understanding for users.
Tunbridge Wells Borough Council	5.8 Policy CSM 8: Secondary and Recycled Aggregates	The changes are noted but TWBC does not wish to comment on this policy.	Noted
Tunbridge Wells Borough Council	5.9 Policy CSM 9: Building Stone in Kent Policy CSM 9, point 2	TWBC agrees with the general thrust of this policy but considers criterion 2 to be fairly onerous.	No change proposed. For certain heritage restoration projects, it can be the case that they have very specific requirements in terms of what material is acceptable in order to maintain the integrity of heritage assets.
Tunbridge Wells Borough Council	5.10 Policy CSM 10: Oil, Gas and Unconventional Hydrocarbons Paragraph 5.10.7	Paragraph 5.10.7 mentions that planning permission was granted (by KCC) in 2012 for exploratory drilling and oil and gas field testing in Bidborough (which falls within Tunbridge Wells borough) and has been amended to say that in 2021 the planning permission had not been implemented. TWBC would query whether this permission is still extant given that it was granted almost 10 years ago and there appears to be no subsequent application on record for its renewal. Therefore, should reference to it be deleted if it has expired and is no longer valid?	The 2012 planning permission expired (TW/10/33) and no further application has come forward. Amend text (5.10.8) to note that permission was not implemented and has now lapsed.
Tunbridge Wells Borough Council	5.11 Policy CSM 11: Prospecting for Carboniferous Limestone	It is suggested that reference also be made to any necessary mitigation measures.	CSM 11 is a strategic policy, and any necessary mitigation measures would be considered against the DM policies and therefore no changes are needed.
Tunbridge Wells Borough Council	5.12 Policy CSM 12: Sustainable Transport of Minerals	The additional references to carbon neutrality and reduction of emissions are welcomed.	Noted
Tunbridge Wells Borough Council	6.1 Policy CSW 1: Sustainable Development	See comments on Policy CSM 1 above - same apply to this policy.	Noted. The structure of the plan provides strategic policies for minerals and waste separately and therefore lends itself to separate policies for CSM1 and CSW1. Policy DM1 provides the sustainable design policy considerations for both minerals and waste.
Tunbridge Wells Borough Council	6.2 Policy CSW 2: Waste Hierarchy and Policy CSW 3: Waste Reduction Paragraph 6.2.6	Although the concept of the circular waste economy and the examples given are welcomed, it is not clear what is expected of applicants in this regard under this paragraph.	Guidance on the production of Circular Economy Statements will be prepared.
Tunbridge Wells Borough Council	6.2 Policy CSW 2: Waste Hierarchy and Policy CSW 3: Waste Reduction Paragraph 6.2.7	Financial contributions. It is considered that more information is needed about this or at least a point of reference where more information and a justification can be found such as in a Supplementary Planning Document; especially as the request for such contributions will potentially affect the viability of new development schemes. It is also considered that this policy would benefit from the inclusion of measurable targets.	Guidance on developer contributions relating to waste disposal and recycling is available The monitoring framework includes targets for monitoring Policies CSW2 and CSW3.

Tunbridge Wells Borough Council	6.2 Policy CSW 2: Waste Hierarchy and Policy CSW 3: Waste Reduction Policy CSW 3	The new criteria in relation to meeting circular economy principles are welcomed.	Noted
Tunbridge Wells Borough Council	6.3 Policy CSW 4: Strategy for Waste Management Capacity Net Self-sufficiency and Waste Movements Paragraph 6.3.3 and 6.3.4	Reference to the requirements of the Environment Act 2021 at paragraph 6.3.3 is noted and the inclusion of targets at 6.3.4 considered beneficial. It is also noted that new, more ambitious targets for recycling and composting have been set within the table of the policy itself, which are generally welcomed.	Noted
Tunbridge Wells Borough Council	6.5 Policy CSW 6: Location of Built Waste Management Facilities Policy CSW 6, point a and c	The addition of heritage assets at criterion a. is welcomed. It is suggested that criteria c. should also refer to the need for such facilities to be located in sustainable locations, subject to residential amenity considerations.	The need for proposals to take amenity considerations into account is already addressed by clause 'g' and by Policy DM11 (Health and Amenity).
Tunbridge Wells Borough Council	6.7 Policy CSW 7: Waste Management for Non-hazardous Waste	The changes are noted but TWBC does not wish to comment on this policy.	Noted
Tunbridge Wells Borough Council	6.8 Policy CSW 8: Other Recovery Facilities for Non-hazardous Waste	The proposed changes to this policy, with an emphasis on addressing issues in relation to climate change are welcomed.	Noted
Tunbridge Wells Borough Council	6.9 Policy CSW 9: Non Inert Waste Landfill in Kent	The proposed changes to this policy are welcomed.	Noted
Tunbridge Wells Borough Council	6.10 Policy CSW 10: Development at Closed Landfill Sites	TWBC has included additional wording in relation to closed landfill sites (as recommended by KCC in their response to the TWBC Pre-Submission Local Plan Regulation 19 consultation 2021) in Policy EN28: Land Contamination of its Submission Local Plan 2021 (the Plan is currently at independent examination, hearings for which area imminent), and welcomes the changes made to Policy CSW10 in the KMWLP.	Noted
Tunbridge Wells Borough Council	6.11 Policy CSW 11: Permanent Deposit of Inert Waste	The proposed changes to this policy are welcomed.	Noted
Tunbridge Wells Borough Council	6.12 Policy CSW 12: Hazardous Waste Management	The changes are noted but TWBC does not wish to comment on this policy.	Noted
Tunbridge Wells Borough Council	6.14 Policy CSW 14: Disposal of Dredgings	The inclusion of biodiversity enhancement in the policies supporting text is welcomed, although it is questioned whether the change in emphasis is translated through into the policy wording.	Noted - Policy CSW 14 includes a reference to enhance biodiversity and would be supplemented by DM Policies.
Tunbridge Wells Borough Council	6.15 Policy CSW 15: Wastewater Development	The changes are noted but TWBC does not wish to comment on this policy.	Noted

Tunbridge Wells Borough Council	6.16 Policy CSW 16: Safeguarding of Existing Waste Management Facilities	TWBC supports the changes made to this policy.	Noted
Tunbridge Wells Borough Council	6.18 Policy CSW 17: Waste Management at the Dungeness Nuclear Site	The changes are noted but TWBC does not wish to comment on this policy.	Noted
Tunbridge Wells Borough Council	6.19 Policy CSW18: Non-nuclear Radioactive Low Level Waste (LLW) Management Facilities	The changes are noted but TWBC does not wish to comment on this policy.	Noted
Tunbridge Wells Borough Council	7.1 Policy DM 1: Sustainable Design	The new criteria and wording to incorporate measures which increase the emphasis on reducing carbon output and addressing climate change are noted and welcomed. See also, the comments on Policies CSM1 and CSW1 above.	Noted
Tunbridge Wells Borough Council	7.2 Policy DM 2: Environmental and Landscape Sites of International, National and Local Importance and Policy DM 3: Ecological Impact Assessment Policy DM 2	It is noted that ancient woodland is included in the policy, but TWBC would query whether the impact on other heritage assets should also be mentioned e.g. historic parks and gardens.	Noted - Policy DM 5 makes reference to Heritage Assets (including historic parks and gardens).
Tunbridge Wells Borough Council	7.2 Policy DM 2: Environmental and Landscape Sites of International, National and Local Importance and Policy DM 3: Ecological Impact Assessment Policy DM 3	Reference to geodiversity and the minimum requirement of 10% biodiversity net gain (BNG) are noted and welcomed. Though it is suggested that more information is provided on how BNG will be secured - what information should be submitted, whether any mitigation measures are required and how the site will be managed in the long term. A cross reference to Policy DM17: Planning Obligations may also be beneficial.	Further guidance will be provided once the Plan has been adopted.
Tunbridge Wells Borough Council	7.4 Policy DM 5: Heritage Assets and Policy DM 6: Historic Environment Assessment Policy DM 5	It is considered that other heritage assets such as ancient woodland should also be included in the policy. In addition, locally listed assets now tend to be referred to as non-designated heritage assets (NPPF terminology) and it is suggested that the policy be amended to include reference to these. The level of harm (paras 199 to 202 of the NPPF) and the significance of heritage assets (para 197 of the NPPF) are key factors in the assessment of any development proposals affecting heritage assets and it is considered that some wording (as suggested below) should be included on this: <i>'Proposals should result in no unacceptable adverse impact on Kent's historic environment and, wherever possible, opportunities should be sought to enhance historic assets affected by the proposals. Minerals and/or waste proposals that would harm the significance of a heritage asset will not be granted planning permission unless it can be demonstrated that there is an overriding need for development and any impacts can be mitigated or compensated for, such that there is a net planning benefit, as set out in national policy for the historic environment.'</i>	It is considered that the inclusion of ancient woodland in Policy DM 5 would not be appropriate considering the relation to heritage assets and consider this is most appropriately addressed in section 2 of Policy DM 2 which refers to National Sites and includes ancient woodland. Noted - Changes proposed to Policy DM 5 to address this comment and ensure consistency with the NPPF.
Tunbridge Wells	7.4 Policy DM 5: Heritage Assets and	As above, it is considered that this policy should include non-designated heritage assets. Also, that setting should be included in the wording as suggested below:	Noted - Changes proposed to Policy DM 6 to address these comments.

Borough Council	Policy DM 6: Historic Environment Assessment Policy DM 6, criterion 1	Criterion 1 – ‘A preliminary historic environment assessment, including field archaeological investigation and assessment of contribution towards setting where appropriate, to determine the nature and significance of the heritage assets.’	
Tunbridge Wells Borough Council	7.5 Policy DM 7: Safeguarding Mineral Resources and 7.6 Policy DM 8: Safeguarding Minerals Management, Transportation, Production & Waste Management Facilities	As you are aware the KMWLP forms part of the Development Plan for Tunbridge Wells. In the TWBC Submission Local Plan 2021 (SLP) (the independent examination for which is imminent), there is a section on the KMWLP in the introduction of the SLP which makes specific reference to policies DM 7 and DM 8. It is noted that not many changes have been made to these policies. However, it is apparent that the Safeguarding SPD referred to has recently been adopted, but no date is provided. It is also considered that a link to this SPD within the supporting text would be helpful. In the policy boxes themselves it is considered that the name of the SPD (and link) should be included for clarity rather than it just saying, ‘Further guidance on the application of this policy is included in a Supplementary Planning Document’. In relation to Policy DM 8 - The changes are noted but TWBC does not wish to comment on this policy.	The Safeguarding Supplementary Planning Document is dated to March 2021. The Supplementary Planning Document or associated guidance will be maintained by the County Council and updated as required. Any policy wording should not contain links to other documents that may become no longer available due to legislative changes, or because of web browser changes unrelated to the Plan document.
Tunbridge Wells Borough Council	7.7 Policy DM 9: Prior Extraction of Minerals in Advance of Surface Development	It is considered that this policy should include reference to legal agreements in addition to planning conditions in terms of site restoration and after use.	Noted. Change policy wording to “...conditions will be imposed and, if appropriate, legal agreements will be entered into to ensure....”
Tunbridge Wells Borough Council	7.8 Policy DM10: Water Environment	It is considered that it would be appropriate for this policy to include biodiversity net gain. The policy refers to Environment Agency Flood Zones, but it is also suggested that it refers to Strategic Flood Risk Assessments (SFRAs), especially as a number of local Kent authorities have these (the list of which is included in your SFRA Position Statement forming part of this consultation).	It is considered that the inclusion of biodiversity net gain in Policy DM 10 would not be appropriate as it would replicate the role of Policies DM1, DM 2 and DM 3 which address this matter. The requirement for Flood Risk Assessments is set out in the supporting text for Policy DM10 in paragraph 7.8.3 and is it not considered appropriate for this to be included in the policy text.
Tunbridge Wells Borough Council	7.9 Policy DM 11: Health and Amenity Policy DM 11, second paragraph	It is considered that the second paragraph in the policy box is vague, and it would be helpful if it could be explained in what way there should be no unacceptable adverse impact on surrounding land.	It is considered that the Policy cannot be too specific to ensure that it is applicable to all types of minerals and waste development.
Tunbridge Wells Borough Council	7.10 Policy DM 12: Cumulative Impact	The inclusion of wording relating to the cumulative impact of vehicular emissions and impact on AQMAs in the supporting text of the policy is welcomed.	Noted
Tunbridge Wells Borough Council	7.11 Policy DM 13: Transportation of Minerals and Waste	The changes made to include reduction in vehicular movements and emissions, the move to use of electric vehicles and the installation of electric vehicle charging points are welcomed.	Noted
Tunbridge Wells Borough Council	7.12 Policy DM 14: Public Rights of Way	It is noted that no changes are proposed to this policy. However, it is considered that in addition to PROWs, it should include other forms of pathways and cycleways.	All PROWs are protected. Informal pathways and cycleways are not afforded the same level of protection. Consideration would be given to any public amenity impact on other pathways and cycleways.
Tunbridge Wells Borough Council	7.14 Policy DM16: Information Required in Support of an Application	TWBC would query whether this should actually be a policy and whether the wording used would be best set out as an advisory section elsewhere in the plan.	Noted - The Policy is considered justified on the basis that it provides advice for the required level of information to be submitted for mineral and waste development and will be assessed against the policies of the Plan.
Tunbridge Wells Borough Council	7.15 Policy DM 17: Planning Obligations Policy DM 17	It is suggested that securing the implementation and long-term management of biodiversity net gain is also added to the list.	Agree - Change proposed to Point 6 of Policy DM 17 to address this comment.

Tunbridge Wells Borough Council	7.16 Policy DM 18: Land Stability Paragraph 7.16.1	The new wording at paragraph 7.16.1 is welcomed, but it is suggested that the first part of the subsequent paragraph could be deleted to avoid repetition.	Agree - Changes proposed to paragraph 7.16.2 to address this comment.
Tunbridge Wells Borough Council	7.17 Policy DM 19: Restoration, Aftercare and After-use	TWBC considers that restoration should be for a 30-year period (not 5 years as stated in the policy) in line with the forthcoming Environment Bill and should also include improvements to public access and recreation as well as monitoring. It is suggested that the 30 years should be secured through a Landscape and Ecological Management Plan (LEMP) and should be phased in conjunction with the extraction plan.	No policy change required. Individual circumstances will indicate what length of restoration and aftercare management and monitoring will be required. A blanket 30-year requirement would not be applicable in every circumstance, as the policy wording currently allows for.
Tunbridge Wells Borough Council	7.18 Policy DM2 20: Ancillary Development	The minor changes are noted but TWBC does not wish to comment on this policy.	Noted
Tunbridge Wells Borough Council	7.19 Policy DM 21: Incidental Mineral Extraction	It is noted that no changes are proposed to this policy. However, it is considered that this policy should include reference to legal agreements in addition to planning conditions.	No change to the policy required. The policy allows for voluntarily agreed longer periods "...through agreement between the applicant and minerals planning authority". As these have to be entered into voluntarily by both parties, they can be formal legal agreements, if that is deemed appropriate. The require formal binding legal agreements for longer than the statutorily required 5 years may not be appropriate, the policy retains greater flexibility currently worded.
Tunbridge Wells Borough Council	7.20 Policy DM 22: Enforcement	TWBC would query whether this should actually be a policy and whether the wording used would be best set out as an advisory section elsewhere in the plan.	No Policy change proposed. The County Council considers enforcement to be a critical element in minerals and waste planning, particularly given the scope for environmental damage that unauthorised waste and mineral development can result in. Therefore, having the weight of policy to undertake any required enforcement action strengthens the authority's ability to safeguard the environment.
Tunbridge Wells Borough Council	Strategic Flood Risk Assessment Position Statement (October 2022)	It is noted that the draft refresh of the Kent Minerals and Waste Local Plan 2013-30 does not propose any new site allocations and there are no proposed changes to existing site allocations in the KMWLP; and therefore, no update is proposed to the SFRA. It is also noted that reference is made to the latest Tunbridge Wells SFRA (July 2019) to address flood risk and mitigation in this area. TWBC therefore has no further comments to make on the assumption that the SFRA will be reviewed at the next 5-year KMWLP review.	Noted
Tunbridge Wells Borough Council	Habitat Regulations Assessment	It is noted that specific reference is made to KMWLP Policy CSW 17: Nuclear Waste Treatment and Storage at Dungeness, and that this is the only policy that is likely to require a HRA as part of the KMWLP review. TWBC therefore has no further comments to make on the assumption that any HRA requirements will be reviewed at the next 5-year KMWLP review.	Noted

Table 4: Consultation with Kent District and Borough Councils - Regulation 18 Public Consultation - October 2022 to December 2022

Invited to comment on draft Kent Minerals and Waste Local Plan 2023-38 - Regulation 18 Public Consultation - October 2022 to December 2022

Kent District/ Borough	Section	Summary of Representation	Outcomes/KCC Response
Ashford Borough Council	3. Spatial Vision for Minerals and Waste in Kent	<p>The Borough Council previously noted that the proposed 'Spatial Vision' for the Plan does not cover the vision of managing increasing levels of service infrastructure to meet growth and demands in waste and resource management. The Council expressed the opinion that both disposal capacity and transfer capacity should be dealt with as one function of the Waste Disposal Authority (WDA).</p> <p>The Council note that KCC consider that "final disposal and transfer capacity are two distinct items serving wholly different purposes" and that "much of the final disposal infrastructure serves areas across and beyond Kent's borders" (p6 of KCC's Summary of Responses). Notwithstanding, the Council remain of the view that the two are intrinsically linked. Consequently, the comments made by the Council in our previous response dated 1st March 2022 remain unchanged.</p> <p>In summary, the proposed 'Spatial Vision' for the Plan does not cover the vision of managing increasing levels of service infrastructure to meet growth and demands in waste and resource management. The Council considers that both disposal capacity and transfer capacity should be dealt with as one function of the Waste Disposal Authority (WDA).</p>	<p>The Plan includes the following objective 'Planning for Waste will... Allow for the development of a variety of waste management facilities to ensure that Kent remains at the forefront of waste management with solutions for all major waste streams, while retaining flexibility to adapt to changes in technology and legislation.'</p> <p>The Plan explains the role of the Waste Disposal Authority.</p>
Ashford Borough Council	4. Objectives for the Minerals and Waste Local Plan	<p>The Council previously commented that new facilities to accommodate population growth and growing housing need, must be planned for through the Local Plan process by the Waste Disposal Authority (WDA) and Kent Authorities. On this basis, the Council suggested that KCC should allocate a site(s) to ensure that any identified need is met.</p> <p>Regarding need, the Council notes KCC's reference to its Annual Monitoring Report (AMR) which KCC state "demonstrates that there is sufficient capacity for the management of waste in Kent to 2040" (p7 of KCC's Summary of Responses). The Council welcome clarification that there is currently no need to increase waste management capacity within the County.</p>	<p>There is a theoretical match between the requirements for waste management and existing waste management capacity and hence there is insufficient justification to allocate any land for new waste management in a Waste Sites Plan. However particular circumstances may exist where a new site would be appropriate, for example where there is an uneven distribution of sites across the county or to provide facilities to manage waste further up the waste hierarchy. The policies of the Plan will allow new development to come forward of the right type and in the right location.</p>
Ashford Borough Council	4. Objectives for the Minerals and Waste Local Plan Strategic Objective 11	<p>Objective 10 of the Plan continues to look to industry for solutions to minimise waste and increase its re-use. In our letter dated 1st March 2022, the Council highlighted the need to plan for required infrastructure, and partner with industry to provide solutions. The Council remain of the view that this should be reflected in the objectives to encourage partnership working as a means to achieving desired outcomes.</p>	<p>The Council is not responsible for the management of non- household waste and therefore cannot form partnerships with industry in the manner envisaged. The Joint Resource partnership exists to ensure household waste is managed appropriately.</p>
Ashford Borough Council	6.3 Policy CSW 4: Strategy for Waste Management Capacity Net Self-sufficiency and Waste Movements Paragraph 6.3.6	<p>The Council note that it is still KCC's intention to deliver a new waste transfer facility and that this is primarily associated with KCC's aspiration to improve transportation logistics (reflected in paragraph 6.3.6 of the draft Local Plan). Irrespective of the reason for delivery, the Council remain of the view that if there is an identified need, a site for the provision of the required facility should be identified in the Plan. As it stands, despite further revisions, the Local Plan still doesn't grapple with this, either through any of its proposed policy criteria or the site allocation strategy. Consequently, the location, nature of the facility, phasing and the total cost of any facility remains unknown. Transparency, regarding these details is particularly important given KCC's continued reference in the Plan to financial contributions from applicants towards delivering additional infrastructure for waste management.</p> <p>Given KCC's decision not to allocate a site, and absence of any detail regarding its delivery, the Council remain of the opinion that it is difficult to see how any future Local Plan that Ashford Borough Council produce can take these issues into account, or how it might seek to secure S106 payments for any future waste facility (assuming that funding towards waste infrastructure is justified, in principle). A Local Plan provides the most appropriate opportunity to address these issues.</p>	<p>It is considered that the Plan, with proposed changes, provides sufficient support for the development of such a facility and the specific allocation of a site is not justified. The issue raised has been acknowledged in proposed changes to the Plan's supporting text.</p>
Ashford Borough Council	7.5 Policy DM 7: Safeguarding Mineral Resources and 7.6 Policy DM 8: Safeguarding Minerals Management, Transportation,	<p>In the Council's previous response dated 1st March 2022, the Council invited KCC to use the Local Plan as a means to clarify the position with regard to mineral exemptions. Our concerns largely sought clarity from KCC about how 'exempt' site allocations were determined. KCC's adopted SPD, states 'A list of allocations in District and Borough Local Plans that the County Council consider have adequately taken waste and mineral safeguarding into account at the plan making stage will be included and updated in the County Council's Annual Monitoring Report. Development which comes forward within these allocations will be exempt from safeguarding provisions'.</p>	<p>The 1st of April to 31st March Annual Monitoring Report (AMR) at Appendix 4: Safeguarding Considerations-Local Plan allocations in Kent, pages 57 to 76 sets out the Kent local plan allocations that are exempt from safeguarding constraints.</p>

	Production & Waste Management Facilities	However, KCC's latest AMR dated December 2021 does not report any exemptions. The Council note KCC's intention to provide an addendum to the current AMR, however, until such time that an addendum or updated AMR (including site exemptions) is published, the Council remain of the view that the Local Plan could be used to clarify this position once and for all, and that this would help all those concerned particularly Plan Makers. Consequently, the Council previous comments still remain.	
Ashford Borough Council	Sustainability Appraisal Scoping Report	No comment.	Noted
Ashford Borough Council	Habitat Regulations Assessment and Strategic Flood Risk Assessment	No comment.	Noted
Dartford Borough Council	2.2 Kent's Environmental and Landscape Assets Figure 7: Local Geological Sites and Local Wildlife Sites	Figure 7 does not seem to clearly show the RIGS site at Bluewater.	Noted - Change proposed to Figure 7 to address this comment.
Dartford Borough Council	6.3 Policy CSW 4: Strategy for Waste Management Capacity Net Self-sufficiency and Waste Movements Paragraph 6.3.6	Paragraph 6.3.6 - To be clear and effective, the Plan needs to fully clarify how it is intended the 'pressing need' for development resulted will be tackled through appropriate new Development Plan content.	It is considered that the Plan, with proposed changes, provides sufficient support for the development of such a facility and the specific allocation of a site is not justified. The issue raised has been acknowledged in proposed changes to the Plan's supporting text.
Dartford Borough Council	9.2 Mineral Safeguarding Areas Dartford Mineral Safeguarding Areas	The urban boundary shown in the updated Dartford Mineral Safeguarding Map should not extend over the River Thames, we suggest that the urban boundary should align with Diagram 1 (Key Diagrams) of Dartford's proposed local plan submission document COR-1. Furthermore, it would be sensible to combine the maps showing Dartford Boroughs Mineral Safeguarding Area with Ebbsfleet Development Corporation's Mineral Safeguarding Area. This would help to highlight that the Ebbsfleet Development Corporation are located within the Dartford Borough.	Noted - Change made to Dartford MSA map to address this comment. It is considered that a separate MSA map for EDC is more appropriate due to being a separate planning authority.
Dover District Council	5.6 Policy CSM 6: Safeguarded Wharves and Rail Depots Paragraph 5.6.1	We note and support the updated text relating to the Dunkirk Jetty safeguarded wharf.	Noted
Dover District Council	6.2 Policy CSW 2: Waste Hierarchy and Policy CSW 3: Waste Reduction Paragraph 6.2.7	We note the requirement at paragraph 6.2.7 to provide a Circular Economy Statement for major applications. Can you please clarify how you intend to review these Statements and be consulted on those aspects of such applications. Will guidance be produced to inform LPAs of how to review/implement this new requirement?	As stated in the Plan guidance will be prepared.
Dover District Council	9.2 Mineral Safeguarding Areas Dover Mineral Safeguarding Areas	With regards to the Dover District Mineral Safeguarding Areas Map, please note that the settlement boundaries for some of the settlements in the district are being revised as part of the emerging Dover District Local Plan. We would be happy to share the latest GIS shapefile with you in order for your mapping to be up to date in this regard. This comment was also provided in response to the consultation on changes to the Local Plan in early 2022. DDC's Reg18 site allocations for housing and employment were shared with KCC in January 2021 to confirm whether any were within 250m of either the safeguarded jetty at Western Docks or KCC's waste facilities. We have not added sites to our Reg19 Local Plan (currently out for consultation) which are within 250m of these facilities.	Noted - Dover District Council has been contacted for the latest urban boundary shapefile data.
Ebbsfleet Development Corporation	1.2 The Status of the Kent Minerals and Waste Local Plan 2023-38	Acknowledge the correct inclusion of the EDC as a Waste and Minerals Authority in Kent.	Noted

	Paragraph 1.2.3		
Ebbsfleet Development Corporation	6.2 Policy CSW 2: Waste Hierarchy and Policy CSW 3: Waste Reduction Paragraph 6.2.7	Paragraph 6.27 has been added since we previously commented. The intention of a 'circular economy' for waste and minerals is supported, although we question whether the wording in this paragraph may have adverse implications on the delivery of major sites. Specifically, this relates to the lack of guidance on what should be included in a 'Circular Economy Statement' and who is going to review the statements when they are submitted. For example, is this something that would be undertaken and resourced by KCC? Paragraph 6.27 advises that there will be guidance provided in due course but, without it in place before the publication of this updated Plan, the addition of this paragraph is likely to lead to confusion and uncertainty.	Guidance will be prepared setting out the content of a Circular Economy Statement. The approach will be similar to that adopted in the London Plan and its related guidance.
Ebbsfleet Development Corporation	6.5 Policy CSW 6: Location of Built Waste Management Facilities	The consultation material states that the latest updates are, amongst other reasons, proposed to ensure the Local Plan takes account of the current local context which includes a need for the development of additional household waste management capacity. There are no significant changes proposed to the wording of Policy CSW6 which sets criteria for assessing proposals relating to the location of built waste management facilities and which remains robust, although it is noted that newly proposed policy pre-text at paragraph 6.3.6 refers to a pressing need for the development of new waste transfer facilities to serve the Ebbsfleet Garden City area. No potential sites are put forward at this stage but EDC would support working with KCC to find an appropriate location in the wider area for this strategic infrastructure.	Noted
Ebbsfleet Development Corporation	7.5 Policy DM 7: Safeguarding Mineral Resources and 7.6 Policy DM 8: Safeguarding Minerals Management, Transportation, Production & Waste Management Facilities	It is noted that the consultation does not propose any changes to the text or pre-text to safeguarding policies DM7 or DM8, the latter of which is of particular relevance to EDC due to the number of safeguarded river wharves within its area.	Noted. The County Council remains committed to having a NPPF compliant safeguarding approach in the policies of the Plan, such that the criteria for any argued exemption to the presumption to safeguard (as set out in Policy DM 7 and Policy DM 8) are robust.
Ebbsfleet Development Corporation	7.17 Policy DM 19: Restoration, Aftercare and After-use	It is recommended that the pre-text and wording for Policy DM19 should be made clearer. In accordance with the policy's current wording, planning permission for minerals extraction and temporary waste management development will be granted where satisfactory restoration and aftercare will be put in place. There is, however, nothing in the pre-text that mentions it is for future applications and, without it being mentioned, it could be confused as being relevant to the restoration of former quarry sites.	Noted - Changes proposed to paragraph 7.17.2 to address these comments.
Ebbsfleet Development Corporation	Biodiversity Net Gain	There are several new references to the Environment Act 2021 and the need for development sites to meet Biodiversity Net Gain targets, which is supported. However, there is some confusion throughout the document as to when this comes into force. It is our understanding that under the Environment Act 2021, all planning permissions granted in England (with a few exemptions) will have to deliver at least 10% biodiversity net gain from an as yet unconfirmed date, but it is expected to be in late 2023. Further to this, there are references within the document that request development to 'at least' meet the 10% requirements of biodiversity net gain and other references where it states " <i>While a statutory target of at least 10% biodiversity net gain for all development has been introduced, the Kent Nature Partnership expects at least 20% to be achieved</i> ". The MWLP further requests in paragraph 7.2.4 that the 20% net gain target should even be exceeded. A consistent approach should be taken throughout the document to provide certainty and avoid confusion.	A consistent approach has been taken within the Plan and this is set out in Policy DM 2 and explained in the supporting text. Guidance on BNG is currently awaited from Government and will inform our local guidance.
Folkestone and Hythe District Council	6.3 Policy CSW 4: Strategy for Waste Management Capacity Net Self-sufficiency and Waste Movements Paragraph 6.3.6	Issue relating to paragraph 6.3.6 in the draft Minerals and Waste Plan for the need for a new waste transfer facility in the Folkestone & Hythe District to reduce the excessive transportation of waste across the county. Given the need for this facility, the district council recommends that the county council undertakes a 'call for sites' exercise to identify a site in the Waste Sites Plan for this use in the district. The district council will undertake a 'call for sites' exercise for housing, employment and other uses in 2023 to provide evidence for our next local plan and would be pleased to work with KCC if a potential site for a new waste transfer facility emerges through our own site assessment process.	It is considered that the Plan, with proposed changes, provides sufficient support for the development of such a facility and the specific allocation of a site is not justified. The issue raised has been acknowledged in proposed changes to the Plan's supporting text.

Folkstone and Hythe District Council	Kent Waste Needs Assessments 2022	<p>Whilst the Council notes the amendments to the Plan, particularly those relating to Dungeness and New Romney, there are a couple of issues that the Council would like to raise in relation to the proposed and existing waste sites in the district.</p> <p>The first issue relates to Otterpool Quarry, Ashford Road. This was granted planning permission in 2011 by KCC (SH/08/124) for a materials recycling facility, anaerobic digestion plant and associated office and parking. Whilst the application may have been implemented (some minimal highway works have been undertaken) no further work has been undertaken to instigate the use.</p> <p>The site is currently used as a lorry park and applications that have been submitted relate to that use (although no permissions have been given for that use other than for road signs). The latest application is for temporary planning permission for up to 5 years for parking and stationing of 24no HGVs and 10no vehicle parking, with temporary stationing of ancillary facilities. At the time of writing a decision has not been made.</p> <p>Whilst not allocated, the site has been identified as contributing to the future provision for 'Organic Waste Treatment' and 'Composting' in the Kent Waste Needs Assessment 2022 Update, which forms part of the evidence base to this consultation. Given that this site has not come forward in the last 11 years or so and there is uncertainty that it will come forward given the current planning application, the district council questions whether it should be considered as contributing towards the future requirement and asks KCC to reconsider this.</p> <p>The District Council has identified a new Garden Settlement in the Core Strategy Review, and this is an important allocation to meet the future growth of the district up to and beyond 2037. The Otterpool Quarry site falls within this allocation.</p> <p>The supporting text in the Core Strategy Review (paragraph 4.193) highlights the need for any application to consider Policy DM8 (Safeguarding Minerals Management, Transportation, Production & Waste Management Facilities) in the Minerals and Waste Local Plan. However, if, as seems likely, the materials recycling facility permission is not implemented, it would be inappropriate to constrain or sterilise the allocated garden town development. The district council therefore requests that KCC reconsiders the wording of Policy DM8 to take account of circumstances where a permitted development has effectively stalled</p>	<p>Noted</p> <p>The capacity as this site is included as the planning consent has been lawfully implemented. To not do so would make the Plan vulnerable to being found unsound given that this capacity could fully be built out, to conclude that it cannot be included at this juncture would be speculative. Therefore, if this position were to be taken the Plan's underlying evidence base could be challenged as being based on a speculative assumption. This would not be a robust evidential approach to plan formulation.</p> <p>The waste permission has been lawfully implemented. Therefore, Policy DM 8 and any argued exemption based on the policies exemption criteria will have to be considered as part of any planning proposal submitted to the determining planning authority, this being Folkestone and Hythe District Council.</p>
Gravesham Borough Council	3. Spatial Vision for Minerals and Waste in Kent	No additional comments on the Vision.	Noted
Gravesham Borough Council	4. Objectives for the Minerals and Waste Local Plan	No additional changes to the Strategic Objectives.	Noted
Gravesham Borough Council	5.3 Policy CSM 3: Strategic Site for Minerals	GBC supports the deletion of policy CSM3 and Figure17 and the inclusion of explanatory text at paragraph 5.2.37 setting out that this is an extant implemented permission that they would have regard to, should an application for alternative development come forward. Although the weight that would be given to the extant permission may not be significant as any alternative development would need to be considered against other policies in the development plan.	Noted
Gravesham Borough Council	6.2 Policy CSW 2: Waste Hierarchy and Policy CSW 3: Waste Reduction Paragraph 6.2.6 and 6.2.7	GBC has previously supported moving waste up the hierarchy and the concept of the circular economy and we welcome that KCC have embraced the suggested alignment of the need for Circular Economy Statements with the need for Design and Access Statements so that they are only required for Major Development. However, the detailed wording of policy CSW3 does not reflect the approach set out in the supporting text (para 6.2.6. and 6.2.7). Given that it is the policy wording rather than the supporting text that should take precedence, the wording should be correctly aligned, including reference to any thresholds.	It is considered that the policy wording reflects the supporting text.
Gravesham Borough Council	6.3 Policy CSW 4: Strategy for Waste Management Capacity Net Self-sufficiency and Waste Movements Paragraph 6.3.6	It is noted that paragraph 6.3.6 sets out the need for new waste transfer facilities serving the Ebbsfleet area and that, as no site has yet been identified, local waste collection authorities are working together to secure such a facility.	Noted

Gravesham Borough Council	7.1 Policy DM 1: Sustainable Design Paragraph 7.1.3	The Council notes that paragraph 7.1.3, as explanatory text to Policy DM1, requires developments over a 'certain size' to achieve a BREEAM 'Very Good' rating. However, footnote 105, which defines what is meant by a "certain size", then refers to requirements for a Circular Economy Statement. While these size thresholds may be the same, the definition of certain should be clarified. Also, if there is to be a size threshold, policy DM1 itself should include it.	A change is proposed to the supporting text of Policy DM1 to address this comment.
Gravesham Borough Council	7.2 Policy DM 2: Environmental and Landscape Sites of International, National and Local Importance and Policy DM 3: Ecological Impact Assessment	The Council welcomes that KCC has picked up on previous comments made by the Council in recognising that 10% is likely to be the statutory minimum biodiversity net gain (BNG) requirement and that the Kent Nature Partnership is seeking a minimum of 20% BNG from all relevant proposals (still to be defined). It is also noted that the aim is to maximise BNG where practicable when mineral sites are restored, despite paragraphs 174 and 179 of the NPPF only referring to measurable gains rather than maximising biodiversity. The detailed policy wording is vague and fails to provide developers of minerals sites with certainty over what they are expected to deliver in terms of biodiversity net gain or how that should be measured if they are to comply with the policy. While it is noted at paragraph 7.2.4 that the intention is to provide separate guidance on this matter, but no mention of this is made in the policy itself.	Wording of Policy DM2 has been amended to clarify that the requirement for 'maximum practicable' BNG will only apply to BNG that can be achieved 'on-site' (at the development site).
Gravesham Borough Council	7.4 Policy DM 5: Heritage Assets and Policy DM 6: Historic Environment Assessment Policy DM 5	While GBC notes the KCC response in the consultation statement on the consistency of this policy with national policy, minor amendments to the policy wording are suggested the addition of ' non designated ' after ' locally listed ' in the first paragraph of Policy DM 5. Also suggests the addition of ' when considered in accordance with national policy ' after ' unacceptable adverse impact on a heritage asset ' in the final paragraph of Policy DM 5.	Noted - Changes proposed to Policy DM 5 to address these comments and ensure consistency with the NPPF.
Gravesham Borough Council	7.9 Policy DM 11: Health and Amenity	The Council supports the changes made to policy DM to reflect the possible need for a Health Impact Assessment when considering minerals and waste developments.	Noted
Gravesham Borough Council	9.2 Mineral Safeguarding Areas Gravesham Mineral Safeguarding Areas	Whilst the Policies Map is not subject to examination, GBC would appreciate an electronic copy in a GIS format so we can check the boundaries they have shown so we can agree any changes that may be necessary.	The GIS data for the safeguarded minerals is provided under license to the County Council by the British Geological Survey (BGS). The County Council would be grateful for shapefiles of the urban boundaries from Gravesham BC that show any change to be able to incorporate these into the MSA maps.
Gravesham Borough Council	Sustainability Appraisal Scoping Report	GBC do not wish to make any additional changes to the Sustainability Appraisal Scoping Report	Noted
Gravesham Borough Council	Habitat Regulations Assessment and Strategic Flood Risk Assessment	GBC do not wish to make any additional changes to the Habitat Regulations Assessment and/or Strategic Flood Risk Assessment	Noted
Maidstone Borough Council	5.2 Policy CSM 2: Supply of Land-won Minerals in Kent Paragraph 5.2.22	MBC have reviewed the additional changes and are supportive of the Plan as a whole and the overall aims of the policy refresh. It welcomes the updated position in respect to soft sand extraction at Chapel Farm, Lenham which forms part of an allocation in the Maidstone Local Plan Review.	Noted
Maidstone Borough Council	6.2 Policy CSW 2: Waste Hierarchy and Policy CSW 3: Waste Reduction Policy CSW 3	MBC are of the view that Policy CSW 3 (Waste Reduction) requires further consideration. The proposed new wording of the policy requires that for applications submitted to Maidstone Borough Council additional information be supplied at application stage. This will likely mean that MBC is required to add to their Local List a requirement for a Circular Economy Statement to accompany major applications and we would welcome the opportunity to work with KCC officers to ensure resource implications for MBC are minimised.	Noted. Guidance on the preparation of Circular Economy Statements will be prepared to assist.
Maidstone Borough Council	7.2 Policy DM 2: Environmental and Landscape Sites of International,	In respect to the requirement of 20% Biodiversity Net Gain on restored sites as set out in Policy DM3, Maidstone welcomes this aspiration as it aligns with emerging policies in its LPR.	The change to the policy does not specifically include a target of 20% BNG but instead seeks the achievement of 'maximum practicable' BNG. The use of the term 'maximum practicable' is intended to reflect the fact that in certain circumstance it may be possible for development to achieve much more than the statutory 10%, however, in the case of quarry restoration in particular

	National and Local Importance and Policy DM 3: Ecological Impact Assessment Policy DM 3		there is evidence that well in excess of 10% and indeed more than 20% BNG can be achieved. The Council's approach of not including a specific percentage is intended to avoid this being taken as a target which would result in less BNG being achieved than might otherwise occur. Note that the wording of Policy DM2 has been amended to clarify that the requirement for 'maximum practicable' BNG will only apply to BNG that can be achieved 'on-site' (i.e. at the development site).
Tonbridge and Malling Borough Council	1.2 The Status of the Kent Minerals and Waste Local Plan 2023-38	TMBC supports the proposal that the updated KMWLP should plan for a period of 15 years from adoption in accordance with Paragraph 22 of the NPPF. However, based on KCC's anticipated adoption date of December 2024, it is questioned whether, (to be fully NPPF compliant as per the Local Plan text) if the Plan's time horizon should not be 2039 or even 2040 given the very short period between the Inspector's final report and adoption. Should KCC wish to amend this, TMBC would welcome further discussions around any other implications that may arise from this.	The Plan period has been extended to 2039.
Tonbridge and Malling Borough Council	3. Spatial Vision for Minerals and Waste in Kent	Acknowledge the changes to the spatial vision for minerals and waste and raise no objection. In particular, TMBC support the subtle changes to vision No's 6 & 9 to facilitate secondary and recycled aggregates to become less reliant on land-won construction aggregates together with the reuse of materials and goods.	Noted
Tonbridge and Malling Borough Council	4. Objectives for the Minerals and Waste Local Plan	TMBC note the changes to the strategic objectives and raise no objection to them. In particular, the inclusions of building sand (for the benefits of a viable construction industry) together with maximising biodiversity net gain are supported.	Noted
Tonbridge and Malling Borough Council	5.3 Policy CSM 3: Strategic Site for Minerals	The deletion of strategic policy CSM 3 at the Medway Cement works is acknowledged. TMBC understand the reasons for this and overall raise no objection to its removal. TMBC wishes to take this opportunity to make KCC (the Minerals Authority) aware that this site was submitted through its Call for Sites exercise (Site ID no. 59866) as a potential development site which was available to comment on as part of the Council's recent Regulation 18 Local Plan consultation and Interim Sustainability Appraisal. This is currently being considered and no decision has been made yet regarding the borough's future development strategy. In the event that KCC's position were to change on this site, TMBC requests early sight of this as it could potentially impact upon TMBC's Plan making.	Noted.
Tonbridge and Malling Borough Council	5.7 Policy CSM 7: Safeguarding Other Mineral Plant Infrastructure Policy CSM 7, last paragraph	The first word of the second paragraph of Policy CSM 7 should be 'where' rather than 'there'.	Agree - Change to Policy wording proposed to address this comment.
Tonbridge and Malling Borough Council	6.5 Policy CSW 6: Location of Built Waste Management Facilities Policy CSW 6, point f.	Following changes to the Planning Practice Guidance in August 2022, the definition of a functional flood (flood zone 3b) has changed from a 5% AEP event to a 3.3% AEP event. Therefore, it is questioned whether this part of the policy makes it overly restrictive in the determination of any critical facility needed in the future.	Noted - The critical need for a facility will always be weighed against any potential constraints relating to the location of the proposal.
Tonbridge and Malling Borough Council	6.8 Policy CSW 8: Other Recovery Facilities for Non-hazardous Waste Paragraph 6.8.2	TMBC supports the requirement for a waste hierarchy statement.	Noted
Tonbridge and Malling Borough Council	7.1 Policy DM 1: Sustainable Design	TMBC supports the additional biodiversity net gain wording in this policy.	Noted
Tonbridge and Malling Borough Council	7.2 Policy DM 2: Environmental and Landscape Sites of International,	TMBC support the inclusion of ' <i>irreplaceable habitats and ancient or veteran trees</i> ' in this policy in accordance with para 180 of the NPPF.	Noted

	National and Local Importance and Policy DM 3: Ecological Impact Assessment Policy DM 2		
Tonbridge and Malling Borough Council	7.2 Policy DM 2: Environmental and Landscape Sites of International, National and Local Importance and Policy DM 3: Ecological Impact Assessment Policy DM 3	TMBC support the additional wording to maximise biodiversity net gain.	Noted
Tonbridge and Malling Borough Council	7.9 Policy DM 11: Health and Amenity Policy DM 11, first paragraph	The insertion of the additional wording “ <i>It may also include the preparation of a health impact assessment</i> ” is considered too vague for a Development Management policy. It is recommended that this is re-worded to be more specific setting out when such an assessment would be required.	Noted - Change proposed to Policy DM 11 and addition of new 7.9.2 to address this comment.
Tonbridge and Malling Borough Council	9.2 Mineral Safeguarding Areas Tonbridge and Malling Mineral Safeguarding Areas	It is noted that these have been updated, but it is unclear exactly what changes have been made to the TMBC borough map.	There has been no change to the minerals that are safeguarded within the Tonbridge and Malling Borough, the final MPA maps can be found in the Regulation 19 Pre-Submission Draft of the Plan.
Tonbridge and Malling Borough Council	Sustainability Appraisal Scoping Report Appendix C	Consideration of “Do nothing options” for policies as proposed. With regard to policy CSM3 as previously stated above, this site is the subject of a call-for sites submission and is therefore a consideration in the emerging Local Plan. TMBC considers a rationale should be given for the deletion of this policy within the column and it is also considered that the reasons given for ‘Is a do-nothing option reasonable?’ should be more explicit.	Text has been added to the table in Appendix C to clarify the rationale for deleting the policy and explaining why a ‘do nothing’ option is not reasonable.
Tonbridge and Malling Borough Council	Strategic Flood Risk Assessment Position Statement (October 2022)	This states a different time period (2023 – 2035) to the Local Plan and therefore does not appear to accurately reflect the up-dated Local Plan. It is recommended this is amended accordingly. It is also considered that the position statement should refer to the up-dated Planning Practice Guidance on Flood Risk and Coastal Change (August 2022) Para: 013 7-013-20220825.	Noted - The SFRA Position Statement has been updated.
Tonbridge and Malling Borough Council	All	The KMWLP Review changes are acknowledged. It is considered that they don’t present significant policy constraints for the borough of Tonbridge and Malling and the delivery of its planning functions. Therefore, TMBC raise no objection to the proposed changes to the Plan but recommend further consideration of the time period, policies, SA and SFRA position statement in light of the comments cited above. Lastly, clarity on changes to the minerals safeguarding map is also sought. TMBC has a good working relationship with KCC through the duty to cooperate forum and will continue to engage and support collaborative working in the preparation of our respective Local Plans. TMBC requests to be kept well-informed of your plan making progress as well as key dates.	Noted Noted
Tunbridge Wells Borough Council	3. Spatial Vision for Minerals and Waste in Kent	As per TWBC’s response to the previous KMLP Review consultation (December 2021 – February 2022), notes that the Vision includes ambition for low carbon output and minimising waste, but no measurable targets are identified. It is considered that without these it cannot be measured how ambitious the vision really is. Equally monitoring the success of the vision will be difficult without measurable targets.	The Plan’s monitoring framework has been updated to include monitoring of waste production.
Tunbridge Wells Borough Council	4. Objectives for the Minerals and Waste Local Plan	TWBC’s response to the previous consultation noted more emphasis on biodiversity net gain (BNG), however it was considered that a target should be included within the BNG objective. No measurable targets are included in the latest review, but it is noted that targets have now	Noted

		been included under some of the development management policies such as DM1: Sustainable Design and DM3: Ecological Impact Assessment (below).	
Tunbridge Wells Borough Council	4. Objectives for the Minerals and Waste Local Plan Strategic Objective 4a	Welcomes that point 4a now includes reference to achieving a more Circular Economy and the word maximise has been added under point 15 in relation to achieving BNG in site restoration.	Noted
Tunbridge Wells Borough Council	4. Objectives for the Minerals and Waste Local Plan Strategic Objective 11	Suggests that enabling in objective 11 be replaced with 'empowering' the waste management industry...'	It is considered that 'enabling' is appropriate and reflects what the Plan can do in practice.
Tunbridge Wells Borough Council	5.1 Policy CSM 1: Sustainable Development	TWBC's comments to the previous consultation queried whether Policies CSM1 and policy CSW1, which relate to compliance with the NPPF are necessary. It was suggested that these two policies be deleted, and the wording used in the pre-text to them be reviewed, combined, and implemented as an overarching theme on Sustainability at the beginning of the Plan. It is noted that most of policy CSM1 has been deleted in the latest review, but the first paragraph about needing to comply with the NPPF remains – TWBC therefore still questions whether this policy is necessary, and our suggestion above remains. It is also considered that Policy DM1: Sustainable Design below sufficiently covers sustainable development requirements for minerals and waste developments.	Noted. See above.
Tunbridge Wells Borough Council	5.2 Policy CSM 2: Supply of Land-won Minerals in Kent	The changes are noted. With regard to sharp sand and gravel levels (under heading 1. Aggregates) it is considered to be unclear whether these will be maintained at a 7-year landbank figure. As per TWBC's comments on the previous consultation, it should also be noted that the requirement for Annual Monitoring Reports have been replaced by Authority Monitoring reports and it is suggested that this reference be updated in the supporting text and policy wording.	No change proposed - The Policy sets out that the 7-year landbank will be maintained 'for as long as reserves and potential resources allow.' The term Annual Monitoring Report is used throughout the plan as it has a clearer understanding for users.
Tunbridge Wells Borough Council	5.3 Policy CSM 3: Strategic Site for Minerals	It is noted that this policy has now been deleted as part of the latest review. TWBC does not wish to comment on this.	Deletion of Policy CSM 3: Strategic Site for Minerals will be subject to the results independent examination.
Tunbridge Wells Borough Council	5.9 Policy CSM 9: Building Stone in Kent Policy CSM 9, point 3	It is considered that criterion 3 in respect of site restoration is important and should be retained not deleted, in line with Policy DM19.	No change proposed. Policy DM 19: Restoration, Aftercare and After-use addresses the needs of high-quality restoration for all mineral sites. Deleted criterion 3 of Policy CSM 9: Building Stone in Kent represented an unnecessary repetition of this requirement.
Tunbridge Wells Borough Council	5.10 Policy CSM 10: Oil, Gas and Unconventional Hydrocarbons Paragraph 5.10.7	In response to the previous consultation TWBC pointed out that paragraph 5.10.7 of the supporting text to the Policy mentions that planning permission was granted (by KCC) in 2012 for exploratory drilling and oil and gas field testing in Bidborough and states that in 2022 the planning permission had not been implemented. Therefore, TWBC suggests that the status of this permission is reviewed, and the text amended accordingly. For example, it may hold the same status as the application referred to at paragraph 5.10.10 which says, 'This permission was not implemented and has now lapsed'.	The 2012 planning permission expired (TW/10/33) and no further application has come forward. Amend text (5.10.8) to note that permission was not implemented and has now lapsed.
Tunbridge Wells Borough Council	5.11 Policy CSM 11: Prospecting for Carboniferous Limestone	As per TWBC's response to the previous consultation, it is suggested that reference also be made to any necessary mitigation measures.	As set out above, CSM 11 is a strategic policy, and any necessary mitigation measures would be considered against the DM policies and therefore no changes are needed.
Tunbridge Wells Borough Council	6.1 Policy CSW 1: Sustainable Development	Please see comments on Policy CSM 1 above. The same comments also still apply to this Policy CSW1.	Noted. The structure of the plan provides strategic policies for minerals and waste separately and therefore lends itself to separate policies for CSM1 and CSW1. Policy DM1 provides the sustainable design policy considerations for both minerals and waste.
Tunbridge Wells	6.2 Policy CSW 2: Waste Hierarchy	Welcomes the new paragraph setting out what is expected of applicants in relation to a Circular Economy Statement for major applications.	The level of financial contributions required will be set on a case by case basis and informed by the Waste Disposal Authority.

Borough Council	and Policy CSW 3: Waste Reduction Paragraph 6.2.8	As per TWBC's comments on the previous consultation in relation to now paragraph 6.2.8 – Financial contributions, it is still considered that more information is needed about this or at least a point of reference where more information and a justification can be found such as in a Supplementary Planning Document; especially as the request for such contributions will potentially affect the viability of new development schemes. In addition, it is still considered that this policy would benefit from the inclusion of measurable targets.	The monitoring framework includes targets for monitoring Policies CSW2 and CSW3.
Tunbridge Wells Borough Council	6.3 Policy CSW 4: Strategy for Waste Management Capacity Net Self-sufficiency and Waste Movements	It is noted that the targets for recycling and composting set within the table of this policy now include figures up to 2040/41, and are generally welcomed.	Noted
Tunbridge Wells Borough Council	6.7 Policy CSW 7: Waste Management for Non-hazardous Waste	The changes are noted. TWBC does not wish to comment on this policy.	Noted
Tunbridge Wells Borough Council	6.8 Policy CSW 8: Other Recovery Facilities for Non-hazardous Waste Paragraph 6.8.2	The new wording at paragraph 6.8.2 setting out the requirements for the submission of a Waste Hierarchy Statement is welcomed.	Noted
Tunbridge Wells Borough Council	6.9 Policy CSW 9: Non Inert Waste Landfill in Kent Paragraph 6.9.4	The additional reference to the requirement for a Waste Hierarchy Statement at paragraph 6.9.4 is welcomed.	Noted
Tunbridge Wells Borough Council	6.18 Policy CSW 17: Waste Management at the Dungeness Nuclear Site	The additional paragraphs and changes are noted. TWBC does not wish to comment on this policy.	Noted
Tunbridge Wells Borough Council	7.1 Policy DM 1: Sustainable Design	The new additional wording relating to BNG and BREEAM standards is welcomed.	Noted
Tunbridge Wells Borough Council	7.2 Policy DM 2: Environmental and Landscape Sites of International, National and Local Importance and Policy DM 3: Ecological Impact Assessment Policy DM 2	The additional wording in relation to ancient and veteran trees and the justification for wholly exceptional circumstances is welcomed. However, it is noted that no other heritage assets have been added e.g. historic parks and gardens as requested by TWBC in our comments to the previous consultation.	Noted - Policy DM5 makes reference to Heritage Assets (including historic parks and gardens).
Tunbridge Wells Borough Council	7.2 Policy DM 2: Environmental and Landscape Sites of International, National and Local Importance and Policy DM 3: Ecological Impact Assessment Policy DM 3	The additional new wording in relation to maximising BNG is noted and welcomed. However, as per TWBC's comments on the previous consultation it is suggested that more information is provided on how BNG will be secured - what information should be submitted, whether any mitigation measures are required and how the site will be managed in the long term. A cross reference to Policy DM17: Planning Obligations may also be beneficial.	Further guidance will be provided once the Plan has been adopted.
Tunbridge Wells	7.4 Policy DM 5: Heritage Assets	As per TWBC's comments on the previous consultation, it is considered that other heritage assets such as ancient woodland should also be included in the policy. In addition, locally	Noted - Changes proposed to Policy DM 5 to address these comments and ensure consistency with the NPPF.

Borough Council	and Policy DM 6: Historic Environment Assessment Policy DM 5	listed assets now tend to be referred to as non-designated heritage assets (NPPF terminology) and it is suggested that the policy be amended to include reference to these. The level of harm (paras 199 to 202 of the NPPF) and the significance of heritage assets (para 197 of the NPPF) are key factors in the assessment of any development proposals affecting heritage assets and it is considered that some wording (as suggested below) should be included on this: <i>'Proposals should result in no unacceptable adverse impact on Kent's historic environment and, wherever possible, opportunities should be sought to enhance historic assets affected by the proposals. Minerals and/or waste proposals that would harm the significance of a heritage asset will not be granted planning permission unless it can be demonstrated that there is an overriding need for development and any impacts can be mitigated or compensated for, such that there is a net planning benefit, as set out in national policy for the historic environment.'</i>	
Tunbridge Wells Borough Council	7.4 Policy DM 5: Heritage Assets and Policy DM 6: Historic Environment Assessment Policy DM 6, criterion 1	As per TWBC's comments on the previous consultation and as set out under policy DM5 above, it is considered that this policy should include non-designated heritage assets. Also, that setting should be included in the wording as suggested below: Criterion 1 – <i>'A preliminary historic environment assessment, including field archaeological investigation and assessment of contribution towards setting where appropriate, to determine the nature and significance of the heritage assets.'</i>	Noted - Changes proposed to Policy DM 6 to address these comments.
Tunbridge Wells Borough Council	7.5 Policy DM 7: Safeguarding Mineral Resources and 7.6 Policy DM 8: Safeguarding Minerals Management, Transportation, Production & Waste Management Facilities	As you are aware the KMWLP forms part of the Development Plan for Tunbridge Wells. In the TWBC Submission Local Plan 2021 (SLP) (which is currently subject to examination), there is a section on the KMWLP in the introduction of the SLP which makes specific reference to policies DM 7 and DM 8. As per TWBC's comments on the previous consultation, it is noted that not many changes have been made to these policies. However, it is still considered that a link to the now named Safeguarding SPD within the supporting text would be helpful and that it also be named in the Policy boxes for clarity rather than it just saying, <i>'Further guidance on the application of this policy is included in a Supplementary Planning Document'</i> .	Any policy wording should not contain links to other documents that may become no longer available due to legislative changes, or because of web browser changes unrelated to the Plan document.
Tunbridge Wells Borough Council	7.7 Policy DM 9: Prior Extraction of Minerals in Advance of Surface Development	As per TWBC's comments on the previous consultation, it is considered that this policy should include reference to legal agreements in addition to planning conditions in terms of site restoration and after use.	Noted. Change policy wording to "...conditions will be imposed and, if appropriate, legal agreements will be entered into to ensure...."
Tunbridge Wells Borough Council	7.8 Policy DM10: Water Environment	As per TWBC's comments on the previous consultation it is considered that it would be appropriate for this policy to include biodiversity net gain. In addition, the policy refers to Environment Agency Flood Zones, but it is also suggested that it refers to Strategic Flood Risk Assessments (SFRAs), especially as a number of local Kent authorities have these (the list of which is included in your SFRA Position Statement forming part of this consultation). It is noted and welcomed that an additional paragraph has been added which makes reference to a Drainage and Planning Policy Statement which sets out guidance for major applications. It is suggested that it would be useful to provide a direct link to this document in the text.	It is considered that the inclusion of biodiversity net gain in Policy DM 10 would not be appropriate as it would replicate the role of Policies DM1, DM 2 and DM 3 which address this matter. The requirement for Flood Risk Assessments is set out in the supporting text for Policy DM10 in paragraph 7.8.3 and is it not considered appropriate for this to be included in the policy text.
Tunbridge Wells Borough Council	7.11 Policy DM 13: Transportation of Minerals and Waste Policy DM 13, point 3	The additional wording to provide clarification and the inclusion of and environmentally sustainable vehicle technologies under Criterion 3 of the Policy are welcomed.	Noted
Tunbridge Wells Borough Council	7.12 Policy DM 14: Public Rights of Way	Although it is noted that no reference is made to other forms of pathways and cycleways in addition to PROWs, as suggested in TWBC's comments to the previous consultation, the new additional wording to the supporting text and policy criteria is welcomed.	Noted

Tunbridge Wells Borough Council	7.14 Policy DM16: Information Required in Support of an Application	As per TWBC's comments on the previous consultation, we would query whether this should actually be a policy and whether the wording used would be best set out as an advisory section elsewhere in the plan. By way of assistance, at the recent hearings held for the examination of the Tunbridge Wells Local Plan, it was clearly explained by the Planning Inspector that the purpose of a development management policy is not to list information which should be submitted with an application. This would normally be sufficiently dealt with under the application validation process.	Noted - The Policy is considered justified on the basis that it provides advice for the required level of information to be submitted for mineral and waste development and will be assessed against the policies of the Plan. A similar style of policy in the adopted Plan has previously been found sound by the Planning Inspectorate.
Tunbridge Wells Borough Council	7.17 Policy DM 19: Restoration, Aftercare and After-use	As per TWBC's comments on the previous consultation, we consider that restoration should be for a 30-year period (not 5 years as stated in the policy) in line with the forthcoming Environment Bill. It is suggested that the 30 years should be secured through a Landscape and Ecological Management Plan (LEMP) and should be phased in conjunction with the extraction plan. However, the new additional wording in relation to recreational uses, BNG and impact and groundwater are welcomed.	No policy change required. Individual circumstances will indicate what length of restoration and aftercare management and monitoring will be required. A blanket 30-year requirement would not be applicable in every circumstance as the policy wording currently allows for.
Tunbridge Wells Borough Council	7.19 Policy DM 21: Incidental Mineral Extraction	As per TWBC's comments on the previous consultation, it is considered that this policy should include reference to legal agreements in addition to planning conditions.	No change to the policy required. The policy allows for voluntarily agreed longer periods "...through agreement between the applicant and minerals planning authority". As these have to be entered into voluntarily by both parties, they can be formal legal agreements, if that is deemed appropriate. The require formal binding legal agreements for longer than the statutorily required 5 years may not be appropriate, the policy retains greater flexibility currently worded.
Tunbridge Wells Borough Council	7.20 Policy DM 22: Enforcement	As per TWBC's comments on the previous consultation, we would query whether this should actually be a policy and whether the wording used would be best set out as an advisory section elsewhere in the plan.	No Policy change proposed. The County Council considers enforcement to be a critical element in minerals and waste planning, particularly given the scope for environmental damage that unauthorised waste and mineral development can result in. Therefore, having the weight of policy to undertake any required enforcement action strengthens the authorities ability to safeguard the environment.
Tunbridge Wells Borough Council	Monitoring Schedule	Following the revision of this section, TWBC would be grateful if KCC could confirm what indicators will need to be specifically monitored by TWBC.	Noted
Tunbridge Wells Borough Council	Sustainability Appraisal Scoping Report Section 3.3	TWBC welcomes the changes made to the SA Scoping Report including reference to the Environment Act 2021 and inclusion of the waste hierarchy, and only has the following comment to make on this report: Section 3.3 – it is suggested that references should be made to the AONB Management Plan, South-East Water Resource Management Plan, and the Kent Biodiversity Strategy in this section.	The Kent Biodiversity Strategy is included in Appendix A of the Scoping Report. The other two strategy documents have been reviewed and taken into account in defining the policy context.
Tunbridge Wells Borough Council	Strategic Flood Risk Assessment Position Statement (October 2022)	It is noted that the draft Kent Minerals and Waste Local Plan 2023-38 does not propose the allocation of any new sites. However, it is also noted that for the call for sites exercise being undertaken as an update to the Kent Minerals Sites Plan to identify land suitable for the working of crushed/hard rock, account will be taken of any impact on flood risk in the assessment of any nominated sites, which may then require an update to the SFRA. It is also noted that reference is made to the latest Tunbridge Wells SFRA (July 2019) to address flood risk and mitigation in this area. TWBC therefore has no further comments to make on the assumption that the SFRA will be reviewed following the call for sites process and at the next 5-year KMWLP review.	Noted
Tunbridge Wells Borough Council	Habitat Regulations Assessment	It is noted that the HRA relates to KMWLP Policy CSW 17: Nuclear Waste Treatment and Storage at Dungeness and the Dungeness, Romney Marsh and Rye Bay Special Protection Area (SPA). TWBC therefore has no further comments to make on the assumption that any other HRA requirements will be reviewed at the next 5-year KMWLP review	Noted

Table 5: Consultation with Kent District and Borough Councils - Further Proposed Changes - Regulation 18 Public Consultation - June 2023 to July 2023

Invited to comment on Draft Kent Minerals and Waste Local Plan 2024-39 Further Proposed Changes - Regulation 18 Public Consultation - June 2023 to July 2023

Kent District/ Borough	Section	Summary of Representation	Outcomes/KCC Response
Ashford Borough Council	Further Proposed Changes	Refer to Ashford Borough Council's letter and accompanying Appendix A of 19 th December 2022 to the previous Regulation 18 consultation which remain unchanged.	Noted
Canterbury City Council	Further Proposed Changes	No objection to proposed changes.	Noted
Dover District Council	Further Proposed Changes	No comments.	Noted
Ebbsfleet Development Corporation	Further Proposed Changes	No comments on further proposed changes and refer to Ebbsfleet Development Corporation letters dated February 2022 and November 2022 in response to the previous Regulation 18 consultations of which the comments still stand.	Noted
Gravesham Borough Council	Further Proposed Changes - Section 2 CSM2	<p>Note that while there have been reduced sales of sharp sand and gravel, thus extending the life of existing sites, even if allocated sites were brought forward, the additional supply created would still be insufficient to meet the increased requirement for sharp sand and gravel over the extended Plan period. Rather than monitoring and undertaking an early review on this aspect of the Plan to assess the supply position (say as part of the five-year plan review) to determine whether additional allocations are required going forward, it is proposed to rely on imported material to address any shortfall over the Plan period. No indication of the level of importation that may be required to address this shortfall or an assessment of the impact this will have in terms the wharves that will receive such imports and associated landside impacts that may be generated, such as pollution and traffic generation.</p> <p>The accompanying May 2023 draft sustainability appraisal report on page 86 advises for CSM 2 for transport "By ensuring sufficient minerals are available for extraction, the policy will support provision to meet expected market needs and so avoid the need for transport of mineral from further afield" and then gives a positive score for the SA objective of transport for CSM 2. This does not feel consistent with the proposed increased reliance on importation of sharp sand and gravel over the plan period.</p> <p>GBC considers that rather than deciding to rely on increased importation, the sharp sand and gravel supply position should be monitored, and a focussed review of the position undertaken as part of the 5 year Plan review, with the option of allocating additional sites if required This is the approach proposed for soft sand set out in Figure 2A of the draft Kent Mineral Sites Plan, and there would appear no reason why the same approach could not be adopted in respect of sharp sand and gravel.</p>	<p>The additional 2.5mt of sharp sand and gravel resources that may come forward from the Mineral Sites Plan, together with extant reserves will ensure that an at least 7-year land bank is maintained over the entire anticipated Plan period. This is a result of the fact that the 10-year sales average of land-won sharp sands and gravel has fallen to a degree that the calculation of need now is less than the combination of allocated resources and the remaining permitted reserves of this mineral. Importation via wharves and rail depots are becoming increasingly important in overall supply, while allocated resources are not being brought forward as planning applications.</p> <p>The policy is worded in terms of sharp sand and gravel supply "...for as long as resources allow" that is considered to be reflected in the SA of the Plan. Therefore, it is recognised by the SA, that importation of this aggregate type will, at some point, overtake land-won supply. However, there is now technically sufficient reserves and allocated resources to maintain a at least 7-year landbank of this mineral for the entire Plan period, plus a surplus.</p> <p>If the industry is of the view that they do not wish to bring forward allocated resources and increase importation, they cannot be compelled to do so. The Plan meets the NPPF's requirements in regard to sharp sands and gravels. The geology of Kent is such that the mineral is becoming scarce and there was always going to be a point where the emphasis between land-won supply dominance to increasing importation would occur. It appears that point has or will be soon reached.</p> <p>This is what is happening, monitoring shows that over the Plan period (2024-39) the combination of extant reserves and allocated resources will provide an at least 7 -year landbank over the Plan period and give a surplus. There is no requirement to identify any further allocations in a reviewed Mineral Sites Plan at this time. Policy CSM 2 is entirely in accordance with the NPPF's requirements to plan for a steady and adequate supply of land-won sharp sands and gravels.</p>
Gravesham Borough Council	Further Proposed Changes Paragraph 6.3.3	GBC notes this change but does not wish to raise any comment at this stage.	Noted
Gravesham Borough Council	Further Proposed Changes CSW5	GBC notes that the original allocation at Norwood Farm was made to address the risk that alternative viable methods of processing Air Pollution Control Residue (APCr) would not be available over the plan period to treat the APC type residues produced by Allington EfW. It is also noted that the evidence shows that that there will be sufficient landfill capacity in Kent to address hazardous waste produced by the Allington EfW over the whole plan period (capacity would run out by 2038) but that the growth in alternative methods for managing APCs both in Kent and elsewhere, should address this shortfall. GBC supports the use of alternative methods of processing this waste to avoid the use of landfill sites and given that any future shortfall in landfill provision for this type of hazardous waste can be addressed through a future planning application, albeit there may be a delay, supports the deletion of the Norwood Farm allocation.	Noted

Gravesham Borough Council	Draft Sustainability Appraisal Report - Reg 18 Consultation - May 2023	The accompanying May 2023 draft sustainability appraisal report on page 86 advises for CSM 2 for transport "By ensuring sufficient minerals are available for extraction, the policy will support provision to meet expected market needs and so avoid the need for transport of mineral from further afield" and then gives a positive score for the SA objective of transport for CSM 2. This does not feel consistent with the proposed increased reliance on importation of sharp sand and gravel over the plan period.	The assessment has been amended to distinguish the case of sharp sand and gravel, for which it is expected that imports of land-won and marine aggregates will increasingly replace sharp sand and gravel from Kent.
Gravesham Borough Council	Kent Waste Needs Assessment 2022 Update - Hazardous Waste Management Requirements in Kent to 2039 - May 2023	No comments.	Noted
Swale Borough Council	Further Proposed Changes	No comments.	Noted
Thanet District Council	Further Proposed Changes	No comments.	Noted
Tonbridge and Malling Borough Council	Further Proposed Changes	Acknowledge further proposed changes to policies CSM2, CSW5, paragraph 6.3.3 and extension of plan period to 2039 and have no concerns.	Noted
Tunbridge Wells Borough Council	Further Proposed Changes - Section 2 CSM2	Agree - It is noted that the identified quantities for each mineral type have been recalculated to reflect the extended Local Plan period (extended from 2038 to 2039) and are based on predicted sales. Our response 'yes' is based on the assumption that site allocations in the updated Mineral Sites Plan will come forward to sustain supplies over the plan period and adequately address any shortfalls going forward.	Noted. The County Council remains of the view that the existing allocation will come forward to ensure a steady and adequate supply of soft sand reserves for the majority of the Plan period.
Tunbridge Wells Borough Council	Further Proposed Changes Paragraph 6.3.3	Agree - TWBC considers that no other changes are needed, and it is good to note that London is now able to be self-sufficient in this regard.	Noted
Tunbridge Wells Borough Council	Further Proposed Changes CSW5	Agree - TWBC supports the management of waste in accordance with the implementation of the waste hierarchy (as set out in our comments to the previous KMWLP consultation) and notes that retaining the allocation for the extension of Norwood Quarry would no longer be consistent with the waste hierarchy and that there are alternative means of dealing with the disposal of hazardous flue ash. Therefore, no objection is raised to the deletion of Policy CSW5 on the basis that the provision of such alternative means is safe and of sufficient capacity to cover the whole of the Plan period.	Noted
Tunbridge Wells Borough Council	Draft Sustainability Appraisal Report - Reg 18 Consultation - May 2023	Welcomes that most of the changes suggested by TWBC in the previous KWMLP consultations have now been addressed in both the Sustainability Appraisal and the non-technical summary. TWBC has no further comments to make in respect of these documents.	Noted
Tunbridge Wells Borough Council	Kent Waste Needs Assessment 2022 Update - Hazardous Waste Management Requirements in Kent to 2039 - May 2023	TWBC notes the requirement for on-going engagement under the Duty to Cooperate to establish that the current patterns of hazardous waste management can continue for the Plan period i.e., there will be adequate capacity going forward to manage hazardous waste which is produced within Kent but then transferred and managed outside of Kent and agrees with this suggested approach. TWBC also notes the overall conclusion of the report is that Policy CSW12 of the updated KMWLP makes adequate provision for the management of hazardous waste throughout the Plan period, and generally agrees with this approach.	Noted

Tunbridge Wells Borough Council	Further Proposed Changes	Welcomes that TWBCs comments from the previous consultation are included in the Consultation Summary Document October to December 2022. However, no response is provided in the summary table to establish whether these comments have or will be addressed and/or incorporated into the next version of the KMWLP and no updated full KMWLP itself has been provided as part of the current consultation to review this. It is appreciated that you may still be working on this and TWBC would like the opportunity to comment on any revisions made in the future.	Noted. This table has now been produced which summaries the representations received to the Regulation 18 public consultation from October to December 2022, as well as the Regulation 18 public consultation on the further proposed changes from June to July 2023, and provides a response on how these have been addressed.
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Statements of Common Ground (SOCG)

- 3.4 The National Planning Policy Framework (NPPF) notes that effective and ongoing joint working can be evidenced via the preparation of ‘statements of common ground’ between DtC bodies.
- 3.5 A number of Statements of Common Ground (SOCG) with Kent District and Borough Councils were prepared as part of earlier Local Plan work on mineral and waste safeguarding matters and in response to the District/Borough Councils Local Plan work. The County Council has engaged in dialogue with the District and Borough Councils to establish whether the SOCGs require any revisions following publication of the Pre-Submission Draft of the Kent Minerals and Waste Local Plan 2024-39. Table 6 below sets out the current position in respect of the SOCGs. Work on progressing the SOCGs will continue following submission of the Draft Local Plan:

Table 6: Summary of Statements of Common Ground with Kent District and Borough Councils including the Ebbsfleet Development Corporation

Kent District/Borough Council	Existing SOCG?	Current Position
Ashford Borough Council	Y	Work is ongoing with Ashford Borough Council to update the June 2018 SOCG. This will continue to progress following submission.
Canterbury City Council	Y	An updated SOCG has been agreed dated April 2024 and is attached in Appendix 4.
Dartford Borough Council	Y	No update required to June 2022 SOCG at this time. Open to future ongoing dialogue if needed.
Dover District Council	N	No SOCG in place. Dover District Council comments on the Pre-Submission Draft of the KMWLP 2024-39 were generally supportive. Open to future ongoing dialogue if needed.
Ebbsfleet Development Corporation	Y	An updated SOCG has been agreed dated April 2024 and is attached in Appendix 5.
Folkestone and Hythe District Council	N	No SOCG in place. Open to future ongoing dialogue if needed.
Gravesham Borough Council	N	No SOCG in place. Open to future ongoing dialogue if needed.
Maidstone Borough Council	Y	Work is ongoing with Maidstone Borough Council to update the September 2019 SOCG. This will continue to progress

		following submission. Currently awaiting signing off via the Borough Council's governance processes.
Sevenoaks District Council	Y	Work is ongoing with Sevenoaks District Council to update the September 2019 SOCG. This will continue to progress following submission.
Swale Borough Council	Y	No update required to July 2019 SOCG at this time. Open to future ongoing dialogue if needed.
Thanet District Council	N	Agree that no SOCG is needed at this time. Open to future ongoing dialogue if needed.
Tonbridge and Malling Borough Council	Y	An updated SOCG has been agreed dated April 2024 and is attached in Appendix 6.
Tunbridge Wells Borough Council	Y	Work is ongoing with Tunbridge Wells Borough Council to update the February 2022 SOCG. This will continue to progress following submission.

- 3.6 The County Council has also engaged with the Borough and District Councils on their emerging Local Plans and commented on planning applications that affect minerals and waste interests. In particular, ensuring that the minerals and waste management safeguarding implications are considered for any potential development. This engagement seeks to ensure that the County Council's Local Plan is not undermined.
- 3.7 As part of this work a Statement of Common Ground between Maidstone Borough Council and Kent County Council (Minerals) in respect to the allocation of Heathlands Garden Settlement, Lenham Heath, Maidstone has been agreed. The Heathlands development affects the allocated soft sand site in the adopted Kent Mineral Sites Plan 2020 and the Council's soft sand strategy. The agreed SOCG seeks to ensure that the mineral is not sterilised, and is worked prior to any Heathlands development coming forward.

4 Engagement with Neighbouring Minerals and Waste Planning Authorities

4.1 As part of its plan making process, the County Council has engaged with neighbouring Minerals and Waste Planning Authorities on its emerging Local Plan work. The section below sets out the activities that have taken place in relation to engaging with these parties. This includes active participation as a member of minerals and waste joint working groups, individual engagement with a number of specific authorities on certain matters of relevance to particular authorities, and the preparation of a joint position statement on soft sand. In addition, the engagement also included invitations to comment at the various Regulation 18 public consultation stages.

South East Waste Planning Advisory Group (SEWPAG)

4.2 SEWPAG is a technical group, comprising all Waste Planning Authorities in the South East and the waste industry, that considers matters concerning waste capacity requirements and changes in waste arisings across the region to assist in the effective planning of sustainable waste management. The membership is as follows:

- Hampshire County Council
- East Sussex County Council
- South Downs National Park Authority
- Milton Keynes Council
- Medway Council
- Oxfordshire County Council
- West Sussex County Council
- Kent County Council
- Brighton and Hove City Council
- Slough Borough Council
- West Berkshire Council
- Isle of Wight Council
- Royal Borough of Windsor and Maidenhead
- Buckinghamshire County Council
- Surrey County Council
- Bracknell Forest Council

4.3 KCC officers have regularly attended SEWPAG meetings which are held quarterly to discuss and advise on waste planning issues, such as waste management capacity, which cross administrative boundaries. Such meetings are also used to share knowledge and learn more about technical matters relating to waste management. Updates on waste local plans and national

waste planning policy are also discussed as well as matters regarding relevant planning applications and appeals.

- 4.4 As part of the SEWPAG engagement, the County Council is signatory to a Statement of Common Ground between Waste Planning Authority members of the South East Waste Planning Advisory Group Concerning Strategic Policies for Waste Management (March 2020). Details are shown in Appendix 7.

South East England Aggregates Working Party (SEEAWP)

- 4.5 SEEAWP is technical working party for aggregate mineral planning purposes and includes the mineral planning authorities (MPAs) in the south east of England and representatives from the mineral industry who operate in this area. Key activity of the Group is to coordinate yearly aggregate mineral monitoring across the south east and to review the Local Aggregate Assessments (LAAs) produced by the MPAs. These then inform the Annual Monitoring Report (AMR) for aggregate sales and reserves that in turn inform the Government's national planning policy requirements. Individual Mineral Planning Authority's LAAs are discussed by the Technical Working Group which aids understanding of how aggregate trends are changing in the south east.

- 4.6 The Minerals Planning Authorities represented at SEEAWP comprise the following authorities:

- Brighton & Hove City Council
- Buckinghamshire County Council
- East Sussex County Council
- Hampshire County Council
- Isle of Wight Council
- Kent County Council
- Medway Council
- Milton Keynes Council
- Oxfordshire County Council
- Portsmouth City Council
- Reading Borough Council
- Royal Borough of Windsor and Maidenhead
- Slough Borough Council
- South Downs National Park Authority
- Southampton City Council
- Surrey County Council
- West Berkshire Council
- West Sussex County Council
- Wokingham Borough Council

- 4.7 These authorities are all members of the South East England Aggregate Working Party (SEEAWP) and each is responsible for planning for the supply of minerals in their areas, through the preparation of minerals local plans.
- 4.8 The County Council has worked with a number of mineral planning authorities to agree a position statement on soft sand. The purpose of the Soft Sand Position Statement 2023 is to provide an agreed source of evidence and current policy on the issue of soft sand supply in the South East. The Position Statement underpins effective cooperation and collaboration between the Minerals Planning Authorities of the South East of England in addressing the strategic cross-boundary matter of soft sand supply. A separate Statement of Common Ground (SoCG) on Soft Sand between Kent County Council, West Sussex County Council, East Sussex County Council, Brighton & Hove City Council, South Downs National Park Authority and Maidstone Borough Council was prepared in July 2022. The Soft Sand Position Statement 2023 is attached as Appendix 8 and the SOCG is attached at Appendix 9.
- 4.9 The text of the draft Statement of Common Ground between Kent County Council and Medway Council (Appendix 10), and the draft Statement of Common Ground between Kent County Council and Surrey County Council (Appendix 11) has been agreed by the Councils. Planning Practice Guidance anticipates that aggregate working parties may be additional signatories to Statements of Common Ground concerning supply of aggregate. In light of this, these SOCGs were included on the agenda for consideration at the South East England Aggregate Working Party (SEEAWP) meeting on the 7th May 2024. The position of SEEAWP is to be confirmed and therefore the draft SOCGs are appended.

Minerals and Waste Planning Officers Society Learning Group

- 4.10 KCC officers also attend a national group of Minerals and Waste Planning Authorities, convened by the Planning Officers' Society to exchange information on minerals and waste planning policy. Local experience and knowledge is shared on a collegiate basis to improve plan making knowledge and skills. These meetings are held quarterly.
- 4.11 This includes representatives from the following local authorities:

- Cheshire East County Council
- Dorset County Council
- East Sussex County Council
- Essex County Council
- Hampshire County Council
- Hertfordshire County Council
- Kent County Council
- Lincolnshire County Council

- Norfolk County Council
- Oxfordshire County Council
- South Downs National Park Authority
- Surrey County Council
- West Berkshire County Council
- West Sussex County Council
- Worcestershire County Council

4.12 KCC officers have regularly attended POS meetings which are held quarterly to discuss and advise on minerals and waste planning considerations. Such meetings are used to share knowledge and best practice and provide updates to inform minerals and waste local plan matters. It also provides an opportunity for briefings on emerging legislation, case law and appeals.

Medway Council

4.13 A SOCG between Medway Council and KCC concerning strategic waste management and minerals supply was agreed in October 2020. This SOCG has been reviewed and updates to the text were agreed by the Councils in April 2024. This SOCG was included on the agenda for consideration at the South East England Aggregate Working Party (SEEAWP) meeting on the 7th May 2024. The position of SEEAWP is to be confirmed and therefore the draft SOCG is appended (Appendix 10).

Other Neighbouring Minerals and Waste Planning Authorities

4.14 The following additional neighbouring Minerals and Waste Planning Authorities were consulted on the need for a Statement of Common Ground with Kent County Council and did not indicate that this was necessary:

- Essex County Council;
- West Sussex County Council; and
- East Sussex County Council.

Engagement

4.15 In addition to the above, as part of the Duty to Cooperate requirements, the County Council wrote to the planning policy team of each of the neighbouring Minerals and Waste Planning Authorities, drawing attention to the public consultations, inviting them to make comments, and provided an opportunity to seek further information or raise queries with the County Council's Planning Policy Team. In addition, the County Council drew attention to its Regulation 18 public consultations at the above cross local authority meetings.

4.16 The tables below summarise the engagement specifically as a result of the Regulation 18 public consultations with the neighbouring Minerals and Waste

Planning Authorities, along with the County Council's response and, where justified, changes to the Plan's policy and supporting text as a result of the engagement. The representations received in response to the Regulation 19 public consultation on the Pre-Submission Draft of the Kent Minerals and Waste Local Plan 2024-39 have not been summarised in the tables below as they have been submitted in full as part of the submission of the Local Plan to the Planning Inspectorate for Independent Examination.

Table 7: Consultation with neighbouring Minerals and Waste Planning Authorities- Regulation 18 Public Consultation - December 2021 to January 2022

Invited to comment on the Kent Minerals and Waste Local Plan 2013-30 Refresh - Regulation 18 Public Consultation - December 2021 to January 2022

Name of MWPA	Section	Summary of Representation	Outcomes/KCC Response
East Sussex County Council	Miscellaneous	<p>The Plan has been reviewed & content and the approaches being proposed in respect of minerals and waste management provision have been noted. At this time, no specific comments on the proposed refresh.</p> <p>Look forward to continued cooperation & engagement as the Plan develops. Hoped that should any issues arise, these can be addressed through a Statement of Common Ground (SoCG).</p>	Noted
Durham County Council	All	<p>Advise do not consider it necessary to provide specific comments on provisions of draft plan. Judgement based on geographical distance, resultant flows of waste between authorities, known flows of minerals between NE England and SE England, and geology of retrospective areas. FYI:</p> <ul style="list-style-type: none"> - In terms of waste, according to EA Waste Data Interrogator 2022 we understand that in 2021 only 656 tonnes of waste originating from Kent was received in County Durham, with the majority being received at one site (655 tonnes). Similarly, we understand that in 2021, 8,108.7 tonnes of waste originating from County Durham was received in Kent, the majority being paper and cardboard waste at Kemsley Paper Mill. - In terms of minerals, information on flows of minerals between our respective authorities is not available, but we do understand that only 3,000 tonnes of aggregates was consumed in the entire south east in 2019, (Source - Table 5b Consumption of primary aggregates by region in 2019: South East - Collation of the results of the 2019 Aggregate Minerals Survey for England and Wales). - In terms of nationally significant minerals, we do also understand that Kent contains deposits of high purity silica sand (the Folkstone Formation) and that your Local Plan Annual Monitoring Report demonstrates that reserves are potentially over 25 years. This mineral resource is mentioned in this response, solely because County Durham also contains deposits of silica sand. <p>County Durham Plan:</p> <ul style="list-style-type: none"> - Policy 56 safeguards area of silica sand in County Durham - Policy MW14 of the emerging Publication Draft Minerals and Waste Policies and Allocations <p>Document addresses a range of minerals which are not extracted within County Durham today including silica sand. Consultation on this emerging plan commences on 28 November 2022. Draft Plan also includes a paragraph (6.16) that explains in relation to silica sand that - 'The resource in County Durham consists of deeply weathered sandstones within the Millstone Grit. In the past this resource has been worked for use as naturally bonded foundry sands. Such sands were formerly of importance to the early development of the foundry castings industry. In recent years there has only been one active silica sand quarry in County Durham, this being Weatherhill Quarry, north of Stanhope. This sand was used to optimise the chemistry of the feed for the manufacture of cement at Eastgate. However, Eastgate Cement Works closed in 2002 and since that date production of this sand declined significantly and then ceased upon Weatherhill Quarry's closure in 2011. Due to limited information, it is not known whether this silica sand resource meets current industry specifications.' Further information in paragraph 6.21.</p>	Noted
Medway Council	Miscellaneous	<p>Understood that the proposed revisions will not change Kent's waste management and minerals supply in future. The proposed revisions respond to government legislation and policy since the plan was adopted in 2016.</p> <p>A SoCG between Medway Council and KCC concerning strategic waste management and minerals supply was agreed in October 2020. Medway Council is preparing planning policies on waste management and minerals supply to be included in the new Local Plan. The SoCG will need to be updated as part of our ongoing engagement through the DtC.</p>	The need to update the Statement of Common Ground (SoCG) is noted. KCC will work constructively with Medway Council to prepare an appropriately updated Statement of Common Ground.
Surrey County Council	Miscellaneous	No comments to make.	Noted.

West Sussex County Council	2.4 Kent's Waste Infrastructure Para 2.4.6	Paragraph could be read as only waste arising in bordering authority areas travel in to/out of the Kent Plan area. It could be clarified to include reference to waste traveling beyond those authorities bordering Kent.	Agree - change made
West Sussex County Council	Vision	The amendments proposed to the Vision are supported.	Noted
West Sussex County Council	Policy CSM 2 - Supply of Land-won Minerals in Kent	The supporting text for the policy has been updated to provide new provision figures (summary at para 5.2.26), however the data is not then included in the policy itself, meaning the policy data is out of date and not consistent.	In the emerging plan policy, there is no longer the intention for the policy to set out the details of the landbank life and the data for specific aggregate requirements. This is because these are reviewed and changed on an annual basis via the Local Aggregate Assessment and monitoring process. Given the data in the Local Aggregate Assessment (LAA) changes annually, fixed data in policy would only be correct for the year that the Plan was prepared. The suggested approach, which requires aggregate demand to be informed by the annual Local Aggregate Assessment data, is considered more robust and informative for those using the policy.
West Sussex County Council	Policy CSM 9 - Building Stone in Kent	Reference to "small scale" is being proposed to be deleted from the policy, however FN68 is not marked for deletion, which may cause confusion.	Agree - change made
West Sussex County Council	Biodiversity Net Gain reference	Inconsistency across the refreshed plan regarding Biodiversity Net-Gain, whereby some policies to refer to net gain generally (CSM8, CSW17, DM19) and other policies and the supporting text (7.2.4) refer to at least 10% (DM3).	Text updated and amended to ensure that maximum practicable biodiversity net gain is sought rather than setting a minimum 20% target as this may be seen as a ceiling resulting in reduced biodiversity net gain, especially from the restoration of mineral workings. In addition, with regard to minerals and waste development there is no evidence to support a specific 20% minimum target. Related change also made to Policy DM19 on restoration.

Table 8: Consultation with neighbouring Minerals and Waste Planning Authorities - Regulation 18 Public Consultation - October 2022 to December 2022

Invited to comment on draft Kent Minerals and Waste Local Plan 2023-38 - Regulation 18 Public Consultation - October 2022 to December 2022

Name of MWPA	Section	Summary of Representation	Outcomes/KCC Response
East Sussex County Council and Brighton and Hove City Council	3. Spatial Vision for Minerals and Waste in Kent Points 1 and 3	Pleased that the Spatial Vision for Minerals and Waste in Kent points 1 and 2 now recognises the contribution that will be made to the needs of Kent “and beyond” and assumes that this latter reference would apply to the East Sussex, South Downs and Brighton and Hove Plan Area.	Noted
East Sussex County Council and Brighton and Hove City Council	5.2 Policy CSM 2: Supply of Land-won Minerals in Kent Paragraph 5.2.6	Paragraph 5.2.6 recognises that soft sand supplies in Kent are relatively abundant, whereas they are scarce in other parts of the South East with Kent sites continuing to be important for mortar and asphalt production.	Noted
East Sussex County Council and Brighton and Hove City Council	5.2 Policy CSM 2: Supply of Land-won Minerals in Kent Paragraph 5.2.22	Note the current position regarding soft sand supply set out in paragraph 5.2.22, in particular the potential shortfall at the end of the plan period. It is also noted that the Plan states that the estimate of available reserves and sales rates will likely change over time and there is the potential for the maintained soft sand landbank requirement to increase or decrease over time. As the landbank will be around 20 years at the start of the plan period (taking account of the Chapel Farm allocation), any increase in depletion rates will be revealed by annual aggregate monitoring well ahead of the landbank decreasing below 7 years. On this basis we assume that soft sand supply will be carefully and regularly monitored and any potential issues for the area beyond Kent would be flagged up early. We therefore look forward to continuing to work together and further discussions as necessary relating to the soft sand SoCG agreements	Noted. The County Council and East Sussex County Council will continue to engage via DtC and the SEEAWP process to ensure all necessary discussions and SoCG and Soft Sand Position Statements reflect the authorities joint understanding of landbanks and need as they change through time.
East Sussex County Council and Brighton and Hove City Council	5.2 Policy CSM 2: Supply of Land-won Minerals in Kent Policy CSM 2 Soft Sand	The South East England Mineral Planning Authorities have agreed a Joint Position Statement on Soft Sand that sets out the overall supply position within the South East and is designed to underpin statements of common ground (SoCG) between authorities in the South East. Recognising the strategic nature of soft sand provision, as part of their Duty to Cooperate responsibilities, ESCC together with their partner Authorities the South Downs National Park Authority and Brighton & Hove City Council, have signed a revised SoCG to accompany their joint Revised Policies document (RPD). The RPD is currently under Examination and Hearings were held in November 2022. Kent is one of the co-signatories to the soft sand SoCG along with other proximate Mineral Planning Authorities. The SoCG sets out the agreed position between the parties on planning for soft sand. In recent years all soft sand supplied to the East Sussex, South Downs and Brighton & Hove (ESSDB&H) Plan Area has been by imports, including from Kent. ESCC would therefore be concerned if proposals in the draft Kent Minerals and Waste Local Plan were to threaten the steady and adequate supply of soft sand material to the ESSDB&H Plan Area.	Noted. The County Council is a participant in the drafting of the Soft Sand Position Statement for the Minerals Planning Authorities in the South East to ensure that the County Council’s mineral supply strategy, addresses the strategic cross-boundary matter of soft sand supply. This includes supply to the more constrained the steady and adequate supply of soft sand material to the ESSDB&H Plan Area.
South Downs National Park Authority	3. Spatial Vision for Minerals and Waste in Kent Points 1 and 3	Welcomes additional text proposed at point one and point three of the Spatial Vision for Minerals and Waste in Kent. This recognises the important role Kent has in ensuring a steady and adequate supply of regionally important minerals beyond the boundary of Kent.	Noted
South Downs National Park Authority	5.2 Policy CSM 2: Supply of Land-won Minerals in Kent Paragraph 5.2.22	Note the current position regarding soft sand supply set out in paragraph 5.2.22, in particular the potential shortfall at the end of the plan period. It is also noted that the Plan states that the estimate of available reserves and sales rates will likely change over time and there is the potential for the maintained soft sand landbank requirement to increase or decrease over time. As the landbank will be around 20 years at the start of the plan period (taking account of the Chapel Farm allocation), any increase in depletion rates will be revealed by annual aggregate monitoring well ahead of the landbank decreasing below 7 years.	Noted. The County Council and South Downs National Park Authority will continue to engage via DtC and the SEEAWP process to ensure all necessary discussions and SoCG and Soft Sand Position Statements reflect the authorities joint understanding of landbanks and need as they change through time.
South Downs National Park Authority	5.2 Policy CSM 2: Supply of Land-won Minerals in Kent Policy CSM 2	The Soft Sand resource within the South Downs National Park is located in the Folkstone Formation which extends westwards from the north west of Lewes in East Sussex, across West Sussex and into Hampshire to Petersfield. This area of soft sand within the Folkstone formation is heavily constrained by the National Park designation. The provision of Soft Sand in the South East is a strategic cross boundary matter and the Minerals Planning Authorities in the South East have a history of working closely to ensure a steady and adequate supply of Soft Sand is maintained in the region. A Soft Sand Position Statement has been prepared by the Minerals	Noted Noted. The County Council is a participant in the drafting of the Soft Sand Position Statement for the Minerals Planning Authorities in the South East to

	Soft Sand	<p>Planning Authorities in the South East to provide an agreed source of evidence and current policy on the issue of soft sand supply. The Position Statement underpins effective cooperation and collaboration between the Minerals Planning Authorities of the South East in addressing the strategic cross-boundary matter of soft sand supply.</p> <p>Our Authorities have previously agreed Statements of Common Ground on the provision of Soft Sand, most recently for the East Sussex, South Downs and Brighton and Hove Revised Policies Document Examination, and we look forward to continuing our work with Kent County Council on strategic matters including the provision of Soft Sand.</p>	<p>ensure that the County Council's mineral supply strategy, addresses the strategic cross-boundary matter of soft sand supply.</p> <p>Noted</p>
Surrey County Council	All	No comments to make on consultation.	Noted
West Sussex County Council	5.2 Policy CSM 2: Supply of Land-won Minerals in Kent	<p>It is noted that with regards to soft sand and crushed rock that the policy wording includes the wording "at least equal to the 7-year landbank", whilst for Sharp sand and gravel, the wording exclude "at least". Should this be the case for sharp sand and gravel also, making it consistent with the clause for other aggregates and in line with NPPF wording (para 213f)?</p> <p>We look forward to continuing to work with Kent County Council on strategic matters, such as aggregates supplies and waste movements, through our various position statements and statements of common ground.</p>	<p>Agree - Change proposed to address this comment.</p> <p>Noted - Continued engagement is welcomed by the County Council.</p>

Table 9: Consultation with neighbouring Minerals and Waste Planning Authorities - Regulation 18 Public Consultation - June 2023 to July 2023

Invited to comment on Draft Kent Minerals and Waste Local Plan 2024-39 Further Proposed Changes - Regulation 18 Public Consultation - June 2023 to July 2023

Name of MWPA	Section	Summary of Representation	Outcomes/KCC Response
East Sussex County Council	Further Proposed Changes Soft Sand	The provision of soft sand is a strategic cross-boundary matter for the South East Mineral Planning Authorities (MPAs) as it is an important aggregate mineral that, for certain end uses, cannot be substituted by other materials. As you will be aware ESCC and Kent are both party to the Soft Sand Position Statement (2019) and the Soft Sand SOCG (July 2022). The entirety of the soft sand resource in the ESSDB&H Plan Area is located within the South Downs National Park. Currently all supplies to the Plan Area are met by imports. We are aware that the SDNPA will be submitting a response on the Kent CC Plans relating to future provision of soft sand. We endorse this response as far as it relates to soft sand in our Plan Area.	Noted. It is understood that the remaining soft sand resources in the ESSDB&H area are within the South Downs National Park, and therefore there may be a significant protected landscape designation that would impinge on the planning of soft sand in this authority's area.
East Sussex County Council	Further Proposed Changes Hard Rock	<p>There are no hard rock quarries or provision for land-won hard rock in the East Sussex, South Downs and Brighton & Hove (ESSDB&H) Waste and Minerals Local as there are no geological resources in the Plan Area. Hard rock, often in the form of crushed rock, is currently imported to the ESSDB&H Plan Area via rail heads and wharves. The British Geological Study 2019 states that of the 295,000t of hard rock consumed in the ESSDB&H Plan Area, 10-20% was likely supplied from the Kent plan area.</p> <p>ESCC is party to a Statement of Common Ground (SOCG, 2022) regarding the cross-boundary supply of aggregates which is co-signed with Kent County Council (KCC) and other proximate mineral planning authorities. In this SOCG the signatories agree that the safeguarding of minerals sites and infrastructure is crucial for the continued cross-boundary supply and movement of aggregates. The signatories also do not identify any significant barriers to the supply of aggregates to the ESSD&BH Plan Area.</p> <p>In this context, as the ESSDB&H Plan Area is unable to provide for land-won hard rock, then the development of additional hard rock extraction in a neighbouring mineral planning authority area which could assist in providing supply to the ESSDB&H Plan Area would therefore be supported in principle.</p> <p>It is however acknowledged that the amendments to policy CSM 2 to increase the requirement for the amount of hard rock provision to cover the projected shortfall within the Kent Plan Area may not result in any further importation of hard rock into the ESSD&BH Plan Area. It is recognised that the hard rock from any extension to Hermitage Quarry may remain within the Kent Plan Area for consumption to make up for the large shortfall.</p> <p>It is noted that extracted rock from the existing Hermitage Quarry is removed from site by road rather than rail. In view of the extension site location close to the nearby rail line, we assume that the option of rail exports has been investigated. Rail export from the site would obviously be preferable to road traffic in terms of reducing carbon emissions.</p> <p>ESCC is therefore broadly supportive of the proposal to provide for the additional hard rock site at Hermitage Quarry in the Kent Mineral Sites Plan. Hard rock requirements within the ESSDB&H Plan Area are met by importation and it is considered that the addition of this quarry extension could help with security of supply within the south-east.</p>	<p>Noted. The County Council is aware that in the South East hard (crushed) rock from Kent plays a part in mineral supply over a larger than Kent area.</p> <p>Noted. Mineral supply over different boundaries often relies on maintaining mineral importation and handling facility safeguarding, the County Council is committed to maintaining high a degree of safeguarding of such facilities.</p> <p>Noted. The South East is geologically more limited to softer rocks. Kent's Ragstone (Hythe Formation) is not typical to the region.</p> <p>Noted. Patterns of supply are not monitored which high frequency to establish where materials are consumed. However, sales averages are monitored yearly to inform the mineral supply system.</p> <p>Rail export has not been part of the promoted site's transportation of exploited mineral reserves. The existing pattern of road transportation is being assessed for acceptability as part of the Kent Mineral Sites Plan review.</p> <p>Noted. Kent's hard (crushed) rock supply is recognised to have a wider than Kent role in hard rock aggregate supply, given that sales data used to calculate future need includes the quantity of materials that leave the area for other mineral planning areas, such as ESSD&BH.</p>
East Sussex County Council	Further Proposed Changes Paragraph 6.3.3	The removal of paragraph 6.3.3 will remove Kent's responsibility to make provision for reducing the quantity of residual waste from London. Due to London's commitment towards net self-sufficiency, it is not considered that East Sussex would be placed under a burden to manage any offset waste that would have been under Kent's management. As such, no further comment is proposed at this stage.	Noted
East Sussex County Council	Further Proposed Changes CSW5	<p>One of the key issues arising from this policy change is the potential for an unequal burden of hazardous waste management to be placed on ESCC. However, ESCC maintain a strong objective towards net self-sufficiency and currently implement a criteria-based policy approach to landfill provision in the county, furthermore the East Sussex, South Downs and Brighton & Hove (ESSDB&H) Waste and Minerals Local Plan does not include any allocations for new landfill sites. As such, it is unlikely that the policy change will have a negative impact on East Sussex and as such, no further commentary is provided at this stage.</p> <p>It is, however, recognised that given the problematic nature of data collection and changing definitions of hazardous waste, establishing an accurate forecast of the future need for hazardous waste management across the county is difficult. Therefore, the possibility of such a need in the future, as a result of the proposed policy change, should not be ruled out as a potential consideration.</p>	<p>This proposed change does not rule out the possibility of developing hazardous waste landfill in Kent in the future. Any proposal would be addressed using the criteria-based policies within the Plan.</p> <p>The SEWPAG SOCG does not expect authorities in the south-east to be self-sufficient in the management of hazardous waste. In its response to the consultation SEWPAG expressly noted that it has no objection to the deletion of Policy CSW5 (see below).</p>

		A Statement of Common Ground (SOCG) between members of the South East Waste Planning Advisory Group is currently in place which relates to regional waste self-sufficiency. In the event that the Kent Plan proposals would have any impact on agreements in the SOCG we assume that Kent County Council will initiate further discussions on this matter.	
Essex County Council	Further Proposed Changes	No comments at this time and request that the Essex Minerals and Waste Planning Authority be kept informed and up to date with all future rounds of Duty to Cooperate and consultation.	Noted
Hampshire County Council	Further Proposed Changes Sharp Sand and Gravel Soft Sand	The consultation data shows that there would be a shortfall of 2.15mt of soft sand when considering the plan period up to 2039, including a 7-year landbank at this point. Whilst the soft sand supply will not be exhausted within the plan period, Kent County Council have explained that 7-year landbank will not be available from 2036 onwards. Whilst Hampshire County Council are not reliant on provision of aggregate directly from Kent, consideration has previously been made of the strategic implications of soft sand supply in the wider south-east through the Soft Sand Position Statement (2019; update underway 2023) to which both Kent and Hampshire are signatories. In terms of the Position Statement, it explains that due to geology, soft sand resource is focused in only a few counties and the need for future supply will likely need to be balanced against conflict with landscape, environmental and recreational constraints. Consideration of the wider implications of supply should continue to be made.	Noted. The County Council is a signatory to the Soft Sand Position Statement (2019; update underway 2023) and will continue to discuss soft sand supply with all the participants of the statement to maintain a clear understanding of the implications of the wider issues of soft sand supply, needing to be balanced against any conflict with landscape, environmental and recreational constraints.
Hampshire County Council	Further Proposed Changes Hard Rock	A shortfall of 17.38mt is calculated in the consultation document. Hampshire County Council would support the identification of a suitable site to ensure a continued steady supply.	Noted. The County Council is assessing a nominated site at this time, and conducting another Call for Sites' exercise to ensure that there is a comprehensive approach to identifying suitable alternatives.
Hampshire County Council	Further Proposed Changes CSW5	The consultation document proposes the deletion of Policy CSW 5, that allocates land for an extension to Norwood Quarry, Isle of Sheppey for subsequent filling with hazardous flue ash. This approach is considered in line with the waste hierarchy, whereby there is a shift away from landfill to other approaches in the hierarchy. Hampshire County Council would support this way of incentivising the move away from landfill.	Noted
Medway Council	Further Proposed Changes CSM2	Note that these changes have been made in light of more recent aggregate sales and supply data and the intention to change the plan period. This approach seems sensible, and Medway Council has no further comment to make on this matter.	Noted
Medway Council	Further Proposed Changes Paragraph 6.3.3	Understands and supports the intention of these changes, which is to ensure the KMWLP aligns with the London Plan aspiration and the SEWPAG Statement of Common Ground (SCG) to which it is a signatory. However, Medway Council notes that it is may not be able to adhere to the SCG's aspiration of all WPAs achieving net self sufficiency, and would therefore wish to be assured that the change proposed by Kent County Council, does not signal an intention to move away from the provision of capacity which would meet other WPA areas' (in particular those within the South East such as Medway) needs, where this is justified as being an appropriate solution.	The Statement of Common Ground between KCC and Medway Council will be updated to acknowledge this concern.
Medway Council	Further Proposed Changes CSW5	Note that the proposed change has been made in light of more current information around the need for additional capacity to manage hazardous flue ash, and that information contained in the updated report on Hazardous Waste Management Requirements, found that this type of waste, previously managed through landfill at the Norwood Quarry site, is now largely being managed through means other than landfill. Medway Council also notes that removal of the policy does not necessarily prevent the development of additional landfill capacity should it be needed, but merely removes the presumption towards its provision. Medway Council also notes that provision for hazardous waste, such as APCr is a matter not limited by Plan area net self-sufficiency objectives, and therefore provision may be planned for in a manner that takes account of regional, or even national, provision. In that context, the most recent assessment of hazardous waste management requirements in Medway produced for Medway Council by BPP Consulting, indicates Medway is a net importer of hazardous waste and is thus making provision for 'larger than local' needs in that respect. Medway Council has a particular interest in the planning of provision of capacity for the management of air pollution control residues in that it has recently granted outline planning consent for a potential Energy from Waste plant at the Medway One development in Kingsnorth, which does not as yet have an identified outlet for its APCr should it be developed. However, the Medway Council is committed to supporting the waste hierarchy and therefore would expect any prospective operator to manage residues in accordance with the hierarchy with disposal to landfill being the least preferred option, even if such capacity is relatively local. Medway Council intends to include a policy reflecting this position in its revised Local Plan, which in turn	Noted

		would be reflected in any assessment of proposals for the management of APCr associated with the Medway One development.	
South Downs National Park Authority	Further Proposed Changes Soft Sand	<p>Soft sand is an essential mineral resource for various applications. Soft sand in South East of England is primarily found within the Folkestone Formation, spanning multiple counties, but its development is constrained by the South Downs National Park in accordance with National Parks and Access to the Countryside Act 1949, Countryside and Rights of Way Act 2000, Environment Act 1995, and National Planning Policy Framework (NPPF) [July 2021].</p> <p>A Soft Sand Position Statement has been prepared and updated by South East Mineral Planning Authorities, indicating Kent's significant soft sand reserves and sales, with the need for additional sites to ensure a steady supply. A Statement of Common Ground on Soft Sand has been agreed upon by several councils to maintain a consistent and adequate soft sand supply.</p> <p>Despite reserves and an allocation in Kent, there is still an expected shortfall in soft sand supply by 2039, with a 7-year landbank becoming unavailable after 2036.</p> <p>The Joint East Sussex Minerals Plan relies on soft sand imports from Kent and other areas, and Kent County Council needs to assess demand through their Local Aggregate Assessment (LAA). The Position Statement and Statement of Common Ground stress the importance of identifying new soft sand sites across the region, encouraging exploration of opportunities for additional sites outside designated areas to meet the regional soft sand demand and supply.</p>	<p>Noted. It is understood that the soft sand resources in the south east (in East Sussex, West Sussex, and Hampshire area in particular) are significantly within the South Downs National Park area, and therefore there may be a significant protected landscape designation that would impinge on the planning of soft sand in this authority's area.</p> <p>Noted. It is recognised that Kent has significant resources of soft sand in the Folkestone Formation as it is geologically represented in Kent. It is also a mineral that is closely associated with a highly sensitive landscape, that of the North Downs AONB. Both within it and within its setting. This material consideration has to be understood when considering both maintaining an adequate and steady supply of this strategically important mineral and designated landscape protection.</p> <p>This is a recognised by the County Council, and the need for future supply to be balanced against any recognised conflict with landscape, environmental and recreational constraints is a matter fully reflected in the County Council's strategy of not allocated further sites at this stage given existing reserves, 3.2mt of allocated resources and the potential for 'windfall' reserves all indicate that supply will be marinated over the Plan period, meeting the at least 7-year landbank level until 2036.</p> <p>Chapel Farm will yield 3.2mt of replenishing resources, that and the existing reserves will maintain at least 7-year landbank until 2036, given the more recent (than that of LAA2022 that uses 2021 data) sales and reserves data. If 0.80mt of 'windfall' reserves from Otterpool Park new settlement are factored in, the 7-year landbank may exist, technically, to 2038. The County Council is of the view, given the sensitivity of much of the designated Kent North Downs AONB that to attempt to allocate additional sites now, on the premise that only at almost at the end of the Plan period there may be no longer a 7-year landbank in place is premature. There will be statutorily required plan 5-year plan review cycles to further consider the need for additional allocations, if required. This will enable the County Council to consider the matter of soft sand supply towards the end of the Plan period in a more sensitive manner.</p> <p>The plan review cycles in 2029 and 2034 will afford the County Council ample time to address soft sand supply if LAA monitoring reports demonstrate that the 10-year sales average and/or available reserves pattern significantly change the current prediction of soft sand supply over the anticipated plan period.</p>
South East Waste Planning Advisory Group	Further Proposed Changes Paragraph 6.3.3	With regard to the deletion of paragraph 6.3.3 (and the associated sub-title), SEWPAG note the removal of provision for the management of residual non-hazardous waste by landfill or energy recovery from London. This is supported by the London Plan's (2021) commitment to net self-sufficiency, which is outlined in Policy SI 8 (Waste capacity and net waste self-sufficiency). This position is also supported by paragraph 2.1 of the Statement of Common Ground between Waste Planning Authority members of the South East Waste Planning Advisory Group (SEWPAG) Concerning Strategic Policies for Waste Management (March 2020), to which Kent County Council is a signatory.	Noted
South East Waste Planning Advisory Group	Further Proposed Changes CSW5	SEWPAG have no objection to the removal of the allocation of land for an extension to Norwood Quarry, Isle of Sheppey, for subsequent filling with hazardous flue ash. It is noted that within the last three years Norwood Quarry only received Air Pollution Control residues (APCr) waste arising from Kent. There is no evidence of strategic waste movements of APCr from elsewhere in the South East to this site, with reference to the Environment Agency Waste Data Interrogator (WDI).	Noted
Surrey County Council	Further Proposed Changes	With regard to the deletion of paragraph 6.3.3 (and the associated sub-title), the MWPA note the removal of provision for the management of residual non-hazardous waste by landfill or energy recovery from London. This is supported by the London Plan's (2021) commitment to net self-sufficiency, which is outlined in Policy SI 8 (Waste capacity and net waste self-sufficiency). This position is also supported by paragraph 2.1 of the	Noted

	Paragraph 6.3.3	Statement of Common Ground between Waste Planning Authority members of the South East Waste Planning Advisory Group (SEWPAG) Concerning Strategic Policies for Waste Management (March 2020), to which Kent County Council and Surrey County Council are both signatories.	
Surrey County Council	Further Proposed Changes CSW5	MWPA have no objection to the removal of the allocation of land for an extension to Norwood Quarry, Isle of Sheppey, for subsequent filling with hazardous flue ash. It is noted that there is no evidence of strategic waste movements of Air Pollution Control residues (APCr) from Surrey to Kent from the last three years, with reference to the Environment Agency Waste Data Interrogator (WDI).	Noted
West Sussex County Council	Further Proposed Changes	No comments.	Noted

4.17 The County Council has also engaged with the Mineral and Waste Planning Authorities on their emerging Local Plans to ensure cross boundary interests are appropriately addressed.

5 Engagement with Other DtC Prescribed Bodies

5.15 Appendix 1 paragraph 5.7 lists the other “prescribed bodies” that fall under the duty to cooperate engagement requirements.

5.16 As part of its plan making process, the County Council has engaged with the other DtC prescribed bodies on its emerging updated Kent Minerals and Waste Local Plan. The table below sets out the activities that have taken place in relation to engaging with these parties on the plan work. This includes an invitation to comment on various Regulation 18 public consultations and a number of online meetings to discuss specific concerns. This includes discussions with the Greater London Authority, Environment Agency and Natural England as set out in table 10.

Table 10: Summary of Engagement with DtC Prescribed Bodies

Event	Date	Comment
Dialogue with Environment Agency the Strategic Flood Risk Assessment Position Statement	9 th February 2022 and 2 nd March 2022	The Environment Agency responded to the Regulation 18 consultation from December 2021 to January 2022 and raise no objection to the approach with regard to the SFRA. This was on the basis that there are no new allocations or revisions to the SFRA.
Dialogue with Environment Agency the Strategic Flood Risk Assessment Position Statement	2 nd December 2022	The Environment Agency responded to the Regulation 18 consultation from October 2022 to December 2022 and made the following comment: ‘We have no further comments on the SFRA update as no site allocation changes have been made. We will provide further comment on hard rock sites once the consultation on site allocations is active.’
Online meeting between KCC, Natural England, Nuclear Decommissioning Authority (NDA) and Nuclear Restoration Services (NRS) (formally Magnox)	22 nd September 2023	This meeting included representatives from NE, the NDA and NRS and involved a discussion of matters surrounding Policy CSW17 of the KMWLP. In particular the Habitats Regulation Assessment (HRA) regarding how the policy CSW17 might result in impacts on the Dungeness SPA, Ramsar and SAC was discussed. This was resolved with a revised wording to Policy CSW17 which all parties have indicated agreement to and an amendment to the HRA which has been discussed with Natural England.

Online meeting between KCC and Natural England	22 nd September 2023	This meeting included representatives from NE and involved discussion concerning representation made about the deallocation of Norwood Quarry extension - Policy CSW5.
Online meeting between KCC and the Greater London Authority on Policy CSW 4	31 st October 2023	The Greater London Authority (GLA) were keen to discuss the need to maintain sufficient waste management capacity to address both Kent's arisings and that of London's exports of residual wastes, though decreasing over time. A meeting was held to set out the proposed changes and agree an approach to address their concerns via CSW 4.
Online meeting between KCC and Natural England	2 nd April 2024	This meeting included representatives from NE and involved discussion concerning their representation made in response to the Regulation 19 consultation dated 29 February 2024. This has led to an agreed Statement of Common Ground and an additional letter from Natural England dated 24 April 2024.
Online meeting between KCC and the Environment Agency	24 th April 2024	This meeting included representatives from the EA and involved discussion concerning their representation made in response to the Regulation 19 consultation dated 22 February 2024.

5.17 As part of the Duty to Cooperate requirements, the County Council wrote to each prescribed body drawing attention to the public consultations, inviting them to make comments, and provided an opportunity to seek further information or raise queries with the County Council's Planning Policy Team. The tables below summarise the engagement specifically as a result of the Regulation 18 public consultations with the prescribed bodies, along with the County Council's response and, where justified, changes to the Plan's policy and supporting text as a result of the engagement. The representations received in response to the Regulation 19 public consultation on the Pre-Submission Draft of the Kent Minerals and Waste Local Plan 2024-39 have not been summarised in the tables below as they have been submitted in full as part of the submission of the Local Plan to the Planning Inspectorate for Independent Examination.

5.18 A separate Statement of Common Ground has been prepared with Natural England that is intended to address comments raised in its response to the Regulation 19 public consultation on the Pre-Submission Draft of the Kent Minerals and Waste Local Plan 2024-39. The final SOCG dated April 2024 is attached in Appendix 12.

Table 11: Consultation with Other DtC Prescribed Bodies- Regulation 18 Public Consultation - December 2021 to January 2022

Invited to comment on the Kent Minerals and Waste Local Plan 2013-30 Refresh - Regulation 18 Public Consultation - December 2021 to January 2022

Name of DtC Prescribed Body	Section	Summary of Representation	Outcomes/KCC Response
Environment Agency	Policy CSM 9 – Building Stone in Kent	Query why restoration of minerals working sites for small scale proposals (used to maintain Kent’s historic buildings) has been removed, would recommend it be retained.	Change made to ensure plan continues to be consistent with the National Planning Policy Framework. Working of stone for heritage purposes would still be permitted under the amended policy.
Environment Agency	Policy CSW1 – Sustainable Development	Agree with the proposed changes regarding achieving a circular economy where more waste is prevented or reused.	Noted
Environment Agency	Policy CSW2 – Waste Hierarchy	Agree with the proposed changes regarding achieving a circular economy where more waste is prevented or reused.	Noted
Environment Agency	Policy CSW3: Waste Reduction	Agree with the proposed changes regarding achieving a circular economy where more waste is prevented or reused.	Noted
Environment Agency	Policy CSW 6: Location of Built Waste Management Facilities	Support the changes that separate Source Protection Zone and Flood Zone 3b as separate priorities.	Noted
Environment Agency	Policy CSW 8: Recovery Facilities for Non-hazardous Waste	Pleased to note the inclusion of Carbon Capture Utilisation and Storage from 2025 onwards	Noted
Environment Agency	Policy CSW 9: Non inert Waste Landfill in Kent	Pleased that 85% of landfill gas produced will be captured and utilised using best practice techniques.	Noted
Environment Agency	Policy CSW 10: Development at Closed Landfill Sites	Support the maximum use of gases being emitted and reducing the emission of gases to the environment.	Noted
Environment Agency	Policy CSW 17: Nuclear Waste Treatment and Storage at Dungeness	The policy is not specific as to where the infilling material can come from. The supporting note on CSW 17 states that voids will be back filled with demolition rubble. This may be subject to a waste for recovery permit where an assessment of the environmental impact of placing waste in such a void will need to be assessed.	Noted. Section 1.5 of the KMWLP discusses the need for Environmental Permits but relevant supporting text has been added. Text has been included in the supporting text of CSW 17 that refers to the need for an Environmental Permit.
Environment Agency	Policy DM 1 – Sustainable Development	Support the addition of the need for proposals to maximise opportunities to contribute to green and blue infrastructure.	Noted
Environment Agency	Policy DM 3 – Ecological Impact Assessment	Support reference to the Kent Biodiversity Action Plan and biodiversity net gain mentioned throughout the Plan. Strengthening of wording in policy DM3 to “provide a positive contribution to the protection, enhancement, creation and management of biodiversity” is welcomed, as well as the inclusion for minerals and waste sites to demonstrate a 10% biodiversity net gain.	Text amended to ensure that maximum practicable biodiversity net gain is sought rather than setting a minimum 20% target as this may be seen as a ceiling resulting in reduced biodiversity net gain especially from the restoration of mineral workings. In addition, with regard to minerals and waste development there is no evidence to support a specific 20% minimum target. Related change also made to Policy DM19 on restoration.

			Guidance on how biodiversity net gain will be measured and delivered will be included in a Supplementary Planning Document.
Environment Agency	Policy DM 10: Water Environment	Support the proposed changes to section 7.8.5 specifying that applications in Source Protection Zones (SPZ) and Groundwater Vulnerability and Aquifer Designation areas should be accompanied by hydrogeological and/or hydrological Impact assessments.	Noted
Environment Agency	Strategic Flood Risk Assessment (SFRA) Position Statement	Raise no objection to the approach with regard to the SFRA on the basis that there are no new allocations or revisions to the SFRA.	Noted
Environment Agency	Miscellaneous	Highlight the importance of early engagement with regard to applications in tidal areas or high-risk flood zones. Would be useful if a link to the page on .gov.uk could be added to the 'Advice on your planning application' page of the KCC website.	Noted and relevant link will be added.
Historic England	Policy DM 5 – Heritage Assets	Notes that the policy has been revised to reflect updates in national policy and guidance.	Noted
Historic England	Policy DM 6 – Historic Environment Assessment	Notes that the policy has been revised to reflect updates in national policy and guidance.	Noted
Historic England	Sustainability Appraisal Scoping Report	The document adequately covers issues that may arise in respect of the potential impacts of proposed development on heritage impacts.	Noted
Marine Management Organisation	1.3 The Links with Legislation, Other Policies and Strategies Paragraph 1.3.9	It could be mentioned that working with the MMO would aid with the success of the Plan. The marine and terrestrial overlap with plan boundaries could also be mentioned as well as ensuring that policies do not conflict with the marine plan.	Agree - change made
Natural England	Policy CSW 17 – Nuclear Waste Treatment and Storage at Dungeness	Note that the change in wording would potentially allow landfill or land raise activities to take place proximate to the Dungeness, Romney Marsh and Rye Bay Ramsar site, Dungeness Special Area of Conservation (SAC), and Dungeness, Romney Marsh and Rye Bay Special Protection Area (SPA), which are protected by the Conservation of Habitats and Species Regulations 2017 (as amended). The Regulations require a 'competent authority' to carry out an assessment to test if a plan or project could significantly harm the designated features of the Habitat site.	Noted. A Habitats Regulation Assessment has now been undertaken and published alongside the updated Kent Minerals and Waste Local Plan for consultation. The Habitats Regulation Assessment concludes that no adverse effects on the designations are anticipated, although baseline monitoring would be needed to inform a decision on any planning application for the management of waste at the Dungeness Nuclear Sites which would also likely require Appropriate Assessment. This would be needed to ensure cumulative impacts were adequately assessed. Comments on the Habitats Regulation Assessment are invited.
Natural England	Policy DM 2 – Environmental and Landscape Sites of International, National and	Welcome the continued presence of Policy DM 2 and note the updated wording to reflect changes to the national policy and legislation, and the inclusion of the Mitigation Hierarchy within the policy wording. Welcome in particular the addition of the word 'and' which makes it clear that all three steps of the hierarchy must be addressed.	Noted

	Local Importance		
Natural England	Habitat Regulations Assessment Position Statement	Agree that revision of policy CSW 17 seems the most likely to have potential effects that require consideration under the Habitats Regulations, however would advise that any future HRA sets out clearly and transparently why other Habitat sites / policies have been screened out. Also point out that while the SPA may have recently been extended prior to the KMWLP being adopted Natural England would expect to see any new HRA also considering the potential for impacts on the Dungeness SAC and Ramsar site given the updated policy wording.	A Habitat Regulation Assessment (HRA) has now been undertaken and published alongside the updated Kent Minerals and Waste Local Plan for consultation. The Habitats Regulation Assessment concludes that no adverse effects on the designations are anticipated, although baseline monitoring would be needed to inform a decision on any planning application for the management of waste at the Dungeness Nuclear Sites which would also likely require Appropriate Assessment. Comments on the Habitats Regulation Assessment are invited.
Transport for London	Miscellaneous	Have no comments to make.	Noted.

Table 12: Consultation with Other DtC Prescribed Bodies - Regulation 18 Public Consultation - October 2022 to December 2022

Invited to comment on draft Kent Minerals and Waste Local Plan 2023-38 - Regulation 18 Public Consultation - October 2022 to December 2022

DtC Prescribed Body	Section	Summary of Representation	KCC Response
Environment Agency	2.4 Kent's Waste Infrastructure Figure 15	There are discrepancies when referring to Source Protection Zones - for example in Figure 15, the title reads "Flood Zones, Sources Protection Zones and Petroleum Exploration and Development License areas" and should read "Flood Zones, Source Protection Zones ... License areas" The terms "Source Protection Zone" and "Protected Groundwater Source Area" also have different definitions and must be used correctly throughout the Plan.	Noted - Change proposed to title of Figure 15 to address this comment. Noted - glossary changes proposed and reference throughout Plan checked.
Environment Agency	5.4 Policy CSM 4: Non-Identified Land-Won Mineral Sites Policy CSM 4	The Plan does not allocate any new sites but refers to the Kent Mineral Sites Plan, which we have already provided detailed comment on. However, we are concerned that Policy CSM 4 'Non-identified Land-won Mineral Sites' will lead to sites coming forward where environmental issues and technical considerations are all dealt with within the planning process. Due to a lack of overall policy to protect and safeguard important habitats for wildlife, and the reliance on a 'mitigation' and 'compensatory' process creates a risk for biodiversity.	Noted. This is how the planning system operates. The plan cannot anticipate every development coming forward over plan period on allocated / unallocated sites. Therefore, the policy is required in the event of unallocated site applications coming forward.
Environment Agency	6.13 Policy CSW 13: Remediation of Brownfield Land Paragraph 6.13.1	We note that our requested changes to policy and body text have been included in this version of the Plan. However, we are concerned that the correct terminology is not being used consistently, which will lead to confusion and delays. "Contaminated Land" is a phrase with specific legal meaning and cannot be used to describe land affected by contamination. We noticed this specifically in section 6.13.1; however we recommend that the entire Plan be proofed to ensure the correct terminology is used. Plain English in this case changes the meaning of the phrase.	Noted - Change to Policy CSW 13 proposed to address this comment and ensure the correct terminology in relation to 'Contaminated Land'. The Plan has also been proofed and a subsequent change proposed in relation to 'contaminated land' in paragraph 6.5.4.
Environment Agency	6.15 Policy CSW 15: Wastewater Development	Policy CSW 15 Wastewater Development should include a point within the policy that requires new wastewater treatment works or sewage sludge treatment facilities (including extensions) to take regard of Natural England's document Nutrient Neutrality Methodology, especially for development within the Stour catchment. The permit limit for Total Nitrogen and Total Phosphorus for new Wastewater Treatment Works (WWTW) can be requested from us, as well as the permit limits of some existing WWTWs in the County. Early engagement with us is strongly encouraged for any new WWTW or sewage sludge facilities (including extensions).	Supporting text sets out how a policy may be implemented and so text has been added to the supporting text rather than the policy.
Environment Agency	16.8.2	As discussed earlier in this letter, should a permit application be submitted under the RSR permitting regime, we will undertake the appropriate Habitats Assessment as a Competent Authority for RSR. Mentioning this in this section would provide clarity.	Changes to the supporting text are proposed which address these concerns.
Environment Agency	16.8.6	This section is confusing and should be re-written to provide clearer understanding of the process. Please refer to our letter of 17 May 2022 for details.	Changes to the supporting text and to Policy CSW17 are proposed which address these concerns as appropriate.
Environment Agency	6.17 Radioactive Waste Management	The definitions of types of radioactive waste are not accurate. We suggest using more up to date documents to define categories of radioactive waste, such as the management of higher activity radioactive waste on nuclear licensed sites (onr.org.uk), which is guidance from the Office for Nuclear Regulation, the Environment Agency, the Scottish Environment Protection Agency and Natural Resources Wales to nuclear licensees. LLW (Low Level Waste) - Solid radioactive waste, including any immediate packaging, with an activity concentration not exceeding 4 gigabecquerels per tonne of alpha emitting radionuclides or 12 gigabecquerels per tonne of all other radionuclides. VLLW (Very Low Level Waste) - A former sub-category of LLW that, due to amendments to legislation in 2011 is now obsolete; VLLW has been replaced by a category of exempt waste. Exempt (from regulatory control) waste - Radioactive waste can be exempt from specific regulatory control if it satisfies the criteria laid down in the regulations. In England and Wales, the levels are described Schedule 23, Part 6 of the Environmental Permitting Regulations 2016. In Scotland, the requirements are set out as general binding rules in Schedule 9 of EASR18. Exempt waste within the levels outline above will meet the criteria for an exemption. If levels are exceeded, an environmental permit will be required.	The definitions of radioactive waste are accurate and are still in use. Text added to note change to legislation.
Environment Agency	6.18 Policy CSW 17: Waste Management at the Dungeness Nuclear Site	It is not clear that the revisions to this Policy fully reflect our conversations earlier this year. Please refer to our letter of 17 May 2022. Please also note the revised policy mentions VLLW and should be updated.	Changes to the supporting text and to Policy CSW17 are proposed which address these concerns as appropriate.
Environment Agency	6.19 Policy CSW18: Non-nuclear Radioactive	Please revise use of phrase Very Low Level Waste in this Policy.	Noted. The use of the term Very Low Level Waste is appropriate - this term is still in use.

	Low Level Waste (LLW) Management Facilities	If non-nuclear facilities are required outside the nuclear site boundary, then they may require non-nuclear permits for the accumulation and disposal of radioactive waste.	
Environment Agency	7.2 Policy DM 2: Environmental and Landscape Sites of International, National and Local Importance and Policy DM 3: Ecological Impact Assessment Policy DM 3	Policy DM3 is not very reassuring for the protection of biodiversity. There is no comprehensive proposal to protect priority habitats or Local Wildlife Sites, instead relying on 'compensatory measures' should the impact be 'unacceptable' to biodiversity. Whilst it does include achieving a net gain for biodiversity, the Defra BNG Metric only considers habitats as a proxy for biodiversity and does not consider a lot of in-combination or indirect impacts of a development proposal.	Policy DM2 provides the protection of habitats sought by this comment.
Environment Agency	7.17 Policy DM 19: Restoration, Aftercare and After-use	In the interests of delivering a net gain for biodiversity, ecological restoration of the sites after mineral extraction should be an additional ecological gain due to the long period of time between permission and delivery of that element. Where the restoration of sites following extraction includes habitats for biodiversity, there needs to be sufficient legal protection to ensure it is fulfilled and cannot be altered by subsequent planning applications. There could be more information and policy in this plan on mineral sites that create lakes because of extraction. For example, there could be minimum standards for creating wide enough vegetated marginal shelves to protect banks from erosion; minimum lake size to reduce wind and wave erosion forces; and minimum restoration depths to encourage habitats for wildlife and a broader variation of end uses.	No policy change required. The policy is intended to address a wide range of material considerations in regard to site restoration and aftercare, including biodiversity enhancement, where appropriate ensuring connectivity with surrounding landscape and habitats. Therefore, this encompasses the potential for lake margin biodiverse habitat creation, if appropriate, if mineral extraction of the right type comes forward over the plan period. The matter would be more appropriately addresses in the context of individual planning applications.
Environment Agency	Glossary	Biodiversity Net Gain is not defined in the glossary.	A definition is proposed in the Reg 19 version of the Plan.
Environment Agency	Biodiversity	Throughout the document the objectives and policy refer to avoiding unacceptable impacts, without clearly defining what this is. The language could be more definitive to ensure the full protection of irreplaceable habitats for example. E.g., Policy could state that there cannot be any loss of ancient woodland sites or priority habitats that cannot be compensated for in quality and quantity.	Noted - Changes have been made to ensure protection of biodiversity in response to comments made by Natural England.
Environment Agency	Strategic Flood Risk Assessment Position Statement (October 2022)	We have no further comments on the SFRA update as no site allocation changes have been made. We will provide further comment on hard rock sites once the consultation on site allocations is active.	Noted
Environment Agency	Habitat Regulations Assessment	We defer to Natural England for detailed comments on this document, except where it relates to Policy CSW 17. Please refer to our letters of 4 August 2022 (our ref: KT/2009/108760/OR-05/IS1-L01) and 17 May 2022 (our ref: KT/2009/108760/CS-09/IS1-L01), which provide a detailed explanation of our role should a permit be required under the Radioactive Substances Regulation (RSR) permitting regime. We are a Competent Authority for RSR permits and will complete any habitats and conservation assessment ourselves to see if any application would affect a Natura 2000 site and we would include the non-radiological aspects of radioactive waste in this, if required. We do not see reference to RSR permitting or our responsibilities within this document and would be pleased to discuss. We note the revised wording of Policy CSW 17 is included in the HRA document at section 54. The wording is not consistent with that in the submitted Minerals and Waste Local Plan. After referring to our commentary below on Policy CSW 17, please apply these to the appropriate sections in the HRA.	Changes to the supporting text and to Policy CSW 17 are proposed which address these concerns as appropriate. An updated Habitats Regulation Assessment (HRA) has been prepared which shows that the changes to the Policy would not lead to a change to the impacts on the designated Sites.
Environment Agency	Proof reading	We note that in reading the submitted version of the Kent Minerals and Waste Local Plan that there are a significant number of grammatical errors which need to be addressed. Words running together, incorrect words and inconsistencies of formatting. We trust that these will be edited before the next consultation stage to provide a clearer understanding of the body text and better integration with accessibility software such as screen readers.	Noted - Final formatting and proof reading of the has been undertaken in preparation of the Regulation 19 Pre-Submission Draft Plan and a clean copy has been produced alongside the tracked changes version.
Historic England	7.4 Policy DM 5: Heritage Assets and Policy DM 6: Historic Environment Assessment Paragraph 7.4.2	We note the absence of reference to Historic England's recently updated advice on Mineral Extraction and Archaeology (Historic England Advice Note 13) in the updated text at paragraph 7.4.2. This advice document is particularly pertinent to the mineral and waste planning process and should be added to the paragraph.	Noted - Change proposed to paragraph 7.4.2 to address this comment.
Kent County Council Highway Authority	All	No comments to make on the Plan, text in terms of transport policies/requirements for Tas/mitigations in accordance with NPPF.	Noted
Kent Nature Partnership	7.2 Policy DM 2: Environmental and Landscape Sites of International, National and Local Importance	Recognises the huge contribution that minerals sites provide for nature recovery, particularly in the case of restoration schemes at the end of the working life of a site. The Nature After Minerals partnership programme provides best practice advice in this area and we would recommend the adoption of these approaches.	Noted

	and Policy DM 3: Ecological Impact Assessment	<p>The working of mineral sites provides an excellent opportunity to enhance biodiversity and we would recommend that through the planning system, each site should be considered on its merits, in terms of how to secure the best gain for the county.</p> <p>The KNP is making the case for delivering Biodiversity Net Gain (BNG) above the mandatory 10% in Kent and Medway for housing and has shown that the biggest cost is the initial 10% and moving to 20% negligible in terms of viability for developers.</p> <p>However, for minerals sites, we recognise that the best quality gains may be delivered through long term restoration schemes and that the scale of BNG that a given site will be able to deliver will vary hugely case to case.</p> <p>Some mineral sites can provide considerable gains on a large scale as aligned with Lawton Principles and the KNP would positively encourage and embrace such schemes. It would be helpful if such opportunities are captured in the forthcoming Local Nature Recovery Strategy for Kent and Medway. KCC will be the responsible authority, while the KNP will be used as the initial partnership framework for strategy development.</p> <p>In addition, in some circumstances, a restoration scheme for a minerals site, could be used to provide the off-site BNG for other developments thus providing the opportunity for even greater and potentially larger restoration schemes to deliver significant improvement at scale.</p> <p>The KNP is working closely with planning authorities to develop BNG policy for Kent and Medway and is keen to ensure the policy works well for both housing developments as well as minerals sites.</p> <p>Would like to take opportunity to provide further input though to the adoption of the new KMWLP.</p>	
Natural England	2.2 Kent's Environmental and Landscape Assets Paragraph 2.2.1	Recommends that in the sites of 'National Importance' within Section 2.2.1 of the Plan Review, reference is made to Marine Conservation Zones as there may be implications for these sites from some of the proposals including the importation wharves, for example.	Noted - Change proposed to add 'Marine Conservation Zone (MCZ)' to the list of designations of national importance within paragraph 2.2.1. and included in Figure 5. Abbreviation list and glossary amended to include 'Marine Conservation Zone MCZ'.
Natural England	2.2 Kent's Environmental and Landscape Assets Paragraph 2.2.7	Welcomes inclusion and consideration of the local nature recovery strategy within Section 2.2.7 and would recommend that as the plan moves towards Regulation 19, this text is updated to reflect any legislation and emerging guidance as this emerges. It would also seem appropriate for reference to the local nature recovery strategy to be referenced within the various policies where environmental enhancements are to be delivered or secured.	Noted – Change proposed to include reference to Local Nature Recovery Strategy. Continue to acknowledge their purpose. Noted within Strategic Objectives of the Minerals and Waste Local Plan.
Natural England	2.2 Kent's Environmental and Landscape Assets Figure 5	Recommends that Figure 5 is updated to include the Swanscombe Peninsula Site of Special Scientific Interest and the Marine Conservation Zones around the Kent coast. In addition to the ancient woodland plan, it may also be appropriate to include details on priority habitats within Kent, the Priority Habitat Inventory may help in preparing such a plan.	Noted - Changes proposed to Figure 5 and new Priority Habitat figure (10A) to address this comment.
Natural England	2.3 Kent's Economic Mineral Resources Paragraph 2.3.6	Note that Section 2.3.6 states that 'Historically, sharp sand and gravel deposits have been extracted along Kent's river valleys (River Terrace deposits) and in the Dungeness and Romney Marsh area (Storm Beach deposits). The permitted reserves have become and are becoming depleted and are no longer a significant source of supply to meet objectively assessed needs as they historically once were'. Following the early partial review of the Plan and adoption in 2020, Natural England considers it may be appropriate to include detail in this section as to why further mineral site allocations at Dungeness and Romney Marsh were not considered acceptable on ecological and geodiversity grounds.	No policy change required - The Dungeness and Romney Marsh mineral bearing areas are subject to significant constraint and are atypical to most remaining sand and gravel deposits. However, lack of allocation in the past does not automatically preclude future potential applications or Local Plan consideration. Previously promoted sites were discussed as part of the Kent Mineral Sites Plan examination and therefore there is no need for further reference in the KMWLP.
Natural England	3. Spatial Vision for Minerals and Waste in Kent Point 5	Given the strong emphasis, following the early partial review, on a transition to marine won aggregates, in part due to the environmental impacts from further allocations at Dungeness, we consider that it may be appropriate for this text to be updated to reflect the change in balance to marine won and imported aggregates.	No change proposed - It is considered that the overarching considerations of the transition from land-won to greater importation of sand and gravel aggregates should not include any restrictions of any specific areas or sites in the spatial vision for minerals and waste in Kent.
Natural England	4. Objectives for the Minerals and Waste Local Plan Strategic Objective 3	Objective could be strengthened by making reference to delivering a positive environmental outcome through biodiversity net gain and contribution to the local nature recovery strategy, for example. In addition, the ninth bullet point for minerals could also be significantly strengthened to ensure that restoration and aftercare plans deliver environmental benefits by removal of 'where possible' from this policy wording. We consider that 'After uses should conserve and improve local character and provide opportunities for biodiversity...' more closely aligns with the requirements of the National Planning Policy Framework and the wider aspirations within the Plan. We would also recommend that, in addition to the Biodiversity Opportunity Areas, reference is made to the local nature recovery strategy. Natural England would also support the strengthening of the policy wording	Noted - Not appropriate to delete 'where possible' as not all developments will have opportunities for biodiversity improvement. Concern has been addressed in revised text for strategic objectives for both minerals and waste.

		within the fifteenth bullet point for waste development through the removal of the 'Where possible' wording and a reference to the local nature recovery strategy.	
Natural England	5.2 Policy CSM 2: Supply of Land-won Minerals in Kent Paragraph 5.2.17	Whilst Natural England acknowledges that the starting point for identifying future supply needs for land-won sand and gravel is the expected need for materials during the plan period (Section 5.2.17), we consider that the environmental impacts of potential allocations should also be considered at the earliest stage possible. Natural England worked closely with the County Council on the recent early partial review of the Plan which saw options outside of designated sites, which had a lesser environmental impact, being pursued to meet the County's mineral requirements. We would support a stronger reference to the environmental impacts for all potential allocations being referenced within the Plan.	No change proposed - This would be replication of the Mineral Sites Plan process and is not considered appropriate to make further reference to environmental impact as this is essential to the Mineral Sites Plan process.
Natural England	5.2 Policy CSM 2: Supply of Land-won Minerals in Kent Policy CSM 2	Considers that Policy CSM2 should be significantly strengthened to ensure that sites designated for their landscape, geological and nature conservation interests are robustly considered. Section 6 of Policy CSM 2 refers only to the needs to undertake a Habitats Regulations Assessment when selecting and screening the suitability of sites for allocation. We would recommend that the Policy is amended to more fully reflect the protection afforded to the hierarchy of designated sites from international through to local as detailed within the National Planning Policy Framework. We would support the inclusion of a requirement for an assessment of impacts to Areas of Outstanding Natural Beauty, Sites of Species Scientific Interest and Marine Conservation Zones being referenced within the Policy. In addition, consideration of impacts to irreplaceable habitats, habitats and species of principal importance, protected species and other species and habitats of conservation concern should be considered when allocating sites. Those with the least environmental impact, whilst meeting the other requirements, should proceed to allocation in accordance with the 'avoid, mitigate, compensate' hierarchy within the National Planning Policy Framework.	No change to policy proposed. Policy CSM 2 addresses the identification of mineral supply requirements against objective data. The other policies of the Plan, such as DM 2: Environmental and Landscape Sites of International, National and Local Importance, Policy DM 3: Ecological Impact Assessment, DM 10: Water Environment, and DM 19: Restoration and Aftercare address the area of concern Natural England has. To enlarge Policy CMS 2 to include these matters would represent repetition, the Plan should be read as a whole and assessment of sites that come forward to meet identified need would be subject to the whole policy provision of the Plan in order to determine acceptability. If other policies that address such matters as designated landscape protection, habitat protection and ecological net gain in the Plan are not adequate in their scope to achieve the NPPF's requirements of 'avoid, mitigate, compensate' that is a matter for that part of the Plan not Policy CSM 2.
Natural England	5.4 Policy CSM 4: Non-Identified Land-Won Mineral Sites Policy CSM 4	Consider that, as with recommendations for strengthening the policy wording within CSM 2, stronger reference to the environmental impacts of non-identified land won mineral sites should be included within Policy CSM 4. Such consideration appears to have been included within Policies CSM 10 and CSW 6, for example.	No change to policy required. There is no reliable way to predict where any mineral may be proposed. Therefore, there may or may not be material environmental impacts associated with such non-identified land-won mineral site proposals. The Plan requires to be read as a whole, any proposed site, allocated in a plan or not, has to be fully assessed for acceptability against all material planning considerations. The policies of the plan, including those addressing environmental matters, are all potentially relevant to this process. Thus, the change the policy to strengthen environmental considerations would be unnecessary repetition of the Plan's policy provision.
Natural England	6.4 Policy CSW 5: Strategic Site for Waste	Welcomes the consideration of air quality impacts for the Medway Estuary and Marshes and The Swale Special Protection Areas and Ramsar sites under Policy CSW 5 (Strategic site for waste). The air quality assessment will also need to consider potential impacts to the underpinning Sites of Special Scientific Interest which have a broader suite of notified features.	This policy is now proposed for deletion. If an application were to come forward than the matters raised would be addressed as part of that application.
Natural England	6.5 Policy CSW 6: Location of Built Waste Management Facilities Policy CSW 6	Reference to consideration of impacts to protected landscapes and designated sites in Policy CSW 6 is welcomed however, as detailed above, we would recommend that reference is also made to Marine Conservation Zones, which may be impacted by developments such as wharves (for example). The natural environment of Kent is rich and varied so in addition to the consideration of impacts to designated sites and areas of ancient woodland, we would recommend that reference is also made to habitats and species of principal importance, protected species and other habitats and species of conservation concern in Policy CSW 6. Such a strengthening of the Policy wording would more closely reflect the requirements of the National Planning Policy Framework.	A change to Policy DM2 (Environmental and Landscape Sites of International, National and Local Importance) is proposed to include mention of Marine Conservation Zones. Inclusion in Policy DM2 will ensure that this matter is addressed when determining proposals for both waste and minerals Development.
Natural England	6.8 Policy CSW 8: Other Recovery Facilities for Non-hazardous Waste Policy CSW 8	Policy CSW 8 includes proposals such as energy from waste developments. These have the potential to result in air quality impacts to nature conservation sites and habitats. Natural England recommends that reference is made to the need for such developments to avoid impacts to designated sites within the Policy wording.	The need to avoid impacts to designated sites is addressed by Policy DM2.
Natural England	6.9 Policy CSW 9: Non Inert Waste Landfill in Kent Policy CSW 9, second bullet point	Support second bullet point of Policy CSW 9 to ensure that environmental benefits will result from the development. However, we would recommend that the Policy is strengthened to ensure that environmental impacts are avoided or fully mitigated, and the proposal also delivers environmental benefits.	Other policies within the Plan e.g., Policy DM2 are specifically included to ensure proposals to ensure impacts on the environment are avoided or at least minimised.

Natural England	6.12 Policy CSW 12: Hazardous Waste Management	Given the concerns expressed in relation to Policies CSW 6 and 9, in its current form Natural England considers that Policy CSW 12 (Hazardous waste management) could result in significant environmental impacts from hazardous waste proposals. As such, Natural England strongly recommends that Policies CSW 6 and 9 are strengthened as detailed above.	Other policies within the Plan e.g., Policy DM2 are specifically included to ensure proposals to ensure impacts on the environment are avoided or at least minimised.
Natural England	6.18 Policy CSW 17: Waste Management at the Dungeness Nuclear Site	Natural England has significant concerns regarding the proposed amendments to Policy CSW 17. The Dungeness licensed sites sit within an area of significant geomorphological and nature conservation interest of national and international importance. The licensed sites themselves fall in part within the Dungeness, Romney Marsh and Rye Bay Site of Special Scientific Interest and the Dungeness Special Area of Conservation. Any increase in activity within these licensed sites has the potential to have a likely significant effect upon the Special Area of Conservation and impact the Site of Special Scientific Interest. Natural England recommends that the policy wording is strengthened significantly to more closely reflect the requirements of the National Planning Policy Framework to ensure that impacts to the designated site are avoided or fully mitigated (rather than being 'mitigated to an acceptable level'). Any proposal will also be subject to a Habitats Regulations Assessment where a likely significant effect cannot be ruled out. Having reviewed the accompanying Habitats Regulations Assessment to the Plan, Natural England remains concerned regarding the amendment to policy CSW 17. We consider much greater clarity on how the amendments to the policy wording could impact the designated sites and what additional activities this would permit above the consented activities is provided. This will allow a robust consideration of the potential implications from the amendments and a comprehensive Habitats Regulations Assessment to be undertaken. We would therefore welcome the opportunity to explore more fully the implications of the amendments to CSW 17 with the Council to ensure that the Policy wording is sufficiently robust to conserve and enhance the rich environment of the Dungeness designated sites.	Changes to the supporting text and to Policy CSW 17 are proposed which address these concerns as appropriate. An updated Habitats Regulation Assessment (HRA) has been prepared which shows that the changes to the Policy would not lead to a change to the impacts on the designated Sites.
Natural England	7.1 Policy DM 1: Sustainable Design Policy DM1, point 6	The proposed amendments to point six of Policy DM 1 include the removal of biodiversity from the matters to be considered. Natural England recommends that the Policy includes specific reference to the sites of biodiversity and landscape value and how any development will avoid, fully mitigate or as a last resort compensate for any impacts to these assets. Such amendments would more closely reflect the requirements of the National Planning Policy Framework.	This matter is addressed in clause by the change to clause 7. Continued reference to biodiversity in clause 6 would cause duplication and potential confusion/inconsistency within the Plan's policies.
Natural England	7.2 Policy DM 2: Environmental and Landscape Sites of International, National and Local Importance and Policy DM 3: Ecological Impact Assessment Policy DM 2	Welcome reference to the management objectives for designated sites within Policy DM 2 (Environmental and landscape sites of international, national and local importance) but consider that the wording should be amended to more closely reflect the requirements of the National Planning Policy Framework. This details in Paragraph 180 that: 'When determining planning applications, local planning authorities should apply the following principles: a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused; b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest'. Policy DM 2 does not appear to fully reflect the strong presumption against developments which could impact designated sites nor the 'avoid, mitigate, compensate' hierarchy for international sites. The wording for Areas of Outstanding Natural Beauty and Sites of Special Scientific Interest more closely reflects the wording within the National Planning Policy Framework which we support. We would therefore recommend that the nature conservation wording is amended to more closely reflect the requirements in the National Planning Policy Framework and The Conservation of Habitats and Species Regulations 2017 (as amended). The reference to irreplaceable habitats in Policy DM 2 is welcomed; as mentioned above Kent has a rich and varied natural environment and we would support reference to habitats and species or principal importance, protected species and other species and habitats of conservation concerns within Policy DM 2. Such an approach would more closely reflect the requirements of Paragraph 180(a) of the National Planning Policy Framework and ensure that the requirements of the Kent Biodiversity Strategy are incorporated. Whilst it is acknowledged that many of these are included within Policy DM 3, it may be appropriate for consistency for them to be referenced in both policies.	Noted - Reference is made to the avoid, mitigate, compensate hierarchy in paragraph 180 of the NPPF (Sept 2023). Amended to include reference to this hierarchy in Policy DM 2. Both Policy DM 2 and DM 3 would be applied equally.
Natural England	7.2 Policy DM 2: Environmental and Landscape Sites of International, National	Support the requirements for robust impact assessments to accompany any application for minerals and waste developments and the addition of geodiversity to the policy wording is welcomed (Policy DM 3 Ecological impact assessment). The requirement for an ecological assessment will not necessarily ensure that geodiversity impacts are fully considered so we would recommend that an ecological and/or geological	Noted

	and Local Importance and Policy DM 3: Ecological Impact Assessment Policy DM 3	assessment (as appropriate) should accompany any application. Similarly, the requirement for a positive contribution to the conservation and enhancement of biodiversity is welcomed but the amended wording could be strengthened by also including geodiversity. The wording within Policy DM 3 does not appear to mirror the strong presumption against development within, or impacting, statutory designated sites and irreplaceable habitats contained within Policy DM 2 and the National Planning Policy Framework. The wording within Policy DM 3 suggests that providing impacts are avoided, mitigated or compensated then planning permission will be granted; the requirements within Policy DM 2 and the National Planning Policy Framework indicate that permission should only be granted in exceptional circumstances. We would therefore support the amendment of the policy wording to help avoid any potential for confusion.	
Natural England	7.11 Policy DM 13: Transportation of Minerals and Waste	Natural England welcomes the supporting text to Policy DM 13 (Transportation of minerals and waste) and the need to undertake an air quality assessment for Habitats Sites. There is also the requirement to consider potential impacts to the underpinning Sites of Special Scientific Interest where these are sensitive to air quality, and we would recommend that this is reflected within the Plan. Natural England would also recommend that the air quality assessment will need to consider both the critical load and critical level in any air quality assessment (Sections 7.14.6 and 7.14.7).	Amended to include SSSIs sensitive to air quality in section 7.14.5. Critical load and critical level already referred to in 7.14.7 and amended text to emphasise need for these criteria in any air quality assessment.
Natural England	7.15 Policy DM 17: Planning Obligations Policy DM 17, point 6 and 9	Welcome commitment to delivery of Kent Biodiversity Strategy targets and landscape enhancement within Policy DM 17 & recommend that the policy could be strengthened by reference to the local nature recovery strategy (point six) and the conservation and enhancement of notable habitats and species (point nine).	Agree - Changes proposed to Points 6 and 9 of Policy DM 17 to address these comments.
Transport for London	All	Confirm no comments to make in response to consultation.	Noted

Table 13: Consultation with Other DtC Prescribed Bodies - Further Proposed Changes - Regulation 18 Public Consultation - June 2023 to July 2023

Invited to comment on Draft Kent Minerals and Waste Local Plan 2024-39 Further Proposed Changes - Regulation 18 Public Consultation - June 2023 to July 2023

DtC Prescribed Body	Section	Summary of Representation	KCC Response
Environment Agency	Further Proposed Changes	No further comments to make and refer to letter dated 2 nd December in response to previous Regulation 18 consultation which are required to be addressed to be able to find the plan sound.	Noted
Greater London Authority (GLA)	6.3 Policy CSW 4: Strategy for Waste Management Capacity Net Self-sufficiency and Waste Movements	<p>Supports the strategy for managing waste in the Draft KMWLP and looks forward to further collaboration with Kent CC as the draft KMWLP evolves to ensure a co-ordinated approach to securing sustainable development and the management of growth in the wider metropolitan area. Whilst the Mayor is aiming to achieve net self-sufficiency by 2026, this does not remove the need for provision to manage London's waste outside London. It is not clear from the information provided as part of this consultation the extent to which Kent CC intends to reduce provision for waste from London, or if it intends to remove it entirely. In respect of Policy CSW 4 it is important to provide clarity on this.</p> <p>Discussions with Kent CC suggest that it is not Kent CC's intention to restrict flows of waste from London over the KMWLP plan period. If this is the case, Draft KMWLP Policies CSW4 and CSW7 should clearly acknowledge the continued two-way flow of waste between London and Kent over the KMWLP plan period. Without greater clarity on this point, the Mayor would object to Draft KMWLP Policies CSW4 and CSW7 at Regulation 19 consultation. The Mayor looks forward to further engagement with Kent CC as Draft KMWLP policies evolve.</p>	In light of the discussions which have taken place, clarification and minor changes are proposed.
Historic England	Further Proposed Changes	No comments.	Noted
Marine Management Organisation	Further Proposed Changes	<p>Suggested policies from the South East Inshore Marine Plans that we feel are most relevant to your Minerals and Waste Local Plan are: SE-INF-1, SE-INF-2, SE-DD-1, SE-DD-2, SE-DD-3, SE-PS-1, SE-PS-4, SE-HER-1, SE-EMP-1, SE-CC-1, SE-CC-2 and SE-CC-3.</p> <p>Recommend you mention the South East Marine Plan. The East Inshore and East Offshore Marine Plans were adopted in 2014, and the South Inshore and Offshore Marine Plan was adopted in 2018, which cover the adjacent areas. Please ensure correct reference to the South East, South, and East marine plan areas where included.</p> <p>The MMO delivered Marine Plan Implementation Training sessions in November/December 2022. This provided an introduction to marine planning, and I would suggest re-visiting the material in our recorded webinar which supported the Consultation of the South East Marine Plan.</p> <p>These are recommendations and we suggest that your own interpretation of the South East Marine Plan is completed. We would also recommend you consult the following references for further information: South East Marine Plan and Explore Marine Plans.</p>	Noted. No change to the Plan proposed. Paragraph 1.3.9 already makes reference to the relevant Marine Plans. The MMO's suggested policies are considered to be already appropriately interpreted in the KMWLP's safeguarding policies that are designed to maintain the viability of marine importation facilities. Other matters relating to offshore development, such as dredging activity, cannot be part of the KMWLP as they fall outside of the administrative authority of KCC, and therefore are matters entirely related to the marine offshore plans. Matters relating to climate change and biodiversity, commercial dock developments etc in Kent are matters that would be reflected in the KMWLP and other relevant Kent Local Plans.
National Highways	Further Proposed Changes	No objection. Proposed additional changes do not impact on safety, reliability and/or operational efficiency of the Strategic Road Network.	Noted
Natural England	Further Proposed Changes	No comments.	Noted
Transport for London	Further Proposed Changes	No comments.	Noted

5.19 No responses were received from the following other DtC prescribed bodies:

- Civil Aviation Authority
- Homes and Community Agency
- NHS Primary Care Trust
- Office of Rail Regulation
- Integrated Transport Authority
- South East Local Enterprise Partnership

The County Council wrote to these parties on the 22nd September 2023 advising that no comment had been received on the emerging Plan and provided a further opportunity to make any representations. No comments were received in response to this invitation. As part of the Regulation 19 consultation, the County Council invited comments on the 17th January 2024. On the 19th February, the County Council wrote again to the DtC bodies who had not yet responded reminding them of the consultation closing date of the 29th February 2024.

Appendix 1: Policy Context and the Requirements of the Duty to Cooperate

The Localism Act

- 1.1 The Localism Act 2011 introduced Section 33A to the Planning and Compulsory Purchase Act (PCPA) 2004 which sets out the Duty to Cooperate in relation to the planning of sustainable development. The Duty applies to all Local Planning Authorities (LPAs), councils and other prescribed bodies and requires that they must actively cooperate with each other maximising the effectiveness with which development plans are prepared.
- 1.2 The Duty requires that engagement between these bodies should occur constructively, actively and on an on-going basis during the plan making process and beyond, and that regard must be given to the plans and responsibilities of other authorities where these are relevant to the LPA in question.
- 1.3 The Town and Country Planning (Local Planning) (England) Regulations 2012, set out the bodies (in addition to LPAs and County Councils) subject to the DtC requirements:
 - the Environment Agency;
 - the Historic Buildings and Monuments Commission for England (known as Historic England);
 - Natural England;
 - the Mayor of London;
 - the Civil Aviation Authority;
 - the Homes and Communities Agency;
 - each integrated care board established under Chapter A3 of Part 2 of the National Health Service Act 2006;
 - the National Health Service Commissioning Board;
 - the Office of Rail and Road;
 - Transport for London;
 - each Integrated Transport Authority;
 - each highway authority within the meaning of section 1 of the Highways Act 1980 (including the Secretary of State, where the Secretary of State is the highways authority); and
 - the Marine Management Organisation.
- 1.4 Following the release of the Town and Country Planning (Local Planning) (England) (Amendment) Regulations 2012, Local Enterprise Partnerships (LEPs) and Local Nature Partnerships (LNPs) are now a part of regulation 4 (2) and are therefore considered as statutory prescribed bodies. The amendments (regulation 4(3) specifically) identify LEPs and LNPs as the following:

- Local Enterprise Partnership: a body, designated by the Secretary of State, which is established for the purpose of creating or improving the conditions for economic growth in an area
- Local Nature Partnership: a body, designated by the Secretary of State, which is established for the purpose of protecting and improving the natural environment in an area and the benefits derived from it.

1.5 All of the above bodies should be proportionate in level of cooperation and engagement should be tailored according to where they can maximise the effectiveness of plans.

National Planning Policy Framework 2023

1.6 The National Planning Policy Framework (NPPF) (2023) includes a section entitled ‘Managing effective cooperation’ which states: *‘local planning authorities and county councils (in two-tier areas) are under a duty to cooperate with each other, and with other prescribed bodies, on strategic matters that cross administrative boundaries’*. This section describes the expectations with regard to cooperation as follows:

- Strategic policy-making authorities should collaborate to identify the relevant strategic matters which they need to address in their plans.
- Engagement should be carried out with local communities and relevant bodies including Local Enterprise Partnerships, Local Nature Partnerships, the Marine Management Organisation, county councils, infrastructure providers, elected Mayors and combined authorities.
- Effective and on-going joint working between strategic policy-making authorities and relevant bodies is integral to the production of a positively prepared and justified strategy. Joint working should help to determine where additional infrastructure is necessary, and whether development needs that cannot be met wholly within a particular plan area could be met elsewhere.
- In order to demonstrate effective and on-going joint working, strategic policy making authorities should prepare and maintain one or more statements of common ground, documenting the cross-boundary matters being addressed and progress in cooperating to address them. These should be produced using the approach set out in national planning guidance, and be made publicly available throughout the plan-making process to provide transparency.

National Planning Practice Guidance (NPPG) 2019

1.7 Further guidance on fulfilling the duty to cooperate throughout the preparation of local plans is also outlined in the National Planning Policy Guidance (NPPG) (2019) specifically within the “Guidance on plan-making” under the section “Maintaining effective cooperation”. This includes a section on “Duty to Cooperate” paragraphs 029 to 033 and 0075. Such paragraphs provide information on the following:

- A background to the DtC concept and the requirements from both planning law and planning policy relevant to the DtC process
- The differences between DtC and Statements of Common Ground
- The relationship between the DtC and the Test of Soundness
- The general bodies responsible for fulfilling the duty to cooperate and those that should be consulted
- The general DtC practice, outcomes and actions constituting effective cooperation
- The role of the DtC during the local plan examination process
- Demonstrating compliance with the DtC

1.8 Particular paragraphs confirm that:

- The DtC was introduced by the Localism Act 2011, is set out in section 33A of the Planning and Compulsory Purchase Act 2004 and places a legal duty on local planning authorities and county councils in England, and prescribes bodies to engage constructively, actively and on an ongoing basis to maximise the effectiveness of local plan and marine plan preparation in the context of strategic cross boundary matters.
- The Town and Country Planning (Local Planning) (England) Regulations 2012 prescribes certain other public bodies that are also subject to DtC. These organisations are required to cooperate with local planning authorities and county councils in England, and the other prescribes bodies. All parties should approach the duty in a proportionate way, tailoring cooperation according to where they can maximise the effectiveness of plans.
- The DtC is not an obligation to agree however, local planning authorities should take the necessary measures to secure effective cooperation on strategic cross-boundary issues prior to the submission of their local plans
- The aim of the DtC is to encourage positive and continuous partnership working on the matters that go beyond single administrative boundaries.
- Cooperation between county councils and district/borough council in two-tier authority areas is critical in ensuring effective planning for strategic matters including both minerals and waste.
- The local plan examination will first assess whether a local planning authority has complied with the duty to cooperate and other legal requirements. The Inspector will use all available evidence to determine whether the duty has been satisfied.
- Local planning authorities need to comply with the Duty to Cooperate when revising their development plan documents and reviewing whether they remain up to date. The level of cooperation is expected to be proportionate to the task and should not unduly delay the plan review.

Appendix 2: Duty to Cooperate Bodies Engaged with Throughout the Preparation of the Kent Minerals and Waste Local Plan 2024-39

Kent District/Borough/City Councils:

- Ashford Borough Council
- Canterbury City Council
- Dartford Borough Council
- Dover District Council
- Ebbsfleet Development Corporation
- Folkestone and Hythe District Council
- Gravesham Borough Council
- Maidstone Borough Council
- Sevenoaks District Council
- Swale Borough Council
- Thanet District Council
- Tonbridge and Malling Borough Council
- Tunbridge Wells Borough Council

Neighbouring and Other Minerals and Waste Planning Authorities:

- Brighton and Hove City Council
- Buckinghamshire County Council
- Cheshire East County Council
- Dorset County Council
- East Sussex County Council
- Essex County Council
- Hampshire County Council
- Hertfordshire County Council
- Isle of Wight Council
- Lincolnshire County Council
- Medway Council
- Milton Keynes Council
- Norfolk County Council
- Oxfordshire County Council
- Portsmouth City Council
- Reading Borough Council
- Royal Borough of Windsor and Maidenhead
- Slough Borough Council
- South Downs National Park Authority
- Southampton City Council
- Surrey County Council
- West Berkshire County Council
- West Sussex County Council
- Wokingham Borough Council

- Worcestershire County Council

Other Prescribed Bodies:

- Environment Agency
- Historic England
- Natural England
- Mayor of London
- Civil Aviation Authority
- Homes and Communities Agency
- National Health Service
- National Health Service Commissioning Board
- Office of Rail and Road
- Transport for London
- Kent County Council Highways Authority
- Highways England
- Network Rail
- Marine Management Organisation
- South East Local Enterprise Partnership
- Kent Nature Partnership

Appendix 3: Supporting documents published alongside drafts of the updated Kent Minerals and Waste Local Plan

- ***Refresh of the Kent Minerals and Waste Local Plan 2013-30 (Regulation 18 consultation December 2021)***
 - Kent Minerals and Waste Local Plan 2013-30 Proposed Refresh Regulation 18 Consultation Draft (December 2021)
 - Kent Minerals and Waste Local Plan 2013-30 Proposed Refresh Executive Summary (December 2021)
 - Sustainability Appraisal Scoping Report of Updates to the Kent Minerals and Waste Local Plan 2013-30 in light of the Five-Year Review (October 2021)
 - Strategic Flood Risk Assessment (SFRA) - Position Statement (December 2021)
 - Habitats Regulation Assessment (HRA) - Position Statement (December 2021)
 - Circular Economy Topic Paper (December 2021)
 - Note on Statement of Common Ground with Magnox and Nuclear Decommissioning Authority (December 2021)

- ***Draft Kent Minerals and Waste Local Plan 2023-38 (Regulation 18 consultation October 2022)***
 - Draft Kent Minerals and Waste Local Plan 2023-38 (Regulation 18 consultation document October 2022) - showing changes tracked
 - Draft Kent Minerals and Waste Local Plan 2023-38 (Regulation 18 consultation document October 2022) - untracked
 - Summary table of analysis of comments received to Regulation 18 consultation December 2021 to February 2022
 - Circular Economy Topic Paper (October 2022)
 - Biodiversity Topic Paper (October 2022)
 - Sustainability Appraisal Report - Updates to the Kent Minerals and Waste Local Plan 2013-30 in light of the Five-Year Review (August 2022)
 - Sustainability Appraisal Report - Non-Technical Summary - Updates to the Kent Minerals and Waste Local Plan 2013-30 in light of the Five-Year Review (August 2022)
 - Strategic Flood Risk Assessment (SFRA) - Position Statement (October 2022)
 - Habitats Regulations Assessment (HRA) Kent Minerals and Waste Local Plan 2023-38 (October 2022)
 - Habitats Regulations Assessment (HRA) Appendix 1 (October 2022)
 - Draft Kent Minerals and Waste Local Plan 2023-38 proposed updated plans and figures (September 2022)
 - Kent Annual Monitoring Assessment (AMR) (October 2022)

- Kent Waste Needs Assessments 2022 Update - Capacity Requirement for the Management of Residual NHW in Kent
- Kent Waste Needs Assessments 2022 Update - CDEW Management Requirements in Kent
- Kent Waste Needs Assessments 2022 Update - CIW Management Requirements in Kent
- Kent Waste Needs Assessments 2022 Update - Hazardous Waste Management Requirements in Kent
- Kent Waste Needs Assessments 2022 Update - Management Requirements for LACW in Kent
- Kent Waste Needs Assessments 2022 Update - NHW Recycling and Composting Capacity Requirement in Kent
- Kent Waste Needs Assessments 2022 Update - Review of Waste Flows Between London and Kent
- ***Draft Kent Minerals and Waste Local Plan 2024-39 Further Proposed Changes (Regulation 18 consultation June 2023)***
 - Draft Kent Minerals and Waste Local Plan 2024-39 - Further Proposed Changes Consultation Document (June 2023)
 - Draft Sustainability Appraisal Report - Updates to the Kent Minerals and Waste Local Plan 2013-30 in light of the Five-Year Review (May 2023)
 - Draft Sustainability Appraisal Report - Non-Technical Summary - Updates to the Kent Minerals and Waste Local Plan 2013-30 in light of the Five-Year Review (May 2023)
 - Summary table of comments received to Regulation 18 consultation October 2022 to December 2022
 - Kent Waste Needs Assessment 2022 Update - Hazardous Waste Management Requirements in Kent to 2039
- ***Pre-Submission Draft of the Kent Minerals and Waste Local Plan 2024-39 (Regulation 19 consultation January 2024)***
 - Pre-Submission Draft of the Kent Minerals and Waste Local Plan 2024-39 (Regulation 19 Consultation Document) - showing changes tracked
 - Pre-Submission Draft of the Kent Minerals and Waste Local Plan 2024-39 (Regulation 19 Consultation Document) - untracked (clean copy)
 - Habitats Regulations Assessment (HRA) Kent Minerals and Waste Local Plan Update 2024-39
 - Draft Sustainability Appraisal Report of the Kent Draft Kent Minerals and Waste Local Plan 2024-39 Regulation 19 Consultation - Updates to the Kent Minerals and Waste Local Plan 2013-30 in light of the Five-Year Review (November 2023)
 - Draft Sustainability Appraisal Report - Non-Technical Summary - Updates to the Kent Minerals and Waste Local Plan 2013-30 in light of the Five-Year Review (November 2023)

- Duty to Cooperate Report
- Consultation Statement
- Statement of Representations Procedure
- Strategic Flood Risk Assessment (SFRA) - Position Statement
- Biodiversity Net Gain Topic Paper
- Circular Economy Topic Paper
- Radioactive Waste Topic Paper
- Waste Needs Assessments
- Guidance note and representation form

Appendix 4: Statement of Common Ground with Kent County Council and Canterbury City Council dated April 2024

Statement of Common Ground

Canterbury City Council and Kent County Council (Minerals and Waste) 2024

1. Overview

- 1.1 This Statement of Common Ground (SOCG) reflects the agreed position between **the Parties**, they are Canterbury City Council (CCC) and Kent County Council (KCC).
- 1.2 KCC is the minerals and waste planning authority for the two-tier area of Kent with responsibility for planning for the future management of waste and supply of minerals in the county.
- 1.3 CCC has responsibility for planning other development such as housing and employment within the Canterbury District area (see Figure 1).
- 1.4 The purpose of this SOCG is to set out the areas of agreement on key strategic matters and the basis on which the parties will continue to work together to meet the requirements of the Duty to Cooperate.
- 1.5 The geographical relationship between the parties, reflecting local authority boundaries, is represented at Figure 1.

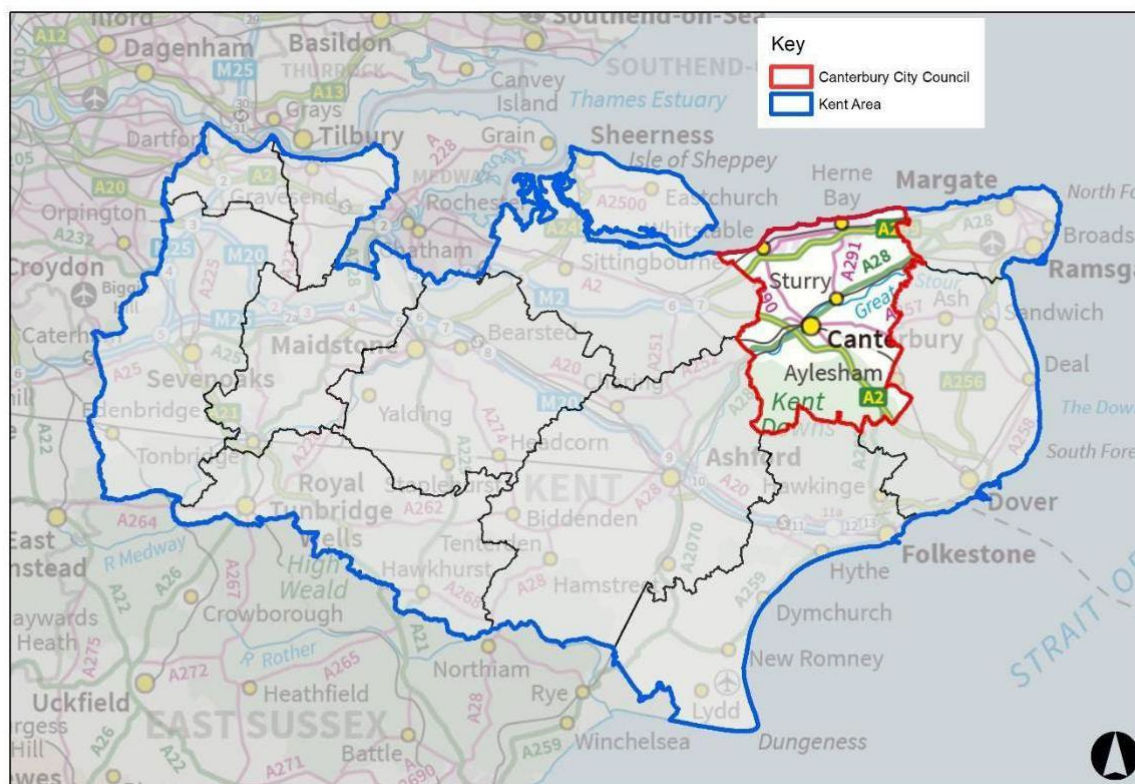


Figure 1 Location of Kent and Canterbury City Council

2.0 Key strategic matters

2.1 The NPPF (2023) defines the topics considered to be strategic matters and includes those which make provisions for minerals and waste management.

2.2 Paragraphs 24-25 of the NPPF state that:

“Local planning authorities and county councils (in two-tier areas) are under a duty to cooperate with each other, and with other prescribed bodies, on strategic matters that cross administrative boundaries.” and “Strategic policy-making authorities should collaborate to identify the relevant strategic matters which they need to address in their plans.”

2.3 Paragraph 27 also states that:

“In order to demonstrate effective and on-going joint working, strategic policy-making authorities should prepare and maintain one or more statements of common ground, documenting the cross-boundary matters being addressed and progress in cooperating to address these. These should be produced using the approach set out in national planning guidance and be made publicly available throughout the plan-making process to provide transparency.”

2.4 Specifically, this SOCG covers the strategic matter of land-won mineral resources and waste management, and minerals infrastructure and minerals transportation occurring in the Canterbury District.

Key Strategic Matters	Evidence	Process	Status
<p>Minerals</p> <p>Minerals are finite natural resources which need to be managed and safeguarded appropriately to ensure future availability. The parties have been involved in discussions around planning for the future management of mineral supply in the county, and decisions on how this will affect housing, employment and other development within the Canterbury district.</p> <p>The Parties agree that the CCC’s draft Local Plan (2024) contains appropriate policies to support the safeguarding of land-won minerals and minerals infrastructure in the Canterbury District.</p> <p>The Parties agree that the KCC Minerals and Waste Local Plan 2024-2039 Pre-Submission Draft (Regulation 19) contains appropriate policies to support the safeguarding of minerals and minerals infrastructure in the Canterbury District.</p>			

<p>Safeguarding of Mineral Resources and Mineral Infrastructure Policy Considerations</p>	<p>KCC Minerals and Waste Local Plan 2024-2039 Pre-Submission Draft (Regulation 19)</p> <p>Canterbury City Council Draft Local Plan Regulation 18 (2024)</p>	<p>Both Parties have prepared, or are involved in the preparation of Local Plans, and have agreed with the other parties' conclusions regarding Minerals.</p> <p>The Parties have engaged on the matters of housing allocations in the Canterbury District. CCC and KCC met to discuss housing allocations in the Local Plan and subsequently amended policy wording to reflect the minerals issues highlighted by KCC.</p> <p>CCC has agreed to ensure that KCC policies for minerals and waste infrastructure safeguarding are appropriately implemented through the Local Plan.</p> <p>The Parties have engaged on the matters of the Minerals and Waste Local Plan. CCC have not raised any objections to the plan.</p>	<p>Agreed</p> <p>April 2024</p>
<p>Strategic Waste Issues</p> <p>Strategic policies should plan for waste management. The parties have been involved in</p>			

discussions around planning for the future management of waste in the county, and decisions on how this will affect housing and employment development within the Canterbury district.

The **Parties agree** that the CCC's draft Local Plan (2024) contains appropriate policies to support the safeguarding of waste infrastructure in the Canterbury District.

The **Parties agree** that the KCC Minerals and Waste Local Plan 2024-2039 Pre-Submission Draft (Regulation 19) contains appropriate policies to support the safeguarding of waste infrastructure in the Canterbury District.

<p>Strategic Waste Issues</p>	<p>KCC Minerals and Waste Local Plan 2024-2039 Pre-Submission Draft (Regulation 19)</p> <p>Canterbury City Council Draft Local Plan Regulation 18 (2024)</p> <p>CCC Draft Nutrient Mitigation Strategy (2024)</p>	<p>CCC will keep KCC, as the waste planning authority, updated on matters relating to site allocations in close proximity to a landfill site, as identified in KCC's representation to CCC's Local Plan consultation.</p>	<p>Agreed</p> <p>April 2024</p>
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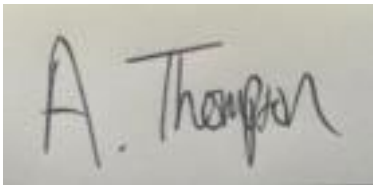
3 Governance arrangements

3.1 This SOCG will be published and kept up-to-date by the parties as a record of where agreement has or has not been reached on strategic issues.

3.2 The parties will work together to update local plans and associated documents and evidence.

4 Signatories/declaration

Signed on behalf of Canterbury City Council

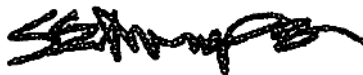
A photograph of a handwritten signature in black ink on a light-colored background. The signature reads "A. Thompson".

Andrew Thompson

Position: Corporate Policy and Strategy Manager

Date: April 2024

**Signed on behalf of Kent County
Council (Minerals and Waste)**

A photograph of a handwritten signature in black ink on a light-colored background. The signature is stylized and appears to read "Sharon Thompson".

Sharon Thompson

Position: Head of Planning Applications

Date: 25 April 2024

Appendix 5: Statement of Common Ground with Kent County Council and Ebbsfleet Development Corporation dated April 2024

Statement of Common Ground Between Kent County Council and the Ebbsfleet Development Corporation (the Parties) Concerning Minerals and Waste Safeguarding and Allocation of Mineral Sites.

Updated April 2024

1.0 Introduction and Parties Involved

1.1 The National Planning Policy Framework ¹(NPPF) states that: *“Local planning authorities and county councils (in two-tier areas) are under a duty to cooperate with each other, and with other prescribed bodies, on strategic matters that cross administrative boundaries.”* and *“Strategic policy-making authorities should collaborate to identify the relevant strategic matters which they need to address in their plans.”*

1.2 It also states²: *“In order to demonstrate effective and on-going joint working, strategic policy-making authorities should prepare and maintain one or more statements of common ground, documenting the cross-boundary matters being addressed and progress in cooperating to address these. These should be produced using the approach set out in national planning guidance and be made publicly available throughout the plan-making process to provide transparency.”*

1.3 This document represents a Statement of Common Ground (SoCG) between Kent County Council (KCC) and the Ebbsfleet Development Corporation (EDC) that will help ensure that waste is managed, and minerals are supplied in the Ebbsfleet Development Corporation area and where appropriate other parts of Kent in accordance with relevant local and national policy.

1.4 Specifically, this SoCG covers the following strategic matters:

- Safeguarding of mineral resources (Policy CSM5)
- Safeguarding Minerals Management, Transportation & Waste Management Facilities
- Minerals and Waste Safeguarding procedures to enable non-minerals and waste development to be determined while ensuring their safeguarding is secured.
- Other allocations / relevant issues in Gravesham Borough Council (GBC) and Dartford Borough Council (DBC) local plans

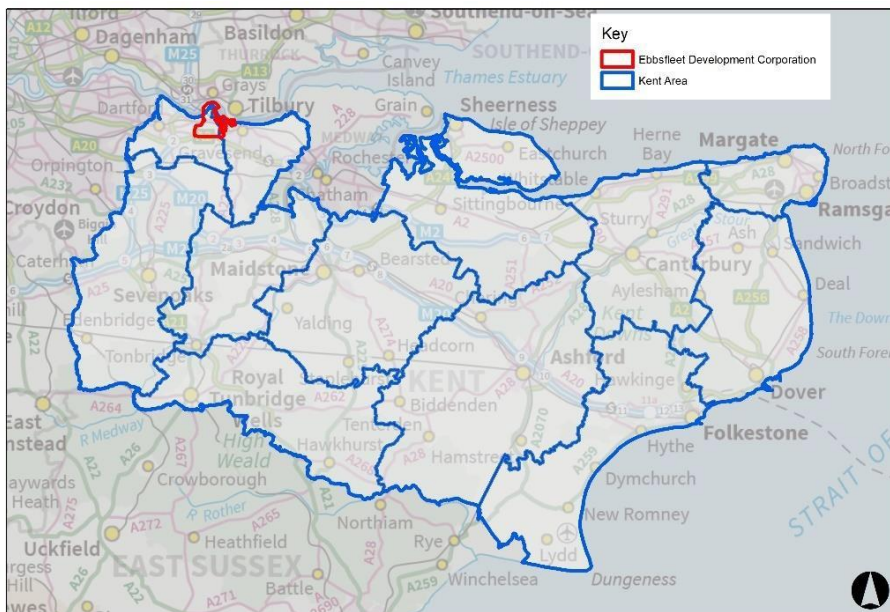
1.5 KCC is the waste and minerals planning authority for the two-tier area of Kent with responsibility for planning for the future management of waste and supply of minerals in the county by preparing relevant strategic policies. Ebbsfleet Garden City is located within north-west Kent and the EDC is the determining body for County Minerals and Waste applications within its development area. A service

¹ Paragraph 24 and 25 of the revised National Planning Policy Framework (2023)

² Paragraph 27 of the National Planning Policy Framework (2023)

level agreement is in place between KCC and EDC under which KCC processes such applications on behalf of EDC. EDC has responsibility for development management functions within the Ebbsfleet Development Corporation Urban Development Area (See Figure 1) but both DBC and GBC are responsible for producing Local Plans to cover their geographical areas.

Figure 1: Location of Kent and Ebbsfleet Development Corporation



1.6 In accordance with paragraph 8 of National Planning Policy for Waste (2014), the EDC also has responsibility for helping ensure that waste is managed in accordance with the Waste Hierarchy³, this includes the following:

“When determining planning applications for non-waste development, local planning authorities should, to the extent appropriate to their responsibilities, ensure that:

the likely impact of proposed, non-waste related development on existing waste management facilities, and on sites and areas allocated for waste management, is acceptable and does not prejudice the implementation of the waste hierarchy and/or the efficient operation of such facilities;”

1.7 Insofar as safeguarding mineral resources and waste management and mineral supply infrastructure is concerned, the following paragraphs of the NPPF apply:

Paragraph 215: It is essential that there is a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs. Since minerals are a finite natural resource, and can only be worked where they are found, best use needs to be made of them to secure their long-term conservation.

³See Appendix A of National Planning Policy for Waste. The waste hierarchy expects waste to be managed in the following order of preference: Prepared for reuse; Recycled and/or composted; Recovered in ways other than recycling/composting; and, finally, Disposed.

Paragraph 216: Planning policies should:

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

(d): Planning policies should set out policies to encourage the prior extraction of minerals, where practical and environmentally feasible, if it is necessary for non-mineral development to take place;

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

Paragraphs 217: When determining planning applications, great weight should be given to the benefits of mineral extraction, including to the economy.

Paragraph 218: Local planning authorities should not normally permit other development proposals in Mineral Safeguarding Areas if it might constrain potential future use for mineral working.

1.8 KCC is in the process of reviewing the adopted Kent Minerals and Waste Local Plan 2013-30 (Early Partial Review 2020) (KMWLP), and further considering the possible review of the adopted Mineral Sites Plan 2020 (MSP). The KMWLP review has resulted in modifying its adopted planning policies concerning the supply of aggregate minerals, biodiversity net gain, low level and very low-level nuclear waste management at the Dungeness Nuclear Estate, deletion of both strategic minerals and waste site allocations, changes to the supporting text regarding the expectation of receiving a declining amount of non-hazardous waste from London and minor changes to the Mineral Safeguarding Area proposals maps. With regards the MSP, depending on further consideration of any promoted sites, the plan may require review and modification to enable an allocation to be secured to maintain hard rock landbanks until 2039. In 2017 KCC adopted a Supplementary Planning Document on Safeguarding (Safeguarding SPD), this was reviewed in March 2021. Modifications to the KMWLP safeguarding policies (DM 7 (7) and DM 8 (2)) were proposed as part of the Early Partial Review of the KMWLP, the emerging Full Review of the KMWLP does not propose to make any additional changes to these policies or their explanatory text.

2.0 Strategic Geography

2.1 Ebbsfleet Garden City is located in north-west Kent and straddles the boundary between the local authorities of Dartford Borough Council and Gravesham Borough Council (see Figure 1). The area is undergoing transformation and development split across a number of strategic development sites. Currently within the EDC area, there is consent for residential, employment, core and community uses, with plans for up to 15,000

new homes. The A2 trunk road runs along the southern boundary, the A226 crosses through the area with Ebbsfleet International Railway Station within the central area.

2.2 The main economic minerals found within the Ebbsfleet Development Corporation Urban Development Area are aggregates in the form of sub-alluvial river terrace deposits (found along the bank of the Thames and along the Ebbsfleet Valley) and river terrace deposit (found in deposits to the south of the bank of the Thames). There are several mineral wharf sites and other mineral processing infrastructure sites in the in the Ebbsfleet Development Corporation Urban Development Area at:

- Red Lion Wharf
- Wharf 42
- Northfleet Wharf (area within the safeguarded 250m buffer zone identified in Policy DM 8)
- Old Sun Wharf
- Robins Wharf (portion of the mineral stockpile area)

2.3 Key Safeguarded Mineral features in the Ebbsfleet Development Corporation Area are shown in Appendix 1. There are imports and exports of mineral into and out of the EDC area.

2.4 Waste produced in the EDC area is managed at various facilities both within and outside of the borough/district. The waste facilities within the EDC area also serve areas outside of the area and are as follows:

- Plot 15 Manor Way, Secondary and Recycled Aggregate Site
- Land South of Manor Way, Secondary and Recycled Aggregate Site
- Temp. Wood Storage & Shredding Red Lion Wharf, Recycling Site, Construction and Demolition Waste
- Manor Way, Swanscombe, Treatment Site
- Manor Way Business Park, Transfer Station
- Plot 16 Manorway Business Park, Manor Way, Swanscombe, Metal/End of life Vehicle (ELV) Facility
- Oakdene, Watling Street, Bean, Metal/ELV Facility
- South Pit, Manor Way Wastewater Treatment Works

3.0 Strategic Matters

Safeguarding of Mineral Resources Policy Considerations

3.1 Protecting mineral resources from unnecessary sterilisation is central to supporting sustainable development and so is a very important part of national planning policy. Minerals are a finite natural resource which need to be used prudently. The purpose of safeguarding minerals is to ensure that sufficient economic minerals are available for future generations to use (see NPPF Part 17 - Facilitating the sustainable use of minerals).

3.2 The Parties agree that safeguarding of minerals resources in Ebbsfleet Development Corporation Urban Development Area shall take place in accordance with relevant safeguarding policies and the Safeguarding SPD. Key aspects of the approach are described below.

Minerals Safeguarding Areas (MSAs)

3.3 MSAs cover areas of known mineral resources that are, or may in the 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.

3.4 The MSAs carry no presumption for extraction and there is no presumption that any areas within MSAs will ultimately be acceptable for mineral extraction. The Parties agree that boundaries of the adopted MSAs for the Ebbsfleet Development Corporation Urban Development Area are set out in the Policies Maps in Chapter 9 of the Kent MWLP. In the Ebbsfleet Development Corporation Urban Development Area the MSA is also part of the policies of the Development Plan applicable to Gravesham and Dartford Borough Councils.

3.5 Minerals Consultation Areas (MCAs) cover the same area as MSAs. The Parties agree that if an application for non-minerals development is received by the EDC within the MCA then it will consult KCC on the implications for safeguarding the resource in that area. The Parties agree that KCC will provide its views within 21 days of being consulted and if no response is provided the EDC may take that to mean that KCC has no concerns.

3.6 The Parties agree that applications for development within MSAs will need to be accompanied by related information to allow an assessment of the impact on the resource to be undertaken. The information required is set out in the Safeguarding SPD.

3.7 The Parties agree that to support the EDC in consideration of minerals safeguarding, on request, KCC will provide advice on the importance of the safeguarded resource at the time an application is made.

3.8 The Parties agree that existing and allocated mineral sites are also protected by the safeguarding policies and KCC and the EDC will apply these policies when considering any applications which might impact upon the extraction of minerals from these sites.

3.9 The Parties agree that KCC and the EDC will apply Policy DM 7 when determining if proposed development that might otherwise be incompatible with safeguarding a mineral resource would be acceptable. Exemptions to the presumption to safeguard are set out in Policy DM 7 include where a proposal is on land allocated in a local plan and/or where prior extraction of the mineral has taken place.

3.10 The validity of applying safeguarding considerations to sites allocated pre-

adoption of the KWMLP in July 2016 is a matter not agreed between the parties.

Prior extraction

3.11 The Parties agree that KCC and the EDC will consider applications for prior extraction of safeguarded mineral resources, that would otherwise be sterilised by non- minerals development, against adopted KMWLP Policies CSM 4 and DM 9.

Review

3.12 The Parties agree that KCC will review the extent of the MSAs at least every five years. The current MSAs were adopted in 2016, reviewed in 2020 and are now being reviewed again.

Safeguarding Minerals Management, Transportation & Waste Management Facilities

3.13 Mineral transportation infrastructure is important because imported minerals make a major contribution to Kent's requirements and production facilities convert materials into useable products. Transportation infrastructure also allows for export of minerals to other areas.

3.14 The purpose of safeguarding sites hosting existing waste and minerals infrastructure, as well as those with planning permission and/or allocated for such uses, is to ensure that the need for existing or planned waste management and minerals supply infrastructure is taken into account when decisions are made on all new development in Kent.

3.15 The Parties agree that they will work together to ensure that the relevant safeguarding policy is implemented effectively.

3.16 The Parties agree that in protecting the ongoing operation of such infrastructure KCC and the EDC will apply Policy CSM 6 (Safeguarded Wharves and Rail Depots) and Policy CSM 7 (Safeguarding Other Mineral Plant Infrastructure), as appropriate.

3.17 The loss of existing waste management capacity could have an adverse effect upon delivering the waste strategy, including net self-sufficiency in waste management, in Kent and so its protection is also important. The Parties agree that KCC and the EDC will protect existing permitted sites with permanent permission for waste management by applying Policy CSW 16 (Safeguarding of Existing Waste Management Facilities).

3.18 The Parties agree that application of the policies mentioned above means that planning applications for development which replaces or jeopardises the minerals and waste infrastructure capacity provided by these policies should generally be refused, save where excepted by the relevant policies terms or other material considerations.

3.19 The Parties agree that where other development is proposed at, or within 250 metres of, safeguarded minerals and waste management facilities the EDC will consult KCC and take account of its views before making a planning decision.

3.20 The Parties agree that KCC and the EDC will apply Policy DM 8 (Safeguarding Minerals Management, Transportation, Production & Waste Management Facilities) when establishing if proposed development that might otherwise be incompatible with safeguarding minerals and/or waste infrastructure would be acceptable.

3.21 The validity of applying safeguarding considerations to sites allocated in a local plan pre-adoption of the KWMLP in July 2016 is a matter not agreed between the Parties.

3.22 Each year KCC will publish an updated list of existing minerals management, transportation and waste sites requiring safeguarding in the KCC Annual Monitoring Report.

4.0 Governance and Future Arrangements

4.1 KCC and the EDC will cooperate and work together in a meaningful way and on an ongoing basis to ensure the effective strategic planning of waste management. This statement is agreed by the KCC's Head of Planning Applications Group and the Ebbsfleet Development Corporations Director of Planning & Place.

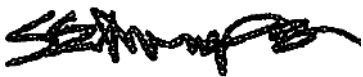

4.2 The ability of EDC to contribute to waste management and minerals supply in Kent will be monitored by KCC and reported each year in the Kent Annual Monitoring Report. As necessary this monitoring will trigger a review of this Statement of Common Ground, for example in light of changes to waste management and minerals supply capacity within the EDC area. The results of any review will be reported in each Authorities' Annual Monitoring Reports.

4.3 Specific matters likely to prompt a review of this SoCG are as follows:

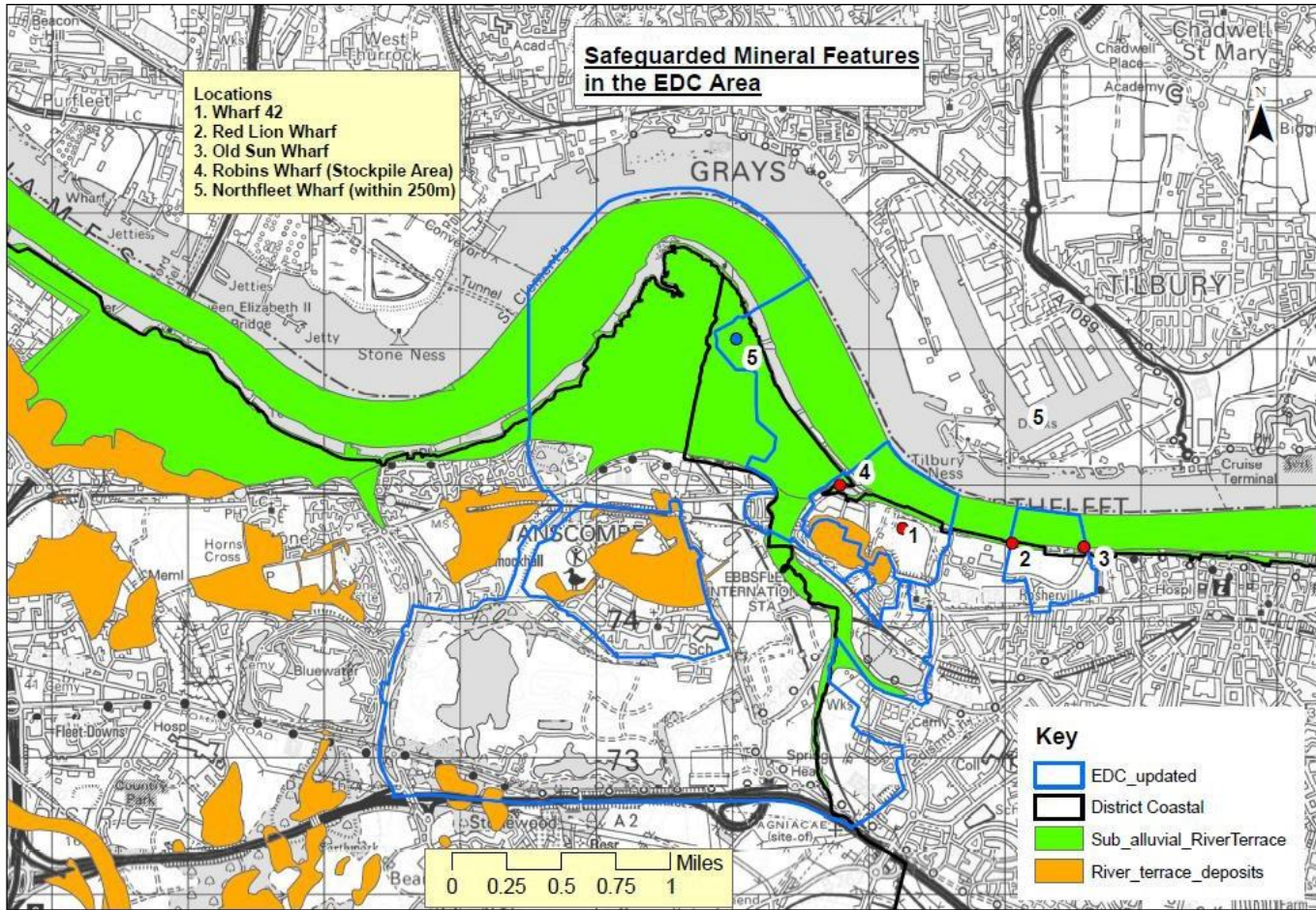
- Any future update to the Kent Minerals and Waste Safeguarding SPD
- Review of Minerals Safeguarding Areas
- Adoption of and any revisions to Gravesham and Dartford Borough Councils' Local Plans
- Any key changes to relevant national policy

4.4 The Parties will work together to update the Kent Minerals and Waste Safeguarding SPD and when reviewing the Minerals Safeguarding Areas.

5.0 Signatories

	
<p>Sharon Thompson</p>	<p>Ian Piper</p>
<p>Signed on behalf of Kent County Council</p>	<p>Signed on behalf of Ebbsfleet Development Corporation</p>
<p>Position: Head of Planning Applications Group, Growth Environment and Transport Directorate</p>	<p>Position: Chief Executive Officer</p>
<p>Date: 25 April 2024</p>	<p>Date: 29 April 2024</p>

Appendix 1



Appendix 6: Statement of Common Ground with Kent County Council and Tonbridge and Malling Borough Council dated April 2024

Statement of Common Ground between Kent County Council and Tonbridge & Malling Borough Council (the Parties) concerning Minerals and Waste Safeguarding, mineral requirements, deletion of a strategic mineral site allocation (Policy CSM3) and allocation of Mineral Sites

Updated April 2024

1.0 Introduction and Parties involved

1.1.1 National policy¹ states that: *“Local planning authorities and county councils (in two-tier areas) are under a duty to cooperate with each other, and with other prescribed bodies, on strategic matters that cross administrative boundaries.”* And that *“Strategic policy-making authorities should collaborate to identify the relevant strategic matters which they need to address in their plans. They should also engage with their local communities and relevant bodies including Local Enterprise Partnerships, Local Nature Partnerships, the Marine Management Organisation, county councils, infrastructure providers, elected Mayors and combined authorities (in cases where Mayors or combined authorities do not have plan-making powers).”*

1.1.2 It also states²: *“In order to demonstrate effective and on-going joint working, strategic policy-making authorities should prepare and maintain one or more statements of common ground, documenting the cross-boundary matters being addressed and progress in cooperating to address these. These should be produced using the approach set out in national planning guidance, and be made publicly available throughout the plan-making process to provide transparency”*

1.1.3 This document represents a **Statement of Common Ground (SoCG) between Kent County Council (KCC) and Tonbridge & Malling Borough Council (TMBC) (the Parties)** that will help ensure that waste is managed, and minerals are extracted and worked in the Borough of Tonbridge & Malling in accordance with relevant local and national policy.

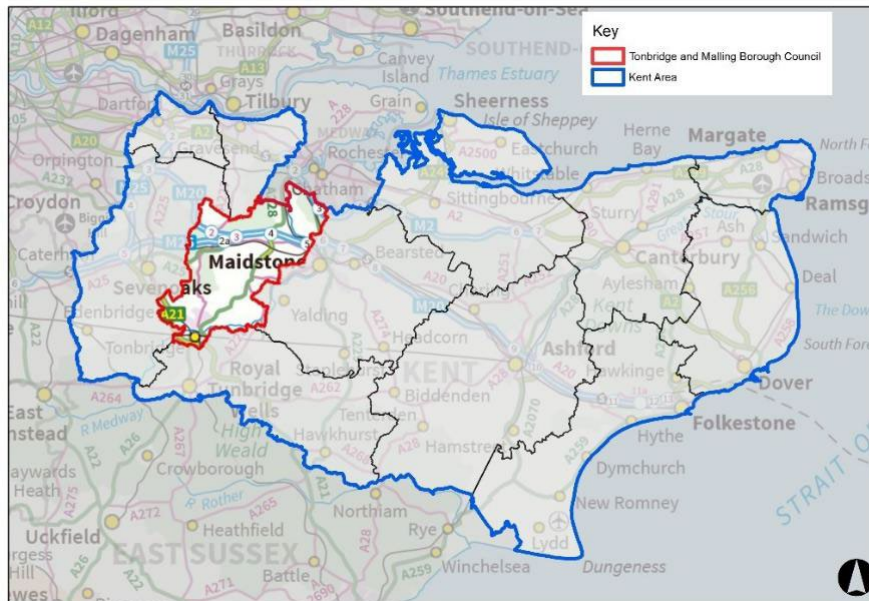
1.1.4 Specifically this SoCG covers the following strategic matters:

- Safeguarding of mineral resources and changes to the Tonbridge and Malling Borough Council Mineral Safeguarding Area Proposals Map;
- Safeguarding existing Minerals Management, Transport & Waste Management Facilities;
- Potential allocation of land for extraction of minerals (hard crushed rock) to meet objectively identified needs; and
- The deletion of the strategic mineral site Medway Cement Works Holborough (Policy CSM3)

1.1.5 KCC is the waste and minerals planning authority for the two-tier area of Kent with responsibility for planning for the future management of waste and supply of minerals in the county by preparing relevant strategic policies. The Borough of Tonbridge & Malling is located within Kent and TMBC has responsibility for planning other development such as housing and employment within the Borough of Tonbridge & Malling (See Figure 1).

¹ Paragraph 24 and 25 of the revised National Planning Policy Framework 2023
² Paragraph 27 of the National Planning Policy Framework 2023

Figure 1: Location of Kent and the Borough of Tonbridge & Malling



1.1.6 In accordance with paragraph 8 of National Planning Policy for Waste 2014 as recognised by the Waste Management Plan for England January 2021, both parties have responsibility for helping ensure that waste is managed in accordance with the Waste Hierarchy, this includes the following:

“8. When determining planning applications for non-waste development, local planning authorities should, to the extent appropriate to their responsibilities, ensure that:

- the likely impact of proposed, non-waste related development on existing waste management facilities, and on sites and areas allocated for waste management, is acceptable and does not prejudice the implementation of the waste hierarchy and/or the efficient operation of such facilities;”*

1.1.7 Insofar as safeguarding mineral resources and waste management and mineral supply infrastructure is concerned, the following paragraphs of the NPPF 2023 apply:

Paragraph 215:

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

Paragraph 216(c):

- “safeguard mineral resources by defining Mineral Safeguarding Areas and Mineral Consultation Areas; and adopt appropriate policies so that known locations of specific minerals resources of local and national importance are not sterilised by non-mineral development where this should be avoided*

(whilst not creating a presumption that the resources defined will be worked);
“

Paragraph 216(d):

- *“set out policies to encourage the prior extraction of minerals, where practical and environmentally feasible, if it is necessary for non-mineral development to take place;”*

Paragraph 216(e):

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

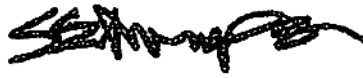
Paragraphs 218:

- *“Local planning authorities should not normally permit other development proposals in Mineral Safeguarding Areas if it might constrain potential future use for mineral working.”*

1.1.8 KCC is in the process of reviewing the adopted Kent Minerals and Waste Local Plan 2013-30 (Early Partial Review 2020) (KMWLP), and further considering the possible review of the adopted Mineral Sites Plan 2020 (MSP). The KMWLP review has resulted in modifications to its adopted planning policies concerning the supply of aggregate minerals, biodiversity net gain, low level and very low-level nuclear waste management at the Dungeness Nuclear Estate, deletion of both strategic minerals and waste site allocations, changes to the supporting text regarding the expectation of receiving a declining amount of non-hazardous waste from London and minor changes to the Mineral Safeguarding Area proposals maps.

1.1.9 With regards the MSP, depending on further consideration of any promoted sites, the Plan may require review and modification to enable an allocation to be secured or importation of such hard rock into the county to maintain hard rock landbanks until 2039. Imported hard (crushed) rock would arrive in Kent via its safeguarded mineral importation wharves and mineral rail depots. The materials could originate from other parts of the UK (Wales, Mendips potentially) or from overseas locations such as Norway. Hard igneous, metamorphic and sedimentary geologies from other locations could potentially meet Kent’s hard (crushed) rock aggregate requirements over the review Plan period to 2039. If Kent cannot maintain its land-won hard rock landbank, at the levels as required by the NPPF, importation would be the only alternative to maintain supply to meet objectively assessed needs. TMBC adopted its LDF Development Land Allocations DPD in 2008.

2.0 Signatories



Signed on behalf of Kent County Council



Signed on behalf of
Tonbridge and Malling Borough Council

(Officer)
Position: Head of Planning Applications
Growth and Communities Directorate

(Officer)
Position: Director of Planning, Housing and
Environmental Health.

Date 16 April 2024

Date: 17 April 2024

3.0 Strategic Geography

3.1.1 Tonbridge & Malling is a westerly borough within central Kent (see Figure 1). Most of the borough is rural in character and the largest rural settlements are West Malling, Borough Green, Hadlow, Hildenborough and East Peckham. The main urban settlement is Tonbridge. Three motorways (M20, M26 and M2) cross the borough in the north. The A21 trunk road passes by the south and west of Tonbridge.

3.1.2 The economic safeguarded minerals found within the borough are detailed on the Kent Minerals and Waste Local Plan Mineral Safeguarding Areas proposals maps for the respective areas that can be seen at the following link:

<https://www.kent.gov.uk/about-the-council/strategies-and-policies/service-specific-policies/housing,-regeneration-and-planning-policies/planning-policies/minerals-and-waste-planning-policy/kent-minerals-and-waste-local-plan-kmwlp#tab-2> .

3.1.3 There are the imports and exports of mineral into and out of the Tonbridge and Malling Borough Council area, the facility handling these movements (East Peckham rail siding and Depot) is safeguarded. Details of these facilities can be seen at: <https://www.kent.gov.uk/about-the-council/strategies-and-policies/service-specific-policies/housing,-regeneration-and-planning-policies/planning-policies/minerals-and-waste-planning-policy/kent-minerals-and-waste-local-plan-kmwlp> at and using the link to the Kent Minerals and Waste Local Plan 2013-30 and onto part 9, Adopted Policies

Map:https://www.kent.gov.uk/data/assets/pdf_file/0004/112585/Kent-Minerals-and-Waste-Local-Plan-2013-2030.pdf .

3.1.4 Waste produced in the borough area is managed at various facilities both within and outside of the borough area. The safeguarded waste facilities are included in the monitoring and assessment part of the County Council's web page at the following link: <https://www.kent.gov.uk/about-the-council/strategies-and-policies/service-specific-policies/housing,-regeneration-and-planning-policies/planning-policies/minerals-and-waste-planning-policy/monitoring-and-assessment> . The mineral and waste sites list are part of the Annual Monitoring

Report though is kept separate for ease of updating. The list is a living document as sites are permitted and implemented or closed and restored. The list requires periodic updating.

4.0 Strategic Matters

4.1 Safeguarding of Mineral Resources Policy Considerations

4.1.1 Protecting mineral resources from unnecessary sterilisation is central to supporting sustainable development and so is a very important part of national planning policy. Minerals are a finite natural resource which need to be used prudently. The purpose of safeguarding minerals is to ensure that sufficient economic minerals are available for future generations to use (see National Planning Policy Framework 2023, Part 17 Facilitating the sustainable use of minerals).

4.1.2 The **Parties agree** that safeguarding of minerals resources in the Borough of Tonbridge Malling shall take place in accordance with safeguarding policies and the Updated Mineral and Waste Safeguarding Supplementary Planning Document (SPD) March 2021. Key aspects of the approach are described below.

Minerals Safeguarding Areas (MSAs)

4.1.3 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.

4.1.4 The MSAs carry no presumption for extraction and there is no presumption that any areas within MSAs will ultimately be acceptable for mineral extraction. The Parties agree that boundaries of the adopted MSAs, as shown as part of the Regulation 19 Pre-Submission Draft of the Kent Minerals and Waste Local Plan 2024-39 for the Borough of Tonbridge & Malling are set out in the Policies Maps in chapter 9 of the emerging Plan.

4.1.5 Minerals Consultation Areas (MCAs) cover the same area as MSAs. The **Parties agree** that if an application for non-minerals development is received by TMBC within the MCA then it will consult KCC on the implications for safeguarding the resource in that area. The **Parties agree** that KCC will provide its views within 28 days of being consulted and if no response is provided TMBC may take that to mean that KCC has no safeguarding concerns.

4.1.6 The **Parties agree** that applications for development within MSAs will need to be accompanied by supporting professional information to allow an assessment of the impact on the resource to be undertaken. The information required is set out in the Safeguarding SPD.

4.1.7 The **Parties agree** that to support TMBC in consideration of minerals safeguarding, on request, KCC will provide free advice to the Borough Council on the importance of the safeguarded resource at the time an application is made.

4.1.8 The **Parties agree** that existing and allocated mineral sites are also protected by the safeguarding policies and KCC and TMBC will apply these policies when considering any applications which might impact upon the extraction of minerals from these sites.

4.1.9 The **Parties agree** that KCC and TMBC will apply Policy DM 7 determining if proposed development that might otherwise be incompatible with safeguarding a mineral resource would be acceptable. Exceptions to the presumption to safeguard are set out in Policy DM 7 include where a proposal is on land allocated in a local plan and/or where prior extraction of the mineral has taken place. Policy DM 7 is worded with a set criteria's 1-7 with 'either', 'or' as part of the structure of the policy. When applying this policy, owing to this wording, only one criterion needs to be met to demonstrate compliance with the policy.

4.1.10 The **Parties agree** that development proposed on a site allocated in the TMBC Local Development Framework Development Land Allocations Development Plan Document 2008 for that purpose within an MSA may be capable of being exempt from safeguarding with full consideration to the exemption criteria of the KMWLP policy DM 7 as set out in proposed exemption criterion (7): *It constitutes development on a site allocated in the adopted development plan where consideration of the above factors (1-6) concluded that mineral resources will not be needlessly sterilised.*

4.1.11 Moreover, any proposals will be considered against adopted and emerging review KMWLP Development Plan Policy DM 7, where the policy is worded with the exemption criteria 1-7 with 'either', 'or' as part of the structure of the policy. When applying the policy, owing to this wording, only one criterion needs to be met to demonstrate that an exemption can apply.

4.1.12 The **Parties agree** that when deciding on allocations in future Local Plans, TMBC will fully take into account the existence of the MSAs, will take free advice from KCC on the suitability of the allocation, if any proposed sites are within an MSA, and will apply Policy DM 7.

Prior Extraction of Minerals in Advance of Surface Development.

4.1.13 **Parties agree** that KCC and TMBC will consider applications for prior extraction of safeguarded mineral resources, that would otherwise be sterilised by non-minerals development, against adopted and the emerging review Kent MWLP Policies CSM 4 and DM 9.

Review of MSA

4.1.14 The **Parties agree** that KCC will review the extent of the MSAs at least every five years. As the current MSAs were adopted in 2016 and reviewed in 2023 this means they will be reviewed no later than 2028.

4.2 Safeguarding Minerals Management, Transportation & Waste Management Facilities

4.2.1 Mineral transportation infrastructure is important because imported minerals make a major contribution to Kent's requirements and production facilities convert materials into useable products. Transportation infrastructure also allows for export of minerals to other areas.

4.2.2 The purpose of safeguarding sites hosting existing waste and minerals infrastructure, as well as those with planning permission and/or allocated for such uses, is to ensure that the need for existing or planned waste management and minerals supply infrastructure is taken into account when decisions are made on all new development in Kent.

4.2.3 The **Parties agree** that as the responsibility for determining the majority of planning applications for non-waste and minerals development in the Borough of Tonbridge & Malling, such as housing, lies with TMBC, this authority is partly responsible for ensuring the safeguarding of waste and minerals infrastructure. In any event, both Authorities agree that they will work together to ensure that the relevant safeguarding policy is implemented effectively. For the purposes of determining planning applications, the Borough Local Development Framework and including the new emerging Local Plan, once adopted and the emerging Review Minerals and Waste Local Plan both form part of the Development Plan for the purposes of s38(6) of the Planning and Compulsory Purchase Act 2004.

4.2.4 The **Parties agree** that when considering applications which may impact upon the ongoing operation of such infrastructure KCC and TMBC will apply Policy CSM 6 (Railheads and Wharves) and Policy CSM 7 (Other Mineral Plant), as appropriate.

4.2.5 The loss of existing waste management capacity could have an adverse effect upon delivering the waste strategy, including net self-sufficiency in waste management, in Kent and so its protection is also important. The **Parties agree** that KCC and TMBC will apply policy CSW 16 for non-waste management uses at or within 250m of existing facilities and will then consider each application on its own merits, including whether an exemption to safeguarding is invoked under the adopted and emerging review KMWLP Policy DM 8.

4.2.6 The **Parties agree** that application of the policies mentioned above means that planning applications for development which replaces or jeopardises the minerals and waste infrastructure capacity provided by these operations will be considered on their own merits in accordance with Local Plan and national planning policies.

4.2.7 The **Parties agree** that where other development is proposed at, or within 250m of, safeguarded minerals and waste management facilities TMBC will

consult KCC 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).

4.2.8 The **Parties agree** that KCC and TMBC will apply the adopted and emerging review KMWLP Policy DM 8 when establishing if proposed development that might otherwise be incompatible with safeguarding minerals and/or waste infrastructure would be acceptable. The policy is worded with set criteria 1- 7 with ‘either’, ‘or’ as part of the structure of the policy and when applying these policies, owing to this wording, only one criterion needs to be met to demonstrate compliance with the policy.

4.2.9 The **Parties agree** that, in accordance with the adopted and emerging review KMWLP Policy DM 8 development proposed on a site allocated in the Tonbridge & Malling Borough Council Local Development Framework Development Land Allocations Development Plan Document 2008 for that purpose that would jeopardise existing or allocated minerals and waste infrastructure may be capable of being exempt from safeguarding with full consideration to the exemption criteria set out in the emerging Review KMWLP Policy DM 8 proposed exemption criterion (2):

it constitutes development on the site that has been allocated in the adopted development plan where consideration of the other criteria (1, 3-7) can be demonstrated to have taken place in formulation of the plan and allocation of the site which concluded that the safeguarding of minerals management, transportation production and waste management facilities has been fully considered and it was concluded that certain types non-mineral and waste development in those locations would be acceptable

4.2.10 Moreover, any proposals will be considered against adopted Development Plan policy DM 8, where the policy is worded with set criteria 1-7 with ‘either’, ‘or’ as part of the structure of the policy. When applying the policy, owing to this wording, only one criterion needs to be met to demonstrate compliance with the policy.

4.2.11 Each year KCC will publish an updated list of existing minerals management, transportation and waste sites requiring safeguarding in the KCC Annual Monitoring Report.

4.3 Locating New Mineral Sites and Potential Review of Mineral Sites Plan

4.3.1 The adopted Kent Minerals Sites Plan (MSP) allocates specific sites suitable for the extraction of aggregate mineral (specifically soft sand and sharp sand and gravel).

4.3.2 The **Parties agree** a specific site has been identified in the Borough of Tonbridge & Malling in the adopted Minerals Sites Plan as suitable, in principle, for extraction of sharp sand and gravel.

4.3.3 The site proposed for allocation is known as:

- M13 Stonecastle Farm, Hadlow / Whetsted

4.3.4 The site details include development management criteria that would need to be considered in the determination of any planning application and local plan formulation. Any proposal for mineral extraction at this location would have to demonstrate consistency with other policies of the Development Plan, which includes policies in the adopted and emerging review of the KMWLP, the TMBC Core Strategy 2007 and the TMBC LDF Development Land Allocations DPD 2008 as well as the Borough Council's emerging Local Plan, once adopted. In the event of any future plan review TMBC will have the opportunity to comment on to the development management criteria according to the statutory plan review consultative process. Though at this time the County Council does not anticipate any changes to the Mineral Sites Plan development management criteria will be necessary.

4.3.5 As part of the development management criteria it has been agreed that the site will be operated sequentially with the existing permitted Stonecastle Farm site and the adjacent Moat Farm site (if permitted) and not worked concurrently. It is also agreed that the vehicular access for each of the sites will be onto the A228 and a suitable restoration plan will be secured for after the completion of quarrying works.

4.3.6 The **Parties agree** that as an adopted site in the Minerals Sites Plan, Tonbridge and Malling Borough Council has no fundamental objection to the allocation and recognise the status of the site allocation if determining planning applications on or within 250m of the site, as an allocated site in the TMBC Development Plan, a safeguarded minerals area in the MSAs and a safeguarded minerals site.

4.3.7 The **Parties agree** the development of the allocated site M13 in the adopted Mineral Sites Plan must strictly conform with the development management criteria applicable to this site.

4.3.8 The **Parties disagree** on the following matters:

In relation to the adopted Mineral Sites Plan, and the M13 site (and that in the Tunbridge Wells Borough Council area immediately adjacent called M10 Moat Farm):

- Restoration. TMBC request the site be restored to agriculture (not artificial lakes with lake margin and woodland landscaping).
- Section 106 legal agreement. TMBC request a legal agreement to be used to secure restoration and the necessary funding.
- Heritage. TMBC request mitigation measures on the nearby heritage assets be incorporated into the development of the sites.

However, the Parties agree that the adopted Mineral Sites Plan has been adopted and therefore the principle of mineral development resulting in wetland

restoration as acceptable at this allocation, any future planning permission will consider matters such as the fine detail of restoration and protection of heritage assets in more detail.

4.3.9 In relation to the emerging Mineral Sites Plan work, TMBC are aware that the review of the KMWLP has demonstrated that further supply of hard (crushed) rock will be required to meet identified needs to 2039, the emerging review KMWLP period to 2039. Currently, the matter of where suitable resources of hard rock would be located as an acceptable resource, has not been determined. Detailed technical assessment work is ongoing and at present there can be no conclusions as to whether or not the MSP will be reviewed to include any hard (crushed) rock allocation(s) in the TMBC area.

4.3.10 TMBC acknowledge that as part of the KMWLP Review Regulation 18 plan public consultation a new hard rock site was promoted in response to the call for sites on land to the south and west of Hermitage Quarry, Aylesford. As set out in the TMBC consultation response letter [dated 20.07.23], TMBC continue to raise significant concern over this site proposal.

4.3.11 The **Parties agree** that KCC and TMBC will continue to liaise, cooperate and discuss this matter when further information becomes available in the public domain, so that both authorities are fully engaged and understand what issues may need clarifying in the future.

4.4 Deletion of Strategic Mineral Site – Policy CSM3

4.4.1 The pre submission draft of the KMWLP proposes the deletion of the strategic mineral site at the Medway Cement Works Holborough (Policy CSM3 in the adopted KMWLP). Whilst the site has not been fully built out, planning permission for the cement works development has been implemented and therefore safeguarding objectives are secured via an extant planning permission as opposed to a strategic allocation.

4.4.2 TMBC wish to highlight that this site was submitted through its Call for Sites exercise (Site ID no. 59866) as a potential development site. This is currently being considered and no decision has been made yet regarding the borough's future development strategy. As set out in TMBC's Regulation 18 public consultation letter dated 30.11.2022.

4.4.2 The **Parties** will cooperate together in a meaningful way and on an ongoing basis to ensure the strategic nature of this mineral site is understood and development management decisions by both authorities are taken with full understanding of its lawful status.

5.0 Governance and Future Arrangements

5.1.1 The **Parties** will cooperate and work together in a meaningful way and on an ongoing basis to ensure the effective strategic planning of minerals and waste matters in Kent. This statement is agreed by the KCC's Head of Planning Applications Group and TMBC's Director of Planning, Housing and Environmental Health.

5.1.2 The ability of the Borough of Tonbridge & Malling to contribute to waste management and minerals supply in Kent will be monitored by KCC and reported each year in the Kent Annual Monitoring Report. As necessary, this monitoring will trigger a review of this Statement of Common Ground, for example in light of changes to waste management and minerals supply capacity within the Borough of Tonbridge & Malling. The results of any review will be reported in each Authorities' Authority Monitoring Reports.

5.1.3 Specific matters likely to prompt a review of this SoCG are as follows:

- Adoption of the review Kent Minerals Sites Plan 2024-39 (anticipated December 2024)
- Any further update to the Kent Minerals and Waste Safeguarding SPD
- Further reviews of Minerals Safeguarding Areas
- Strategic matters affecting either plan making authority from TMBC's emerging Local Plan work (adoption anticipated 2026); and
- Any key changes to relevant national policy

5.1.4 The **Parties** agree that ongoing engagement will ensure that the formulation of the Development Plan for the relevant areas of TMBC and KCC are the result of justified and robust cooperative working.

Appendix 7: Statement of Common Ground between Waste Planning Authority members of the South East Waste Planning Advisory Group Concerning Strategic Policies for Waste Management (March 2020)

Statement of Common Ground between Waste Planning Authority members of the South East Waste Planning Advisory Group Concerning Strategic Policies for Waste Management

March 2020

Statement of Common Ground between Waste Planning Authority members of the
South East Waste Planning Advisory Group Concerning Strategic Policies for Waste
Management

March 2020

Contents

1.0 Introduction and Parties involved	3
2.0 Strategic Matters and Areas of Agreement	4
Net self-sufficiency.....	4
Movements of waste between authorities	6
Permanent deposit of inert excavation waste.....	7
Safeguarding	8
Green Belt	8
Areas of Outstanding Natural Beauty	8
National Parks	9
Non-Hazardous Waste Landfill	9
3.0 Signatories.....	10
4.0 Strategic Geography.....	11
5.0 Additional Strategic Matters.....	12
6.0 Cooperation Activities.....	12
7.0 Governance and Future Arrangements	12

1.0 Introduction and Parties involved

1.1 National policy¹ states that: *“Local planning authorities and county councils (in two-tier areas) are under a duty to cooperate with each other, and with other prescribed bodies, on strategic matters that cross administrative boundaries.”* and *“Strategic policy-making authorities should collaborate to identify the relevant strategic matters which they need to address in their plans.”*

1.2 National policy² expects that Local Plans will include ‘non-strategic’ and ‘strategic’ policies, and explains that strategic policies should.....*“set out an overall strategy for the pattern, scale and quality of development, and make sufficient provision for:.....infrastructure”* and this includes *“for.....waste management”*.

1.3 National policy³ states: *“In order to demonstrate effective and on-going joint working, strategic policy-making authorities should prepare and maintain one or more statements of common ground, documenting the cross-boundary matters being addressed and progress in cooperating to address these.”*

1.4 The management of waste has no regard to administrative boundaries, with waste arising in one authority’s area frequently being managed in another. Furthermore, in order to secure economies of scale, waste management facilities will often have a catchment which extends beyond the boundary of the planning area within which it is situated. This is recognised in the current⁴ National Planning Policy for Waste that expects waste planning authorities to: *“plan for the disposal of waste and the recovery of mixed municipal waste in line with the proximity principle, recognising that new facilities will need to serve catchment areas large enough to secure the economic viability of the plant;”*. For these reasons the management of waste is a cross boundary strategic matter, the planning for which requires co-operation between waste planning authorities.

1.5 This document represents a **Statement of Common Ground between Waste Planning Authorities in the South East (SCG)** concerning the strategic matter of planning for the management of waste. The waste planning authorities in the south east have responsibility for planning for the future management of waste in their areas by including relevant strategic policies in their Local Plans.

1.6 The waste planning authorities in the south east (‘the Parties’) are as follows:

- Bracknell Forest Council
- Brighton & Hove City Council
- Buckinghamshire County Council

¹ Paragraph 24 and 25 of the National Planning Policy Framework February 2019

² Paragraph 20 of the National Planning Policy Framework February 2019

³ Paragraph 27 of the National Planning Policy Framework February 2019

⁴ The version of National Planning Policy for Waste referred to in this document was published on 16 October 2014: <https://www.gov.uk/government/publications/national-planning-policy-for-waste>

- East Sussex County Council
- Hampshire County Council (incorporating Southampton City, Portsmouth City and New Forest National Park Waste Planning Authorities)
- Isle of Wight Council
- Kent County Council
- Medway Council
- Milton Keynes Council
- Oxfordshire County Council
- Reading Borough Council
- Royal Borough of Windsor and Maidenhead
- Slough Borough Council
- South Downs National Park Authority
- Surrey County Council
- West Berkshire Council
- West Sussex County Council
- Wokingham Borough Council

1.7 This SCG has the following broad aims:

- To ensure that planned provision for waste management in the South East of England is co-ordinated, as far as is possible, whilst recognising that provision by waste industry is based on commercial considerations;
- to ensure that the approach to waste planning throughout the South East is consistent between authorities;
- to help ensure that sufficient waste management capacity is planned for within each authority area which in turn will lead to regional net self sufficiency; and,
- to provide evidence of co-operation that has occurred, and is occurring, between the south east Waste Planning Authorities (WPAs) which helps underpin the preparation of their waste planning policies

1.8 The SCG sets out matters of agreement, reflecting the spirit of co-operation between the Parties. It is, however, not intended to be legally binding or to create legal rights.

1.9 This SCG replaces the 'Memorandum of Understanding between the Waste Planning Authorities of the South East of England, April 2017'.

2.0 Strategic Matters and Areas of Agreement

Net self-sufficiency

2.1 **The Parties agree** that they will plan for net self-sufficiency which assumes that within each waste local plan area the planning authority or authorities will plan for the management of an amount of waste which is equivalent to the amount arising in that plan area. For the avoidance of doubt, **the Parties agree** that they will plan on the basis that no provision has to

be made in their waste local plans to meet the needs of any other waste local plan area which are basing their waste policies on achieving the principle of net self-sufficiency.

2.2 The Parties accept that when using this principle to test policy, it may not be possible to meet this requirement for all waste streams, particularly where a specialist facility is required to manage specialist waste streams such as hazardous waste.

2.3 The Parties agree that they will therefore prepare plans which provide for the development of facilities that will manage waste produced within, and beyond, their areas based on net self-sufficiency and in accordance with the waste hierarchy.

2.4 The Parties recognise that there may be cases where, despite assessing reasonable options, some waste will not be planned to be managed within a waste plan area because of difficulty in delivering sufficient recovery⁵ or disposal capacity (E.g. Due to certain designations e.g. Green Belt, AoNB, National Park (see sections below)). **The Parties agree** that provision for unmet requirements from other authority areas may be included in a waste local plan but any provision for facilities to accommodate waste from other authorities that cannot or do not intend to achieve net self-sufficiency will be a matter for discussion and agreement between authorities and is outside the terms of this SCG.

2.5 The Parties note that, despite assessing reasonable options, there may be some kinds of waste requiring specialist treatment that cannot be managed within their own plan area, either in the short term or within the relevant plan period. These may include hazardous wastes and radioactive wastes. Where provision for the management of these wastes will be planned for in a different waste planning authority area, this will need to be considered between the relevant authorities. **The Parties agree** that provision for some kinds of wastes, including hazardous and radioactive waste, from other authority areas may be included in a waste local plan but that any provision for facilities to accommodate this waste from other authorities that cannot or do not intend to achieve net self-sufficiency will be a matter for discussion and agreement between authorities and is outside the terms of this SCG.

Supporting information:

2.6 Net self-sufficiency is a principle generally applied to waste planning that means an authority will plan for waste management facilities with sufficient capacity to manage an amount of waste that is equivalent to the amount predicted to arise within its area (irrespective of imports and exports). This helps ensure that sufficient waste management capacity is provided consistent with National Planning Policy for Waste⁶.

2.7 The approach of net self-sufficiency in the south east was originally set out in the South East Plan and was subsequently included in the Memorandum of Understanding⁷ between the

⁵ 'Recovery' includes recycling.

⁶ Paragraph 3 of NPPW includes: "Waste planning authorities should prepare Local Plans which identify sufficient opportunities to meet **the identified needs of their area** for the management of waste streams."

⁷ Memorandum of Understanding between the Waste Planning Authorities of the South East of England, April 2017

WPAs in the South East. Therefore, all WPAs in the south east have calculated waste management requirements that need to be planned for in their areas on this basis. Examination of such plans has found that this is a sound basis on which to plan for future waste management requirements.

Movements of waste between authorities

2.8 The Parties recognise that the application of net self-sufficiency in local plans does not mean that an exact equivalent amount of waste, of the same type, will be transported between areas. It is possible that particular conditions exist which mean more waste is transported to one authority than another. However net self-sufficiency means that such a situation would, in principle, be broadly balanced by movements between other authorities.

2.9 The Parties recognise that for a majority of existing waste management facilities, there are no restrictions on the handling of waste that has arisen outside their authority area. In order to avoid impediments to the normal functioning of the waste management market, **the Parties agree** that they will seek to avoid preparing planning policy that might hinder the movement of waste between areas (e.g. through the use of 'catchment' conditions) while recognising the proximity principle expectation that waste will be managed at the nearest appropriate facility.

2.10 Notwithstanding, the agreement in paragraph 2.4, **the Parties agree** that they can rely on ongoing movements of waste to other areas provided there are no conditions related to the planning permission for any particular site which might hinder the receipt of waste from other areas.

2.11 Where movements of waste between areas are taking place which are of such a size and nature that separate provision would need to be planned for if they were to cease, **the Parties agree** that there will be a need for dialogue between areas to establish the existence of any planning matter which might hinder such an arrangement in future. Such waste movements are considered to be 'strategic'. **The Parties agree** that what constitutes a 'strategic' level of waste movements will vary between authorities, however the levels set out below provide a starting point for considering whether dialogue is required:

- Non-hazardous waste – 5,000 tonnes per annum
- Hazardous waste 100t per annum
- Inert waste - 10,000t inert per annum

2.12 The Parties agree that agreement on ongoing waste movements between authorities may be achieved by an exchange of letters and that a separate SCG may not be required.

2.13 The Parties agree that when any WPA is updating waste planning policy that might affect the ongoing import of waste from another area that is considered to be 'strategic' in nature, it will notify the affected authority at related stages of consultation.

2.14 Regardless of the need for specific dialogue between individual authorities on strategic matters, **the Parties agree** that they will notify all other waste planning authorities at those stages of plan-making which involve publication of draft approaches and plans.

2.15 Although the Parties agree to the principle of net self-sufficiency, **the Parties also recognise** that particular constraints within a WPA area may mean that planning to achieve net self-sufficiency would not be consistent with the principles of sustainable development as set out in the NPPF and NPPW. **The Parties agree** that any WPA which seeks the management of waste on the basis of net export would need to provide robust evidence that clearly demonstrated that plans to meet needs within its area would not be consistent with the NPPF and NPPW.

2.16 **The Parties agree** that they will work together in the consideration of how to plan for the implications arising from the management of waste from London and any other authority areas that are not party to this SCG.

Permanent deposit of inert excavation waste

2.17 **The Parties agree** that this is not discouraged. Indeed, the achievement of timely restoration of such development is important and the availability of appropriate material, which may not be produced in sufficient quantities locally, is key to this. **The Parties agree** that available inert waste voidspace in the south east should continue to be monitored and will be taken into account when preparing related planning policy.

2.18 **The Parties recognise** that individual SCGs may be also be prepared between individual WPAs where particular movements of waste requiring permanent deposit of inert excavation waste in a recovery or disposal operation exist which require specific recognition. This is likely to be the case between London Authorities and authorities in the South East in recognition of the unique waste needs of London⁸.

2.19 **The Parties agree** that while not all inert excavation waste can be recycled, close to 100% can be put to some beneficial use and this should be the starting point when setting targets in plans.

Supporting information

2.20 *The permanent deposit of inert excavation waste on land may be beneficial and so can be classed as 'recovery' rather than 'disposal', for example, the restoration of mineral voids where it meets the criteria for being classed as recovery⁹.*

⁸ National Planning Practice Guidance for Waste Paragraph: 043

⁹ See the SEWPAG Joint Position Statement: Permanent Deposit of Inert Waste on Land in the South East of England, which recognises that inert excavation waste is often not easily recycled but lends itself to beneficial uses.

2.21 *Although inert excavation waste is not included in the London Plan target for net self-sufficiency, there is a target of 95% beneficial use¹⁰ of excavation waste (Policy SI7 4c) which applies to exports. There are severe constraints on the ability of producers of inert excavation waste in London to manage this waste within London and export of such waste for management within the south east will continue for the foreseeable future. However, inert excavation waste arising in London can be used to restore mineral workings in the south east.*

Safeguarding

2.22 **The Parties agree** to safeguard waste management capacity in their own areas through robust policies in their respective development plans on waste management. **The Parties agree** that this means their Plans will include a presumption against granting permission for other forms of development which could result in reductions in physical or operational capacity (either by reductions in numbers and size of sites or by reduction in site throughput or restrictions on operation). **The Parties agree** that, when preparing local plans, where development is proposed that would result in a reduction in capacity, the need for that capacity in meeting the needs of other local plan areas will be taken into account.

2.23 **The Parties agree** that it may be appropriate to allow the development of land that is permitted or allocated for waste management for a non-waste use where ongoing management of waste in that location would not be consistent with the principles of sustainable development as set out in the NPPF and NPPW.

Green Belt

2.24 Whilst it is recognised that waste management constitutes inappropriate development in the Green Belt, **the Parties agree** that the inability of the waste to be practically managed in other locations outside of the Green Belt, including those outside of the WPA area, may be one factor that would go toward comprising very special circumstances.

Supporting information

2.25 *As waste management is considered inappropriate development within Green Belt, the opportunities for developing waste facilities consistent with national policy in several WPA areas in the south east are reduced (as illustrated on Figure 1). Proposals will only be considered acceptable if 'very special circumstances' are shown to exist, which clearly outweigh the harm caused to the Green Belt by reason of inappropriateness and any other harm, such as the preservation of openness of Green Belt designated land¹¹.*

Areas of Outstanding Natural Beauty

2.26 **The Parties agree** that the presence of AONBs within the areas of the parties to this SCG is a constraint for the management of waste. **The Parties agree** that any proposal (including allocations in Plans) within an AONB would be considered against the existing

¹⁰ The London Plan also provides a definition of 'beneficial use'.

¹¹ See paragraphs 143 and 144 of the NPPF

development plan, national policy and guidance. **The Parties agree that** smaller scale waste development may be suitable in an AONB, in particular where it requires a countryside location or would serve a specific local need.

Supporting information

2.27 An Area of Outstanding Natural Beauty (AONB) is land protected by the Countryside and Rights of Way Act 2000. As shown on Figure 1 the south east includes several Areas of Outstanding Natural Beauty. The Countryside and Rights of Way Act (2000) sets out that local authorities must ensure that all decisions have regard for the purpose of conserving and enhancing the natural beauty of AONBs. The development of major waste management facilities within AONBs is not encouraged by existing policy. Footnote 55 of the NPPF (2019) states that the question of whether a development proposal is ‘major’ in an AONB is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined.

National Parks

2.28 The Parties agree that smaller scale waste development may be suitable in a National Park, in particular where it requires a countryside location or would serve a specific local need. **The Parties agree that** any proposal (including allocations in Plans) would be considered against the existing development plan, national policy and guidance.

Supporting information

2.29 National Parks are designated through the National Parks and Access to the Countryside Act 1949. The South Downs National Park and New Forest National Park are both situated within the south east as shown in Figure 1. The development of major waste management facilities within National Parks is not encouraged by existing policy¹². Footnote 55 of the NPPF (2019) states that the question of whether a development proposal is ‘major’ in a national park is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined.

Non-Hazardous Waste Landfill

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

2.31 When planning for non-hazardous landfill, **the Parties agree that** such facilities are regional in nature and will therefore receive waste from beyond the area within which they are located. **The Parties agree that** they will therefore consider the ability of their own area

¹² See paragraph 172 of the NPPF

to accommodate new non-hazardous landfill capacity as well as the ability of other areas to meet their own needs over the period being planned for (in line with the agreement in paragraph 2.4).

2.32 **The Parties agree** that the assessment of need for any new¹³ non-hazardous landfill will also consider impacts associated with vehicle movements of waste across the South East.

Supporting information

2.33 *The SEWPAG Joint Position Statement on Non Hazardous Landfill (and subsequent SEWPAG Annual Monitoring Reports) recognise that there is a declining amount of non-inert landfill capacity in the south east.*

General

2.33 **The Parties agree** that the greatest challenge to be addressed is to implement the waste hierarchy and promote the circular economy by enabling better, more sustainable, ways of dealing with waste and to reduce the current dependence on landfill.

2.34 **The Parties agree** to continue to positively plan to meet any shortfalls in waste management capacity in their areas and to enable the delivery of new facilities. This includes making appropriate provision in their local plans, including, as required, the allocation of sites for new recycling and other recovery facilities.

2.35 **The Parties recognise** that private sector businesses (and, therefore, commercial considerations) will determine whether new merchant waste management facilities will be built and what types of technology will be used.

2.36 **The Parties agree** that they will seek to ensure that the matters in this SCG are reflected in the waste local plans that they prepare (including, in the case of unitary authorities, any local plans that include waste policies); this includes the allocation of sites.

3.0 Signatories

3.1 This statement is agreed by the waste planning authorities listed above. A separate document is maintained on the SEWPAG area of the Local Government Association Knowledgehub website¹⁴ showing details of signatories. The template for this document is included at Appendix 1.

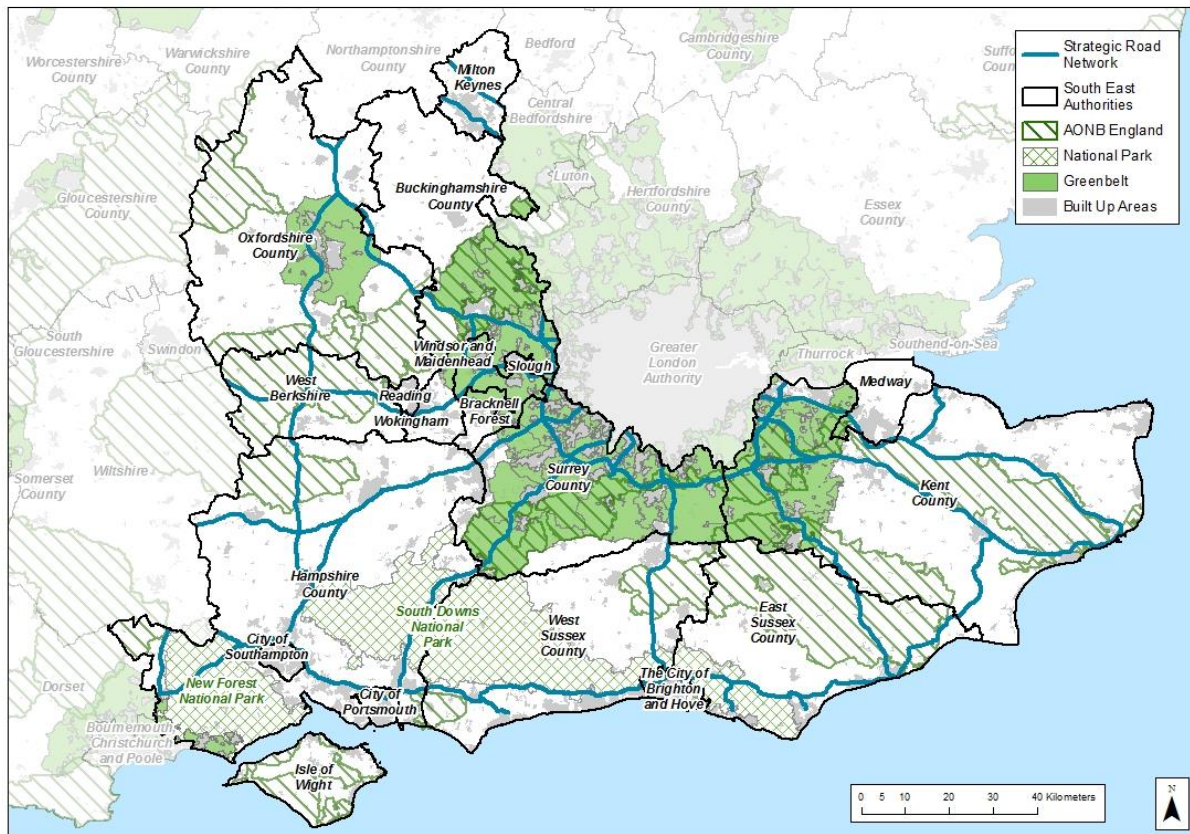
¹³ This includes extensions to existing sites

¹⁴ <https://khub.net/group/southeastwasteplanningadvisorygroupsewpag>

4.0 Strategic Geography

4.1 The location of each of the south east WPAs is shown in Figure 1 below.

Figure 1: Location of south east Waste Planning Authorities



4.2 There are good road and rail connections between the WPAs in the south east, including the M25, M2, M3, M4, M26, M23 and M20, which facilitate the movement of waste between authorities. Other key spatial issues were identified in the revoked South East Plan (2009) which are still relevant as follows:

- The extent of protective designations including Green Belt, Areas of Outstanding Natural Beauty and National Parks;
- unprecedented population growth;
- potential for significant economic growth;
- pressures on social and physical infrastructure;
- the need to stabilise the region's ecological footprint;
- declining household size;
- demand for housing;
- increasing development pressure on land; and
- the effects of climate change.

5.0 Additional Strategic Matters

5.1 The Parties to this SCG are also party to the following Joint Position Statements:

- Non-hazardous landfill in the South East of England
- Permanent Deposit of Inert Waste to Land in the South East of England

6.0 Cooperation Activities

6.1 Activities undertaken when in the process of addressing the strategic cross-boundary matter of waste management, whilst cooperating, are summarised as follows:

- Input to draft proposals for planning policy concerning waste management in each others' areas as appropriate;
- membership of the South East Waste Planning Advisory Group and signatories to related joint position statements and Annual Monitoring Reports;
- ad-hoc exchange of information (via correspondence and meetings) related to the monitoring of waste movements and management capacity;
- Undertaking a co-ordinated annual survey across the region of waste management capacity; and,
- preparation of bespoke Statements of Common Ground between individual authorities on specific matters affecting those authorities.

6.2 More generally, the Parties will continue to share knowledge and information relevant to strategic cross-boundary issues relating to waste planning.

6.3 The Parties recognise that there will not always be full agreement with respect to all of the issues on which they have a duty to cooperate. For the avoidance of doubt, this SCG shall not fetter the discretion of any of the Parties in relation to any of its statutory powers and duties, and is not intended to be legally binding.

7.0 Governance and Future Arrangements

7.1 The Parties to this Statement have worked together in an ongoing and constructive manner. The Parties will continue to cooperate and work together in a meaningful way and on an ongoing basis to ensure the effective strategic planning of waste management. Appropriate officers of each Party to this Statement will liaise formally through correspondence and meetings (usually four times a year) of SEWPAG.

7.2 The Parties will review this SCG at least every 12 months and establish whether this SCG requires updating. Specific matters likely to prompt updates of this SCG include the following:

- Changes to waste management capacity and patterns of waste arising within the south east
- Evidence which shows significant changes in the level of waste movements between the authorities within and beyond the south east.

Appendix 1 – Template for Details of Signatories

Bracknell Forest Council

Name of Signatory

Position

Signature Date.....

Brighton & Hove City Council

Name of Signatory

Position

Signature Date.....

Buckinghamshire County Council

Name of Signatory

Position

Signature Date.....

East Sussex County Council

Name of Signatory

Position

Signature Date.....

Hampshire County Council (incorporating Southampton City, Portsmouth City and New Forest National Park Waste Planning Authorities)

Name of Signatory

Position

Signature Date.....

Isle of Wight Council

Name of Signatory

Position

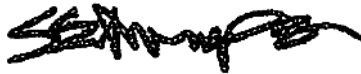
Signature Date.....

Kent County Council

Name of Signatory Sharon Thompson

Position Head of Planning Applications

Signature



Date 27th April 2020

Medway Council

Name of Signatory

Position

Signature Date.....

Milton Keynes Council

Name of Signatory

Position

Signature Date.....

Oxfordshire County Council

Name of Signatory

Position

Signature Date.....

Reading Borough Council

Name of Signatory

Position

Signature Date.....

Royal Borough of Windsor and Maidenhead

Name of Signatory

Position

Signature Date.....

Slough Borough Council

Name of Signatory

Position

Signature Date.....

South Downs National Park Authority

Name of Signatory

Position

Signature Date.....

Surrey County Council

Name of Signatory

Position

Signature Date.....

West Berkshire Council

Name of Signatory

Position

Signature Date.....

West Sussex County Council

Name of Signatory

Position

Signature Date.....

Wokingham Borough Council

Name of Signatory

Position

Signature Date.....

Appendix 8: South East Mineral Planning Authorities Soft Sand Position Statement (2023)

South East – Mineral Planning Authorities

Soft Sand Position Statement (2023)

1 Introduction

- 1.1 Section 33A of the Planning and Compulsory Purchase Act 2004, as amended by section 110 of the Localism Act 2011 sets out a “duty to cooperate” in relation to planning of sustainable development, under which planning authorities are required to engage constructively, actively, and on an ongoing basis in any process where there are significant cross-boundary issues or impacts. This includes the preparation of development plan documents so far as relating to “strategic matters”, such as the supply of minerals. The Duty to Cooperate therefore applies to the preparation of minerals local plans¹.
- 1.2 The purpose of this Position Statement is to provide an agreed source of evidence and current policy on the issue of soft sand supply in the South East. The Position Statement underpins effective cooperation and collaboration between the Minerals Planning Authorities of the South East of England in addressing the strategic cross-boundary matter of soft sand supply. It is, however, not intended to be legally binding or to create legal rights. This revised Position Statement is an update to the one prepared in 2019.
- 1.3 The Position Statement is intended to form the basis of any Statements of Common Ground (SoCG) to be produced by the parties and agreed by the different Mineral Planning Authorities. Any SoCGs between individual Mineral Planning Authorities will consider, in more detail, the implications of evidence provided in this Position Statement and seek to address issues on soft sand supply, and its coordination between those areas.
- 1.4 The Position Statement, as a statement of fact, has been agreed by officers. SoCGs will, dependent on content, be agreed at either officer or Council Member level.
- 1.5 The Minerals Planning Authorities of the South East of England comprise the following authorities:

¹ It is noted that the Duty to Cooperate will be removed under the Levelling Up and Regeneration Bill. This Position Statement will be updated to reflect this change once implemented.

Bracknell Forest Council
Brighton & Hove City Council
Buckinghamshire Council
East Sussex County Council
Hampshire County Council
Isle of Wight Council
Kent County Council
Medway Council
Milton Keynes City Council
New Forest National Park Authority
Oxfordshire County Council
Portsmouth City Council
Reading Borough Council
Royal Borough of Windsor and Maidenhead
Slough Borough Council
South Downs National Park Authority
Southampton City Council
Surrey County Council
West Berkshire Council
West Sussex County Council
Wokingham Borough Council

1.6 These authorities are all members of the South East England Aggregate Working Party (SEEAWP) and each is responsible for planning for the supply of minerals in their areas, through the preparation of minerals local plans. Figure 1 shows the location of each of the above authorities within the South East.

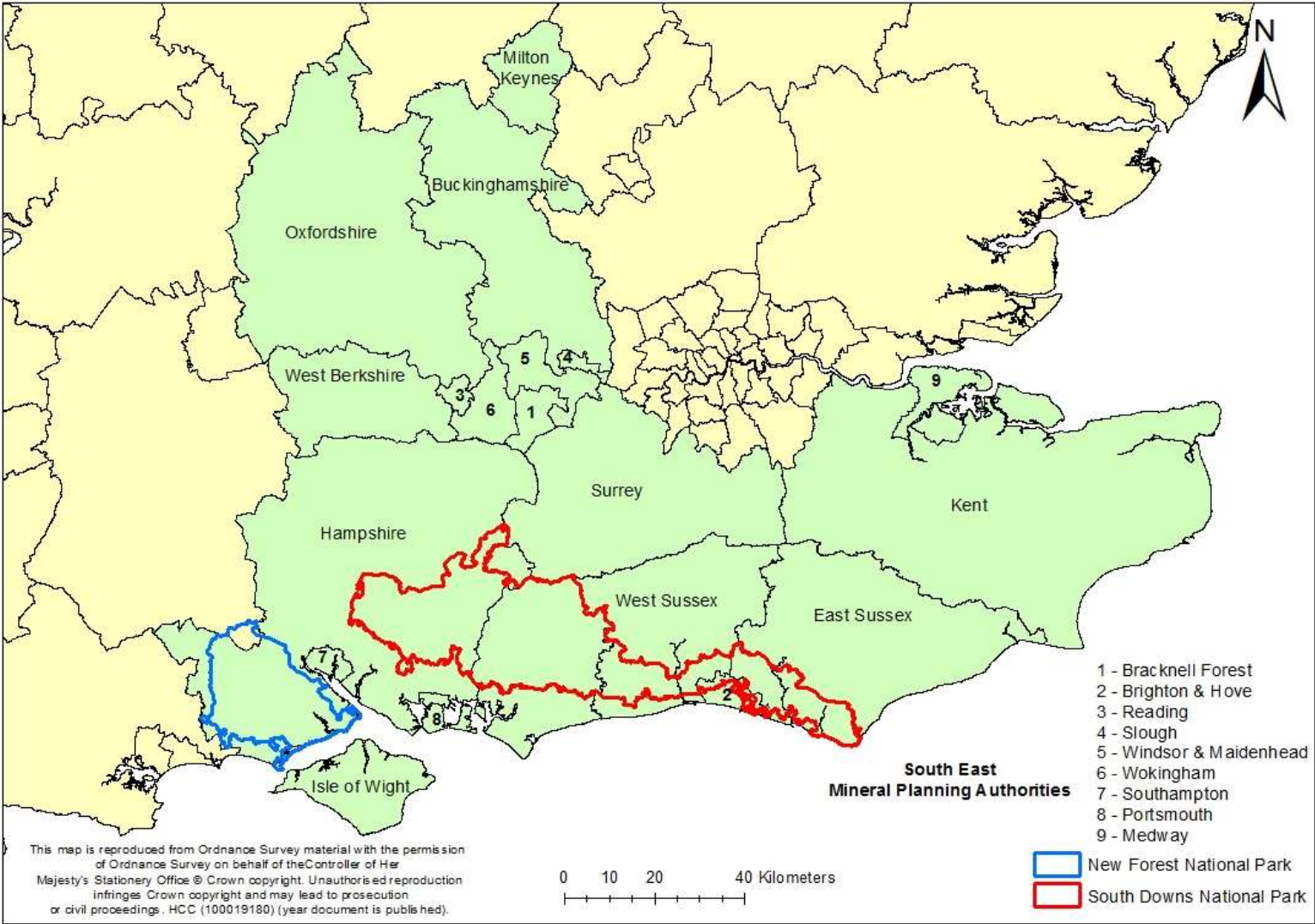
1.7 A minerals local plan can cover the area of a single Mineral Planning Authority, or a larger area administered by more than one Mineral Planning Authority where they decide to act together to prepare joint plans. The following Mineral Planning Authorities have prepared or are preparing Joint Plans:

- Bracknell Forest, Reading, Windsor & Maidenhead and Wokingham;
- Brighton & Hove, East Sussex and South Downs National Park;
- Hampshire, Portsmouth, Southampton, New Forest National Park and South Downs National Park;
- West Sussex and South Downs National Park.

1.8 Soft sands are commonly deposited in marine environments, where constant movement results in the rounding, polishing and sorting of the grains. The fine, smooth, characteristics of soft sand lend it to be used in building mortar and asphalt by the construction industry.

- 1.9 Land-won soft sand in south east England is an important aggregate mineral that, for certain end uses such as mortar, cannot be easily substituted by other materials (artificial substitutes are not apparently available). However, for more wider uses of soft sand, alternatives are available such as sharp sand, marine sand, secondary aggregates and recycled materials but these require additional additives, processing and in some cases transport costs which can remove the competitive advantage of natural, local soft sand.
- 1.10 Soft sand in the South East is generally fine-grained and has a limited grain size distribution within the deposits. The individual grains (silicon dioxide [SiO₂]) are smooth and well-rounded thus imparting a relatively soft texture and free-flowing nature. These properties are different to those associated with sharp sand, which is rough, angular, and used predominantly in concrete production.
- 1.11 Soft sand (often known as building sand) has historically been extracted in the south east of England given that the geology of this area includes soft sand bearing deposits. However, not all Mineral Planning Authority areas contain soft sand resources, and, in some areas, the resources are constrained by landscape and environmental designations.

Figure 1: Location of South East Mineral Planning Authorities



2 Policy Background

2.1 This section sets out the existing policy frameworks in place for planning for soft sand supply.

National Policy

2.2 National policy for minerals is set out in the National Planning Policy Framework². The relevant paragraphs are set out in Appendix A including Para. 213 (h):

“Minerals planning authorities should plan for a steady and adequate supply of aggregates by:

...

(h) calculating and maintaining separate landbanks for any aggregate materials of a specific type or quality which have a distinct and separate market.”

2.3 Further guidance on the implementation of the National Planning Policy Framework is set out in the Planning Practice Guidance³.

Local Policy

2.4 Many of the South East Mineral Planning Authorities have adopted policies relating to the supply and safeguarding of soft sand (see Appendix B).

² National Planning Policy Framework (2023) (Section 17: Facilitating the sustainable use of minerals) - https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1182995/NPPF_Sept_23.pdf

³ Planning Practice Guidance (Minerals) - <https://www.gov.uk/guidance/minerals>

3 Issues

3.1 This section outlines the issues known to impact the supply of soft sand in the South East.

Soft sand geology in the South East

3.2 Soft sand has historically been extracted in the south east of England and is sourced from the following geological formations (see Figure 2 and Figure 3):

- the Folkestone Formation (the Folkestone Beds) in Kent, Surrey, Hampshire, West Sussex and East Sussex;
- the Corallian Group, in Oxfordshire;
- the 'Reading Beds' in the Unitary Authorities that make up the former County of Berkshire; and
- the Lower Greensand Group of the Isle of Wight.

3.3 The primary source of soft sand is the Folkestone Formation of the Lower Greensand Group. The Folkestone Formation extends from north west of Lewes in East Sussex, across West Sussex and into Hampshire to Petersfield, where it swings around to the north east and then continues east across Surrey and Kent, meeting the coast at Folkestone (see Figure 2).

3.4 The Folkestone Formation has traditionally been regarded as a source of 'soft sand' used for construction purposes, such as mortar manufacturing, and has also been a source of specialist 'silica sand' (an industrial mineral), especially in Surrey and Kent (see Figure 2). It should be noted that 'soft sand' notation around Canterbury in Figure 3 is the Thanet Sand which is not of equal quality to that of the Folkestone Formation and is for general use such as backfilling and sub-soil.

3.5 In Oxfordshire, soft sand resources are limited to the Corallian Ridge area between Oxford and Faringdon and a small area around Duns Tew in northern Oxfordshire. In West Berkshire, soft sand is associated with the 'Reading Beds' formation. The Reading Beds extend into Central and Eastern Berkshire⁴ although there have been no significant excavations from the formation in this area since the early part of the century.

3.6 The Sandrock Formation within the Lower Greensand Group runs east to west across the south of the Isle of Wight. Whilst the Solent creates a physical barrier in terms of movements, the Island has active quarries which provide a degree of self-sufficiency in relation to soft sand resources.

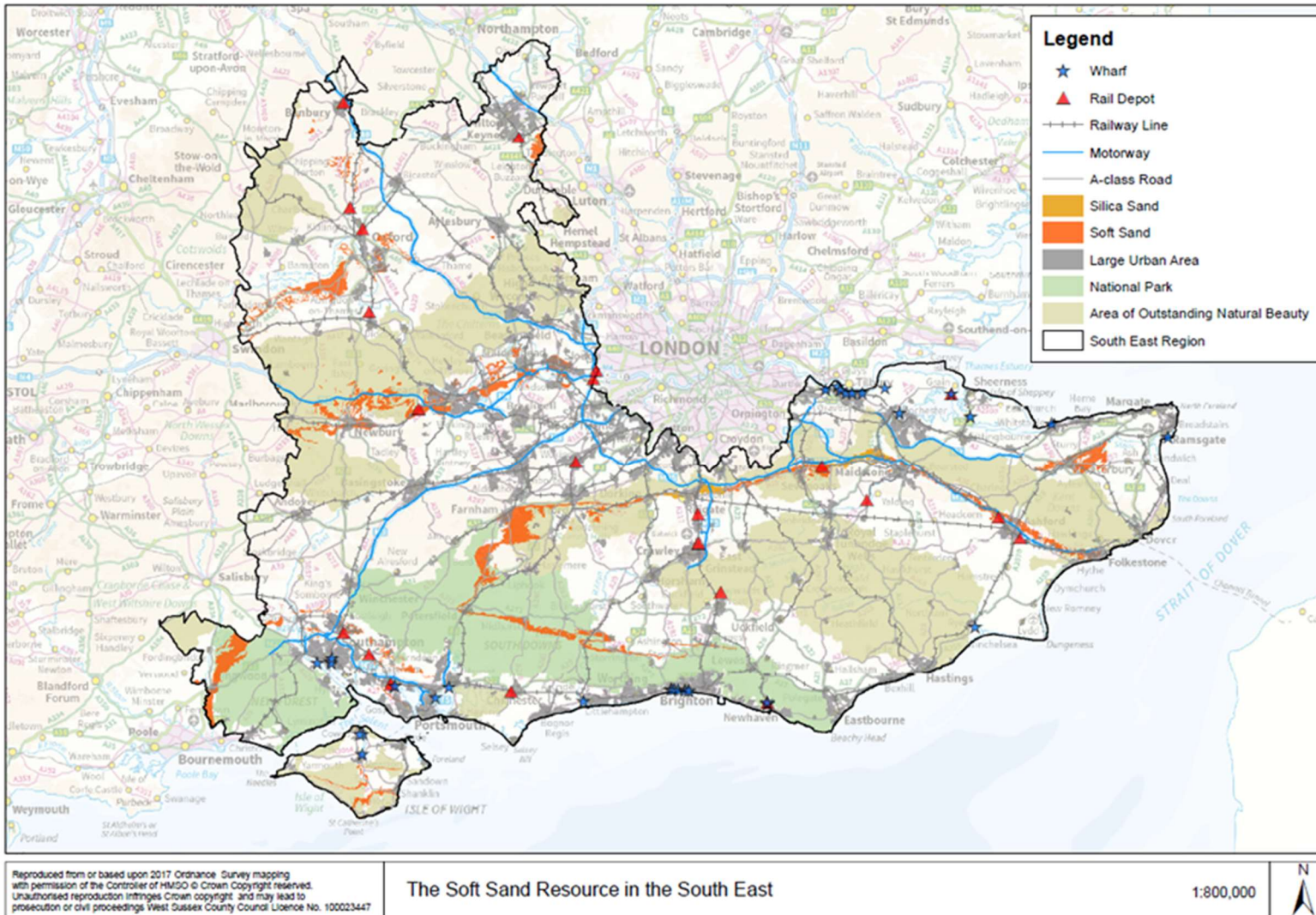
⁴ Bracknell Forest, Reading, Windsor & Maidenhead and Wokingham.

Figure 2: The Folkestone Formation and other soft sand resources in South East England.



Source: South Downs National Park - Soft Sand Study (Capita Symonds, August 2012)

Figure 3: The soft sand resource in the South East



Source: Draft Statement of Common Ground – West Sussex County Council (2017) <http://www2.westsussex.gov.uk/mlp/osd027.pdf>

3.7 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 deposit. This may have implications for meeting soft sand supply requirements as its potential to be used as silica sand in higher value applications is increasingly being considered by the industry. Silica sand is essentially the same deposit but with fewer impurities. The difference lies in the relative lack of ‘impurities’ such as iron oxide minerals adhering to the surface of the sand grains of the silica sands and other mineralogical rock fragments making these deposits lighter in colour and of high silica content (a silica content of 95% is classed as silica sand). It is generally lighter in colour and more commonly used for specialist end-uses, for example glass manufacture, sports pitches, golf courses and equestrian uses.

Constraints

3.8 A significant proportion of the soft sand resource within the Folkestone Bed is located within and adjacent to the following protected areas (see Figure 3):

- South Downs National Park (Hampshire, West Sussex, and East Sussex)
- Surrey Hills Area of Outstanding Natural Beauty (Surrey)
- Kent Downs Area of Outstanding Natural Beauty (Kent)

3.9 In addition, historically most of the soft sand deposits from the Reading Bed Formation in West Berkshire that have been worked have been those found in the North Wessex Downs Area of Outstanding Natural Beauty, most notably, an outcrop found around Junction 13 of the M4. Soft sand is also located in the New Forest National Park in the south west of Hampshire.

3.10 The Isle of Wight Area of Outstanding Natural Beauty covers half of the land area of the Island.

3.11 Consideration of how development may impact National Parks and Areas of Outstanding Natural Beauty is a statutory requirement as provided for in Section 11A(2) of the National Parks and Access to the Countryside Act 1949 (National Parks) and Section 85 of the Countryside and Rights of Way Act 2000 (AONBs). Moreover, Section 62 of the Environment Act 1995 also states that all relevant authorities are required to have regard to the Purposes of a National Park. For the avoidance of doubt, the Purposes are:

- Purpose 1 – To conserve and enhance the natural beauty, wildlife and cultural heritage of the area; and
- Purpose 2 – To promote opportunities for the understanding and enjoyment of the special qualities of the National Park by the public.

3.12 The National Park Authorities (NPAs) also have a Duty, when carrying out the above Purposes, to seek to foster the economic and social wellbeing of the local communities within the National Parks. Where there is an irreconcilable conflict between the Purposes, statute requires the “Sandford Principle” to be applied whereby Purpose 1 is given priority.

3.13 This legal obligation is addressed in Paragraph 176 of the NPPF which states:

“Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks and the Broads⁵. The scale and extent of development within these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.”

3.12 Paragraph 177 of the NPPF sets out the considerations for decision-making:

“When considering applications for development within National Parks, the Broads and Areas of Outstanding Natural Beauty, permission should be refused for major development^(*) other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:

- a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
- b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and
- c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.”

3.13 The footnote (*) accompanying Paragraph 177 defines major development:

“For the purposes of paragraphs 176 and 177, whether a proposal is ‘major development’ is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined”.

3.14 Other constraints to the extraction of land-won soft sand resources include International designations such as Special Protection Areas (SPAs), Special

⁵ *English National Parks and the Broads: UK Government Vision and Circular 2010* provides further guidance and information about their statutory purposes, management and other matters.

Areas of Conservation (SACs), and nationally designated Sites of Special Scientific Interest (SSSIs) and Ancient Woodland. Urban areas and major infrastructure are also a constraint (although prior extraction during redevelopment is a possibility).

3.15 Consideration of development which may impact International and national environmental designations is addressed within the NPPF. Paragraph 170 (a) of the NPPF states:

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

a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);”

3.16 Paragraph 175 of the NPPF also states:

“Plans should: distinguish between the hierarchy of international, national and locally designated sites; allocate land with the least environmental or amenity value, where consistent with other policies in this Framework⁶; take a strategic approach to maintaining and enhancing networks of habitats and green infrastructure; and plan for the enhancement of natural capital at a catchment or landscape scale across local authority boundaries.”

3.17 Paragraph 211(a) of the NPPF makes specific reference to the protection of designated areas:

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

a) as far as is practical, provide for the maintenance of landbanks of non-energy minerals from outside National Parks, the Broads, Areas of Outstanding Natural Beauty and World Heritage Sites, scheduled monuments and conservation areas;”

3.18 Figure 3 shows the distribution of National Parks and Areas of Outstanding Natural Beauty within the South East. These and other environmental designations may impact on the supply of soft sand within the South East.

⁶ Where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality.

Present and future supply

3.19 This section sets out the data regarding soft sand supply outlining sales, trends and known reserves.

Present

3.20 Table 1 shows that the overall trend in total land-won sand and gravel sales in the south east of England decreased from 2012 to 2013, but then gradually increased until the end of the period. In 2021, land-won sand and gravel sales were at 6.6 Mt and 19% higher than the previous year and similarly higher than average sales. The downturn in sales (approx. 300k tonnes) in 2020 due to Covid lockdowns was reversed in 2021 following projects coming back online.

Table 1: Sales of land-won sand and gravel 2012-2021 (Thousand tonnes (Tt))

Year	Land-won Sand and Gravel Sales (Tt)	Total Primary Aggregate Sales	% Total Sales
2012	5,514	12,039	46%
2013	5,399	12,319	44%
2014	5,889	14,485	41%
2015	5,857	14,468	40%
2016	5,900	14,895	40%
2017	6,181	14,167	44%
2018	6,400	12,990	49%
2019	6,317	14,128	45%
2020	5,594	14,648	38%
2021	6,644	14,531	46%
10-year average	5,969	13,919	43%
3-year average	6,185	14,611	43%

Source: South East England Aggregates Working Party Annual Report 2021⁷

3.21 Within the overall sand and gravel sales pattern there are differences for soft sand and sharp sand and gravel. Table 2 shows that in 2021 soft sand sales were 2 Mt with growth compared to 2020 at 36%.

3.22 In 2021, the mineral planning authorities with the most significant soft sand sales included:

- Kent (0.594 Mt);
- Surrey (0.466 Mt);
- West Sussex (0.314 Mt);
- Oxfordshire (0.264 Mt); and
- Hampshire (0.126 Mt).

⁷ SEEAWP Annual Report 2021 - <https://documents.hants.gov.uk/see-awp/SEEAWP-annual-report-2021.pdf>

3.23 East Sussex, Medway, Milton Keynes and West Berkshire had no soft sand sales.

Table 2: Sales of land-won soft sand 2012-2021 (Thousand tonnes (Tt))

Year	Sales (Tt)	% change on previous year	Reserves at end of year (Tt)
2012	1,539	-	32,666
2013	1,560	1%	28,401
2014	1,506	-3%	23,126
2015	1,632	8%	23,110
2016	1,829	12%	23,456
2017	1,759	-4%	25,756
2018	1,819	3%	24,115
2019	1,904	5%	21,737
2020	1,454	-24%	22,378
2021	1,979	36%	18,547
10-year average	1,698	-	-
3-year average	1,779	-	-

Source: South East England Aggregates Working Party Annual Report 2021 (Appendix 4)

3.23 A total of 50,710 tonnes of marine ‘soft’ sand was sold at wharves in 2017 with the majority (46,695 tonnes) sold at West Sussex wharves and the rest from the Isle of Wight and Hampshire. This represents 3% of total soft sand sales from quarries and wharves in the South East in 2017. More recent data is not available.

3.24 Sharp sand and gravel are more generally landed at wharves in the South East and is currently not known to be substituting for land-won soft sand to any significant extent.

Future

3.25 Table 3 shows the distribution of permitted reserves in 2021. Kent and Surrey have the highest level of reserves which combined account for 68% of overall provision. West Sussex and Oxfordshire account for a further 25%. The highest sales were recorded in Surrey but the only permission during 2021 was granted in Oxfordshire.

Table 3: South East Soft Sand Reserves and Sales (Thousand tonnes), 2021

Area	Reserves at start of 2021*	Sales during 2021**	Permissions during 2021**	Reserves at end of 2021**
Buckingham	c	c	0	c
Central & Eastern Berkshire	0	c	0	-
East Sussex	250	0	0	250
Hampshire	167	126	0	167
Isle of Wight	c	c	0	c
Kent	9,341	594	0	6,225
Medway	0	0	0	0
Milton Keynes	0	0	0	0
Oxfordshire	3,914	264	130	3,824
Slough	-	-	-	-
Surrey	5,966	466	0	5,528
West Berkshire	0	0	0	0
West Sussex	1,736	314	0	1,451
Total	22,378	1,979	130	18,457

Source:

* South East England Aggregates Working Party Annual Report 2020 (Table 10)

**South East England Aggregates Working Party Annual Report 2021 (Table 9 and Appendix 4)

c = confidential figure

3.26 The LAA rate (also referred to as the Annual Provision Rate (APR)), for the South East as a collective is 1,911⁸ thousand tonnes. The landbank, based on the collective APR is 10 years for 2021 (which was estimated to be 12 years in 2020).

3.27 It is expected that the reserves will be bolstered over time from planning permissions being granted for soft sand allocations and windfall sites within the South East. Soft sand allocations in South East mineral local plans are set out in Appendix C. Allocations for soft sand are provided for in Hampshire, Kent, Surrey, West Berkshire, and West Sussex and the remaining unpermitted allocations could provide around at least a further 10 million tonnes. Based on the 2021 sales figures, this would potentially provide an additional 5 years of supply.

Alternative supply

3.28 This section outlines the options for alternative soft sand supply.

⁸ South-East England Aggregates Annual Report (2021) - Appendix 4

Marine-won soft sand

- 3.29 Some marine sand deposits have mechanical, chemical and physical properties, identical to high quality land-based sands, therefore the end uses are no different. The main differences between the majority of land-based sand and marine sands are the chloride and shell content⁹.
- 3.30 In England, marine sands are either directly or through blending, used in the production of:
- Mortar for bricklaying and blockmaking
 - Screeds
 - External renders
 - Internal rendering
 - Masonry blocks
 - Paving blocks
- 3.31 Marine won sand with properties akin to land-won soft sand is currently sourced from the Bristol Channel as there are extensive deposits of mobile sand across the upper Severn Estuary. The resource has been exploited as the terrestrial alternatives in South Wales are constrained and the depositional environment favours finer sand resources to be available. The resource is as a partial substitute of land-won soft sand and is blended in dry-silo mortar production¹⁰.
- 3.32 Research¹¹ carried out by the Crown Estate shows the extent of the potential sand and gravel resource in the English Channel and Thames Estuary. The report shows that there are likely to be areas of fine sand within the area, but that the 'economic potential of individual sites can only be proved by a detailed evaluation programme'.
- 3.33 According to British Marine Aggregate Producers Association (BMAPA), marine deposits off the coast of the Netherlands are dominated by fine to medium sand¹². The UK exports some coarse sand and gravel to the Netherlands, and it is possible that this fine to medium sand could be imported into the UK.
- 3.34 Important considerations include:

⁹ Marine sands in mortar and screeds (BMAPA) - https://www.bmapa.org/documents/marine_building.pdf

¹⁰ Some marine soft sand is not always a direct substitute for land-won soft sand and requires blending to make a partial substitution for soft sand in mortar production or concrete manufacture. Blending of this nature is not known to currently take place in the South East.

¹¹ The Mineral Resources of the English Channel and Thames Estuary (BGS) (2013)

¹² The strategic importance of the marine aggregate industry to the UK (BGS) (2007) - https://www.bmapa.org/documents/BMAPA_download.pdf

- Customer product acceptance (ability to meet colour and grading expectations);
- logistics of onshore handling and/or processing;
- retention of fine sands during dredging operations;
- constraints on wharf and fleet capacity.

Outer regional supply opportunities

3.35 The South East Region is abutted by several other Mineral Planning Authority areas: Dorset, Wiltshire and Gloucestershire (South West), Warwickshire (West Midlands), Northamptonshire (East Midlands), Bedfordshire and Hertfordshire (East) and London.

3.36 A review of the most recent Local Aggregate Assessments (LAA) (or BGS information, where required) for these areas and their ability to supply soft sand is provided below:

- Dorset: Poole formation sands mentioned in LAA¹³. BGS report¹⁴ mentions that these can be used as a soft sand mainly as a silica sand.
- Wiltshire: Two quarries with soft sand planning permission in 2021. LAA¹⁵ describes theoretically containing extensive deposits of soft sand. Data is however confidential.
- Gloucestershire: Small amount of soft sand described, no other information¹⁶.
- Warwickshire: No mention of soft sand. BGS 2009 report¹⁷ mentions soft sand in some bedrock formations. However, at the time of writing these were not worked. The Warwickshire Minerals Local Plan (2022)¹⁸ notes the presence of two mortar plants in the county producing dry silo mortar (see below).
- Northamptonshire: There are some deposits of soft sand in the county but the most recent working of a solely soft sand site (at a site to the south-west of Northampton in the Milton Keynes belt) ceased in 2005¹⁹. There is a soft sand allocation in the Northamptonshire Minerals and Waste Local Plan.

¹³ Bournemouth, Christchurch, Poole and Dorset – Local Aggregate Assessment (2009-2018):

https://www.dorsetcouncil.gov.uk/documents/35024/283263/DC+and+BCP+LAA+2018_February2020.pdf/5d34979-841c-b22c-bf35-86385fb409db

¹⁴ BGS Report: <http://nora.nerc.ac.uk/id/eprint/10759/1/CR01138N.pdf>

¹⁵ Wiltshire and Swindon Local Aggregate Assessment 2021 [incorporating data from 2012 to 2021] (published Nov 2022): https://www.wiltshire.gov.uk/media/10550/wiltshire-and-swindon-local-aggregate-assessment-2021/pdf/Wiltshire_and_Swindon_Local_Aggregate_Assessment_2021.pdf?m=638053198217370000

¹⁶ <https://www.gloucestershire.gov.uk/media/2116277/10th-laa-for-gloucestershire-july-2022.pdf>

¹⁷ BGS Report: <http://nora.nerc.ac.uk/id/eprint/7858/1/OR08065.pdf>

¹⁸ [Warwickshire County Council - Warwickshire Minerals Plan Examination Website \(objective.co.uk\)](#)

¹⁹ [Microsoft Word - Northamptonshire 2022 LAA](#)

- Bedfordshire: The area contains Woburn sands formation which has soft sand in the form of silica sand. The LAA for the period 2020 identifies active sites producing silica²⁰. However, the LAA does not report soft sand separately from sharp sand and gravel.
- Hertfordshire: Mainly imports soft sand.
- London: Mainly imports soft sand.

Transportation

3.37 The Aggregate Monitoring survey in 2019 recorded the imports and exports of primary aggregates. Whilst the movement of sand and gravel is recorded, separate soft sand data is not available. Figure 5 shows the South East imports and exports of sand and gravel which suggests that in 2019, London was the source of the highest import tonnage levels to the South East.

3.38 Major projects can require intensive levels of aggregate and therefore can also influence movements. It is for this reason that major projects are considered as future demand factors in Local Aggregate Assessments. The South East has a number of National Significant Infrastructure Projects in progress of being considered which will have an impact on demand including (but not limited to) High Speed Rail (HS) 2, Heathrow Expansion, Lower Thames Crossing/Thames Gateway, Southampton Airport Expansion, Gatwick Airport Expansion, Rampion 2, and A27 Arundel Bypass. However, the impact will be mainly on demand for sharp sand and gravel rather than soft sand.

3.39 Monitoring undertaken by the Mineral Products Association indicates that the average road delivery distance for aggregates has varied between 26 and 35 miles in recent years²¹. The radius of economic transportation of sand and gravel is often stated to be generally less than 30 miles. However, soft sand in the South East can travel over greater distances, depending on circumstances.

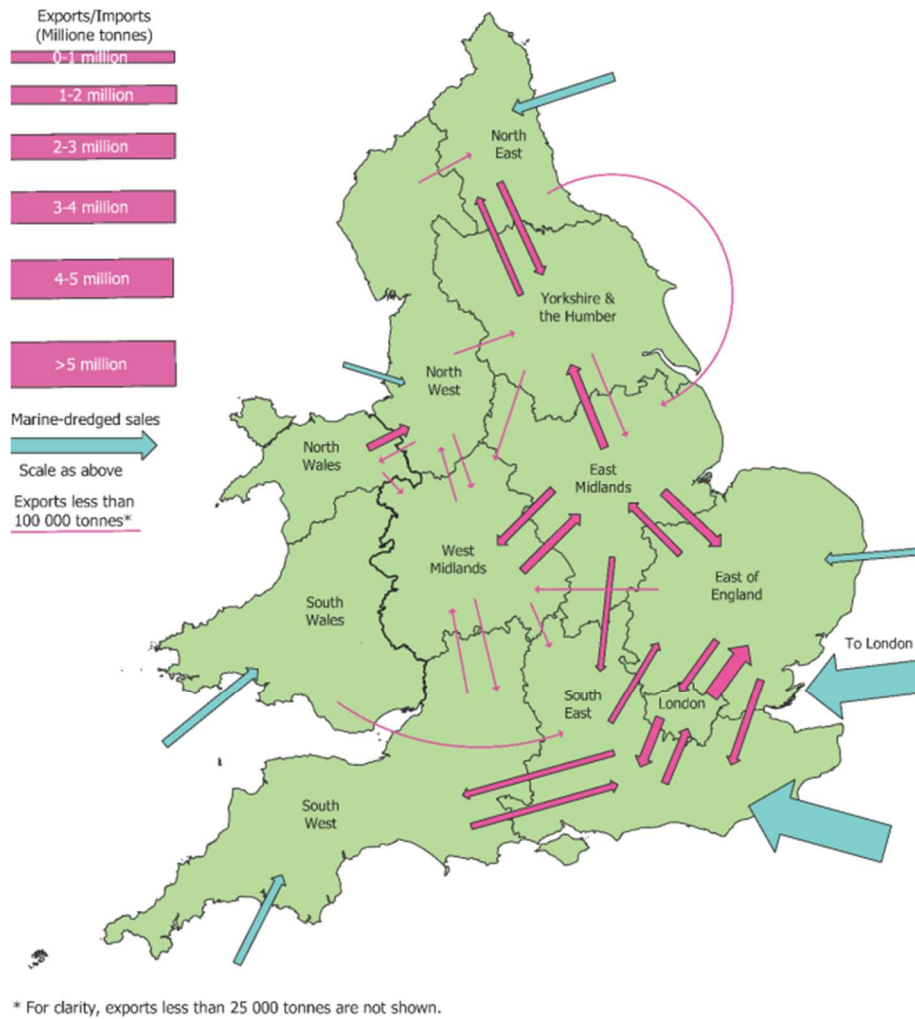
3.40 Reasons for wider distribution may include:

- For national operators, the aggregates are transported to the nearest mortar or asphalt plant, which can often be up to 45 miles (or further) where the end product is made, before onward travel to the end user.
- For the smaller operators, the sand is often used more locally.

²⁰ [Communications - Bedfordshire Authorities LAA 2021.pdf - All Documents \(sharepoint.com\)](#)

²¹ Sustainable Development Report (MPA, 2018) - https://mineralproducts.org/documents/MPA_SD_Report_2018.pdf

Figure 5: Sand and gravel inter-regional flows of primary aggregates, 2019



Source: Collation of the results of the 2019 Aggregate Minerals Survey for England and Wales (BGS, 2021): [Aggregate Minerals Survey for England and Wales, 2019 \(publishing.service.gov.uk\)](https://publishing.service.gov.uk)

Dry Silo Mortar

3.41 Dry mortar is a combination of mixed raw materials such as sand and cement in dry form. This can also contain additives as well as polymers. It is supplied to construction sites in silos.

3.42 The benefits of using dry silo mortar (DSM) include the ability to obtain consistent quality and colour as well as creating less waste. It allows for easier compliance with specifications. Currently, over 80% of mortars used in UK are factory produced rather than mixed on site.

3.43 The first DSM plant opened in Northfleet, Kent in 1997. There are now also plants in Southampton, Essex, and Buckinghamshire. It is considered that the southeast is currently saturated in terms of plants.

- 3.44 In 2019, national sales of soft (building) sand were 5.3 Mt²². Anecdotal evidence²³ suggests approximately 1.9 Mt went into building mortar. The remaining soft sand was used in block manufacture, asphalt and recreational purposes (bunkers). It is suggested that less than half of soft sand consumption is going to house building.
- 3.45 Both DSM and “ready to use” mortar only travel approx. 20 miles from the plant which is a shorter distance than soft sand travels (approx. 45 miles). All the main producers can get into London. Plants will not encroach on other plant areas.
- 3.46 Local supplies are preferred for carbon footprint purposes but also aesthetics – linked to colour. Colours can be matched but this is not considered ideal.
- 3.47 Marine dredged fine sands can be used as an alternative to land-won, but this will be based on the shell content which needs to be low. Products can be blended but “as raised” is the preferred product. Marine used sand is used in the Bristol Channel but there are operational issues with landing the product.
- 3.48 It is considered that the mortar industry has levelled as the housing market is not currently growing. The highest point of DSM production was linked to the highest point in house building.
- 3.49 Table 4 shows mortar sales figures from the MPA members for the period 2012-2021. Sales were generally increasing from 2012 to 2018 but dropped in 2019 and 2020. 2021 shows an element of recovery in sales.

Table 4: Great Britain mortar sales, 2012-2021

Year	Mortar Sales (Tonnes)	% change on previous year
2012	1,389,453	-
2013	1,610,799	16
2014	1,923,655	19
2015	2,013,710	5
2016	2,157,447	7
2017	2,393,143	11
2018	2,766,322	16
2019	2,703,270	-2
2020	2,069,236	-23
2021	2,574,908	24

Source: Mineral Products Association

²² Collation of the results of the 2019 Aggregate Minerals Survey for England and Wales (Appendix A) (BGS, 2021): [Aggregate Minerals Survey for England and Wales, 2019 \(publishing.service.gov.uk\)](https://publishing.service.gov.uk)

²³ Presentation by Mick Russell, MPA to SEEAWP on 18.10.2022

4 Conclusion

- 4.1 This Position Statement sets out technical information with respect to soft sand supply in the South East. The Statement is supported by the South East Mineral Planning Authorities and will be used as a basis for any relevant Statements of Common Ground.
- 4.2 The Statement highlights that the spatial distribution of soft sand is varied and that some of the areas where extraction has historically taken place, or currently takes place, are constrained by landscape and environmental designations.
- 4.3 The Statement indicates that additional sites need to be allocated in minerals plans and permitted by Mineral Planning Authorities to ensure that a steady and adequate supply of soft sand can be maintained in the South East by the process of local plan formulation, adoption and periodic review over any respective plan period. Due to geology, soft sand resource is focused within a few counties – particularly Surrey, Kent, and West Sussex – and the need for future supply will likely need to balance conflict with significant landscape, environmental and recreational constraints.
- 4.4 DSM sales are increasing and therefore, the production of DSM should continue to be monitored as this may influence soft sand supplies more significantly in the future and the data may be required to inform future policy preparation.
- 4.5 Lastly, the Statement recognises that there are alternatives to land-won supply within the South East, in particular supply from land-won soft sand from surrounding regions and the partial substitution of alternative materials such as marine sands in some applications. However, it is recognised, these alternatives are currently limited and will also have constraints such as the availability of suitable dredgers and dedicated wharf space which would impact the long-term supply of soft sand. Any reliance on them would need to be in line with national policy and justified through evidence and agreements with other authorities (if reliance is on areas outside of the South East).

Appendix A: Relevant National Planning Policy Framework (2023) Soft Sand Supply Paragraphs

Paragraph 209 outlines the requirement for minerals:

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

Paragraph 210 provides the framework for mineral policies:

“Planning policies should:

- a) provide for the extraction of mineral resources of local and national importance, but not identify new sites or extensions to existing sites for peat extraction;
- b) so far as practicable, take account of the contribution that substitute or secondary and recycled materials and minerals waste would make to the supply of materials, before considering extraction of primary materials, whilst aiming to source minerals supplies indigenously;
- c) safeguard mineral resources by defining Mineral Safeguarding Areas and Mineral Consultation Areas²⁴; and adopt appropriate policies so that known locations of specific minerals resources of local and national importance are not sterilised by non-mineral development where this should be avoided (whilst not creating a presumption that the resources defined will be worked);
- d) set out policies to encourage the prior extraction of minerals, where practical and environmentally feasible, if it is necessary for non-mineral development to take place;
- e) safeguard existing, planned and potential sites for: the bulk transport, handling and processing of minerals; the manufacture of concrete and concrete products; and the handling, processing and distribution of substitute, recycled and secondary aggregate material;
- f) set out criteria or requirements to ensure that permitted and proposed operations do not have unacceptable adverse impacts on the natural and historic environment or human health, taking into account the cumulative effects of multiple impacts from individual sites and/or a number of sites in a locality;
- g) when developing noise limits, recognise that some noisy short-term activities, which may otherwise be regarded as unacceptable, are unavoidable to facilitate minerals extraction; and

²⁴ Primarily in two tier areas as stated in Annex 2: Glossary

h) ensure that worked land is reclaimed at the earliest opportunity, taking account of aviation safety, and that high quality restoration and aftercare of mineral sites takes place.”

Paragraph 211 outlines the framework for determining applications:

“When determining planning applications, great weight should be given to the benefits of mineral extraction, including to the economy²⁵. In considering proposals for mineral extraction, minerals planning authorities should:

- a) as far as is practical, provide for the maintenance of landbanks of non-energy minerals from outside National Parks, the Broads, Areas of Outstanding Natural Beauty and World Heritage Sites, scheduled monuments and conservation areas;
- b) ensure that there are no unacceptable adverse impacts on the natural and historic environment, human health or aviation safety, and take into account the cumulative effect of multiple impacts from individual sites and/or from a number of sites in a locality;
- c) ensure that any unavoidable noise, dust and particle emissions and any blasting vibrations are controlled, mitigated or removed at source²⁶, and establish appropriate noise limits for extraction in proximity to noise sensitive properties;
- d) not grant planning permission for peat extraction from new or extended sites;
- e) provide for restoration and aftercare at the earliest opportunity, to be carried out to high environmental standards, through the application of appropriate conditions. Bonds or other financial guarantees to underpin planning conditions should only be sought in exceptional circumstances;
- f) consider how to meet any demand for the extraction of building stone needed for the repair of heritage assets, taking account of the need to protect designated sites; and
- g) recognise the small-scale nature and impact of building and roofing stone quarries, and the need for a flexible approach to the duration of planning permissions reflecting the intermittent or low rate of working at many sites.”

Paragraph 212 outlines the requirement to protect mineral resources:

“Local planning authorities should not normally permit other development proposals in Mineral Safeguarding Areas if it might constrain potential future use for mineral working.”

Paragraph 213 provides the framework for mineral supply:

²⁵ Except in relation to the extraction of coal, where the policy at paragraph 217 of this Framework applies

²⁶ National planning guidance on minerals sets out how these policies should be implemented.

“Minerals planning authorities should plan for a steady and adequate supply of aggregates by:

- a) preparing an annual Local Aggregate Assessment, either individually or jointly, to forecast future demand, based on a rolling average of 10 years’ sales data and other relevant local information, and an assessment of all supply options (including marine dredged, secondary and recycled sources);
- b) participating in the operation of an Aggregate Working Party and taking the advice of that party into account when preparing their Local Aggregate Assessment;
- c) making provision for the land-won and other elements of their Local Aggregate Assessment in their mineral plans, taking account of the advice of the Aggregate Working Parties and the National Aggregate Co-ordinating Group as appropriate. Such provision should take the form of specific sites, preferred areas and/or areas of search and locational criteria as appropriate;
- d) taking account of any published National and Sub National Guidelines on future provision which should be used as a guideline when planning for the future demand for and supply of aggregates;
- e) using landbanks of aggregate minerals reserves principally as an indicator of the 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;
- f) maintaining landbanks of at least 7 years for sand and gravel and at least 10 years for crushed rock, whilst ensuring that the capacity of operations to supply a wide range of materials is not compromised²⁷;
- g) ensuring that large landbanks bound up in very few sites do not stifle competition; and
- h) calculating and maintaining separate landbanks for any aggregate materials of a specific type or quality which have a distinct and separate market.

²⁷ Longer periods may be appropriate to take account of the need to supply a range of types of aggregates, locations of permitted reserves relative to markets, and productive capacity of permitted sites.

Appendix B: Adopted Soft Sand Policies in the South East (where applicable)

Adopted Plan	Soft Sand Supply Policy	Safeguarding Policy
<i>Buckinghamshire</i>		
<p>Buckinghamshire Minerals & Waste Local Plan 2016-2036</p> <p>[Adopted July 2019]</p>	<p>None</p>	<p>Policy 1: Safeguarding Mineral Resources</p> <p>Minerals are a finite natural resource; in order to secure their long-term conservation Mineral Safeguarding Areas (MSAs) have been defined within Buckinghamshire to prevent mineral resources of local and national importance from being needlessly sterilised by non-minerals development. Mineral resources of local and national importance identified within Buckinghamshire include: sand and gravel deposits of the Thames Valley (situated in the southern half of the county), the Great Ouse Valley east of Buckingham, the sand and gravel deposits in the north of the county, clay-with-flints around Bellingdon and white limestone in the far north of the county.</p> <p>Proposals for development within MSAs, other than that which constitutes exempt development, must demonstrate that:</p> <ul style="list-style-type: none"> – prior extraction of the mineral resource is practicable and environmentally feasible and does not harm the viability of the proposed development; or – the mineral concerned is not of any value or potential value; or – the proposed development is of a temporary nature and can be completed with the site restored to a condition that does not inhibit extraction within the timescale that the mineral is likely to be needed; or – there is an overriding need for the development.

		<p>A Mineral Assessment will be required to accompany the planning application for the proposed non-minerals development, detailing:</p> <ul style="list-style-type: none"> – the size, nature and need for the (non-minerals) development, – the effect of the proposed development on the mineral resource beneath or adjacent to the site, – site-specific geological survey data (in addition to the MSAs and BGS mapping data) to establish the existence or otherwise of a mineral resource (detailing resource type, quality, estimated quantity and overburden to reserve ratio), – whether it is feasible and viable to extract the mineral resource ahead of the proposed development to prevent sterilisation and the potential for use (of the mineral resource) in the proposed development, and – where prior extraction can be undertaken how this will be carried out as part of the overall development scheme, with reference to the proposed phasing of operations and construction of the non-mineral development. <p>In the event that the non-mineral development is delayed or not implemented the site must be restored to a stable landform and appropriate after-use.</p>
<i>Central & Eastern Berkshire (Bracknell, Reading, Windsor & Maidenhead and Wokingham)</i>		
<p>Central and Eastern Berkshire – Joint Minerals & Waste Plan</p> <p>(Adopted November 2022 (RBMW) & January 2023 (Bracknell Forest, Reading & Wokingham))</p>	<p>None.</p>	<p>Policy M2 Safeguarding sand and gravel resources</p> <ol style="list-style-type: none"> 1. Sharp sand and gravel and soft sand resources of economic importance, and around active mineral workings, are safeguarded against unnecessary sterilisation by non-minerals development. 2. Safeguarded mineral resources are defined by the Minerals Safeguarding Area illustrated on the Policies Map.

		<p>3. Non-minerals development in the Minerals Safeguarding Area may be permitted if it can be demonstrated through the preparation of a Mineral Resources Assessment, that the option of prior extraction has been fully considered as part of an application, and:</p> <ul style="list-style-type: none"> a. Prior extraction, where practical and environmentally feasible, is maximised, taking into account site constraints and phasing of development; or b. It can be demonstrated that the mineral resources will not be permanently sterilised; or c. It would be inappropriate to extract mineral resources in that location, with regard to other policies in the wider Local Plans.
<i>East Sussex (incl. Brighton & Hove and the South Downs National Park)</i>		
<p>East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (2013)</p>	<p>Policy WMP2: Minerals and waste development affecting the South Downs National Park</p> <p>“a) Minerals and waste development in the South Downs National Park should demonstrate that it contributes to the sustainable development of the area.</p> <p>b) Major minerals and waste development in the South Downs National Park should not take place except in exceptional circumstances, where it can be demonstrated to be in the public interest⁽²³⁾. In this respect, consideration will be given to:</p> <ul style="list-style-type: none"> i. the need for the development, including in terms of any national considerations; and ii. the impact of permitting or refusing the development upon the local economy; and iii. the cost of and scope for developing outside the designated area or meeting the need in another way; and iv. any detrimental effect on the environment, landscape and/or recreational opportunities 	<p>Policy WMP: 14 Safeguarding Mineral Resources</p> <p>“The Authorities will safeguard areas for land-won resource to ensure viable resources are not sterilised. The Authorities will identify Mineral Safeguarding Areas and Mineral Consultation Areas in the Waste and Minerals Sites Plan, and expect to be consulted on any proposal for major development that would have a significant impact on current or future operations. In addition, other non-strategic mineral resources that might need protection will be identified through the Plan review process and in the Waste and Minerals Sites Plan. This will allow a viability assessment to be made around additional resource need over the plan period.”</p>

<p>Emerging Plan (Submission Version): East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan</p>	<p>and the extent to which it could be satisfactorily mitigated. Development will only be in the public interest if the outcomes of i-iv above gives sufficient reason/s to override the potential damage to the natural beauty, cultural heritage, wildlife or quiet enjoyment of the National Park. c) Extensions to existing soft sand quarries or new quarry proposals in the National Park need to conform with (b) above and additionally demonstrate that the need could not be practically achieved by extraction in adjoining Counties. d) Small-scale waste management facilities for local needs should not be precluded from the National Park and should meet the requirements of Policy WMP 7a. e) Proposals for the backfilling of redundant quarries within the National Park need to conform with (b) above and additionally demonstrate net long term benefits to the National Park and that they meet Policy WMP 8b criteria (a) to (e).</p> <p>Policy RV1 Minerals and waste development affecting the South Downs National Park and High Weald Area of Outstanding Natural Beauty</p> <p>a) Minerals and waste development in the South Downs National Park and the High Weald AONB will have regard to the relevant Management Plan.</p> <p>b) Major minerals and waste development in the South Downs National Park or High Weald AONB will be refused other than in exceptional circumstances, and where it can be demonstrated</p>	<p>Policy RM3 Minerals Safeguarding Areas</p> <p>Mineral Safeguarding Areas (MSAs), as shown on the Policies Map, identify potentially viable land-won mineral resources and sites.</p> <p>Proposals for non-minerals development on or near the MSA that would sterilise or prejudice the extraction of the mineral resource, or result in incompatible development, should not be permitted.</p> <p>Development proposals within areas shown as Mineral Safeguarding Areas on the Policies Map or that may</p>
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	<p>to be in the public interest⁽³⁾ . In this respect, consideration will be given relevant information, including:</p> <ul style="list-style-type: none"> i. the need for the development, including in terms of any national considerations; and ii. the impact of permitting or refusing the development upon the local economy; and iii. the cost of and scope for developing outside the designated area or meeting the need in another way; and iv. any detrimental effect on the environment, landscape and/or recreational opportunities and the extent to which it could be moderated. <p>c) Small-scale waste management facilities for local needs are not precluded from the National Park or AONB where they meet the requirements of Policy RD1.</p> <p>d) Proposals for the backfilling of redundant quarries within the National Park or AONB need to conform with (b) above and additionally demonstrate net long term benefits to the National Park or AONB and that they meet Policy WMP 8b criteria (a) to (e).</p>	<p>affect a mineral operation or resource, must demonstrate that mineral resources will not be sterilised and the development is not incompatible with any permitted minerals operations.</p> <p>The Authorities will periodically review and update Mineral Safeguarding Areas as required.</p> <p><i>[Policy SP8 (see below) is also superseded by Policy RM3]</i></p>
<p>East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (2017)</p>		<p>Policy SP 8 Mineral Safeguarding Areas for land-won minerals resources within the Plan Area; The following land-won minerals resources are identified as Mineral Safeguarding Areasincluding Stanton's Farm, Novington</p> <p><i>[Policy SP8 is also superseded by Policy RM3 (see above)]</i></p>

Hampshire (incl. New Forest National Park, Portsmouth, Southampton, and the South Downs National Park)

<p>Hampshire Minerals & Waste Plan (adopted 2013)</p>	<p>Policy 17: Aggregate supply – capacity and source “An adequate and steady supply of aggregates until 2030 will be provided for Hampshire and surrounding areas from local sand and gravel sites at a rate of 1.56mpta, of which 0.28mpta will be soft sand.</p> <p>That supply will also be augmented by safeguarding and developing infrastructure capacity so that alternative sources of aggregate could be provided at the following rates:</p> <ul style="list-style-type: none"> • 1.0mpta of recycled and secondary aggregates; • 2.0mpta of marine-won aggregates; and • 1.0mpta of limestone delivered by rail.” 	<p>Policy 15: Safeguarding – mineral resources “Hampshire’s sand and gravel (sharp sand and gravel and soft sand), silica sand and brick-making clay resources are safeguarded against needless sterilisation by non-minerals development, unless ‘prior extraction’ takes place. Safeguarded mineral resources are defined by a Minerals Safeguarding Area illustrated on the Policies Map. Development without the prior extraction of mineral resources in the Minerals Safeguarding Area may be permitted if:</p> <ol style="list-style-type: none"> a. It can be demonstrated that the sterilisation of minerals resources will not occur; or b. It would be inappropriate to extract mineral resources at that location, with regards to the other policies in the Plan; or the development would not pose a serious hindrance to mineral development in the vicinity; or c. The merits of the development outweigh the safeguarding of the mineral. <p>The soft sand / potential silica resources at Whitehill & Bordon (Inset Map 5), further illustrated on the Policies Map are included within the MSA and are specifically identified for safeguarding under this policy.</p>
<p>Emerging Plan (Draft Plan): Hampshire Minerals & Waste Plan: Partial Update (2022)</p>	<p>Policy 17: Aggregate supply – capacity and source A steady and adequate supply of aggregates until 2040 will be provided for Hampshire and surrounding areas from local sand and gravel sites at a rate of 1.15mtpa, of which 0.23mtpa will be soft sand.</p>	<p><i>[Policy 15 remains unchanged in the Draft Plan]</i></p>

	<p>The supply will also be augmented by safeguarding and enabling the development of infrastructure capacity so that alternative sources of aggregate could be provided at the following rates:</p> <ul style="list-style-type: none"> • 1.8mtpa of recycled and secondary aggregates; and • 2.0mtpa of marine-won aggregates; and • 1.0mtpa of limestone delivered by rail. 	
<i>Isle of Wight</i>		
Island Plan Isle of Wight Core Strategy (including Waste and Minerals) and Development Management Development Plan Document (March 2012)	None.	None.
<i>Kent</i>		
Kent Minerals and waste Local Plan 2013-30 adopted September 2020 (as amended by Early Partial Review)	<p>Policy CSM 2 Supply of Land-won Minerals in Kent</p> <p>Mineral working will be granted planning permission at sites identified in the Minerals Sites Plan⁽⁶⁰⁾ subject to meeting the requirements set out in the relevant site schedule in the Mineral Sites Plan and the development plan.</p> <p>1. Aggregates Provision will be made for the supply of land-won aggregates as follows:</p> <ul style="list-style-type: none"> • Sharp sand and gravel: At least 10.08mt and a landbank of at least seven years supply (5.46mt) will be maintained while resources allow. The rate of supply will 	<p>Policy CSM 5 Land-won Mineral Safeguarding</p> <p>Economic mineral resources are safeguarded from being unnecessarily sterilised by other development by the identification of:</p> <ol style="list-style-type: none"> 1. Mineral Safeguarding Areas for the areas of brickearth, sharp sand and gravel, soft sand (including silica sand), ragstone and building stone as defined on the Mineral Safeguarding Area Policies Maps in Chapter 9 2. Mineral Consultation Areas which cover the same area as the Minerals Safeguarding Areas and a separate area adjacent to the Strategic Site for

	<p>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.</p> <ul style="list-style-type: none"> • Soft sand: Rolling landbanks for the whole of the plan period and beyond of at least seven years equivalent to at least 15.6mt, comprising 10.6mt from existing permitted sources and 5.0mt from sites allocated in the Minerals Sites Plan. • Crushed rock: Rolling landbanks for the whole of the Plan period and beyond of at least ten years equivalent to at least 20.5mt, all from existing permitted sources. <p>Sites will be identified in the Mineral Sites Plan to support supplies of land-won aggregates at the stated levels above. A rolling average of ten years' sales data and other relevant information will be used to assess landbank requirements on an on-going basis, and this will be kept under review through the annual production of a Local Aggregates Assessment.</p>	<p>Minerals at Medway Works, Holborough as shown in Figure 17</p> <p>3. Sites for mineral working within the plan period identified in Appendix C and in the Mineral Sites Plan.</p>
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	<p>2. Brickearth and Clay for Brick and Tile Manufacture</p> <p>The stock of existing planning permissions at Paradise Farm, Orchard Farm, Hempstead House and Claxfield Road for brickearth clay for brick and tile making is sufficient for the plan period. Applications for sites supplying brickearth and clay for brick and tile making will be dealt within in accordance with the policies of this Plan. The existence of a stock of permitted reserves of at least 25 years (as reported in the latest Annual Monitoring report) to support the level of actual and proposed investment required for new or existing plant and the maintenance and improvement of existing plant and equipment will be a material consideration.</p> <p>3. Silica Sand</p> <p>In response to planning applications, the Mineral Planning Authority will seek to permit sites for silica sand production sufficient to provide a stock of permitted reserves of at least 10 years for individual sites of 10 years and 15 years for sites where significant new capital is required, to support the level of actual and proposed investment required for new or existing plant and the maintenance and improvement of existing plant and equipment.⁽⁶¹⁾ Proposals will be considered on their own merits, having regard to the policies of the Development Plan as a whole subject to them demonstrating:</p> <ul style="list-style-type: none"> a. how the mineral resources meet technical specifications required for silica sand (industrial sand) end uses 	
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	<p>b. how the mineral resources will be used efficiently so that high-grade sand deposits are reserved for industrial end uses</p> <p>4. Chalk for Agriculture and Engineering Purposes The stock of existing planning permissions for chalk is sufficient to supply Kent's requirements for agricultural and engineering chalk over the plan period. Applications for sites supplying chalk for agriculture and engineering purposes will be dealt with in accordance with the policies of this Plan. The need for additional supplies of chalk will be assessed based on the latest assessment of supply and demand set out in the Annual Monitoring Report.</p> <p>5. Clay for Engineering Purposes A site for the extraction of clay for engineering purposes will be identified at Norwood Quarry and Landfill Site in the Minerals Sites Plan. Other sites will be identified if required in order to enable clay extraction to continue through the Plan period to supply Kent's requirements.</p> <p>Selection of Sites in the Minerals Sites Plan The criteria that will be taken into account for selecting and screening the suitability of sites for identification in the Minerals Sites Plan will include:</p> <ul style="list-style-type: none"> • the requirements for minerals set out above • relevant policies set out in Chapter 7: Development Management Policies 	
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	<ul style="list-style-type: none"> • relevant policies in district local plans and neighbourhood plans • strategic environmental information, including landscape assessment and HRA as appropriate • their deliverability • other relevant national planning policy and guidance 	
<i>Medway</i>		
Medway Local Plan (2003)	None.	None.
Emerging Plan (Development Strategy): Medway Local Plan (2019 to 2040)	[see <i>Policy approach: Minerals</i>]	<p>Policy approach: Minerals</p> <p>The council will plan for the steady and adequate supply of minerals to meet local needs and contribute to regional requirements. It will seek to:</p> <ul style="list-style-type: none"> • Sustainably deliver a steady and adequate supply of land-won sand and gravel. • Maintain a 7-year landbank of permitted sand and gravel reserves. • Support regional consideration and planning of aggregates through its membership of the South East England Aggregates Working Group • Promote the transportation of minerals by water and rail for longer distance distribution. • Safeguard identified areas of proven and unproven unconstrained reserves of river terrace sand and gravel reserves from development that may prevent their future extraction. • Safeguard all existing mineral wharves, railheads, storage, handling and processing facilities from development that may prejudice their continued use for the importation of crushed rock, sand and gravel and other associated materials.

		<ul style="list-style-type: none"> • Ensure that any new permitted quarry is returned to a suitable condition for reuse after operations have ceased. • Promote the use of secondary aggregates, requiring the reclamation and reuse of materials on redevelopment sites. • Allocate sites for the processing, sorting and distribution of secondary aggregates displaced through planned redevelopment schemes.
Milton Keynes		
Milton Keynes Minerals Local Plan (July 2017) (Plan period 2013-2032)	None.	<p>Policy 18: Mineral Safeguarding and Consultation Area</p> <p>Mineral resources of local and national importance within Milton Keynes include sand and gravel and the White and Blisworth Limestone formations. These resources will be safeguarded from unnecessary sterilisation by other development through the designation of Mineral Safeguarding Areas.</p> <ul style="list-style-type: none"> • Planning permission will not be granted for non-mineral development that would lead to the unnecessary sterilisation of mineral resources within a Minerals Safeguarding Area unless it can be demonstrated that: • the mineral concerned is not of economic value or evidence confirms the absence of mineral resources, the proposed development is temporary or of a nature that would not sterilise the mineral resource or hinder future extraction, • the proposed development is temporary and would not sterilise the mineral resource or hinder future extraction, • prior extraction can occur where practicable and environmentally feasible and within a reasonable timescale, • there is an over-riding need for the development, or

		<ul style="list-style-type: none"> the development is exempt. <p>In determining whether prior extraction is feasible an assessment of the mineral resource including detailed site investigations should be undertaken to identify the quality, quantity and extent of the resource, the economic viability of prior extraction and the proportion of the mineral to be used on-site and saleable aggregate. The assessment should also take account of the size, nature and need for the (non-minerals) development as well as the proposed phasing of operations and construction of the non-mineral development.</p> <p>In the event that the non-mineral development is delayed or not implemented the site must be restored to a stable landform and appropriate after-use.”</p>
Oxfordshire		
<p>Oxfordshire Minerals & Waste Local Plan – Part 1: Core Strategy (2017)</p>	<p>Policy M2: Provision for working aggregate minerals</p> <p>Provision will be made through policies M3 and M4 to enable the supply of:</p> <ul style="list-style-type: none"> sharp sand and gravel - 1.015 mtpa giving a total provision requirement of 18.270 million tonnes soft sand - 0.189 mtpa giving a total provision requirement of 3.402 million tonnes crushed rock - 0.584 mtpa giving a total provision requirement of 10.512 million tonnes from land-won sources within Oxfordshire for the period 2014 – 2031 inclusive. <p>Permission will be granted for aggregate mineral working under policy M5 to enable separate</p>	<p>Policy M8: Safeguarding mineral resources</p> <p>Mineral resources in the Mineral Safeguarding Areas shown on the Policies Map are safeguarded for possible future use. Development that would prevent or otherwise hinder the possible future working of the mineral will not be permitted unless it can be shown that:</p> <ul style="list-style-type: none"> The site has been allocated for development in an adopted local plan or neighbourhood plan; or The need for the development outweighs the economic and sustainability considerations relating to the mineral resource; or The mineral will be extracted prior to the development taking place. <p>Mineral Consultation Areas, based on the Mineral Safeguarding Areas, are shown on the Policies Map.</p>

	<p>landbanks of reserves with planning permission to be maintained for the extraction of minerals of:</p> <ul style="list-style-type: none"> • at least 7 years for sharp sand and gravel; • at least 7 years for soft sand; • at least 10 years for crushed rock; <p>in accordance with the annual requirement rates in the most recent Local Aggregate Assessment, taking into account the need to maintain sufficient productive capacity to enable these rates to be realised.</p>	<p>Within these areas the District Councils will consult the County Council on planning applications for non-mineral development.</p>
<i>Slough</i>		
<p>Replacement Minerals Local Plan for Berkshire (2001)</p>	<p>No saved policy</p>	<p>Saved policies:</p> <p>Policy 2 The local planning authorities will oppose development proposal which would cause the sterilisation of mineral deposits in the proposed development site, or which would prejudice the future working of minerals in adjacent sites, except where it is demonstrated that</p> <ul style="list-style-type: none"> (i) The mineral deposit is of no commercial interest, and is unlikely to be so in the future; or (ii) Having regard to all relevant planning considerations, there is an overriding case in favour of allowing the proposed development to proceed without the prior extraction of mineral; or (iii) Extraction of the mineral would be subject to such strong environmental or other objection that it would be highly unlikely that it would ever be permitted in any circumstances. <p>Policy 2A In appropriate cases, the local planning authorities will encourage the extraction of mineral prior to other more permanent forms of development taking place. Planning</p>

		<p>permission will be granted on applications for prior extraction of minerals, provided that</p> <ul style="list-style-type: none"> (i) Mineral extraction and restoration to an appropriate standard can be completed within a timetable that would not reasonably prejudice the timetable for the subsequent development; and (ii) Mineral extraction and restoration operations, or their associated traffic, would not cause unacceptable impacts on the environment or living conditions
Surrey		
<p>Surrey Minerals Plan (2011) Core Strategy Development Plan Document and Surrey Minerals Plan (2011) Primary Aggregates Development Plan Document</p>	<p>None.</p>	<p>Policy MC6 – Safeguarding mineral resources and development.</p> <p>Minerals safeguarding areas have been defined for resources of concreting aggregate, soft sand, silica sand, brick clay and fuller’s earth. The mineral planning authority will seek to prevent sterilisation of these resources by other development.</p> <p>Local planning authorities will be expected to consult the mineral planning authority on any proposals for development that would</p> <ul style="list-style-type: none"> i) prejudice the effective operation of sites that are currently in minerals use or permitted for such use, or ii) sterilise mineral resources on preferred areas for future minerals extraction, or iii) sterilise mineral resources within mineral safeguarding areas as shown on their proposals maps. <p>Infrastructure and sites used, or proposed to be used, for minerals development - rail aggregate depots and sites for production of recycled and secondary aggregate - will be safeguarded. Local planning authorities will be expected to consult the mineral planning authority on proposals for non-mineral development in the consultation area around such sites.</p>

<i>West Berkshire</i>		
West Berkshire Minerals & Waste Local Plan (Adopted December 2022)	<p>Policy 2 Landbank and Need</p> <p>The need for aggregate minerals to supply the construction market in West Berkshire should be met, where possible, from recycled and secondary aggregates in preference to primary aggregates to minimise the need to extract primary aggregates. Provision will be made for a minimum of 350,000 tonnes of recycled and secondary aggregate capacity.</p> <p>In order to ensure a steady and adequate supply of primary construction aggregates (sand and gravel), the Council will seek to maintain landbanks of permitted reserves of sharp sand and gravel and soft sand of at least 7 years based on the latest Local Aggregate Assessment (LAA), and take into account the need to maintain sufficient productive capacity to enable the rates in the LAA to be realised.</p> <p>The West Berkshire Minerals and Waste Local Plan will aim to deliver at least 1,630,000 tonnes of construction aggregates from primary sources to meet the identified needs of West Berkshire over the plan period to 2037, comprised of 840,000 tonnes of sharp sand and gravel and 790,000 tonnes of soft sand. The level of need for primary construction aggregates and state of the landbank will be kept under review through the production of a LAA on an annual basis.</p>	<p>Policy 9 Minerals Safeguarding</p> <p>'Minerals Safeguarding Areas' (MSAs) have been defined which safeguard the following from sterilisation by non-mineral development:</p> <ul style="list-style-type: none"> • Known construction aggregate mineral deposits⁽²⁹⁾; • Existing (including those with planning permission yet to be implemented) and allocated mineral extraction sites; <p>In addition, the following Minerals Infrastructure is safeguarded against development that would unnecessarily prevent or prejudice the operation of the infrastructure:</p> <ul style="list-style-type: none"> • Potential, planned and existing minerals associated infrastructure, including rail sites and mineral processing plant sites. <p>Non-mineral development in Minerals Safeguarding Areas or affecting Minerals Safeguarded Infrastructure may be considered acceptable in the following circumstances:</p> <ul style="list-style-type: none"> • The proposal would not prejudice or detrimentally affect the extraction of underlying mineral resources, or the operation of a planned or existing mineral extraction site, or the operation of potential, planned or existing minerals associated infrastructure; or • It can be demonstrated that the underlying mineral is of no economic, or potential economic value, or that the mineral could not be extracted from the site for other valid planning reasons; or

		<ul style="list-style-type: none"> • Where a mineral resource underlies a prospective development site and prior extraction, or partial prior extraction of the mineral resources can be undertaken in advance of, or as part of, the proposed development; or • It can be demonstrated that the need for the proposed development outweighs the need to conserve the mineral resources, or maintain the operational capability of the minerals associated infrastructure; or • The proposed development is aligned with the specifications for a site allocated within an adopted local plan or neighbourhood plan, and the allocation was considered in light of this safeguarding policy.
West Sussex (incl. the South Downs National Park)		
West Sussex Joint Minerals Local Plan (2018) (Partial Review March 2021)	<p>Policy M2: Soft Sand</p> <p>(a) Proposals for land won soft sand extraction, including extensions of time and physical extensions to existing sites, will be permitted provided that:</p> <ul style="list-style-type: none"> (i) The proposal is needed to ensure a steady and adequate supply of soft sand and to maintain at least a seven-year land bank, as set out in the most recent Local Aggregates Assessment; and (ii) The site is allocated within Policy M11 of this Plan, or if the proposal is on an unallocated site, it can be demonstrated that the need cannot be met through the site/s allocated for that purpose; and (iii) Where transportation by rail or water is not practicable or viable, the proposal is well-related to the Lorry Route Network. 	<p>Policy M9: Safeguarding Minerals</p> <ul style="list-style-type: none"> (a) Existing minerals extraction sites³³ will be safeguarded against non-mineral development that prejudices their ability to supply minerals in the manner associated with the permitted activities. (b) Soft sand (including potential silica sand), sharp sand and gravel, brick-making clay, building stone resources and chalk reserves³⁴ are safeguarded against sterilisation. Proposals for non-minerals development within the Minerals Safeguarded Areas (as shown in maps in Appendix E) will not be permitted unless: <ul style="list-style-type: none"> (i) Mineral sterilisation will not occur; or (ii) it is appropriate and practicable to extract the mineral prior to the development taking place, having regards to the other policies in this Plan; or the overriding need for the

	<p>(b) Proposals located outside the South Downs National Park that accord with part (a) must not adversely impact on its setting.</p> <p>(c) Proposals located within the South Downs National Park that accord with part (a) and constitute major development will be refused other than in exceptional circumstances and where it can be demonstrated to be in the public interest.</p>	<p>development outweighs the safeguarding of the mineral and it has been demonstrated that prior extraction is not practicable or environmentally feasible.</p>
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Appendix C: Soft Sand Allocations in adopted or submitted Minerals Plans in the South East (where applicable)

Adopted Plan	Plan Status	Allocation (and status)
<i>Buckinghamshire</i>		
Buckinghamshire Minerals & Waste Local Plan 2016-2036	Adopted July 2019.	No specific soft sand allocations although it is recognised that some sand and gravel allocations contain soft sand.
<i>Central & Eastern Berkshire (Bracknell, Reading, Windsor & Maidenhead and Wokingham)</i>		
Central and Eastern Berkshire – Joint Minerals & Waste Plan	Adopted - RBWM: November 2022 - Bracknell Forest, Reading, Wokingham: January 2023	None.
<i>East Sussex (incl. Brighton & Hove and the South Downs National Park)</i>		
East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (Sites Plan - 2017)	<ul style="list-style-type: none"> • Adopted 2017 • Currently being reviewed. 	None.
<i>Hampshire (incl. New Forest National Park, Portsmouth, Southampton, and the South Downs National Park)</i>		
Hampshire Minerals & Waste Plan	<ul style="list-style-type: none"> • Adopted 2013 • Reviewed 2018 	<ul style="list-style-type: none"> • Forest Lodge Home Farm, Hythe (soft sand / sharp sand and gravel) – 0.57 million tonnes [permitted 2017] • Purple Haze, Ringwood Forest (soft sand / sharp sand and gravel) – 4 million tonnes
<i>Isle of Wight</i>		
Island Plan Isle of Wight Core Strategy (including Waste and Minerals) and Development Management Development Plan Document	Adopted 2012	None.
<i>Kent</i>		
Kent Mineral Sites Plan 2013-30	Adopted September 2020	Chapel Farm (West), Lenham - a proposed new quarry (total yield 3,200,000 tonnes)

<i>Medway</i>		
Medway Local Plan	Adopted 2003	None
<i>Milton Keynes</i>		
Milton Keynes Minerals Local Plan	Adopted July 2017	None
<i>Oxfordshire</i>		
Oxfordshire Minerals & Waste Local Plan – Part 1: Core Strategy	Adopted 2017	<p>[Allocations will be set out in the Part 2: Sites Allocations Document]</p> <p>Policy M3: Principal locations for working aggregate minerals</p> <p>The principal locations for aggregate minerals extraction will be within the following strategic resource areas, as shown on the Policies Map:</p> <p>Sharp sand and gravel in northern Oxfordshire (Cherwell District and West Oxfordshire District):</p> <ul style="list-style-type: none"> • The Thames, Lower Windrush and Lower Evenlode Valleys area from Standlake to Yarnton; in southern Oxfordshire (South Oxfordshire District and Vale of White Horse District): • The Thames and Lower Thame Valleys area from Oxford to Cholsey; • The Thames Valley area from Caversham to Shiplake. <p>Soft sand</p> <ul style="list-style-type: none"> • The Corallian Ridge area from Oxford to Faringdon; • The Duns Tew area. Crushed rock • The area north west of Bicester; • The Burford area south of the A40; • The area east and south east of Faringdon. <p>Specific sites (new quarry sites and/or extensions to existing quarries) for working aggregate minerals within these strategic</p>

		<p>resource areas will be allocated in the Minerals & Waste Local Plan: Part 2 – Site Allocations Document, in accordance with policy M4.</p> <p>Specific sites for extensions to existing aggregate quarries (excluding ironstone) outside the strategic resource areas may also be allocated in the Minerals & Waste Local Plan: Part 2 – Site Allocations Document provided they are in accordance with policy M4.</p> <p>Sites allocated for sharp sand and gravel working (including both new quarry sites and extensions to existing quarries, including any extensions outside the strategic resource areas), to meet the requirement in policy M2 will be located such that approximately 25% of the additional tonnage requirement is in northern Oxfordshire and approximately 75% of the additional tonnage requirement is in southern Oxfordshire, to achieve an approximately equal split of production capacity for sharp sand and gravel between northern and southern Oxfordshire by 2031.</p>
<i>Slough</i>		
Replacement Minerals Local Plan for Berkshire (2001)	Adopted (with saved policies)	None.
<i>Surrey</i>		
Surrey Minerals Plan (2011) Core Strategy Development Plan Document and Surrey Minerals Plan (2011) Primary Aggregates Development Plan Document	Adopted 2011	<p>Preferred Area P – Mercers Farm, Nutfield Marsh – Granted permission in 2013</p> <p>Preferred Area R – Runfold South extension - Granted permission in 2007</p> <p>Preferred Area O – Common Field, Betchworth - Granted permission in 2008</p>

<i>West Berkshire</i>		
West Berkshire Minerals & Waste Local Plan	Adopted December 2022	Policy 31: Chieveley Services - Extraction of between 400,000 and 670,000 tonnes of soft sand
<i>West Sussex (incl. the South Downs National Park)</i>		
West Sussex Joint Minerals Local Plan (2018) (Partial Review March 2021)	Adopted 2018 (Partial Review March 2021)	<p>Policy M11: Strategic Minerals Site Allocations</p> <ul style="list-style-type: none"> • Ham Farm, Steyning (Policies Map 8) – 725,000 tonnes of soft sand • East of West Heath Common (Extension) (Policies Map 9) – 950,000 tonnes of soft sand • Chantry Lane Extension (Policies Map 10) – 1,000,000 tonnes of soft sand

**South East Minerals Planning Authorities:
Updated Position Statement on Soft Sand
Signatories (2023)**

As of 10th January 2024:

West Sussex County Council (06th October 2023) – Michael Elkington, Head of Planning Services

Surrey County Council (09th October 2023) - Caroline Smith, Planning Group Manager

South Downs National Park Authority (11th October 2023) – Tim Slaney, Director of Planning

Isle of Wight Council (06th November 2023) – Councillor Paul Fuller, Cabinet Member for Planning Coastal Protection and Flooding

West Berkshire Council (13th November 2023) - Bryan Lyttle, Planning Policy, Infrastructure and Place Manager

Hampshire County Council (14th November 2023) – Laura McCulloch, Head of Spatial Planning

Kent County Council (14th November 2023) – Sharon Thompson, Head of Planning Applications

East Sussex (16th November 2023) – Edward Sheath, Head of Planning and Environment for Communities

Brighton & Hove City Council (27th November 2023) – Max Woodford, Assistant Director City Development and Regeneration

Bracknell Forest Council (28th November 2023) – Max Baker, Assistant Director Planning

Milton Keynes Council (4th December 2023) – Luke Gledhill, Principal Waste & Minerals Planning Officer

Oxfordshire County Council (12th December 2023) - Kevin Broughton, Team Leader for Minerals and Waste Policy

Medway Council (19th December 2023) - Dave Harris, Chief Planning Officer

**Appendix 9: Statement of Common Ground (SoCG) on Soft Sand
between Kent County Council, West Sussex County Council, East
Sussex County Council, Brighton & Hove City Council, South
Downs National Park Authority and Maidstone Borough Council
(July 2022)**

Statement of Common Ground (SoCG) on Soft Sand between Kent County Council, West Sussex County Council, East Sussex County Council, Brighton & Hove City Council, Surrey County Council, the South Downs National Park Authority and Maidstone Borough Council.

July 2022

1.0 Background

1.1 The National Planning Policy Framework (NPPF) states that: “Local planning authorities and county councils (in two-tier areas) are under a duty to cooperate with each other, and with other prescribed bodies, on strategic matters that cross administrative boundaries.¹” It further states “Strategic policy-making authorities should collaborate to identify the relevant strategic matters which they need to address in their plans.²”

1.2 The NPPF expects that Local Plans will include ‘non-strategic’ and ‘strategic’ policies, and explains that strategic policies should “.....set out an overall strategy for the pattern, scale and quality of development, and make sufficient provision for:.....infrastructure” and this includes “for... provision of minerals”³.

1.3 Surrey County Council (SCC), Kent County Council (KCC), East Sussex County Council (ESCC), West Sussex County Council (WSCC), the South Downs National Park Authority (SDNPA) and Brighton & Hove City Council (BHCC) are the Mineral Planning Authorities (MPAs), responsible for preparing minerals planning policies concerned with the development of minerals supply facilities in their areas (See Figure 1 on page 2).

1.4 KCC adopted its Minerals and Waste Local Plan (KMWLP) in July 2016 and adopted a Minerals Sites Plan in 2020. KCC undertook an Early Partial Review of the KMWLP in 2017 and this was adopted in 2020. This review did not relate to minerals supply. The quantum of need for soft sand set out in the adopted Plan is based solely on the average of the previous 10-year sales of the mineral from sites in Kent. KCC are currently undertaking a review of their Minerals and Waste Local Plan as adopted in July 2016. Maidstone Borough Council (MBC) is a signatory given the location of the Kent Mineral Sites Plan allocation (Chapel Farm West, Lenham).

1.5 WSCC and the SDNPA adopted a Joint Minerals Local Plan (JMLP) in July 2018 and undertook a single issue soft sand review (Policy M2) that was adopted in March 2021, as formal changes to the JMLP. The Review allocated three sites for soft sand, two of which are in the National Park. Policy M2 of the JMLP requires applications for these sites and indeed any major development sites in the

¹ Paragraph 24, NPPF (2021)

² Paragraph 25, NPPF (2021)

³ Paragraph 20, NPPF (2021)

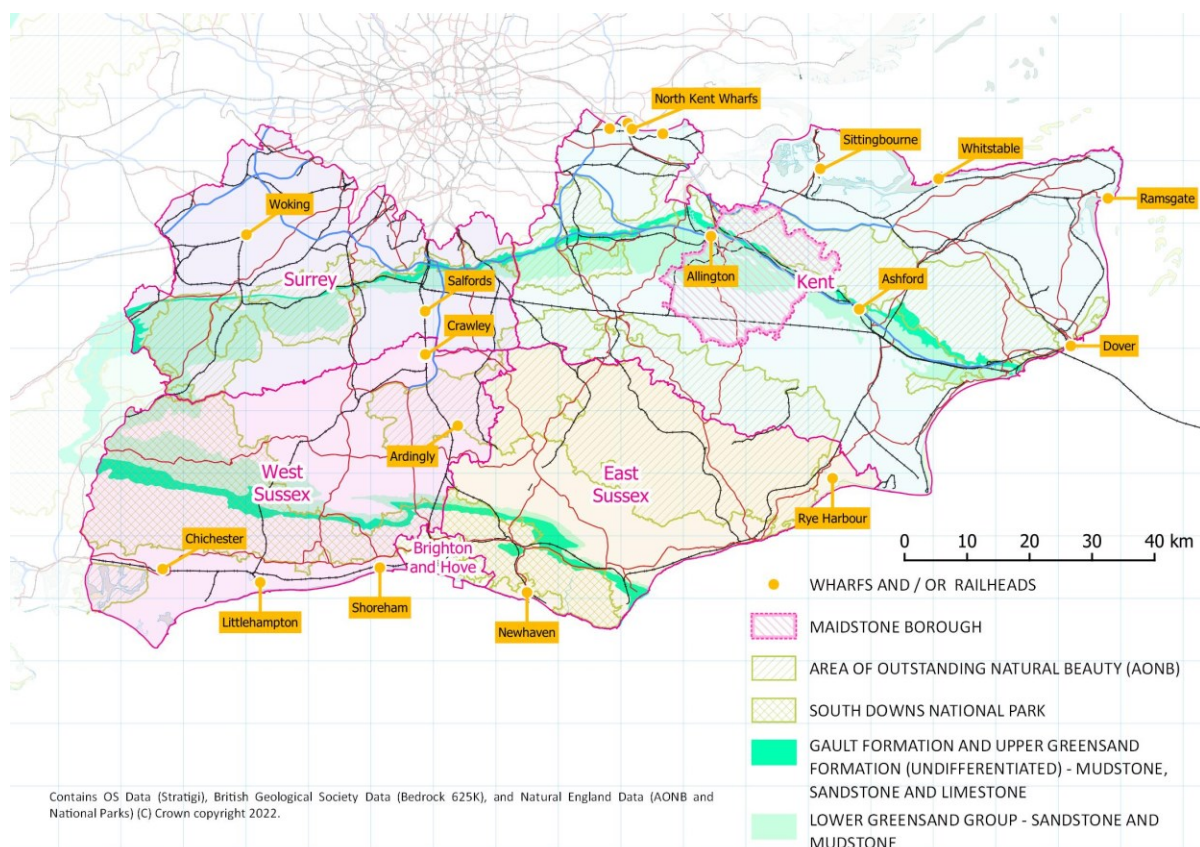
National Park to prove exceptional circumstances and demonstrate that they are in the public interest. This will include consideration of allocated and permitted sites outside of the Plan Area.

1.6 ESCC, BHCC and the SDNPA adopted a joint Waste and Minerals Plan in 2013, that includes strategic and development management policies. The plan’s Local Strategy Statement: Provision and Use of Aggregates recognises that the provision of soft sand is a larger than local issue, and states that the SDNPA is working with ESCC, Hampshire County Council and West Sussex County Council to find an acceptable solution across the ‘wider area’.

1.7 ESCC, BHCC and the SDNPA adopted a joint Waste and Minerals Sites Plan in 2017 for the plan area to 2026 but this plan does not identify mineral site allocations as no requirement was identified in the 2013 Waste and Minerals Plan. ESCC, BHCC and the SDNPA are currently undertaking a review of the adopted Waste and Minerals Local Plan. The review is focusing on the provision of aggregates and Mineral Resources and Infrastructure Safeguarding.

1.8 SCC adopted the Surrey Minerals Plan Core Strategy Development Plan Document and Surrey Minerals Plan Primary Aggregates DPD in 2011. The 2011 Minerals Plan identified one preferred area for Soft Sand extraction in Surrey namely Mercers Farm, which has an estimated available resource of 2.70 mt between 2010 and 2026. The production of the Surrey Joint Minerals and Waste Local Plan is underway and soft sand extraction in the county will be an important consideration.

Figure 1. Location of the Soft Sand Resources and Mineral Planning Authorities (the Parties)



1.9 National policy states: “In order to demonstrate effective and on-going joint working, strategic policy-making authorities should prepare and maintain one or more statements of common ground,

documenting the cross-boundary matters being addressed and progress in cooperating to address these.⁴”

1.10 This document represents a Statement of Common Ground (the ‘Statement’) between SCC, KCC, WSCC, ESCC, B&HCC, the SDNPA and MBC [the Parties] and so covers the Minerals and Waste Plan Areas of

- Surrey;
- Kent;
- West Sussex and South Downs; and
- East Sussex, South Downs and Brighton & Hove.

1.11 It is specifically related to the issue of making provision for soft sand, within Local Plans, in line with national planning policy requirements to ensure that a steady and adequate supply can be maintained in the administrative areas of the Parties. Early versions of this SoCG informed the preparation of the West Sussex and South Downs Single Issue Soft Sand Review and the Kent Minerals Sites Plan. This SoCG will inform the Independent Examination process of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan Review and it will be updated as necessary (as set out in section 4 and section 6). The statutory process of plan examination requires cooperation to be demonstrated, and how this informative cooperative process assists the soundness of these plans. This SoCG is to help ensure the Parties attain this obligation.

1.12 The South East England Aggregates Working Party (SEEAWP) is a technical advisory group of mineral planning authorities and other relevant organisations covering the South East and is responsible for producing comprehensive data on aggregate demand and supply in the south east. In line with Planning Guidance, SEEAWP is treated as an additional signatory to this SoCG.

2.0 Geology and Strategic Geography

2.1 Soft sand (also known as building sand) is an important aggregate mineral that, for certain end uses, cannot be substituted by other materials. Soft sand is used specifically in building mortar and asphalt by the construction industry.

2.2 Figure 1 indicates the overarching geology for illustrative purposes of the Mineral Planning Authorities areas and the Soft Sand Resources. The soft sand resource within the Authority areas is contained within the Folkestone Formation which is found on the edge of the lower greensand group shown in Figure 1. (Exact details of the position of the Folkestone Formation are not available for the whole area.) The formation extends westwards from the north west of Lewes in East Sussex, across West Sussex and into Hampshire to Petersfield, where it swings around to the north east and then continues east across Surrey and Kent, meeting the coast at Folkestone.

2.3 In Kent, soft sand is extracted from quarries situated on the Folkestone Formation between Charing and Sevenoaks. Most of these sand quarries produce a combination of soft sand and silica sand (a specialist industrial sand of high purity). The resource is located within and adjacent to the Kent Downs Area of Outstanding Natural Beauty (AONB) (See Figure 1) and this affects the ability to exploit it.

2.4 The soft sand resource in the East Sussex Plan area is not extensive. The area of potential soft sand is entirely located within the South Downs National Park. There is one extraction site

⁴ Paragraph 27, NPPF (2021)

(Novington Sandpit) that has not been active for at least 5 years; supply has been entirely met with imports over this time. The ability to identify additional further resources in the East Sussex Plan area is affected by its limited extent and the National Park designation.

2.5 In West Sussex, the Folkestone Formation runs east-west through the County and is, again, mainly located within the South Downs National Park. There are a small number of active extraction sites in the west and central parts of the county, which are largely within the National Park. The material within the Folkestone Formation East of Steyning is not known to contain any soft sand that is considered viable for extraction. This is evidenced through a lack of sites being worked historically, coupled with a lack of sites being proposed by the industry in the eastern extent of the resource in Sussex.

2.6 Surrey's soft sand is also located in the Folkestone Formation, which is exposed in a belt stretching across central Surrey from Limpsfield in the east to Farnham in the west. Soft sand is currently supplied from five active sites in Surrey, all in the east of the county. The resource is distributed across the boroughs of Guildford and Waverley in the south west, and the districts of Mole Valley and Tandridge in the centre and east of the county. A small resource of soft sand has also been identified in the borough of Runnymede in north west Surrey. Much of the remaining reserve of soft sand occurs within the existing boundaries of the Surrey Hills AONB.

2.7 Whilst Kent, West Sussex and Surrey contain active extraction sites with permitted reserves of soft sand, there is only one sandpit in the East Sussex Plan area, that lies wholly within the SDNP, and has not reported extraction for a number of years. East Sussex County Council, Brighton & Hove City Council and the SDNPA recognise that their joint plan area has historically been more reliant upon soft sand supply from other areas. National Policy requires that authorities plan for a steady and adequate supply of aggregate by considering previous sales, taking account of other relevant local information. The sales data collected annually by authorities does not consider the final destination of soft sand, therefore when planning for minerals in Kent, Surrey or West Sussex, these Authorities are taking account of materials that may have been used in East Sussex and other areas during any specific year within their LAAs. Therefore, in theory predictions of future requirements incorporate amounts for those areas accordingly.

2.8 Figure 1 shows there are good road connections in the South East, in particular the M20, M26, M25, M23 and A24. Railheads exist in Surrey, Kent, East Sussex, and West Sussex which are used for the transport of aggregates. There are also a number of wharves located on the Kent, East Sussex, Brighton & Hove and West Sussex coast which receive (or potentially could receive) soft sand, whether from land or sea borne sources. There is a history of cross boundary movement of aggregate between these areas (and the wider south east) as evidenced by monitoring. The movement of aggregates is affected by the availability of aggregate supplies, market demand, and has no regard to the administrative boundaries of the parties to this SoCG.

3.0 The Strategic Issue: Soft Sand Resource, Movement and Supply

National Policy

3.1 National planning policy requires MPAs to plan for a steady and adequate supply of aggregates, and to make provision for the maintenance of landbanks for sand and gravel of at least seven years as calculated by Local Aggregate Assessments (LAAs). LAAs should consider other relevant local information, when calculating demand based on a rolling average of 10 years sales data (NPPF Para

213(a)). National planning guidance says that other relevant local information may include levels of planned construction and housebuilding.

3.2 National policy also states that local authorities should calculate and maintain separate landbanks for aggregate minerals of a specific type or quality which have a distinct and separate market. For aggregate described as soft sand, the landbank to be maintained is at least seven years (NPPF Para 213(h)).

3.3 Provision for land-won extraction should be made in MPA's mineral local plans, taking the form of specific sites, preferred areas and/or areas of search and locational criteria as appropriate (NPPF Para 213(c)). However, Planning Practice Guidance states that National Park Authorities are not expected to designate Preferred Areas or Areas of Search given their overarching responsibilities for managing National Parks (para 008).

3.4 Paragraph 211 of the NPPF states that as far as is practical, MPAs should provide for the maintenance of non-energy mineral landbanks from outside National Parks, the Broads, AONBs, World Heritage sites, Scheduled Ancient Monuments and Conservation areas.

3.5 Generally, mineral extraction is considered to be 'major development' as defined in the glossary of the NPPF 2021) and the Town and County Planning (Development Management Procedure) (England) Order 2015. Paragraph 177 of the NPPF states that planning permission should be refused for major development in national parks other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Footnote 60 of the NPPF says that the question of whether a development proposal is 'major' in a national park is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined. Planning permission should be refused for major development in such designated areas other than in exceptional circumstances where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:

- a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
- b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and
- c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.

3.6 Paragraph 177 of the NPPF relates primarily to the determination of planning applications. However, to ensure that all local plan allocations are deliverable, it is also necessary to consider the issue of major development at the plan making stage, as was done when preparing the West Sussex and South Downs Joint Minerals Plan Single Issue Review, and will be done by Surrey County Council in preparing their Minerals and Waste Local Plan.

Soft Sand Projected Surpluses in Kent

3.7 The most recent LAA produced by KCC in 2021 was for the data relevant to 2020. This was reported to SEEAWP in October 2021.

3.8 The 2018 LAA identified a potential shortfall of 2.5 million tonnes during its plan period to 2030, the calculation was based on the known reserves and the 10-year sales average at the time.

3.9 The 2020 data, as demonstrated in the Kent LAA2021, shows that the 10-year sales average has fallen (0.441 mtpa) and the known reserves have increased (from an estimated 7.81mt in 2019 to a reported 9.34mt at the end of 2020). Therefore, for the remaining period of the KCC Plan to 2030 (plus 7 years at the end of the Plan) there is a *projected surplus of 1.843mt above the Plan requirement*. Soft Sand sales and reserves data for 2021 is being sought by the aggregate monitoring process, and is not currently available. The Kent plan is also going through a statutorily required 5th year review, this may result in the Plan period extending by necessity of having all Plans with a 15 - year plan period. However, this has not yet been finalised as to what year this would be. This together with the absence of any sales and reserves data for 2021 requires the current projected surplus to be considered as the most robustly evidenced position for Kent at this time.

3.10 It can be recognised that, in all probability, the Kent 10-year average has included supplies to the East Sussex Plan area. Kent is therefore planning to supply soft sand at a level which would be more than sufficient to meet demands to Kent, if they were to remain the same as anticipated, and that which would be sufficient to meet demands to East Sussex, if they were to remain the same through time. This approach is consistent with that used to inform requirements for soft sand set out in the adopted Kent Minerals and Waste Local Plan

Soft Sand Shortfalls in West Sussex (including the South Downs)

3.11 The latest WSCC LAA was published in dashboard form in May 2021 and includes data for the year 2020.

3.12 The West Sussex 2020 LAA sets an LAA rate of 0.370mtpa. The total reserves are 2.457mt, and therefore the landbank is 6.6 years.

3.13 The Soft Sand Review was adopted in March 2021 and includes three site allocations for extraction within West Sussex, two of which sit within the South Downs National Park.

Soft Sand Shortfalls in East Sussex (including Brighton & Hove and the South Downs)

3.14 The ESCC LAA dashboard 2020 includes data for the year 2019.

3.15 The adopted East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan seeks to maintain a 7-year landbank for the extraction of sand and gravel. The Plan area is treated as a special case, recognising the particular circumstances of low production; remote reserves; and a high dependence on marine landings. For this reason, the landbank comprises a combined soft sand and sharp sand amount.

3.16 The East Sussex, South Downs and Brighton & Hove LAA 2020 which uses 2019 data reported that permitted soft sand reserves amounted to 0.25 million tonnes. With the lack of any sales data for the last 5 years, and confidential and null returns prior to this a 10 or 3-year average cannot be calculated. As referred to previously, the mineral planning authorities are currently undertaking a review of their Waste and Minerals Local Plan.

3.17 Part of the evidence gathering for the Review includes a study of the supply chain for construction aggregates in the Plan area. From the evidence available so far, a proportion of aggregates produced or received in Kent, West Sussex and Surrey are imported to serve the East Sussex and Brighton & Hove market.

Soft Sand Shortfalls in Surrey

3.18 The latest SCC LAA was published in July 2021 and includes data for the year 2019.

3.19 The SCC LAA 2020 sets an LAA rate of 0.4 mtpa. With reserves of 5.86 mt, SCC's landbank for soft sand is therefore 14.7 years, up until 2035.

3.20 In August 2014, planning permission was granted for the extraction of soft sand at Mercers South Quarry. In 2017, further planning permission was granted for an extension to the permitted extraction area. This is the only soft sand site allocated in the adopted Surrey Minerals Plan Primary Aggregates DPD (2011).

3.21 Surrey County Council is currently in the process of producing a Joint Minerals and Waste Plan to replace the Plan adopted in 2011. Soft sand provision will be considered as part of this.

Distribution of Supply

3.22 The location of the soft sand resource within protected landscapes (that is, National Parks and AONBs) is making it increasingly difficult to maintain land-won supplies at historic levels from resources not affected by these designations. The South East England Mineral Planning Authorities have agreed a Joint Position Statement on Soft Sand that sets out the overall supply position within the South East and is designed to underpin statements of common ground between authorities in the South East, such as in this statement.

Kent

3.23 The soft sand resource in Kent follows the Kent Downs AONB. One site has however been allocated in the adopted Minerals Sites Plan outside of the AONB (Chapel Farm West, Lenham). The yield of this site is 3.2mt. It was determined that the provision of sand from this site would meet the calculated shortfall in Kent, as set out in paragraph 3.5 to 3.8 of the adopted Kent Mineral Sites Plan 2019-30. It was calculated at that time that it would provide a surplus of 0.7mt of soft sand, available to contribute to the wider regional need that may potentially include London at the time the site was considered during the public Independent Examination. The most recent Local Aggregate Assessment for Kent (LAA 2021, using 2020 data) shows that the permitted reserves have increased, and the 10-year sales average has fallen.

West Sussex

3.24 The West Sussex Joint Minerals Plan (adopted 2018, partially reviewed 2021) allocates three sites for soft sand extraction within West Sussex, two of which sit within the South Downs National Park. The total estimated yield of these three sites is 2.68mt. The allocations within the Park will be subject to further consideration of exceptional circumstances and the public interest, when an application is submitted. Adopted policy M2 which sets out the policy hierarchy for assessing applications and includes reference to the latest Local Aggregate Assessment and sites within other adopted Waste and Minerals Plans, in line with the agreements of this Statement of Common Ground. The JMLP does not rely on soft sand from outside of the Plan Area to meet the predicted need, but will consider any available resources and surplus when assessing planning applications for the allocations, or any proposals at non-allocated sites, within the South Downs National Park.

East Sussex

3.25 The limited extent of the soft sand resource in the East Sussex Plan area and its location within protected landscapes (that is the SDNP) means that East Sussex (and Brighton & Hove) has been heavily reliant on supplies from other areas.

3.26 Currently Policy WMP2 of the Waste and Minerals Plan addresses potential minerals (and waste) development affecting that part of the SDNP area within East Sussex. Soft sand is specifically referenced in part c). This refers to proposals to extend existing soft sand sites or new quarry proposals within the national park area to conform to a test b) as well as demonstrate that the need could not be practically achieved by extraction in adjoining Counties. Criterion b) of the policy has a negative presumption, in that major development in the national park should not take place except in exceptional circumstances, considering:

- i. *The need for the development, including in terms of any national considerations and*
- ii. *The impact of permitting or refusing the development upon the local economy; and*
- iii. *The cost of and scope for developing outside the designated area or meeting the need in another way; and*
- iv. *Any detrimental effect on the environment, landscape and/or recreational opportunities and the extent to which it could be satisfactorily mitigated.*

Development will only be in the public interest if the outcomes of i-iv above gives sufficient reason/s to override the potential damage to the national beauty, cultural heritage, wildlife or quiet enjoyment of the National park.

3.27 The review of the adopted Waste and Minerals Local Plan will examine the options for soft sand provision to meet the needs for East Sussex and Brighton & Hove. As part of this assessment the mineral planning authorities will be looking to secure supply from existing sources, with likely growing demand for soft sand.

Surrey

3.28 Soft sand production in Surrey is located in the Folkestone Formation, part of the lower Greensand which is exposed in a belt stretching across the county from Limpsfield in the east to Farnham in the west.

3.29 Whilst the current supply situation is good, the vast majority of the resource is focused in the east of county. Using the LAA rate of 0.4 mtpa, the reserves are sufficient to maintain provision for 14.7 years up until 2035.

3.30 Surrey County Council is currently in the process of producing a Joint Minerals and Waste Plan to replace the Plan adopted in 2011. Soft sand provision will be considered as part of this.

Soft Sand Reserves and Shortfalls

3.31 Table 1 below sets out the information included in the LAA for each Plan Area showing the data for either 2019 or 2020. The figures will be reviewed and updated annually in the LAA and AMR monitoring documents produced by each Authority. The plan making process currently underway in

Kent, Surrey, East Sussex and West Sussex will determine the amount of soft sand that is ultimately planned for over the respective plan areas

Table 1: Soft Sand Reserves and Shortfalls in ESCC, BHCC, WSCC, SDNPA and KCC

Plan Area	10 year average	LAA/APR rate	Reserves	Shortfall/Surplus over the Plan Period	Landbank	Adopted or Emerging Plan Period
Kent ⁵	0.441mtpa	0.441mtpa	9.34mt	1.843mt mt (Surplus [based on 2020 aggregate monitoring data])	21 years	Mineral Sites Plan 2019-2030 (plus 7) adopted in 2020
East Sussex, South Downs, Brighton & Hove ⁶	Unavailable	N/A	0.25mt	N/A	N/A	2017-2026 (Plan currently being reviewed)
West Sussex and South Downs National Park	0.287mtpa	0.370mtpa	2.457mt	addressed through Soft Sand Review (March 2021)	6.6 years	West Sussex Joint Minerals Local Plan (July 2018, partially reviewed March 2021)
Surrey	0.4 mt	0.4 mt	5.86 mt	3.86 mt (Surplus)	14.7 years	Surrey Minerals Plan Core Strategy Development Plan Document (2011) Surrey Primary Aggregates Development Plan Document (2011)

⁵ The figures may alter in the future given the Kent Plan is being formally reviewed, the data quoted is the current accepted evidenced position.

⁶ The only soft sand in the East Sussex Plan Area has been inactive since 2013 and any reported sales figures prior to that date are considered to be confidential. It is therefore not possible to calculate a LAA rate. It is assumed that the need for soft sand has been entirely met through imports since 2013.

						Surrey Minerals and Waste Local Plan (Plan currently being produced)
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4.0 Agreed Position between the Parties

1. The Parties (as defined in Para. 1.9 above) agree that their planned provision for soft sand will be based on their LAAs where appropriate.
2. The Parties agree that, in line with paragraph 205 of NPPF, as far as is practical, provision for the maintenance of landbanks of soft sand should be made outside of National Parks and AONBs.
3. The Parties agree that the soft sand resource within their areas may contribute to the needs of other areas.
4. KCC will plan to maintain the current reserve base with robust land won mineral safeguarding policies of the Kent Minerals and Waste Local Plan 2013-30 (as Reviewed and adopted in 2020). This should enable the supply of Folkestone Formation sand to meet Kent's identified needs and have a potential surplus above this of 0.7mt (based on 2019 aggregate monitoring data). More recent data, based on 2020 aggregate monitoring, a potential surplus of 1.843mt over the Plan period has been identified, which may again contribute to the wider regional need. If sales or reserves in Kent change this will be reflected in LAA monitoring to enable any necessary review of the Kent Mineral Sites Plan.
5. Any apparent surplus in Kent (established in the adopted Minerals Sites Plan as 0.7mt) is acknowledged as having potential to meet a wider need in the South East (and potentially London), potentially including that in parts of West Sussex resulting from the constraint on supply from the South Downs National Park. As the East Sussex Plan area relies on imports from both West Sussex and Kent (and other areas), additional reserves in the market could help meet a steady and adequate supply for the three Authorities in the future. In light of the proximity of Kent to the Plan areas of East Sussex County Council, West Sussex County Council, Brighton and Hove City Council and the South Downs National Park Authority, Kent County Council recognise that it is possible that the proposed surplus of 0.7 million tonnes (see 4 above) could make a meaningful contribution towards meeting the needs for soft sand supply identified by these other mineral planning authorities.
6. Three sites have been allocated through the Single Issue Soft Sand Review of the West Sussex Joint Minerals Local Plan (July 2018, partially reviewed March 2021)
7. The parties note that a review of the boundary of the Surrey Hills AONB commenced in 2021, which is expected to result additional areas of land being covered by extensions to the existing boundary. This may further constrain the soft sand reserves in Surrey
8. ESCC, B&HCC and the SDNPA will plan together to ensure the need for materials in their Plan Area can be adequately planned for.
9. The Parties will continue to cooperate to ensure that an effective monitoring framework, to account for the surplus sand, is put in place as Local Plans are progressed and reviewed.
10. The Parties will seek to ensure that the matters in the Statement are reflected in the minerals local plans that they prepare.
11. The parties will safeguard any soft sand resource in their area in their Local Plans
12. The parties will safeguard potential and existing minerals infrastructure, including railheads and wharves, which are or could be used to import and transport soft sand in their Local Plans

5.0 Additional Strategic Matters

5.1 This SoCG should be considered alongside the wider [Position Statement](#) [2019] concerning the supply of soft sand in the south east, which SCC, HCC, KCC, WSCC, ESCC, B&HCC and SDNPA are party to.

6.0 South East England Aggregate Working Party

6.2 This SoCG has been prepared with reference to the SEEAWP Guidance on Statements of Common Ground.

6.3 An earlier version of this SoCG was presented to the SEEAWP in 2019.

6.4 Government Advice on SoCGs is set out in Planning Practice Guidance (PPG). PPG requires that "In two-tier areas, district councils within the county are expected to be treated as additional signatories on the statement of common ground" where they have an interest in the plan (Paragraph: 025 Reference ID: 61-025-20190315). In this case, Maidstone Borough Council, Kent is a signatory given the location of the Kent Mineral Sites Plan allocation (Chapel Farm West, Lenham).

6.5 PPG also states that "for minerals plans, aggregate working parties are also expected to be treated as additional signatories in statements of common ground." (Paragraph: 025 Reference ID: 61-025-20190315). In addition, PPG 010 Reference ID: 61-010-20190315 states that a SoCG should contain a record of where agreements have (or have not) been reached on key strategic matters, including the process for reaching agreements on these.

6.6 The Authorities therefore referred this SoCG to SEEAWP with a request for the group to be an Additional Signatory. SEEAWP has adopted a Protocol for considering SoCGs, and the Authorities have sought to fulfil their obligations with respect to this Protocol. The Authorities do not, however, consider that SEEAWP has considered the SoCG in accordance with the agreed Protocol; further details are set out in the Authorities' Duty to Cooperate statement (R-DTCS01) for more details.

6.7 The draft SoCG was considered and discussed at the meeting of SEEAWP on 07 December 2021 where it was agreed that the Authorities would consider the points made and prepare a revised version. Following circulation of the revised SoCG, comments from SEEAWP members were received and considered by the Authorities and other co-signatory mineral planning authorities.

6.8 Following the advice in the PPG the Authorities considered that if potential signatories were not able to support the contents of a SoCG, the areas of disagreement should be set out in the document. The Authorities were unable to accept the comments from industry members of SEEAWP that proposed changes to the SoCG. However, the comments were fully acknowledged in a schedule which included a summary of comments and the Authorities' responses to those comments. This Schedule document (see Appendix A), together with the revised SoCG, was then submitted to SEEAWP.

6.9 Both the SoCG and the Schedule were considered by SEEAWP on 05 May 2022. At this meeting it was determined that SEEAWP could not be an additional signatory as a consensus on all parts of the SoCG had not been reached between all members of the Group present. The minutes of the meeting form appendix B of this document.

6.10 This SoCG has been jointly agreed between the mineral planning authority parties (who are also members of SEEAWP), along with Maidstone Borough Council, with all signatories reaching a consensus on the content. The minerals planning authorities, who are the key parties to the SoCG,

are therefore supportive of the Authorities' approach and have signed this SOCG as evidence of participation in the Duty to cooperate process.

6.11 The minutes of the discussion of this matter at SEEAWP on 5 May 2022 is set out in Appendix B. The schedule, which includes a summary of comments and the Authorities responses to those comments, is set out in Appendix A.

7.0 Monitoring and Governance

7.1 The parties to this Statement have worked together in an ongoing and constructive manner. Appropriate officers of each Party to this Statement will liaise formally through correspondence and meetings as and when required.

7.2 The parties will review this SoCG at least every 12 months and establish whether this SoCG requires updating or its geographical remit of extending beyond the current five authorities that constitute the Parties. Specific matters likely to prompt updates of this SoCG include the following:

- The review of parties Minerals Plans;
- Evidence set out within the Authorities LAAs, which monitor the supply situation for soft sand, specifically related to the maintenance of seven-year landbanks, reserves, and sales for soft sand;
- The outcomes of SEEAWP meetings.

8.0 Signatories of the Parties

Edward Sheath, Head of Planning & Environment, East Sussex County Council 31/10/2022

Cllr Leo Littman, Chair of Planning Committee Brighton & Hove City Council 07/11/2022

Michael Elkington, Head of Planning Services, West Sussex County Council 12/07/22

Tim Slaney, Director of Planning, South Downs National Park Authority 02/11/2022

Sharon Thompson, Head of Planning Applications, Kent County Council 16/09/22

Caroline Smith, Planning Group Manager, Surrey County Council 12/07/22

Lead Member for Planning and Infrastructure, Maidstone Borough Council 21/10/22

SoCG Soft Sand**Comments received from SEEAWP and the Authorities response**

Section	Comment	Response from MPAs
Para 1.11	Implies quantification if provision is to be made in plans for supply of other areas	The paragraph refers to the role of local plans
Para 2.7	Future requirements are based on past sales only	LAAs consider future demand, past sales, other relevant information. Relevant LAAs have been found sound through Examination.
Para 2.8	Soft sand isn't transported through railheads	Data confidential but exists. Trend points to small amount that is increasing.
Para 2.8	Which wharves receive soft sand and tonnages?	Data confidential but exists, increasing in recent years. Wharves are subject to safeguarding. Two wharves report landing of marine dredged soft sand
Para 2.8	Query consistency with para 2.7 "The sales data collected annually by authorities does not consider the final destination of soft sand,..."	The 4 year National Survey sets out movements. It is not collected annually. Each authority has detailed information although it is confidential at a County level.
Para 3.9	Doesn't take account of other local information on planned growth in Kent or other areas that it may be expected to supply?	Seeawp and PINs have acknowledged the approach in Kent that a proxy for housing is unreliable versus other data. The LAA methodology in Kent has been through annual consideration at Seeawp and the recent Kent examinations.
Para 3.10	Is there any evidence for this, at least what sort of quantum is involved (given more likely, large and proximate market for Kent soft sand and 'surplus' from allocated site nr Maidstone, would be London)?	The evidence supports this statement. There is very little supply within East Sussex. ESCC and WSCC can evidence movement of material from Kent to their areas. Material from Kent can also substitute along the supply route so that West Sussex sand travels a shorter distance East.
Para 3.10	Are they anticipated to remain the same - LAAs produced annually and should take account of planned growth and associated demand?	AMR, LAA and Local Plan set out approach to meeting demand. KCC Plan runs to 2030.
	East Sussex is forecasting a doubling of demand – are Kent and other areas allowing and providing	The doubling of demand relates primarily to other aggregates. The WSCC and KCC LAAs consider

	for this as well as growth in their own areas?	future demand. The AMR, LAA and Plan Review process offers regular chances to consider changes in need and provision.
Para 3.15	Treated as such for the purposes of historical apportionment of Guidelines rather than under localism and in perpetuity.	The reasons for the special case did not disappear on the loss of the regional plan and apportionment, as set out here
Para 3.15	Not for soft sand	There are landings of soft sand within the signatories' Plan Areas
Para 3.15	Isn't it more due to (past) confidentiality issues than being 'special case'	It is for both reasons. There has always been a small amount of aggregate within East Sussex.
Para 3.19	A bit misleading – as if no new reserves permitted landbank would fall below minimum within 8 years (2028 from 2020 baseline)	Surrey are currently in the early stages of plan preparation and will consider this issue as part of the work on the Plan. There will be a new Plan in place before 2028.
Para 3.28	See previous comment	As above.
4.0 Agreed positions between the parties (4)	What does this mean? Maintaining landbank at current level of 9.3mt?	KCC will use the industry supplied data to review the situation within each yearly LAA and respond accordingly.
4.0 Agreed positions between the parties (5)	Reality is that material unlikely to travel to the west of the county -even northern parts of county with good road access and with large growth eg Crawley & Horsham are 60-70km from production sites in Kent	West Sussex exports 50% of the soft sand it produces. As stated above, there is evidence that supply travels from Kent as far west as West Sussex but often Kent supply substitutes for West Sussex material further east.
4.0 Agreed positions between the parties (7)	SoCG should include an 'Agreed Position' statement about it being essential that here is a sufficient supply of minerals to provide for the areas' needs, and soft sand only being able to be worked where it occurs and development of new reserves within AONBs and National Park may be permitted where the NPPF para 177	This is referred to earlier in the document.
4.0 Agreed positions between the parties (8)	Provided?	The Authorities can only plan for the provision.
4.0 Agreed positions	Meaning? Does this mean 'reserves, sales, consumption and demand for' soft sand? Why doesn't the SOCG quantify what the East	This work is undertaken in each of the LAAs and in ongoing DtC discussions. The SoCG will be updated as appropriate to reflect

between the parties (9)	Sussex demand will be and identify requirements for the authority areas that will be relied on to supply this?	changing circumstances and these discussions
4.0 Agreed positions between the parties (12)	This sets up an unrealistic expectation that soft sand would be transported by rail or be supplied from marine sources	The market will dictate. The Authorities have a duty to safeguard the infrastructure and will do so.

Appendix B

SEEAWP

South East England Aggregates Working Party

Technical Secretary: Richard Read BA. MRTPI

Address: c/o Strategic Planning, Hampshire County Council, First Floor, Ell Court West, The Castle, Winchester

Tel: 07786977547 **Email:** readplanning@btinternet.com

Minutes of the Meeting of 5 May 2022

Attendees

Tony Cook	TC	Chair
Richard Read	RR	Secretary
Andy Denton	AD	SEEAWP Secretariat
Vineeta Sharma	VS	DLUHC
Bryan Geake	BG	Kent
Sophie Champion	SC	Hampshire/Central and Eastern Berkshire
Elise Kinderman	EK	West Berkshire
Emily Brown	EB	Buckinghamshire
Ian Blake	IB	Medway
Chris Paterson	CP	South Downs National Park Authority
Alexandra Vogt	AV	South Downs National Park Authority
Laura Burton	LB	Milton Keynes
Chris Mills	CM	IOW
Pat Randall	PR	East Sussex / Brighton and Hove
Thoma Light	TL	Surrey
Rob Anderson	RA	Royal Haskoning DHV / Crown Estate
Pawel Zlocki	PZ	Hanson UK
David Payne	DP	Minerals Products Association (the MPA)
Mike Pendock	MP	Tarmac
Richard Ford	RF	Brett Aggregates
Jo Baker	JB	Aggregate Industries
Phil Aust	PA	Day Group
Sidonie Kenward	SK	Marine Management Organisation (MMO)
Mike Lowe	ML	British Aggregates Association (BAA)
Peter Huxtable	PH	BAA

Note: Actions arising from discussion at the meeting are listed at the end of the Minutes

1	Welcome, Introductions and Apologies
	<p>The Chair welcomed everyone to the meeting especially the new representatives.</p> <p>Apologies were received from Rupy Sandhu (West Sussex), Melissa Spriggs (Hampshire/Central and Eastern Berkshire), Charlotte Simms (Oxfordshire), Kevin Broughton (Oxfordshire), Christina Davey (DLUHC).</p>
2	Minutes and related matters
2.1	Minutes of 7th December 2021
	The Chair asked if the group had any comments on the December minutes. No comments received.
2.2	Actions arising from 7th December meeting.
	The Secretary noted progress against the list of actions at the end of the agenda. No comments received.
2.3	Correspondence
	<p>The Secretary outlined that Leicestershire had consulted SEEAWP with respect to their LAA. The correspondence has been added to the Agenda document and outlines that a discrepancy between the LAA landbank and current operating timeline for two rail link quarries. Leicestershire has confirmed that an extension has been granted for one of the rail quarries, although this had not been reported in the most recent LAA. Leicestershire granted the extension under their general criteria policy rather than through allocation. Leicestershire outline that this is proof of how their Plan is working.</p> <p>The Chair asked for comments. No comments received.</p>
2.4	Matters arising from the Minutes that are not included on the Agenda
	No comments received.
3	SEEAWP Work Programme 2022/23
	<p>The Secretary outlined that the activities in the SEEAWP work programme are like that for last year. Following DLUHC discussions on how the LAAs are submitted, SEEAWP has been advised that the LAA preparation should be brought forward slightly. The Secretary proposes to bring the draft LAA submission date forward by a couple of weeks to mid-August.</p> <p>The Secretary explained that DLUHC had in a recent meeting advised that the South West AWP (SWAWP) administer LAAs via email to facilitate their</p>

	<p>finalisation before the end of the calendar year. The Secretary proposes that draft LAAs should be submitted to the Secretariat by mid-August, which will be circulated for comments in September in time for a report to be prepared on outstanding issues for the October meeting.</p> <p>The Secretary added that this change in programme could add pressure on the Mineral Planning Authorities (MPAs).</p> <p>There were a number of observations on the proposed change and it was explained by the Secretary and Chair the August deadline was needed to enable time for preparation of a report on the draft LAAs by October. Indeed, if draft LAAs could be submitted earlier this would be welcome. It was acknowledged that an earlier deadline could cause difficulties for some MPAs – especially for those who need political sign-off of a draft LAA - and if this caused delay it would be managed by the Secretariat.</p> <p>The Chair requested that the revision be progressed and it be reviewed in due course. There was no objection to this.</p> <p>EK queried the two different deadlines in the Work Programme for submitting Aggregates Monitoring survey forms to operators next January. The Secretary acknowledged this duplication and advised that the 31st January 2023 would be the most appropriate date. He also noted other typos in the Work Programme and a revised version would be circulated.</p> <p>IB requested that the dates for circulation of the draft LAAs for comment and deadline for response be confirmed in the Work Programme.</p>
<p>4</p>	<p>AM 2021</p> <p>The Secretary advised that the deadline has passed for AM survey returns from mineral operators and the collation tables for the MPAs were circulated prior to the meeting. A meeting would be arranged for the MPAs to discuss the tables, which are designed to make the AM report easier to compile.</p> <p>Some representatives explained their respective positions regarding the survey returns.</p> <p>PA commented that the survey form is better in Excel but that some formatting issues are present. A particular issue concerned recording imports through rail depots from marine dredged aggregates (MDA). There was some discussion about this and complications about recording origin of material and possible double counting.</p> <p>It was suggested that the relevant MPAs examine the returns regarding marine dredged aggregates sales and possible 'double counting' of sales. The matter would be further examined by the Secretariat and discussed at a meeting on the collation tables. The Secretary also requested that operators of rail depots add a note to their returns about MDA and origins of imported aggregates.</p>

	<p>BG was concerned about the poor response in Kent to the AM survey by some operators, particularly regarding recycled and secondary aggregate site operators. The Secretary advised that a work around with regard to estimating recycled aggregates production was to be discussed later in the agenda.</p>
5	<p>Annual Report (AR) 2021</p> <p>The Secretary had circulated a template of tables for Annual Report (AR) based on the versions issued by DLUHC after some discussion with the AWP's Secretaries. The Secretary advised the version to be used for this year had some issues that SEEAWP should be aware of.</p> <p>The Secretary explained DLUHC do not want soft sand information disaggregated from sand & gravel and MDA would be reported in a table covering land won aggregates. SEEAWP had hitherto reported on MDA separately. There would also be no tables on imported aggregate sales through wharves and rail depots. However, the Secretary reported that additional SEEAWP appendices had been agreed with DLUHC to capture local circumstances.</p> <p>The Secretary stressed that DLUHC wished that the tables be used as they stand for this current cycle of ARs.</p> <p>PA thought that it was good to see a potentially standard dashboard but queried some details which the Secretary explained. It was acknowledged the wording in the tables could be clearer and points made by representatives would be taken into account, including extending the scope of Appendix 6.</p> <p>There was discussion about the Dashboard (Table1) and scope for standardisation with LAAs. The Secretary added that DLUHC is very keen on the dashboard being standardised in ARs to help comparison between AWP's, however, it was noted it does not include data on imports. The Secretary was interested to see what MPAs think on making this the standard dashboard in LAAs, notwithstanding it doesn't include imports data etc.</p> <p>IB added that a dashboard template is already available in the Mineral Products Association/Planning Officers Society (the MPA/POS) guidance, however, the Chair added that this is only guidance, and DLUHC may not be aware of it. IB added that DLUHC could be pointed towards this as it was already in use by most MPAs.</p> <p>VS noted that the discussion was interesting and added that data on mineral imports are important to be captured. However, DLUHC may not be able to include this into the general dashboard and tables as it is unique to some AWP's. Happy to have appendices to allow for local variation on sources.</p>
6	<p>Statements of Common Ground (SoCGs)</p>
6.1	<p>SoCG Protocol – Clarification & Enhancements</p>

The Secretary had produced a report on the SoCGs which had been circulated.

The Chair explained that the principles of understanding any SoCGs are important for the AWP's work. A checklist could be drawn up to aid the protocol

DP indicated that collectively agreeing everything will be difficult to do based on different interests within the AWP. DP considers PPG is naive about the issue of AWP's being a signatory to SoCGs.

The Chair added that it's not just the South East' problem, other AWP's are experiencing the same issue. The Chair explained that the group has to work through consensus and that he had raised the need for an AWP constitution with the Government back in 2014 but nothing had come of the request.

In response there was the comment that whilst consensus may apply generally to SEEAWP's work there was no reference to the need to reach consensus in the existing Protocol. The point was also made that co-signatories of SoCGs are also members of SEEAWP.

BG added that it is a Duty to Cooperate (DtC) activity and not a 'duty to agree and it is ok to have disagreements but to still sign-off an SoCG. These disagreements can be made clear within the SoCG. The Chair added that the SoCGs in front of SEEAWP are worded that signatories agree to its contents, which leaves the AWP perhaps not being able to sign because of representative disagreement.

PR added that part of the purpose of a SoCG is to show that the signatories have participated in the DtC process. Having the AWP as an additional signatory is a different process to that for the main co-signatories who collectively agree and sign the statement. In the event that some members of the AWP don't agree to the SoCG, the process then still allows for sign off if unresolved issues are set out in an appendix.

The Chair again added that the AWP operates through consensus, and if a consensus on the content of a SoCG is not present then the outcome is there is no agreement for the AWP to sign. The SoCG can still progress with the other signatories to public examination without the AWP's signature, and this would allow an operator or other authority to come forward and challenge the proposed minerals plan.

The Chair considered that the issues raised within the ESSDBH SoCG are fundamental such that consensus is required for the AWP to sign.

PR added that the protocol does not set out how the AWP decides what is significant or insignificant and that this should be defined in the Protocol. The Chair added that writing something general for a protocol in these terms would be difficult.

IB outlined that it is about the role of SEEAWP in the process. There is no guidance for this. Planning Practice Guidance (PPG) states that SEEAWP

should be an additional signatory to an SoCG, but the role of an 'additional signatory' is not clear and it could be that this is merely to acknowledge that the SoCG has been presented to, and discussed by, the AWP. Perhaps the protocol needs to define what the AWP's role is when considering SoCGs. IB thinks the protocol needs revisiting as there will often be disagreement between AWP members about the content of SoCGs and so, as it stands, the AWP will frequently be unable to be an additional signatory.

IB suggested that an extract of the minutes noting that there is disagreement between AWP members with the content of the SoCG be included in the SoCG and that the AWP is an additional signatory on this basis.

The Chair indicated that should industry representatives indicate that they are happy for the AWP to sign with their objections duly noted then the matter could be progressed.

DP added that this could be used against industry, as an AWP 'signatory' at examination even if an SoCG was 2 years old.

PR considers that if industry are unable to support the contents of a SoCG the areas of disagreement can be set out in an appendix. If the concerns are acknowledged in this way, the AWP can then be an additional signatory and the industry can also pursue their objections at a minerals plan examination. The Chair added that SoCGs are owned by the MPAs, and they can progress it how they wish. PR explained that the AWP is invited to sign because MPAs are asked to request their AWP to sign by PPG.

IB added that PPG asks for Districts to be additional signatories to SoCG for county council minerals and waste plans as well. This has been difficult in IB's experience but addressed by SoCGs showing where there were areas of disagreement.

BG raised the issue of consensus. Is it majority? If there is disagreement is this unacceptable? The PPG effectively has raised this issue by requiring AWP's to be as an additional signatories to mineral SoCGs.

CP supported the views previously set out by PR. The SDNPA felt that the process has been followed by the Authorities as set out in the protocol, and that as currently drafted the protocol does not seem to offer a solution to the AWP being an additional signatory where consensus is not reached. CP concluded that if SEEAWP would not sign the SoCG the SoCG could still be progressed to examination.

PR added that if MPAs had to wait for/not obtain SEEAWP sign off this could affect submission and Plan timetables etc. In this case MPAs have no option but to progress without the AWP signature based on their Local Development Scheme.

PA felt that the main issue was that industry commented on the draft SoCG but the MPAs responses to the comments showed dismissal of the industry's

	<p>thoughts. PR disagreed as the SoCG MPAs considered all the comments but were unable to accept the suggested changes, which are set out in the response to SEEAWP comments.</p> <p>The Chair suggested that AD and RR discuss clarifying the protocol based on the above discussion.</p>
6.2	ESSDBH SoCG (excluding soft sand)
	<p>PR explained that ESSDBH do not consider the ESSDBH SoCG was dealt with in accordance with the protocol agreed by the AWP as the SoCG and responses were sent round multiple times. PR does not believe it should have been circulated at Step 4 but should have gone to TC as chair to decide how to progress this.</p> <p>PR asked if the areas of disagreement and significant unresolved issues would be defined and set out in the minutes of the meeting? PR asserted that that there had been no comments which strongly disagree with SEEAWP signing the SoCG with an appendix acknowledging the industry's concerns.</p> <p>DP thought that this has been done previously and added that the SEEAWP MPAs could sign but the industry members would not.</p> <p>The Chair added that it is up to the minerals industry to submit evidence to the examination and hearing.</p> <p>The Secretary asked when the hearings will be held. PR confirmed no time has been set yet. The Secretary added that the minutes of this meeting will be circulated for comment after the meeting and can be used as a response to East Sussex and be included as a document in the examination. There maybe a period of up to six weeks until the minutes are finalised.</p> <p>PR confirmed that a covering letter to PINS will be included, and the minutes submitted as the reason why the AWP cannot sign the SoCG.</p> <p>EK commented that in PPG, if no consensus within the AWP is agreed that the Plan can be submitted but evidence should be provided detailing the non-consensus.</p> <p>The Chair asked if there was a consensus within the AWP to sign this SoCG as an additional signatory. There was no change in either the position of industry or the relevant MPAs, therefore there was no consensus, and the AWP cannot be an additional signatory.</p>
6.3	Soft Sand SoCG
	<p>PR indicated that this particular SoCG has been through two examination and no issues were found by the inspector. For the upcoming East Sussex, SD, B&H Plan Review it has been updated with the latest data and the position on</p>

	<p>plan progress. There is nothing fundamentally different in the approach of the updated SoCG, which has been through various rounds of scrutiny.</p> <p>The Chair asked if there was a consensus for the AWP to sign the SoCG. Some industry representatives indicated disagreement. The Chair confirmed that no consensus was found. The AWP could not therefore be an additional signatory.</p>
7	<p>Recycled Aggregates</p> <p>AD introduced the Recycled Aggregates report that outlines the methods available to MPAs in calculating recycled aggregate tonnages.</p> <p>EK added that the MPA publish a recycled and secondary aggregate percentage each year.</p> <p>IB agreed that this would be an enhancement.</p> <p>PH thinks usage of a percentage of a national figure for calculating recycled aggregate would give MPAs an excuse for not attempting to properly calculate their own figures.</p> <p>IB added that the report notes that each method has advantages and drawbacks. If the percentage method was to be used, then the pros and cons of the method would be understood.</p> <p>The Chair added that it would be best for everyone to follow the same method as otherwise it would cause discontinuity across MPA calculations.</p> <p>PH added that the recycled figure is a national figure that will include high tonnages from urban areas and lower tonnages from rural areas, making it a very broad estimate, that may not be appropriate for all MPAs to use.</p>
8	<p>Transport of aggregates</p> <p>The Chair asked for comments on the flows of aggregates based on the table. No comments received.</p>
9	<p>DLUHC update</p> <p>VS outlined that the annual meeting with Secretaries has been held. Minutes were shared by the Secretary.</p> <p>VS added that the SoCG's issue is still to be discussed at DLUHC internally and guidance will be forthcoming following that discussion.</p> <p>VS confirmed that there have been no recent changes to the minerals or waste team at DLUHC and that they are looking forward to using the standardised template for national reports. This will aid in comparisons and hopefully contribute to changes in policy guidelines.</p>

	<p>The Chair asked about progress on Planning Reform. VS responded that DLUHC is working towards raising mineral and waste planning profile in Government and VS and the team are working on some aspects on the Planning Reform.</p> <p>The Chair asked if there were any specific comments on the minutes of the annual meeting and none were received.</p>
10	<p>SEEAWP Meeting Programmes 2022</p> <ul style="list-style-type: none"> i. 13 October – agenda items: draft LAAs; draft AR (tables only); speaker on Dry Silo Mortars (DSM) ii. 8 December - final AR <p>The Secretary explained that the October meeting could be held on a hybrid basis in Winchester at HCC. Meaning that those who can't be there in person, can attend virtually. The Chair requested comments on having a hybrid meeting. <i>Note: The October meeting is now re-scheduled for 18 October.</i></p> <p>VS commented that a recent hybrid meeting she attended lacked sound quality and that virtual meetings have been working well. PH added that he has had similar experiences to VS and that no other AWP is looking at hybrid. PH thinks that each attendee would need a camera and microphone. Winchester would not be a good location for PH to attend in person.</p> <p>PA queried the requirement for virtual/physical meetings and it was explained that SEEAWP is required to hold at least one virtual meeting per year.</p> <p>RF and PA would like a face to face meeting. VS wondered if SEEAWP can agree to having one meeting face to face. The Chair thought that a hybrid meeting would cover both and further thought should be given to the points raised.</p>
11	<p>Any Other Business</p> <p>The Chair asked for any other business.</p> <p>DP added that the MPA/RTPI mineral planning conference is happening on the 15th June. The UK Minerals Forum is also scheduled for 12th May. Both events are being held in hybrid form and would cover interesting topics, particularly on team skill sets and staff retention etc.</p> <p>Some representatives queried the lack of publicity from the RTPI who are arranging the conference in house. <i>Note: Since the meeting DP circulated the details of the conference on the 15th June - 'Mineral Planning for the Future – a system fit for purpose?'</i></p>

Actions – arising from meeting on 5 May 2022

1. The Secretary to amend the SEEAWP work programme to: bring the submission of draft LAAs forward; amend the AM operator survey form distribution date; add dates for circulation of the draft LAAs for comment and deadline for response; and to circulate the revised version once updated
2. The Secretariat to propose dates and provide a meeting invitation to the MPAs to discuss the collation tables;
3. The Secretary to amend Appendix 6 of Annual Report Exce to include marine aggregate imports sales via rail depots;
4. The Secretary to write to East Sussex and SDNPA and BHCC about SEEAWP's conclusions on their respective SoCGs once the Minutes are confirmed – within six weeks of the meeting.
5. Secretariat to discuss with the Chair about clarifying the SoCG protocol based on the discussion at SEEAWP on 5th May;
6. The Secretariat to investigate the hybrid meeting arrangements at HCC and determine if a hybrid meeting in October is practicable.

**Appendix 10: DRAFT Statement of Common Ground Between
Medway Council and Kent County Council - October 2020 version
updated and reviewed in April 2024 - Draft for consideration by
SEAWP dated 24 April 2024**



Statement of Common Ground Between Medway Council and Kent County Council Concerning Strategic Waste Management and Minerals Supply Matters

October 2020 Version reviewed and updated in April 2024

V2.0 Draft (for consideration by SEEAWP)

24.04.24

Contents

1.0 Introduction and parties involved	1
2.0 Agreement between the parties	3
3.0 Strategic Geography	4
4.0 Strategic Matters and Areas of Agreement - Waste.....	10
Net self-sufficiency	10
Waste movements	10
5.0 Strategic Matters and Areas of Agreement - Minerals	13
6.0 Additional Strategic Matters	14
Safeguarding	14
7.0 Cooperation Activities	15
8.0 Governance and Future Arrangements	15

1.0 Introduction and parties involved

1.1 National policy¹ states that: *“Local planning authorities and county councils (in two-tier areas) are under a duty to cooperate with each other, and with other prescribed bodies, on strategic matters that cross administrative boundaries.”* And *“Strategic policy-making authorities should collaborate to identify the relevant strategic matters which they need to address in their plans.”*

1.2 National policy² expects that Local Plans will include ‘non-strategic’ and ‘strategic’ policies, and explains that strategic policies should *“.....set out an overall strategy for the pattern, scale and and design quality of places (to ensure outcomes support beauty and placemaking), and make sufficient provision for:.....infrastructure”* including *“...waste management...”* and *“...the provision of minerals...”*.

1.3 National Policy states: *“In order to demonstrate effective and on-going joint working, strategic policy-making authorities should prepare and maintain one or more statements of common ground, documenting the cross-boundary matters being addressed and progress in cooperating to address these.”*³

1.4 This document represents a **Statement of Common Ground between Medway Council (MC) and Kent County Council (KCC)** and concerns the strategic matters of waste management and minerals (specifically aggregates) supply to seek to ensure that sufficient waste management and aggregate supply capacity is planned for in each area.

1.5 MC and KCC are neighbouring minerals and waste planning authorities (See Figure 1). Each has responsibility for planning for the future management of waste and supply of minerals in their areas by including relevant strategic policies in their relevant Local Plans.

1.6 KCC completed an Early Partial Review of its Kent Minerals and Waste Local Plan (KMWLP) (plan period to 2030) to amend policies relating to waste management capacity provision and minerals safeguarding. KCC also prepared a Mineral Sites Plan that includes allocations for a soft sand quarry and two sharp sand and gravel quarries. The modifications to the KMWLP and the Kent Mineral Sites Plan were adopted by KCC in September 2020. In light of a statutory five year review, KCC is preparing and updated Kent Minerals and Waste Local Plan with a plan period of 2024 to 2039. It is anticipated that this Plan will be submitted for independent examination in May 2024. KCC is also seeking to address a predicted shortfall in hard rock provision, this may be addressed through an update to the adopted Mineral Sites Plan, if not the alternative is for greater importation via the County’s wharves and rail depots with the status of being safeguarded mineral importation, handling and transportation infrastructure.

¹ Paragraph 24 and 25 of the National Planning Policy Framework December 2023.

² Paragraph 20 of the National Planning Policy Framework December 2023.

³ Paragraph 27 of the revised National Planning Policy Framework December 2023.

1.7 Medway Council has provided responses to all consultation stages on the Kent Minerals and Waste Local Plan 2024-39. These responses can be found as appendices as follows:

- Appendix A – Medway Council Response to Regulation 18 consultation on updated Kent Minerals and Waste Local Plan, January 2022
- Appendix B – Medway Council Response to Regulation 18 consultation on 'Further Proposed Changes' to the Kent Minerals and Waste Local Plan, July 2023
- Appendix C – Medway Council Representation in response to publication of Regulation 19 'Pre-Submission' updated Kent Minerals and Waste Local Plan 2024-2039, February 2023

In its representation on the Regulation 19 'Pre-Submission' Kent Minerals and Waste Local Plan 2024-2039 MC did not raise any concerns in terms of the soundness of the Plan or its legality.

1.8 MC is preparing planning policies on waste management and minerals supply to be included in the new Medway Local Plan. Consultation on a further 'Regulation 18' Medway Local Plan is timetabled for June 2024. Planning policy for waste management and minerals supply in Medway is currently set out in saved policies prepared by Kent County Council in the 1990's and includes the:

- Kent Waste Local Plan (1998); and
- Kent Minerals planning policies concerning:
 - Construction Aggregates (1993);
 - Brickearth (1986);
 - Chalk and Clay (1997); and,
 - Oil and Gas (1997).⁴

1.9 KCC and MC are both members of the South East England Aggregates Working Party (SEEAWP). SEEAWP is a technical advisory group of mineral planning authorities and other relevant organisations covering the South East and is responsible for producing comprehensive data on aggregate demand and supply in the south east. In line with national Planning Practice Guidance, SEEAWP was an additional signatory to the original version of this Statement of Common Ground (SCG) in 2020. No comments were made by SEEAWP when considering the original version of this SCG and this update does not involve any material changes to the sections concerning planning for aggregates. The 2024 SOCG was reported to SEEAWP at its meeting on the 7th May 2024 for its consideration.

⁴ Available at <https://www.medway.gov.uk/downloads/download/31/developmen>.

2.0 Agreement between the parties

2.1 This statement is agreed by MC's Chief Planning Officer and KCC's Head of Planning Applications.

[Insert signature]

[Insert date]

Dave Harris, Chief Planning Officer, Medway Council

[Insert signature]

[Insert date]

Sharon Thompson, Head of Planning Applications, Kent County Council

Insofar as this SCG relates to matters on aggregates, the South East England Aggregates Working Party is an additional signatory to the original version (2020) of this Statement of Common Ground:

A handwritten signature in black ink that reads "Tony Cook". The signature is written in a cursive style and is underlined with a single horizontal line.

18th December 2020

Tony Cook, [Chair], South East England Aggregates Working Party

3.0 Strategic Geography

3.1 Medway and Kent are neighbouring counties in the south east of England (see Figure 1). Medway formed part of the county of Kent until 1998 when it became a unitary authority. There are good road connections between the two areas, in particular the M2.

Waste management

3.2 Waste management data shows that an amount of waste produced in Medway is managed in Kent and an amount of waste produced in Kent is managed in Medway. Table 1 below shows the amounts of waste that travelled between the Plan areas in 2018, 2019, 2020, 2021 and 2022.

Table 1: Movements of Inert and Non-Hazardous Waste between Kent and Medway 2018 to 2022 (tonnes)

	Inert					Non- Hazardous				
	2018	2019	2020	2021	2022	2018	2019	2020	2021	2022
From Medway to Kent	47,902	111,542	31,070	50,216	16,452	29,794	31,487	69,134	68,032	73,351
From Kent to Medway	<80,704	<241,880	<199,262 ⁵	193,077	216,016	94,686	70,572	62,487	73,253	72,024

Table 2: Hazardous Waste Movements between Kent and Medway 2018 to 2022 (tonnes)

	2018	2019	2020	2021	2022
From Medway to Kent	2,667	2,260	1,741	2,365	2,469
From Kent to Medway	4,452	5,269	4,645	4,464	5,719

3.3 The South East Waste Planning Advisory Group (SEWPAG) Statement of Common Ground (March 2020) includes guidelines which indicate when movements of waste become 'strategic', that is when one authority is significantly reliant on another authority for the management of waste arising in its area. These guidelines are used to highlight when express agreement between member waste planning authorities on the continued movement of waste between them may be sought. These guidelines are as follows:

- Inert waste: 10,000 tonnes

⁵ Less than symbol '<' used because a tonnage of inert waste attributed to Kent reported as going to Commissioners Road Recovery to Land facility was reattributed to Medway in the C,D &E waste stream specific report of the Medway Waste Needs Assessment 2024.

- Non hazardous: waste: 5,000 tonnes
- Hazardous waste: 100 tonnes

3.4 Movements between the signatory authority areas for 2018, 2019, 2020, 2021 and 2022 that exceed these guidelines are set out in Appendix 1 on a site by site basis.

3.5 This Statement of Common Ground confirms that, subject to the comments in paragraph 3.6 and 3.7, both authorities are content for such movements to continue in future as there are no known planning reasons (in terms of planning policy and site specific conditions on planning permissions) why they may not continue.

Table 3 sets out the quantity of non hazardous waste identified as coming from Kent managed at facilities in Medway that may be subject to redevelopment should Chatham Docks be allocated in the forthcoming Medway Local Plan⁶. Therefore, these movements may not continue beyond the redevelopment of the Docks, should they be allocated.

Table 3: Management of Waste Arising in Kent at Facilities in Chatham Docks (tonnes)

	2018	2019	2020	2021	2022
From Kent to Chatham Dock sites	18,227	11,588	15,638	17,587	25,753

3.6 In the event that the existing waste facilities at Chatham Docks are lost, it should be noted that:

- Policy in the emerging Medway Local Plan will expect equivalent compensatory capacity to be identified elsewhere; and,
- there is equivalent⁷ surplus capacity in Kent capable of managing any 'diverted' waste; and,
- there is outline permission for equivalent 'other recovery' capacity in Medway that may also be developed to manage any diverted waste.

Sites with a finite lifespan

3.7 In addition to the above, the tonnages of waste shown in Table 4 below went to sites with a particular finite lifespan (deposit to land) that means the availability of their capacity may not necessarily be relied upon for a Plan period of 15 years. However, the annual tonnages deposited to land are relatively low and, particularly in the case of non-inert waste can be expected to decline significantly meaning that the lifespan of related site will extend and there will be opportunities beyond Medway and Kent (which are currently utilised) for the management of this waste. Opportunities for the permanent deposit of inert waste are widespread including for use in engineering operations and restoration of mineral workings.

⁶ Note that there is also an issue of expiry of leases in 2025.

⁷ In terms of the waste hierarchy.

Table 4: Management of Waste at Facilities with Finite Lifespan (tonnes)

Note: Amber entries exceed strategic significance screening guidelines

		2018		2019		2020		2021		2022	
		From Kent to Medway	From Medway to Kent	From Kent to Medway	From Medway to Kent	From Kent to Medway	From Medway to Kent	From Kent to Medway	From Medway to Kent	From Kent to Medway	From Medway to Kent
Non Hazardous	Non Hazardous Landfill	0	5,198	0	3,881	0	773	0	0	0	0
Inert/C+D	Deposit to land for Recovery	14,700	10,474	<153,560	67,975	<87,320	19,778	104,720	2,429	175,440	640
	Inert Landfill	20,479	27,002	72,073	26,940	42,125	9,987	79,430	41,014	14,344	4,266
	Lagoon	0	0	0	0	58,530	0	0	0	0	0
	Non Hazardous Landfill	0	1,068	0	0	0	0	0	501	0	0

Minerals Supply⁸

3.7 The key economic minerals found within Kent are:

- Aggregate minerals:
 - Sharp sand and gravel
 - Soft sand
 - Crushed Rock
- Silica sand
- Chalk
- Brickearth
- Oil and gas

3.8 The supply of large quantities of marine dredged aggregate via wharves in Medway and Kent is of strategic importance. In Kent marine dredged aggregate is supplied into wharves in Ramsgate and north Kent ports. Medway's five wharves are also of regional importance, reporting 1.893Mt of marine-won sand and gravel sales in 2022. Crushed rock is also imported to the wharves in both Kent and Medway. The wharves in Kent and Medway have a combined capacity of around 10.6⁹Mtpa and are currently operating with approximately 4.5Mtpa of spare capacity offering significant ability to increase production in response to market demand.

3.9 Land-won mineral resources in Kent are important for the supply of soft sand and hard rock (though imports of hard rock appear to be increasing) but the available sharp sand and gravel resource is depleting and is significantly reducing in overall supply importance.

3.10 Current reserves of soft sand (5.5Mt) in Kent give a simple landbank of 9.6 years based on 2022 sales of 0.574Mt. Based on the 'LAA Rate' of 0.475Mt (the 10-year sales average), the maintained 7-year 'NPPF' landbank is 10.45Mt. The Kent Mineral Sites Plan allocates a soft sand quarry (Chapel Farm, Lenham) with a reserve of 3.2Mt which, when taken with existing reserves allows for a 7 year landbank to be maintained until 2036.

3.11 Within Medway the key economic minerals are:

- Sharp sand and gravel
- Chalk
- Brickearth

3.12 Currently, sand and gravel is the only land-won aggregate actively being extracted in Medway.

3.13 There are two permitted sand and gravel quarries in Medway:

- Kingsnorth Quarry, near Hoo and
- Perry's Farm, Isle of Grain (currently inactive), .

⁸ Information regarding aggregate in Kent and Medway is taken from the authorities' Local Aggregate Assessments which utilise data up to and including that from 2022

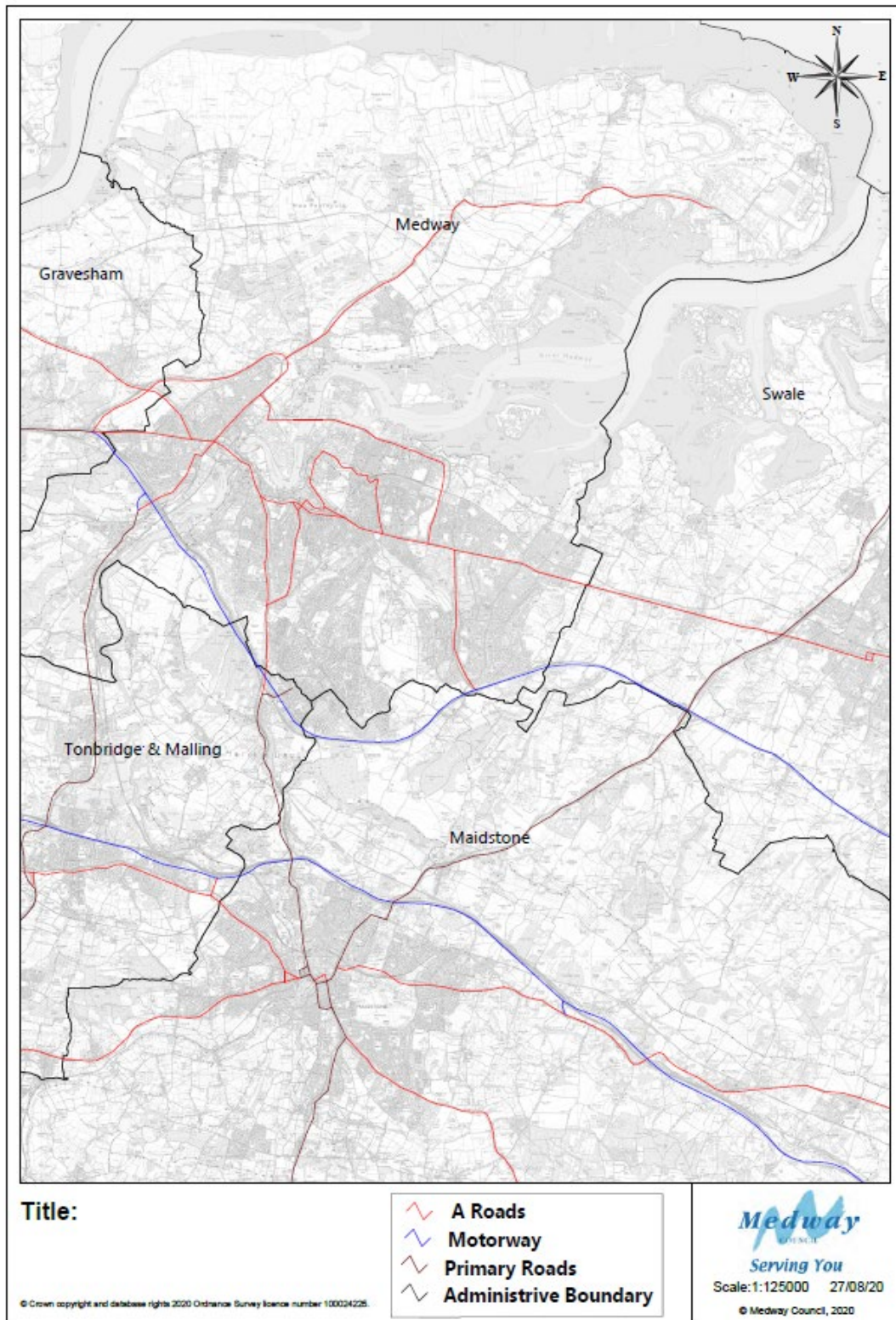
⁹ Medway wharf capacity = 4.3 Mtpa; Kent wharf capacity = 6.3Mtpa

Locations

3.14 The permitted reserve of sand and gravel in Medway was 0.372 Mt and the landbank, calculated using the 3- year average sales, was 5.2 years at the end of 2022. Due to production at the Kingsnorth Quarry site only commencing in 2017 the 10-year average sales is equivalent to the 3 year average sales.

3.15 The demand for aggregate in Medway is anticipated to increase and this will most likely be met by increased sales of marine dredged aggregate.

Figure 1: Location of Medway and Kent



4.0 Strategic Matters and Areas of Agreement - Waste

Net self-sufficiency

4.1 When applied to waste planning, net self-sufficiency is a principle that means an authority plans to provide waste management facilities with sufficient capacity to manage an amount of waste equivalent to that which is predicted to arise within its area over its Plan period. The use of the term 'net' means that it is irrespective of imports and exports. This approach is intended to ensure that sufficient waste management capacity is provided across a collective area (aka region) consistent with National Planning Policy for Waste¹⁰.

4.2 The approach of net self-sufficiency in the south east was originally set out in the now revoked South East Plan and is now enshrined in the SEWPAG Statement of Common Ground¹¹ to which MC and KCC are signatories. Importantly the SCG allows for individual authorities to deviate from adhering to the net self sufficiency principle if certain conditions prevail, providing agreement is reached with affected authorities on a one-to-one basis. An extract from the SCG concerning net self sufficiency is set out in Appendix 2 and the key section regarding deviation from adherence to it, is reproduced below:

*" **The Parties agree that provision for unmet requirements from other authority areas may be included in a waste local plan but any provision for facilities to accommodate waste from other authorities that cannot or do not intend to achieve net self-sufficiency will be a matter for discussion and agreement between authorities and is outside the terms of this SCG.**"*

4.3 Currently a capacity gap exists in Medway for the management of non hazardous residual waste by landfill. Given the limitations concerning current and future availability of non hazardous waste landfill capacity in Medway, MC intends to depart from adhering to the principle of net self sufficiency in the preparation of its waste planning policies but only insofar as the planning for future non-hazardous landfill is concerned. This is on the understanding that such an arrangement will still see Medway waste move up the waste hierarchy.

Waste movements

4.4 Section 3.0 (and Appendix 1) shows that waste is transported between Medway and Kent. Both authorities recognise that cross-boundary movement is typical of the way in which waste is managed, as it is subject to market forces, generally having little regard to administrative boundaries. This is recognised in National Planning Policy for Waste that expects waste planning authorities to: *"plan for the disposal of waste and the recovery of mixed municipal waste in line with the proximity principle, recognising*

¹⁰ NPPW states: "Waste planning authorities should prepare Local Plans which identify sufficient opportunities to meet **the identified needs of their area** for the management of waste streams." (para 3)

¹¹ Statement of Common Ground between the Waste Planning Authorities of South East of England, SEWPAG March 2020

that new facilities will need to serve catchment areas large enough to secure the economic viability of the plant;”.

4.5 Both authorities confirm that there are no planning reasons why the quantum of movements, as set out in Section 3.0, cannot continue into the future. In the event that capacity is lost at Chatham Docks and existing deposit to land capacity is depleted, both authorities can confirm that any compensatory capacity, that is utilised in Medway or Kent, will not be subject to controls on sources of waste and so cross boundary movements will not be hindered.

Waste Recovery Capacity

4.6 The Kent Waste and Minerals Local Plan aims to safeguard existing capacity so that Kent remains net self sufficient while providing for a reducing amount of waste coming from London through the Plan period. It also seeks to encourage the development of additional capacity that will move waste up the hierarchy.

4.7 Waste facilities at Chatham Docks in Medway currently provide significant ‘other recovery’ capacity, however if the facilities were to be redeveloped this is unlikely to mean Medway is no longer net self sufficient in other recovery capacity for non-hazardous waste for the following reasons:

- i. Any redevelopment may not actually occur during the plan period;
- ii. planning permission would only be granted if it could be demonstrated that either compensatory capacity is to be provided elsewhere, or that the capacity is no longer needed due to capacity requirements being met elsewhere;
- iii. the quantity of waste arising requiring ‘other recovery’ in Medway is significantly less than that provided by facilities at Chatham Docks; and,
- iv. outline planning permission¹² has been granted for an energy recovery facility in Medway (Medway One) with capacity that would compensate for the loss of capacity at Chatham Docks.

4.8 Furthermore, MC is committed to planning positively for the development of waste management capacity that supports the movement of Medway waste up the waste hierarchy through its emerging Local Plan and intends to take a similar approach to safeguarding existing capacity and the encouragement of capacity that moves waste up the hierarchy. However, it also recognises that given current arrangements, the development of recovery capacity within Medway dedicated to serve the needs of Medway alone may not prove to be viable. In the event that other recovery capacity is not developed within Medway, which is equivalent to waste arising in Medway requiring recovery, MC therefore expects surplus recovery capacity in Kent and elsewhere to meet Medway’s needs and this is accepted by KCC. Both MC and KCC will continue to monitor the situation via the production of their respective annual Authority Monitoring Report.

¹² Planning application - MC/21/0979 Kingsnorth Power Station, Power Station Access Road, Hoo St Werburgh, Rochester

Waste Recycling Capacity

4.9 While there is no apparent shortfall in recycling capacity in Kent, there may be an emerging need for specialist Materials Recovery Facility (MRF) capacity to meet future national policy requirements for increased recycling of Local Authority Collected Waste (LACW). In this context it is noted that Medway Council has granted planning permission for the development of a MRF with 100,000 tpa of capacity that would offer ample capacity to meet Kent's LACW recyclate separation needs as well as that of Medway's.

5.0 Strategic Matters and Areas of Agreement - Aggregates

5.1 The most recent assessment of Kent's need to supply soft sand and sharp sand and gravel is set out in the Regulation 19 Pre-Submission Draft of the KMWLP 2024-39 and is based solely on the average of the previous 10-year sales of the aggregate minerals from sites in Kent.

Soft Sand

5.2 Kent has historically supplied soft sand to Medway and so it is considered that Medway's unmet requirements for soft sand are captured within Kent's 10 year average sales value for soft sand. Medway's demand for soft sand has therefore been taken account of by KCC in the adopted KMWLP 2013-30 and Kent Mineral Sites Plan and the emerging KMWLP 2024-39.

Sharp Sand and Gravel

5.3 The adopted KMWLP 2013-30 and Kent Mineral Sites Plan ensure ongoing supplies of land-won sharp sand and gravel but only for as long as resources allow, which reflects the fact that land won supplies in Kent are severely limited and opportunities for additional supplies are heavily constrained. In light of this, and due to the proximity of the Kingsnorth quarry in Medway to Kent, it is likely that sales from this site have contributed, and will continue to contribute to meeting demand in Kent and so offset requirements from sites in Kent. In any event, it is noted that KCC has not relied on Kingsnorth when planning to meet its needs. MC is committed to plan positively for the steady and adequate supply of aggregate through its emerging Local Plan so that the needs of local and regional markets are met. MC proposes to identify areas of search for sharp sand and gravel supply in its Local Plan.

5.4 Both MC and KCC will continue to monitor the situation via the production of their respective annual Local Aggregates Assessments. Data for 2022, published in the most recent Local Aggregates Assessments, notes that reserves at quarries in Kent and Medway have continued to decline while sales of marine sand and gravel from wharves have increased.

6.0 Additional Strategic Matters

Safeguarding

6.1 Each authority will seek to safeguard waste management and minerals supply capacity in its own area through robust planning policies. The KMWLP 2013-30 and Pre-Submission KMWLP 2024-39 include a presumption against granting permission for other forms of development which could result in reductions in physical or operational waste and minerals capacity (either by reductions in numbers and size of sites or by reduction in site throughput or restrictions on operation). MC intend to adopt a similar approach. Where development is proposed that might result in a reduction in capacity, the contribution the affected capacity makes to meeting the needs of other areas will also be taken into account.

6.2 Marine won aggregate is landed at wharves in both Medway and Kent and this material is used interchangeably to meet the needs of Medway and Kent. Both authorities recognise that as landwon sources of sand and gravel have been depleted there is greater reliance on marine won aggregate and this reliance will increase. In addition, wharves in Kent and Medway are used to import crushed rock to supply local and wider regional needs. In light of their importance, KCC and MC will safeguard mineral wharves in their areas to ensure the import of marine won aggregate and crushed rock can continue.

6.3 Railheads are also used to supply mineral into Kent and, historically, into Medway. These railheads make an important contribution to ensuring a steady and adequate supply, mainly of aggregate. Both authorities will safeguard railheads to ensure that the import of mineral by rail into the area can continue.

6.4 Common ground on other matters between MC and KCC relating to waste management is set out in the Statement of Common Ground between the Waste Planning Authorities of the South East of England, March 2020. This includes the following:

- Principle of planning for some inert excavation waste from London;
- implementation of the waste hierarchy;
- provision of capacity within waste local plans; and,
- recognition of waste industry influence on delivery of actual capacity.

6.5 MC and KCC are also party to the following Joint Position Statements:

- Non-hazardous landfill in the South East of England, SEWPAG, March 2019
- Permanent Deposit of Inert Waste to Land in the South East of England, SEWPAG, November 2019
- South East Mineral Planning Authorities' Soft Sand Position Statement, 2023

7.0 Cooperation Activities

7.1 Activities undertaken when in the process of addressing the strategic cross-boundary matter of waste management and minerals supply, whilst cooperating, are summarised as follows:

- Input to draft proposals for planning policy concerning waste management and minerals supply in each other's area;
- input into the preparation of each authorities' annual Local Aggregates Assessments
- membership of the South East Waste Planning Advisory Group and signatories to related joint SCG and joint position statements;
- membership of the South East England Aggregates Working Party; and,
- ad-hoc exchange of information (via correspondence and meetings) related to the monitoring of waste movements and management capacity.

8.0 Governance and Future Arrangements

8.1 The parties to this Statement have worked together in an ongoing and constructive manner. MC and KCC will continue to cooperate and work together in a meaningful way and on an ongoing basis to ensure the effective strategic planning for waste management and minerals supply within their areas. Officers of each party to this Statement will continue to liaise through correspondence and meetings as and when required (including via meetings of SEWPAG and SEEAWP).

8.2 The parties will review this SCG at least every 12 months and establish whether it requires updating. Specific matters likely to prompt updates of this SCG include the following:

- Main modifications to the submitted updated KMWLP (2024-2039) resulting from its independent examination (anticipated in late 2024)
- Regulation 19 Publication of the draft new Medway Local Plan in 2025.
- Main modifications to the submitted new Medway Local Plan resulting from its independent examination (anticipated in 2025)
- Any evidence indicating significant changes in the management requirements of waste produced within their respective areas and minerals movements between the two authority areas.

Appendix 1 - Reported movements of waste between Medway and Kent in 2018-2023 in excess of SEWPAG guidelines on strategic movements

N.B. Italicised values less than guidelines, but included for completeness

Table A1 Non Hazardous Waste >c5,000t (Source: Environment Agency Waste Data Interrogator)

Facility WPA	Facility Name	Operator	Exports from Medway to Kent					Exports from Kent to Medway				
			2018	2019	2020	2021	2022	2018	2019	2020	2021	2022
Kent	Kemsley Generating Station	Enfinium K3 CHP Operations Ltd	0	0	51,273	48,989	50,056	N/A	N/A	N/A	N/A	N/A
	East Kent RDF Facility	Veolia Environmental Services (UK) Plc	8,932	10,823	0	4,627 ¹³	4,726	N/A	N/A	N/A	N/A	N/A
	Greatness Quarry Landfill	Enovert South Ltd	5,198	0	0	0	0	N/A	N/A	N/A	N/A	N/A
	Ridham Composting	Countrystyle Recycling Ltd	4,673	0	0	0	0	N/A	N/A	N/A	N/A	N/A
Medway	Berth 6, Chatham Dockyard	Street Fuel Ltd	N/A	N/A	N/A	N/A	N/A	16,867	10,615	13,007	14,808	18,586
	Capstone HWRC	Medway Norse Ltd	N/A	N/A	N/A	N/A	N/A	6,699	6,311	4,211	4,344	3,743
	Kingsnorth Industrial Estate	Composting Facility Services	N/A	N/A	N/A	N/A	N/A	0	5,533	9,730	6,280	4,799
	Cuxton HWRC	Medway Norse Ltd	N/A	N/A	N/A	N/A	N/A	8,745	7,509	2,455	985	0
	Hoath Way HWRC	Medway Norse Ltd	N/A	N/A	N/A	N/A	N/A	5,836	5,542	4,010	714	0
	Pelican Reach (Plot L)	Viridor Waste Kent Ltd	N/A	N/A	N/A	N/A	N/A	22,869	28,376	20,735	33,232	28,483
	Building 63, Chatham Docks	Chatham Freight Station Ltd	N/A	N/A	N/A	N/A	N/A	1,359	973	2,631	2,585	5,835
	Unit 7, Templemarsh Estate	Countrystyle Recycling Ltd	N/A	N/A	N/A	N/A	N/A	23,728	3,827	0 ¹⁴	-	-
Whitewall Road	European Metal Recycling Ltd	N/A	N/A	N/A	N/A	N/A	0	0	5,033	8,964	7,788	

¹³ Site converted from East Kent RDF Facility to East Kent Waste Transfer Station in 2021.

¹⁴ Site closed in 2020

Table A2 Inert Waste > c10,000 t (Source: Environment Agency Waste Data Interrogator)

N.B. Italicised values less than guidelines, but included for completeness

Facility WPA	Facility Name	Operator	Exports from Medway to Kent					Exports from Kent to Medway				
			2018	2019	2020	2021	2022	2018	2019	2020	2021	2022
Kent	Borough Green Landfill ¹⁵	Robert Body Haulage Ltd	27,002	26,940	9,987	41,014	4,266	N/A	N/A	N/A	N/A	N/A
	Allington Depot	Hanson Quarry Products	0	13,826	0	-	-	N/A	N/A	N/A	N/A	N/A
	Twyford & Klondyke	S Walsh & Sons Ltd	0	67,007	19,625	2,405	-	N/A	N/A	N/A	N/A	N/A
Medway	Commissioners Road Recovery Operation	Medway Preservation & Development Ltd	N/A	N/A	N/A	N/A	N/A	14,700	<153,560 ₁₆	<87,320	<104,720	<175,440
	Manor Farm Barn Landfill ¹⁷ & Recovery Operation	Downland Trading (Kent) Ltd	N/A	N/A	N/A	N/A	N/A	20,479	72,073	42,125	79,430	14,344
	Redham Meade	Boskalis Westminster Ltd	N/A	N/A	N/A	N/A	N/A	0	0	58,530	-	-
	Unit 7, Templemarsh Estate	Countrystyle Recycling Ltd	N/A	N/A	N/A	N/A	N/A	8,245	0 ¹⁸	-	-	-
	Unit 1, Templemarsh Estate	Kent Soils And Composts Ltd	N/A	N/A	N/A	N/A	N/A	24,269	0 ¹⁹	-	-	-
	Unit 5t5 Temple Boat Yard	Saward Tipping Services Ltd	N/A	N/A	N/A	N/A	N/A	-	4,512	7,376	6,800	12,532

¹⁵ 2019 EA data suggests 830k tonnes void capacity remaining

¹⁶ Less than symbol'<' used as a tonnage of inert waste attributed to Kent reported as going to Commissioners Road Recovery to Landfill facility was reattributed to Medway in the C,D &E waste stream specific report.

¹⁷ 2019 EA data suggests 682k tonnes void capacity remaining

¹⁸ Site closed in 2020

¹⁹ Site closed and relocated operation to Kent

Table A3 Hazardous Waste >100t (Source: Environment Agency Waste Data Interrogator)*N.B. Italicised values less than guidelines, but included for completeness*

Facility WPA	Facility Name	Operator	Exports from Medway to Kent					Exports from Kent to Medway				
			2018	2019	2020	2021	2022	2018	2019	2020	2021	2022
Kent	Manor Way Business Park	Ace Car Breakers	1,537	1,210	976	1,329	1,604	N/A	N/A	N/A	N/A	N/A
	Sittingbourne WEEE Recycling Facility	Sweep Kuusakoski Ltd	1,023	938	663	791	707	N/A	N/A	N/A	N/A	N/A
	Aylesford Metals Recycling Facility	London Mining Associates Ltd	-	4	2	102	8	N/A	N/A	N/A	N/A	N/A
Medway	Capstone HWRC	Medway Norse Ltd	N/A	N/A	N/A	N/A	N/A	195	181	152	126	117
	Cuxton HWRC	Medway Norse Ltd	N/A	N/A	N/A	N/A	N/A	245	212	82	37	-
	Hoath Way HWRC	Medway Norse Ltd	N/A	N/A	N/A	N/A	N/A	161	166	130	33	-
	Kingsnorth Oil Treatment Plant	Slicker Recycling Ltd	N/A	N/A	N/A	N/A	N/A	2,596	3,793	3,099	338	4,058
	Rochester Clinical Waste Treatment Facility	Tradebe Healthcare National Ltd	N/A	N/A	N/A	N/A	N/A	1,186	619	1,094	383	674
	Whitewall Road	European Metal Recycling Ltd	N/A	N/A	N/A	N/A	N/A	-	61	17	120	187

Appendix 2 – Extract from the SEWPAG Statement of Common Ground concerning net self sufficiency

2.1 **The Parties agree** that they will plan for net self-sufficiency which assumes that within each waste local plan area the planning authority or authorities will plan for the management of an amount of waste which is equivalent to the amount arising in that plan area. For the avoidance of doubt, **the Parties agree** that they will plan on the basis that no provision has to be made in their waste local plans to meet the needs of any other waste local plan area which are basing their waste policies on achieving the principle of net self-sufficiency.

2.2 **The Parties accept** that when using this principle to test policy, it may not be possible to meet this requirement for all waste streams, particularly where a specialist facility is required to manage specialist waste streams such as hazardous waste.

2.3 **The Parties agree** that they will therefore prepare plans which provide for the development of facilities that will manage waste produced within, and beyond, their areas based on net self-sufficiency and in accordance with the waste hierarchy.

2.4 **The Parties recognise** that there may be cases where, despite assessing reasonable options, some waste will not be planned to be managed within a waste plan area because of difficulty in delivering sufficient recovery⁵ or disposal capacity (E.g. Due to certain designations e.g. Green Belt, AoNB, National Park (see sections below)). **The Parties agree** that provision for unmet requirements from other authority areas may be included in a waste local plan but any provision for facilities to accommodate waste from other authorities that cannot or do not intend to achieve net self-sufficiency will be a matter for discussion and agreement between authorities and is outside the terms of this SCG.

2.5 **The Parties note** that, despite assessing reasonable options, there may be some kinds of waste requiring specialist treatment that cannot be managed within their own plan area, either in the short term or within the relevant plan period. These may include hazardous wastes and radioactive wastes. Where provision for the management of these wastes will be planned for in a different waste planning authority area, this will need to be considered between the relevant authorities. **The Parties agree** that provision for some kinds of wastes, including hazardous and radioactive waste, from other authority areas may be included in a waste local plan but that any provision for facilities to accommodate this waste from other authorities that cannot or do not intend to achieve net self-sufficiency will be a matter for discussion and agreement between authorities and is outside the terms of this SCG.

Appendix A – Medway Council Response to Regulation 18 consultation on updated Kent Minerals and Waste Local Plan, January 2022

From: bull, andrew <andrew.bull@medway.gov.uk>
Sent: 08 February 2022 18:40
To: MWLP - GT
Cc: smith, catherine
Subject: RE: Kent Minerals and Waste Local Plan 2013-30 Full Review 2021

Hi Alice

Kent Minerals and Waste Local Plan 2013-30 Full Review, Regulation 18 Public Consultation

Thank you consulting Medway Council on an update to the Kent Minerals and Waste Local Plan 2013-30. This response has been made on behalf of Medway Council's Planning Service.

It is understood that the proposed revisions will not change Kent's waste management and minerals supply in future. The proposed revisions respond to government legislation and policy since the plan was adopted in 2016.

A Statement of Common Ground (SoCG) between Medway Council and Kent County Council concerning strategic waste management and minerals supply was agreed in October 2020. Medway Council is preparing planning policies on waste management and minerals supply to be included in the new Local Plan. The SoCG will need to be updated as part of our ongoing engagement through the Duty to Cooperate.

Regards
Andrew

Andrew Bull MRTPI | Strategic Infrastructure Planner | Planning Service | Medway Council | **01634 331417** | Gun Wharf, Dock Road, Chatham, ME4 4TR



Appendix B – Medway Council Response to Regulation 18 consultation on
'Further Proposed Changes' to the Kent Minerals and Waste Local Plan, July 2023

Date: 10 August 2023



Minerals and Waste Planning Policy
Team
Kent County Council

By email only

Planning Service
Culture and Community
Regeneration, Culture and Environment
Medway Council
Gun Wharf
Dock Road
Chatham
Kent
ME4 4TR
Telephone: 01634 306000

Dear Sir / Madam

Consultation draft of the revised Kent Minerals & Waste Local Plan

Thank you for the opportunity to comment on the consultation draft of the revised Kent Minerals & Waste Local Plan (KMWLP) and the nominated extension to Hermitage Quarry for potential inclusion in the Kent Mineral Sites Plan.

Further Proposed Changes to the KMWLP

As an immediate neighbouring authority, Medway Council has a close interest in the evolution of Kent's mineral and waste planning policy. As a former part of the administrative county of Kent, Medway Council is still applying many of the policies contained in plans previously adopted by Kent County Council relating to the management of waste and supply of minerals, including the Kent Waste Local Plan 1998, these having been saved by the Secretary of State at the Medway Council's request.

It is noted that the principal areas addressed by the KMWLP consultation document are as follows:

1. Changes to Policy CSM 2, and associated supporting text, relating to the quantity of aggregate mineral to be planned for.
2. Deletion of Policy CSW 5 that allocates land for an extension to Norwood Quarry, Isle of Sheppey for subsequent filling with hazardous flue ash.
3. Deletion of paragraph 6.3.3 (and associated sub-title) which concerns making specific provision within Kent for the management of residual non-hazardous waste by landfill or energy recovery that arises in London.

It is also noted that you have received specialist support from BPP Consulting, whose services Medway Council is also using in supporting the development of minerals and waste planning policies to be included in its Local Plan.

Proposed change to Policy CSM 2

Medway Council notes that these changes have been made in light of more recent aggregate sales and supply data and the intention to change the plan period. This approach seems sensible and Medway Council has no further comment to make on this matter.

Proposed change to Policy CSW 5

Medway Council notes that the proposed change has been made in light of more current information around the need for additional capacity to manage hazardous flue ash, and that information contained in the updated report on Hazardous Waste Management Requirements, found that this type of waste, previously managed through landfill at the Norwood Quarry site, is now largely being managed through means other than landfill. Medway Council also notes that removal of the policy does not necessarily prevent the development of additional landfill capacity should it be needed, but merely removes the presumption towards its provision. Medway Council also notes that provision for hazardous waste, such as APCr is a matter not limited by Plan area net self sufficiency objectives, and therefore provision may be planned for in a manner that takes account of regional, or even national, provision. In that context, the most recent assessment of hazardous waste management requirements in Medway produced for Medway Council by BPP Consulting, indicates Medway is a net importer of hazardous waste and is thus making provision for 'larger than local' needs in that respect.

Medway Council has a particular interest in the planning of provision of capacity for the management of air pollution control residues in that it has recently granted outline planning consent for a potential Energy from Waste plant at the Medway One development in Kingsnorth, which does not as yet have an identified outlet for its APCr should it be developed. However, the Medway Council is committed to supporting the waste hierarchy and therefore would expect any prospective operator to manage residues in accordance with the hierarchy with disposal to landfill being the least preferred option, even if such capacity is relatively local. Medway Council intends to include a policy reflecting this position in its revised Local Plan, which in turn would be reflected in any assessment of proposals for the management of APCr associated with the Medway One development.

Proposed deletion of paragraph 6.3.3 (and associated sub-title) which concerns making specific provision within Kent for the management of residual non-hazardous waste by landfill or energy recovery that arises in London

Medway Council understands and supports the intention of these changes, which is to ensure the KMWLP aligns with the London Plan aspiration and the SEWPAG Statement of Common Ground (SCG) to which it is a signatory. However, Medway Council notes that it is may not be able to adhere to the SCG's aspiration of all WPAs achieving net self sufficiency, and would therefore wish to be assured that the change proposed by Kent County Council, does not signal an intention to move away from the provision of capacity which would meet other WPA areas' (in particular those within the South East such as Medway) needs, where this is justified as being an appropriate solution.

Kent Mineral Sites Plan

I also confirm Medway Council has no specific comments on the current consultation relating to the Kent Mineral Sites Plan.

Yours faithfully

Andrew Bull

Andrew Bull MRTPI
Principal Planner (Spatial Data & Infrastructure)

Appendix C – Medway Council Representation in response to publication of Regulation 19 'Pre-Submission' updated Kent Minerals and Waste Local Plan 2024-2039, February 2023



Planning Service

Medway Council
Gun Wharf
Dock Road
Chatham
ME4 4TR

Our Ref:

Your Ref:

Tel:

E-mail: andrew.bull@medway.gov.uk

28 February 2024

Minerals and Waste Planning Policy Team
Kent County Council

By email: MWLP@kent.gov.uk

Dear Sir/Madam

Kent Minerals & Waste Local Plan 2024-2039 - Proposed Submission Draft

Thank you for the opportunity to comment on the Proposed Submission Draft revised Kent Minerals & Waste Local Plan (KMWLP).

As a neighbouring authority, Medway Council has a close interest in Kent's mineral and waste planning policy. As a former part of the administrative county of Kent, Medway Council is still applying many of the policies contained in plans previously adopted by Kent County Council relating to the management of waste and supply of minerals, including the Kent Waste Local Plan 1998, these having been saved by the Secretary of State at the Medway Council's request.

Following comments made on earlier drafts of the updates to the KMWLP, I am pleased to confirm that Medway does not wish to make any comments on the soundness or legality of the Proposed Submission Draft version of the Plan.

As noted in Appendix 7 of the Duty to Cooperate report, a Statement of Common Ground (SCG) exists between Medway Council and Kent County Council on waste and minerals planning matters and this to be updated. Medway Council is currently updating its waste needs assessment and will be in a position to update the SCG as soon as this has been completed.

I can also confirm that Medway Council will be consulting on a revised Draft Medway Local Plan later this year and Kent County Council will be notified in due course.

Yours faithfully,

ACBull

Andrew Bull MRTPI
Principal Planner (Spatial Data & Infrastructure)

Appendix 11: DRAFT Statement of Common Ground Between Kent County Council and Surrey County Council - Draft for consideration by SEEAWP dated May 2024



Statement of Common Ground Between Surrey County Council and
Kent County Council Concerning Strategic Waste Management and
Minerals Supply Matters

Draft (for consideration by SEEAWP)

May 2024

Contents

1.0 Introduction and parties involved	3
2.0 Agreement between the parties	5
3.0 Strategic Geography	6
4.0 Strategic Matters and Areas of Agreement - Waste.....	12
Net self sufficiency	12
5.0 Strategic Matters and Areas of Agreement - Minerals.....	14
6.0 Additional Strategic Matters	14
Safeguarding	14
7.0 Cooperation Activities	15
8.0 Governance and Future Arrangements	15

1.0 Introduction and parties involved

1.1 National policy¹ states that: *“Local planning authorities and county councils (in two-tier areas) are under a duty to cooperate with each other, and with other prescribed bodies, on strategic matters that cross administrative boundaries.”* and *“Strategic policy-making authorities should collaborate to identify the relevant strategic matters which they need to address in their plans.”*

1.2 National Planning Policy² expects that Local Plans will include ‘non-strategic’ and ‘strategic’ policies, and explains that strategic policies should *“.....set out an overall strategy for the pattern, scale and design quality of places (to ensure outcomes support beauty and placemaking), and make sufficient provision for:.....infrastructure”* including *“...waste management...”* and *“...the provision of minerals...”*.

1.3 Furthermore, National Planning Policy states: *“In order to demonstrate effective and on-going joint working, strategic policy-making authorities should prepare and maintain one or more statements of common ground, documenting the cross-boundary matters being addressed and progress in cooperating to address these.”*³

1.4 This document represents a **Statement of Common Ground (SoCG) between Surrey County Council (SCC) and Kent County Council (KCC)** and concerns the strategic matters of waste management and minerals (specifically aggregates) supply to seek to ensure that sufficient waste management capacity and aggregate supply capacity is planned for in each area.

1.5 SCC and KCC are neighbouring minerals and waste planning authorities (See Figure 1). Each has responsibility for planning for the future management of waste arisings and the supply of minerals in their respective areas by including relevant strategic policies in their relevant Local Plans and further guidance in their respective Supplementary Planning Documents.

1.6 KCC undertook an Early Partial Review of its Minerals and Waste Local Plan (the plan period is to 2030, a total of 15 years plus a quantity of potential reserves sufficient to meet an additional 7 years for sands and gravels, and an additional 10 years for hard crushed rock for the maintenance of these aggregate landbanks to meet NPPF requirements at the end of the Plan period) to amend policies relating to waste management capacity provision and minerals safeguarding. KCC also prepared a Mineral Sites Plan that includes allocations for a soft sand quarry and two sharp sand and gravel quarries. The Early Partial Review modifications to the KMWLP and the Kent Mineral Sites Plan were adopted by KCC in September 2020. In 2021/22 KCC commenced a Full Review of the KMWLP given the statutory requirement to review plans every five years. In pursuance of this KCC has undertaken three Regulation 18 Public Consultations to gather information and views on

¹ Paragraph 24 and 25 of the revised National Planning Policy Framework December 2023.

² Paragraph 17,18, 19 and 20 of the revised National Planning Policy Framework December 2023 .

³ Paragraph 27 of the revised National Planning Policy Framework December 2023.

whether the modifications proposed to the KMWLP. A Regulation 19 Public Consultation prior to submission for examination was undertaken in January to February 2024.

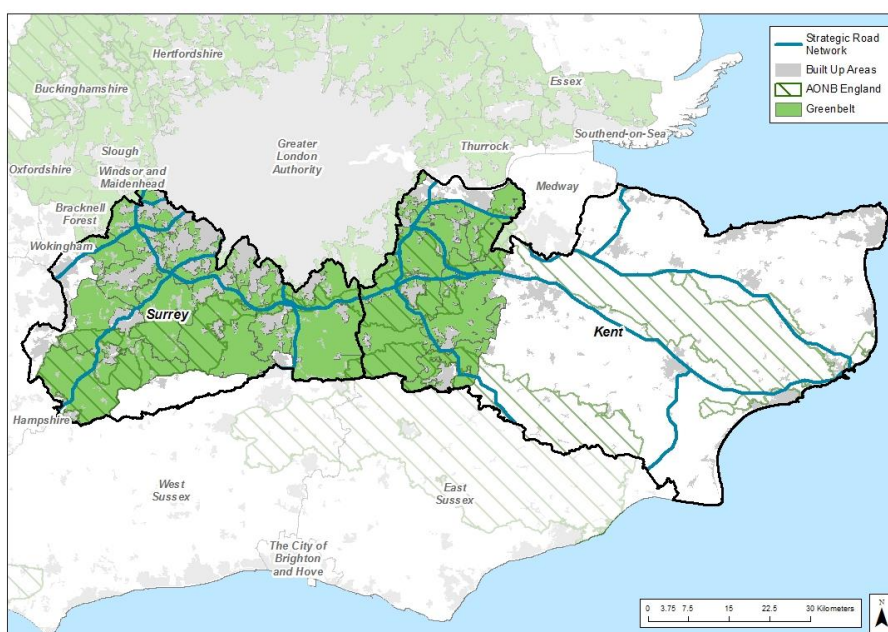
1.7 The main areas of modification relate to a understanding of a progressive reduction of inputs of London’s non-hazardous residual wastes, deletion of a strategic hazardous waste (APC residues landfill disposal) site allocation and deletion of a strategic mineral allocation (chalk for cement manufacture), changes to the quantities aggregate requirements to 2039, biodiversity net gain (at least 10%) and refinements to the management of low and very low level nuclear wastes at the Dungeness Nuclear Estate.

1.8 The KMWLP review process indicated that an increased level of provision of hard crushed rock aggregate supply to 2039 is required. This to be made provision for by potential allocation of a hard (crushed) rock site in a review of the adopted Minerals Site Plan. If this is not possible increased importation via wharves and rail depots could be used to meet the objectively identified need.

1.9 SCC is currently in the process of preparing a Minerals and Waste Local Plan (SMWLP), which will replace the existing minerals and waste development plan documents (DPDs), which comprise: the Waste Local Plan (Dec 2020), the Minerals Plan Core Strategy (July 2011), the Primary Aggregates DPD (July 2011), the Minerals Site Restoration SPD (July 2011) and the Aggregates Recycling Joint DPD (February 2013). For the purposes of this SoCG, the Surrey minerals development plan documents are jointly referred to as the Surrey Minerals Plan (SMP).

1.10 Between November 2021 and March 2022, SCC undertook an Issues and Options consultation, the first formal stage of the plan-making process relating to the SMWLP. SCC are currently preparing a draft SMWLP in advance of the Preferred Options consultation, which is due to take place in June 2025, with a view to adopting the plan by mid-2027.

Figure 1: Location of Surrey and Kent



1.11 KCC and SCC are members of the same Aggregates Working Party, the South East England Aggregates Working Party (SEEAWP). SEEAWP, as the technical advisory group of the mineral planning authorities and other relevant organisations covering the South East, is responsible for producing comprehensive data on aggregate demand and supply in the this area. In line with national Planning Practice Guidance, SEEAWP should be an additional signatory to this Statement of Common Ground (SoCG).

2.0 Agreement between the parties

2.1 This statement is agreed by SCC's Planning Group Manager and KCC's Head of Planning Applications

[Insert signature]

Date: May 2024

Sharon Thompson, Head of Planning Applications, Kent County Council

[Insert signature]

Date: May 2024

Caroline Smith, Planning Group Manager, Surrey County Council

[Insert signature]

Date: May 2024

Tony Cook, [Chair], South East England Aggregates Working Party

3.0 Strategic Geography

3.1 Surrey and Kent are neighbouring counties on the approach to London from the south of the capital (see Figure 1). There is a degree of connectivity between the areas, that is the subject of this SoCG.

Waste management

3.2 Waste management data shows that an amount of waste produced in Surrey is managed in Kent and an amount of waste produced in Kent is managed in Surrey. In 2019-22 the following amounts of waste travelled between the two plan areas:

Table 1 Waste movements between Surrey and Kent (tonnes) for the years 2020 to 2022 (source: EA WDI)

Waste movements	From Surrey to Kent			From Kent to Surrey		
	2020	2021	2022	2020	2021	2022
Year						
Inert	19,225	14,690	28,526	17,977	27,875	29,417
Non-hazardous	135,752	131,771	151,712	89,216	31,795	51,025
Hazardous	4,640	5,130	4,590	21,737	13,660	14,626
Totals	159,617	151,591	184,828	128,930	73,330	95,068

3.3 The Surrey to Kent waste movements is shown graphically in Figure 2 below, and the waste movements from Kent to Surrey are shown graphically in Figure 3 overleaf.

Figure 2: Waste Movements Surrey to Kent 2020-22 (tonnes)

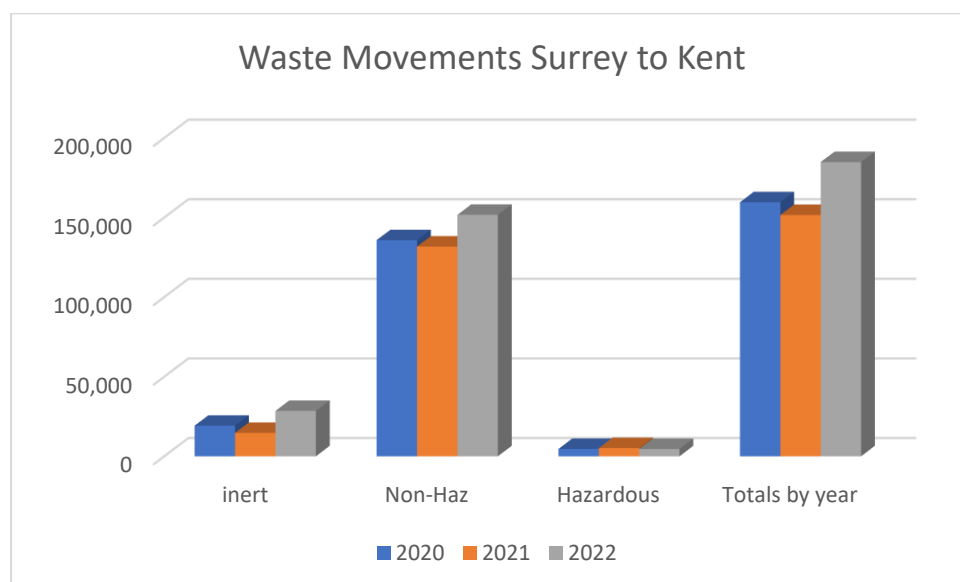
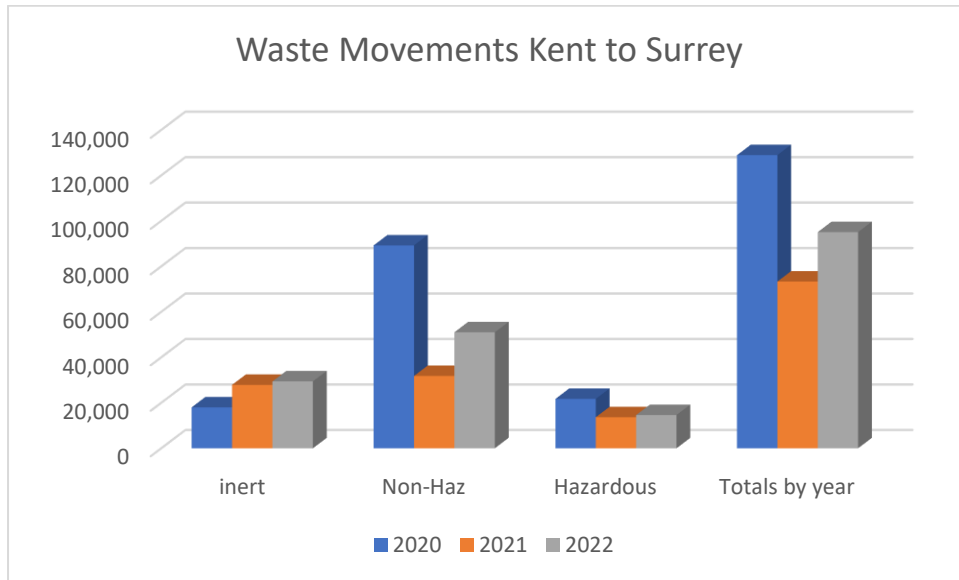


Figure 3: Waste Movements Kent to Surrey 2020-22 (tonnes)



3.4 The South East Waste Planning Advisory Group (SEWPAG) Statement of Common Ground (March 2020) includes thresholds above which express agreement between member waste planning authorities on the continued movement of waste between them is to be sought. These thresholds are shared by members of the East of England Waste Technical Advisory Body. This SoCG is intended to confirm that both authorities consider these thresholds appropriate to determine which waste movements may be considered to be a strategic matter between the two authorities. These thresholds are as follows:

- Inert waste: 10,000 tonnes
- Non-hazardous waste: 5,000 tonnes
- Hazardous waste: 100 tonnes

3.5 The movements of inert wastes are below the agreed strategic thresholds and are not displaying any significant variation over the three-year 2020-22 period. Hazardous waste movements are above the strategic thresholds agreed with SEWPAG. However, as with the inert waste there is not a significant apparent change in the pattern of movements. The parties agree that though the movements of inert and hazardous waste to and from both respective waste planning authorities plan areas are not 'in balance', as would be the case if the ratio could be represented as 1:1 for each waste category, this is not a significant cause for concern given the overall pattern of waste movements is not changing.

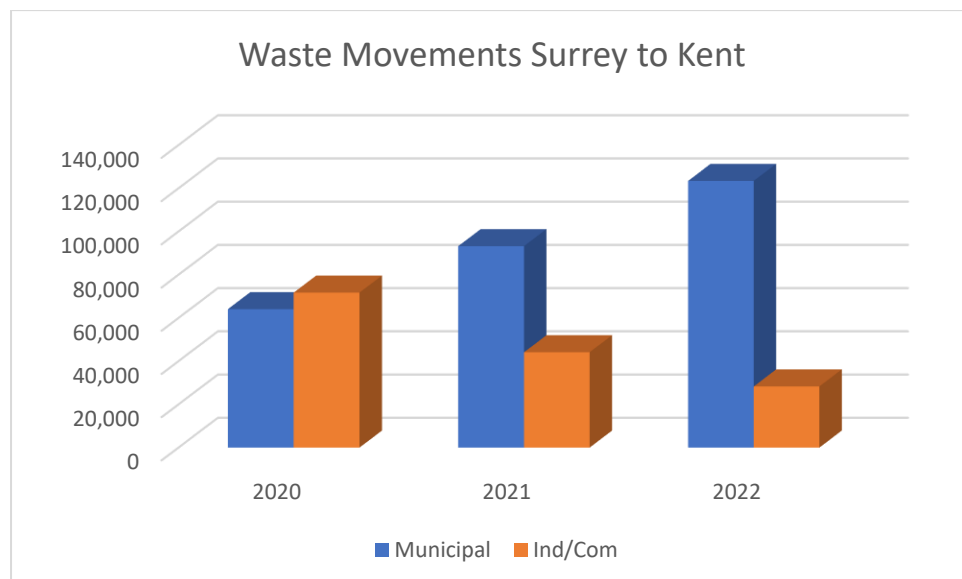
3.6 However, the pattern with regard to the non-hazardous waste, which is taken to be the WDI's records for commercial and industrial (C&I) and the local authority collected municipal (LACW) waste is showing a marked trend towards increased exports of LACW from Surrey into Kent. Table 2 overleaf shows this increasing trend.

Table 2 Non-Hazardous Waste movements between Surrey and Kent (tonnes) for the years 2020 to 2022 (source: EA WDI)

Waste movements	From Surrey to Kent			From Kent to Surrey		
	2020	2021	2022	2020	2021	2022
Municipal [LACW]	64,058	93,215	123,410	805	1,030	965
Ind/Com [C&I]	71,694	44,118	28,304	88,411	30,765	50,060
Totals	135,752	137,333	151,714	89,216	31,795	51,025

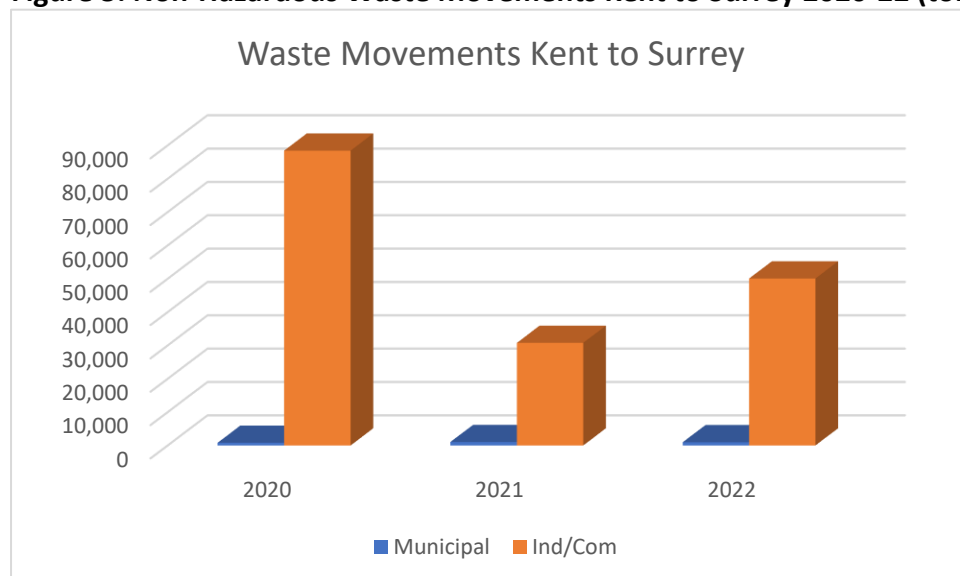
3.7 C&I waste sent from Surrey to Kent is reducing though the volume of LACW waste arising in Surrey and managed in Kent has increased significantly over the recent three-year period. Figure 4 below shows this graphically.

Figure 4: Non-Hazardous Waste Movements Surrey to Kent 2020-22 (tonnes)



3.8 LACW movements to Surrey from Kent are relatively minor and C&I waste movements are more significant but have been declining in the past three years as shown graphically by Figure 5 overleaf. Kent is attracting increasing amounts of residual non-hazardous waste given that further waste to energy management capacity in Kent has come on stream.

Figure 5: Non-Hazardous Waste Movements Kent to Surrey 2020-22 (tonnes)



Minerals Supply

3.9 Within Kent the key economic minerals are:

- Aggregate minerals:
 - Sharp sand and gravel (both Alluvial and Sub-Alluvial and Storm Beach)
 - Soft sand (Folkestone Formation-also an industrial sand)
 - Hard Crushed Rock (Hythe Formation-Limestone Kentish Ragstone)
- Silica (high purity) sand (from the Folkestone Formation and potentially from the Sandgate Formation[no history of exploitation in Kent])
- Chalk (for cement manufacture and agricultural lime and engineering fill)
- Brickearth
- Oil and gas (the Kent area is on the margins of the Wealden Basin in terms of potentially productive hydrocarbon bearing strata, also coal bed methane has been detected in Carboniferous Coal Measures)
- Building Stone (several sandstones and limestones from the Wealden Super Group including the Hythe Formation)

3.10 For the purposes of Local Aggregate Assessment (LAA) reporting in 2023 (2022 data set), Kent has provided the following data:

- The Kent Minerals and Waste Local Plan (KMWLP) 2013-30 as amended by the Early Partial Review 2020 provides sufficient capacity to enable production of land-won sand and gravel at an average rate of 0.174mtpa for 11.73 years that together with 2.5mt from adopted allocations will meet the anticipated requirements of the reviewed KMWLP to 2039;
- The KMWLP 2013-30 as amended by the Early Partial Review 2020 provides sufficient capacity to enable production of land-won soft sand at an average rate of 0.474mtpa during the period 2024-2036 including 3.2mt from an adopted allocation.

From 2036-2039 supply will not exhaust but fall below the 7-year landbank level. Given that it is anticipated that at least 0.84mt of 'windfall' supply.

- The KMWLP 2013-30 as amended by the Early Partial Review 2020 does not make sufficient provision for land-won hard (crushed) rock at an average rate of 1.24mtpa. Further provision in the rejoin of 17.34mt will be required for the anticipated Plan period to 2039. This will either be from further allocation(s) in a review of the Mineral Sites Plan 2020, or if not possible, via increased importation. Both wharf and rail depot capacity in Kent remains with extensive headroom (currently estimated at 6.7mtpa).

3.11 In Kent, marine dredged aggregate is supplied into wharves in Ramsgate and along the north Kent shoreline and significantly in the Northfleet and Gravesham areas of the Lower Thames. Kent's wharves have a reported combined maximum operating capacity of some 8.210mtpa, and four mineral importation rail depots (one un-operational) with a combined capacity of some 2.225mtpa (both as reported in 2022 and 2023). It should be noted that Surrey has no wharves, any importation is achieved by road and rail.

3.12 Surrey has two rail aggregate depots at Woking and Salfords, both of which are safeguarded by the SMP. Between them they present a good geographic spread between the west and east of the county. Their rail connections enable the supply of crushed rock from the West Country or crushed rock and marine sand and gravel from wharves on the Thames Estuary.

3.13 However, the facility at Woking is currently the only active rail depot in Surrey. Surrey imported at least 450,000 tonnes of crushed rock in 2019, of which over 80% was imported from Somerset with the remainder primarily sourced from Leicestershire and Derbyshire (8%) and Glensanda Quarry, Scotland via the Isle of Grain (12%).

3.14 Surrey is, in all probability receiving materials that are imported to the wharves in Kent and Medway, that have a combined capacity of around 10.36⁴Mtpa and are currently operating with approximately just under 4Mtpa of spare capacity offering significant ability to increase production in response to market demand.

3.15 Land-won mineral resources in Kent are important for the supply of soft sand and hard rock (though imports of hard rock are showing signs of increase). The available sharp sand and gravel resource is depleting and is reducing in overall supply importance at this time. The permitted reserves are 2.23mt at the end of 2022, and due to exhaustion of the resource the 10-year LAA Rate (0.176mtpa) gives 12.67-year landbank life. Though this is essentially unrepresentative of the situation given that significant production that has left the area into East Sussex, which still provides material for the Kent Market and is un-reflected in the figures. True consumption is not being captured and Kent will continue to move towards importation to meet needs (from both the marine and other land-won resources, from outside Kent)

⁴ Medway wharf capacity = 2.15 Mtpa; Kent wharf capacity = 8.21Mtpa (7.3mtpa theoretical)

3.16 Current reserves, as of end of 2022, of soft sand (5.574Mt) give a simple landbank of 9.7 years based on 2022 sales of 0.475Mt. Based on the 'LAA Rate' of 0.475Mt (the 10-year sales averages), the maintained 7-year 'NPPF' landbank is 3.325Mt and, at the end of 2022, was calculated to last 11.73 years. The Kent Mineral Sites Plan allocates a soft sand quarry (Chapel Farm, Lenham) with a reserve of 3.2Mt which, when taken with existing reserves results in a 'surplus' over the existing adopted Plan period (up to 2030 plus 7). This surplus will be available for supply to other areas, this could include Surrey. The review of the adopted Kent Minerals and Waste Local Plan 2014-30 has an anticipated plan period to 2039. The maintained 7-year 'NPPF' landbank with current reserves and the 3.2mt allocation from Chapel Farm would exist until 2036, and no total exhaustion of available reserves by 2039. At least an additional 0.84mt of 'windfall' reserves from identified development, as prior extraction of safeguarded soft sand is also anticipated to come forward during this later review plan period.

3.17 The key economic minerals found in Surrey are:

- Aggregate minerals:
 - Sharp sand and gravel is currently produced in the Staines-upon-Thames, Shepperton and Laleham areas in the borough of Spelthorne
 - Soft sand is extracted from Moorhouse Sandpits near Westerham on the Kent border, at Mercers South Quarry near Nutfield to the east of Redhill, and at Alton Road Sandpit to the west of Farnham.
- Silica sand is extracted at North Park Quarry and the associated Pendell Quarry to the east of Bletchingley and west of Oxted.
- Brick clay is worked at South Holmwood Brickworks near Beare Green and at Ewhurst Brickworks near Walliswood in the south of the county.
- Oil and gas is produced at several sites across the county from Albury in the west, through Brockham and Bletchingley in the centre, to Palmers Wood and Horse Hill in the east.
- Other minerals found in Surrey include building stone, chalk, fuller's earth, and peat.

3.18 For the purposes of Local Aggregate Assessment (LAA) reporting, Surrey has provided the following data:

- The SMP provides sufficient capacity to enable production of sand and gravel at an average rate of 0.9 mtpa, and soft sand at an average rate of 0.5 mtpa during the period 2009-2026. This provision is significantly higher than average sales over the last 10 years.
- Based on current provision rates, the overall landbank of 10.17 years at the end of 2022 is fairly balanced, with reserves of soft sand (10.23 years) and sharp sand and gravel (10.07 years). However, reserves of soft sand are significantly higher at 5.1 million tonnes (mt), compared to 3.0 mt of sharp sand and gravel. As such, were demand for sharp sand and gravel to increase, the landbank could start to look unbalanced.

- Concreting aggregate resources are likely to be replenished in the short to medium term based on planning applications submitted pursuant to preferred areas for mineral working as identified in the SMP.
- The permitted reserve position for soft sand is more favorable, however, no further unworked sites are identified in the SMP.

3.19 It is anticipated that Surrey will become increasingly reliant on recycled and secondary aggregates, imports of marine aggregates from wharves situated on the Thames Estuary, and imports of land-won sharp sand and gravel and soft sand from other counties (by road and rail).

3.20 Sales of recycled and secondary aggregates have increased significantly over the last twelve years, albeit reducing during the years affected by the Covid-19 pandemic. The SMP target is for at least 0.9 mtpa by 2026, which was exceeded by the 2022 sales figure. A rate of 1.0 mtpa is considered by the SCC LAA to be a robust basis for assessing future supply capacity.

4.0 Strategic Matters and Areas of Agreement - Waste

Net self-sufficiency

4.1 When applied to waste planning net self-sufficiency is a principle that means an authority plans to provide waste management facilities with sufficient capacity to manage an amount of waste equivalent to that which is forecasted to arise within its area over the relevant plan-period. The use of the term 'net' means that it is irrespective of imports and exports. This approach is intended to ensure that sufficient waste management capacity is provided across a collective area (usually a region) consistent with National Planning Policy for Waste⁵.

4.2 The approach of net self-sufficiency in the south east was originally set out in the now revoked South East Plan 2009. This approach is now a fundamental part of the SEWPAG Statement of Common Ground⁶ to which KCC and SCC are both a signatory to. Importantly, the SEWPAG SoCG allows for individual authorities to deviate from adhering to the net self-sufficiency principle, if certain conditions prevail; providing agreement is reached with affected authorities on a one-to-one basis. An extract from the SEWPAG SoCG concerning net self-sufficiency is set out in Appendix 1 and the key section regarding deviation from adherence to it, is reproduced below:

" The Parties agree that provision for unmet requirements from other authority areas may be included in a waste local plan but any provision for facilities to accommodate waste from

⁵ NPPW states: "Waste planning authorities should prepare Local Plans which identify sufficient opportunities to meet **the identified needs of their area** for the management of waste streams." (para 3)

⁶ Statement of Common Ground between the Waste Planning Authorities of South East of England, SEWPAG March 2020

other authorities that cannot or do not intend to achieve net self-sufficiency will be a matter for discussion and agreement between authorities and is outside the terms of this SCG."

4.3 It is acknowledged that the current capacity of Kent for the management of residual non-hazardous waste is sufficient to achieve net self-sufficiency, with an identified 'surplus'⁷, in non-hazardous waste recovery capacity. This surplus, while available to be taken up by other waste planning authorities, can lead to imbalances in the quantities of waste flows across administrative boundaries. The Surrey approach to waste is also predicated on net self-sufficiency (where practicable). There are no allowances made for capacity elsewhere to manage the 'standard' types of waste arising in the Surrey area, beyond typical cross-border movements. Surrey County Council recognises that it would be appropriate for Kent to seek to test any relevant waste management applications against the proximity principle and net self-sufficiency, though would not necessarily consider this as a strategic issue that requires specific engagement under the Duty to Cooperate obligation. The observed trend for increased strategic quantities of non-hazardous LACW movement from Surrey to Kent is understood to be due to availability of a Kent waste management capacity surplus. Surrey will continue to plan to meet its waste management needs, including for waste recovery capacity, through the local plan and development management processes.

Therefore, it is the case that both authorities agree that there are no planning reasons why the overall quantum of movements, as set out in Section 3.0, cannot continue into the future.

Waste Recovery Capacity

4.5 The Kent Waste and Minerals Local Plan aims to safeguard existing capacity so that Kent remains net self-sufficient (see Appendix 1 detailing the agreed SEWPAG approach both Kent and Surrey County Councils, and others, have agreed in a statement of common ground) while providing for a reducing amount of waste coming from London through the plan-period, and the anticipated plan reviewed period to 2039. It also seeks to encourage the development of additional capacity that will move waste up the hierarchy. Surrey is committed to planning positively for the development of waste management capacity that supports the movement of Surrey's waste management up the waste hierarchy through the implementation of its policies, as set out in the adopted Surrey Waste Local Plan 2019-2033 (SWLP). Its emerging waste policy will do the same, and will continue to safeguard existing waste management capacity. Both SCC and KCC will continue to monitor the situation via the preparation of their respective annual Authority Monitoring Reports.

⁷ The 'surplus' is represented by the development of residual waste recovery capacity that exceeds the requirements for the recovery of residual waste produced in Kent. It is estimated that this surplus is between 250,000 and 300,000 tonnes per annum at the end of the adopted Plan period 2030.

5.0 Strategic Matters and Areas of Agreement - Minerals

5.1 The quantum of Kent's need for soft sand and sharp sand and gravel is set out in the adopted KMWLP 2013-30 (as amended in the Early Partial Review 2020 and the emerging full review KMWLP 2024-39) and is based solely on the average of the previous 10-year sales of the aggregate minerals from sites in Kent. Kent has no recorded relationship with Surrey in terms of significant land-won soft sand supply. The geology of Surrey enables the authority to meet its own soft sand requirements. The Surrey soft sand landbank is sufficient for 10.23 years as detailed in the most recent Local Aggregate Assessment 2022.

5.2 KCC has produced mineral plans to ensure ongoing supplies of sharp sand and gravel, however, land won supplies are severely limited and opportunities for additional supplies are constrained. The future supply is anticipated to be one where, as the land-won reserves deplete, they will be increasingly substituted by secondary/recycled aggregates and marine dredged sands and gravels via the Kent safeguarded wharves and rail depots. It is not anticipated that any land-won importation from elsewhere, including Surrey, will significantly contribute to maintaining a steady and adequate supply into the future.

5.3 This will be subject to both SCC and KCC continuing to monitor the situation via the publication of their respective annual Local Aggregates Assessments.

6.0 Additional Strategic Matters

Safeguarding

6.1 Each authority will seek to safeguard waste management and minerals supply capacity in its own area through robust planning policies. The KMWLP includes a presumption against granting permission for other forms of development which could result in reductions in physical or operational waste and minerals capacity (either by reductions in numbers and size of sites or by reduction in site throughput or restrictions on operation). Surrey has a similar approach in the adopted SMP and SWLP. Where development is proposed that might result in a reduction in, or loss of safeguarded capacity it has to be assessed for any possible exemption from the presumption to safeguard.

6.2 Marine won aggregate is landed at wharves in Kent (and Medway). Both SCC and KCC recognise that as landwon sources of sand and gravel are depleting, the reliance on marine won, recycled and secondary aggregate will increase. In addition, wharves in Kent (and Medway) are used to import crushed rock to supply local and wider regional needs. In light of their importance, KCC will safeguard mineral wharves in their area to ensure the import of marine won aggregate and crushed rock continue in an unconstrained manner thus not leading to any increased reliance on other authority areas. Surrey has no aggregate wharf facilities in its administrative area to be subject to safeguarding policies in its own Development Plan .

6.3 Railheads are also used to supply mineral into both Kent and Surrey. These railheads help contribute to ensuring a steady and adequate supply, mainly of aggregate in both

authorities. Their safeguarding will help to ensure the import of mineral by rail into the authority's respective areas can continue in an unconstrained manner, thus not leading to any increased reliance on other authority areas.

7.0 Cooperation Activities

7.1 Activities undertaken when in the process of addressing the strategic cross-boundary matter of waste management and minerals supply are summarised as follows:

- membership of the minerals and waste google group in information and professional opinion exchanges – a peer working group with representation from mineral and waste planning interests from county councils across England;
- Membership of SEEAWP;
- Membership of SEWPAG and,
- ad-hoc exchange of information (via correspondence and meetings) related to the monitoring of waste movements and management capacity.

8.0 Governance and Future Arrangements

8.1 The parties to this Statement have worked together in an ongoing and constructive manner. SCC and KCC will continue to cooperate and work together in a meaningful way and on an ongoing basis to ensure the effective strategic planning for waste management and minerals supply within their areas. Officers of each Party to this Statement will continue to liaise through correspondence and meetings as and when required.

8.2 The parties will review this SoCG at least every 12 months and establish whether it requires updating. Specific matters likely to prompt updates of this SoCG include the following:

- Adoption of the new Surrey Minerals and Waste Local Plan (currently being prepared and due for adoption in 2027)
- Any evidence indicating significant changes in the management requirements of waste produced within their respective areas and minerals movements between the two authority areas.

Appendix 1 – Extract from the SEWPAG Statement of Common Ground concerning net self-sufficiency.

2.1 **The Parties agree** that they will plan for net self-sufficiency which assumes that within each waste local plan area the planning authority or authorities will plan for the management of an amount of waste which is equivalent to the amount arising in that plan area. For the avoidance of doubt, **the Parties agree** that they will plan on the basis that no provision has to be made in their waste local plans to meet the needs of any other waste local plan area which are basing their waste policies on achieving the principle of net self-sufficiency.

2.2 **The Parties accept** that when using this principle to test policy, it may not be possible to meet this requirement for all waste streams, particularly where a specialist facility is required to manage specialist waste streams such as hazardous waste.

2.3 **The Parties agree** that they will therefore prepare plans which provide for the development of facilities that will manage waste produced within, and beyond, their areas based on net self-sufficiency and in accordance with the waste hierarchy.

2.4 **The Parties recognise that** there may be cases where, despite assessing reasonable options, some waste will not be planned to be managed within a waste plan area because of difficulty in delivering sufficient recovery⁵ or disposal capacity (e.g., Due to certain designations e.g., Green Belt, AoNB, National Park (see sections below)). **The Parties agree** that provision for unmet requirements from other authority areas may be included in a waste local plan but any provision for facilities to accommodate waste from other authorities that cannot or do not intend to achieve net self-sufficiency will be a matter for discussion and agreement between authorities and is outside the terms of this SCG.

2.5 **The Parties note** that, despite assessing reasonable options, there may be some kinds of waste requiring specialist treatment that cannot be managed within their own plan area, either in the short term or within the relevant plan period. These may include hazardous wastes and radioactive wastes. Where provision for the management of these wastes will be planned for in a different waste planning authority area, this will need to be considered between the relevant authorities. **The Parties agree** that provision for some kinds of wastes, including hazardous and radioactive waste, from other authority areas may be included in a waste local plan but that any provision for facilities to accommodate this waste from other authorities that cannot or do not intend to achieve net self-sufficiency will be a matter for discussion and agreement between authorities and is outside the terms of this SCG.

Appendix 12: Statement of Common Ground Between County Council and Natural England dated



Statement of Common Ground Between Kent County Council and Natural England concerning the Kent Minerals and Waste Local Plan 2024-39

April 2024

1.0 Introduction

- 1.1 This document represents a **Statement of Common Ground between Natural England (NE) and Kent County Council (KCC)** and concerns policies in the emerging Kent Minerals and Waste Local Plan 2024-39 relating to protection of landscape, biodiversity and geodiversity.
- 1.2 KCC is the Minerals and Waste Planning Authority for Kent and so has responsibility for planning for the future management of waste and supply of minerals in its area by preparing, implementing and updating related planning policy set out in the Kent Minerals and Waste Local Plan.
- 1.3 Natural England is a non-departmental public body. Its statutory purpose is to ensure that the natural environment in England is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.
- 1.4 KCC adopted the current Kent Minerals and Waste Local Plan in 2016 (plan period to 2030) and subsequently undertook an 'Early Partial Review' which resulted in changes to policies relating to waste management capacity provision and minerals safeguarding being adopted in 2020. In light of a subsequent 5 year review that concluded in 2021, KCC is updating the KMWLP and changing the plan period from 2013-30 to 2024-39.
- 1.5 KCC has undertaken several rounds of consultation on changes to the Plan and Natural England have commented at each stage. A 'Pre-Submission' Kent Minerals and Waste Local Plan 2024-39 was published for representations in January 2024 in accordance with Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended). Following publication of the Plan, Natural England submitted a representation which appeared to suggest that the Plan was unsound. Subsequently KCC and NE have met and discussed the representation and agreed to prepare this Statement of Common Ground that is intended to clarify the position.
- 1.6 Natural England's responses to the various consultations are included in appendices as follows:
- Appendix 1 – Response to Regulation 18 consultation, 16th February 2022.
 - Appendix 2 – Response to second Regulation 18 consultation, 17th December 2022.
 - Appendix 3 – Response to Regulation 18 consultation on 'Further Proposed Changes', 25th July 2023.
 - Appendix 4 – Representation in response to publication of Regulation 19 'Pre-Submission' Plan, 29th February 2024.

2.0 Areas of Common Ground

2.1 The following areas of common ground between the two parties have now been agreed:

1. All the matters raised in the representation made by Natural England were intended to improve the clarity of the Plan and not raise matters of soundness;
2. the Regulation 19 Kent Minerals and Waste Local Plan 2024-2039 is not unsound;
3. the Sustainability Appraisal and Habitats Regulation Assessment are fit for purpose;
4. throughout the preparation of the Plan, KCC and Natural England have engaged constructively, actively and on an ongoing basis;
5. when considering planning applications, KCC will take account of all the policies in the Plan and make a judgement on the suitability of the proposal by applying a planning balance;
6. the term 'unacceptable', before 'adverse impact' is included, and should be retained, in Policies CSM8, CSM9, CSM10, CSW6, DM9, DM12, DM13 to acknowledge that in certain circumstances development may come forward where adverse impacts could occur. In terms of impacts on biodiversity, geodiversity and landscapes, impacts that are unacceptable are determined via the application of Policies DM2 and DM3. The term has been found sound in the examination of the adopted Kent Minerals and Waste Local Plan 2016 and its Early Partial Review in 2020;
7. the term 'so far as is practicable' and 'practicable' used in policies CSM10, DM13 should be retained. Similarly, the term has been found sound in the examination of the adopted Kent Minerals and Waste Local Plan 2016 and its Early Partial Review in 2020;
8. to address Natural England's comments regarding improvements to the clarity of Policies DM2 and DM3, the following changes could be proposed should the Inspector consider it necessary (see highlighted text)

Explanatory text suggested to be included before the wording of Policy DM2 that would note that demonstration of exceptional circumstances could involve an explanation of why the proposed development cannot be located at an alternative site with less harmful impacts.

Policy DM 2

Environmental and Landscape Sites of International, National and Local Importance

Proposals for minerals and/or waste development will be required to ensure that ~~there is no unacceptable adverse impact on~~ **they are not likely to cause significant harm to** the integrity, character, appearance and function, biodiversity and geodiversity interests of sites of international, national and local importance, such that these proposals accord with the avoid, mitigate, compensate hierarchy. **Proposals in coastal locations that are considered likely to cause significant harm to Marine Conservation Zones should also accord with the avoid, mitigate and compensate hierarchy.**

1. International Sites

Minerals and/or waste proposals **(for planning permission, or allocation within the Minerals Sites Plan and any Waste Sites Plan),** ~~located within or~~ **that are** considered **to have a 'likely significant effect'** ~~to have any unacceptable adverse impact~~ **(either alone or in combination with other plans or projects)** on international designated sites, including Ramsar **sites**, Special Protection Areas and Special Areas of Conservation ('National Site Network' as defined by the Changes to the Habitats and Species Regulations 2017 and 'Habitat Sites' as defined by the NPPF), will need to be evaluated **as part of an 'appropriate assessment'** ~~in combination with other projects and plans~~ and be in accordance with established management objectives for the national sites network ('network objectives'). **Where an 'adverse effect on integrity' of an international designated site cannot be ruled out as a result of a proposal** ~~Before any such proposal will be granted planning permission or identified in the Minerals and Waste Sites Plan,~~ it will need to be demonstrated that:

- a. there are no alternatives;
- b. there is a robust case established as to why there are imperative reasons of overriding public interest; and
- c. there is sufficient provision for adequate timely compensation **before permission can be granted, or the allocation can be included within the Minerals Sites Plan and any Waste Sites Plan.**

2. National Sites

Designated National Landscapes have the highest status of protection in relation to landscape and scenic beauty. **When exercising or performing any functions in relation to, or so as to affect land, in a National Landscape, relevant authorities must seek to further the purpose of conserving and enhancing the natural beauty of the National Landscape.** ~~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 National Landscape 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 a National Landscape, great weight will be given to conserving and enhancing its landscape and scenic beauty. Proposals within the setting of a National Landscape should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.

Consideration of such applications will assess;

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

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

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

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

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

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

Minerals and/or waste proposals located within or considered likely to **cause loss or deterioration of** ~~have any unacceptable adverse impact on~~ irreplaceable habitat such as Ancient Woodland and ancient or veteran trees will not be granted planning permission or identified in updates to the Minerals Sites Plan and any Waste Sites Plan unless the need for, and the benefits of the development in that location clearly outweigh any loss, justified by wholly exceptional reasons, and a suitable compensation strategy is in place.

3. Local Sites

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

- a. Local Wildlife Sites;
- b. Local Nature Reserves;
- c. Priority Habitats and Species;
- d. land that is of regional or local importance as a wildlife corridor or for the conservation and enhancement of geodiversity and biodiversity;
- e. **habitats and species identified in the Kent Nature Partnership Biodiversity Strategy 2020 to 2045**
- ~~ef.~~ Local Geological Sites;
- ~~fg.~~ irreplaceable habitat including aged and veteran trees;
- ~~gh.~~ Country Parks, common land and village greens and other important areas of open space or green areas within built-up areas.
- ~~h.~~ Marine Conservation Zones

Policy DM 3 Ecological Impact Assessment

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

Proposals that are likely to have unacceptable adverse impacts upon important geodiversity and biodiversity assets **(as defined in Policy DM2)** will need to demonstrate that an adequate level of ecological assessment has been undertaken and should provide a positive contribution to the protection, enhancement, creation and management of biodiversity. Such proposals will only be granted planning permission following:

1. an ecological assessment of the site, including preliminary ecological appraisal and, where likely presence is identified, specific protected species surveys;
2. consideration of the **exceptional circumstances that clearly demonstrate the** need for, and benefits of, the development and the reasons for locating the development in its proposed location, **that clearly outweigh its impacts**;

3. **Where impacts cannot be avoided, the identification and securing of measures required to mitigate any adverse impacts (direct, indirect and cumulative) should be identified and appropriately secured;** and,
4. **finally, only as a last resort, the identification and securing of compensatory measures where adverse impacts cannot be avoided or mitigated for, then compensatory measures should be identified and secured.**

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

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

5. the following definition of Ancient Woodland should also be added to the Glossary:

‘An area that has been wooded continuously since at least 1600 AD. It includes ancient semi-natural woodland and plantations on ancient woodland sites (PAWS).’

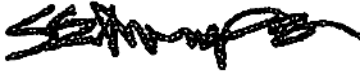
3.0 Agreement between the parties

3.1 This statement is agreed by NE's Senior Adviser (Sustainable Development) and KCC's Head of Planning Applications.



24th April 2024

Luke Hasler, Senior Adviser, Sussex and Kent Area Team, Natural England



25th April 2024

Sharon Thompson, Head of Planning Applications, Kent County Council

Appendix 1 – Natural England Response to Regulation 18 consultation, 16th February 2022.

Date: 16 February 2022
Our ref: 375407
Your ref: Kent CC Minerals and Waste Local Plan 2013-30 Review



Sharon Thompson
Head of Planning Applications
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BY EMAIL ONLY

Dear Sharon Thompson

**Planning consultation: Kent County Council Minerals and Waste Local Plan 2013-30 Review
Regulation 18 Consultation**

Thank you for your consultation on the above dated 16 December 2021 which was received by Natural England on the same date.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Please see below our comments on the Plan set out in Annex A.

Yours sincerely

Ella van der Klugt, Senior Advisor
Sustainable Development, Sussex and Kent

Annex A

We welcome the opportunity to comment on Kent County Council's Minerals and Waste Local Plan (KMWLP) 2013-30 Review.

General Comments

We welcome the updates to wording to reflect legislative changes following the departure of the UK from the European Union (EU) and changes brought about through The Environment Act 2021. We also welcome the increase in emphasis on reuse and recycling and circular economy principles to minimise waste.

Policy DM2 – Environmental and Landscape Sites of International, National and Local Importance

We welcome the continued presence of Policy DM 2 which sets out the approach that should be taken by proposals for minerals and/or waste development as regards impact on international, national and local importance. We note the updated wording to reflect changes to the National Planning Policy Framework and the Conservation of Habitats and Species Regulations 2017, and the inclusion of the Mitigation Hierarchy within the policy wording. We welcome in particular the addition of the word '*and*' which makes it clear that all three steps of the hierarchy must be addressed.

Policy CSW 17 - ~~Nuclear Waste Treatment and Storage Management~~ at Dungeness Nuclear Estate

The changes to policy CSW 17 propose updated wording to provide greater flexibility in the management of low level radioactive waste within the Dungeness Licensed Nuclear Estate in Kent. These changes add new wording to set out that (wording in red is the proposed additional wording):

*"...Landfill or landraise activities that use **low-level and very low-level** radioactive wastes, **or other inert waste**, within the nuclear licensed site will not be granted planning permission **unless it can be demonstrated that there is an overriding need for this development and that net gains in landscape and biodiversity can be achieved by the development and any environmental impacts be mitigated to an acceptable level.**"*

This change in wording would potentially allow landfill or land raise activities to take place proximate to the Dungeness, Romney Marsh and Rye Bay Ramsar site, Dungeness Special Area of Conservation (SAC), and Dungeness, Romney Marsh and Rye Bay Special Protection Area (SPA), which are protected by the Conservation of Habitats and Species Regulations 2017 (as amended). The Regulations require a 'competent authority' to carry out an assessment to test if a plan or project could significantly harm the designated features of the Habitat site.

Your Authority has set out in your Habitats Regulation Assessment (HRA) – Position Statement (December 2021) that it is likely that any review of the KMWLP Policy CSW 17 will require a Habitats Regulation Assessment (HRA) to determine if the proposed updated policy could result in any likely direct, or in combination, significant adverse effects on the SPA. While we agree that revision of this policy seems the most likely to have potential effects that require consideration under the Habitats Regulations we would advise that any future HRA sets out clearly and transparently why other Habitat sites / policies have been screened out. We would also like to point out that while the SPA may have recently been extended prior to the KMWLP being adopted we would expect to see any new HRA also

considering the potential for impacts on the Dungeness SAC and Ramsar site given the updated policy wording.

Natural England further draws attention to the recent [People Over Wind Ruling](#) by the Court of Justice of the European Union which concluded that, when interpreting article 6(3) of the Habitats Directive, it is not appropriate when determining whether or not a plan or project is likely to have a significant effect on a site and requires an appropriate assessment, to take account of measures intended to avoid or reduce the harmful effects of the plan or project on that site. The ruling also concluded that such measures can, however, be considered during an appropriate assessment to determine whether a plan or project will have an adverse effect on the integrity of the European site. Your Authority should have regard to this and may wish to seek its own legal advice to fully understand the implications of this ruling in this context.

It is a statutory requirement for competent authorities to consult Natural England for its views under regulation 61(3) when they are carrying out an Appropriate Assessment (AA) and to have regard to any representations that we may make. We would therefore expect to be consulted on any AA relating to this Plan.

Sustainability Appraisal (SA) Scoping Report

Due to pressure of time we have only briefly reviewed the contents of the SA Scoping Report and the updates to wording within the document. We have seen nothing there to raise any concerns but would encourage your Authority to flag to us if there are any particular aspects of this document where you would particularly appreciate our input at this stage.

Final Comments

We would welcome the opportunity to feed into further consultations on this plan, and to provide comments on the Regulation 19 version of the Plan and Sustainability Appraisal once these have been progressed. As noted above, we would expect to be consulted on any AA relating to this Plan.

**Appendix 2 – Natural England Response to second Regulation 18 consultation,
17th December 2022.**

Date: 17 December 2022
Our ref: 410439
Your ref: -



Sharon Thompson
Head of Planning Applications
Kent County Council

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Dear Sharon Thompson

**Town and County Planning (Local Planning) (England) Regulations 2012
Kent Minerals and Waste Local Plan 2013-30 (the Plan) Review
Regulation 18 Public Consultation**

Thank you for your consultation on the above dated 24 October 2022 and for allowing an extension of time for Natural England to provide our advice.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Natural England welcomes the opportunity to provide comments at this stage and given time constraints we have prioritised our comments to designated sites, protected landscapes and biodiversity and geodiversity matters within our statutory remit. The absence of comments at this stage should not be considered as there being no concerns in relation to the natural environment.

Natural England recommends that in the sites of 'National Importance' within Section 2.2.1 of the Plan Review, reference is made to Marine Conservation Zones as there may be implications for these sites from some of the proposals including the importation wharves, for example.

Natural England welcomes inclusion and consideration of the local nature recovery strategy within Section 2.2.7 and would recommend that as the plan moves towards Regulation 19, this text is updated to reflect any legislation and emerging guidance as this emerges. It would also seem appropriate for reference to the local nature recovery strategy to be referenced within the various policies where environmental enhancements are to be delivered or secured.

Natural England recommends that Figure 5 (Nationally Important Designations) is updated to include the Swanscombe Peninsula Site of Special Scientific Interest and the Marine Conservation Zones around the Kent coast. Boundary files for these are available at <https://naturalengland-defra.opendata.arcgis.com/>. In addition to the ancient woodland plan, it may also be appropriate to include details on priority habitats within Kent, the Priority Habitat Inventory (also available from our data sharing website) may help in preparing such a plan.

Natural England notes that Section 2.3.6 states that 'Historically, sharp sand and gravel deposits have been extracted along Kent's river valleys (River Terrace deposits) and in the Dungeness and Romney Marsh area (Storm Beach deposits). The permitted reserves have become are becoming depleted and are no longer a significant source of supply to meet objectively assessed needs as they historically once were'. Following the early partial review of the Plan and adoption in 2020, Natural England considers it may be appropriate to include detail in this section as to why further

mineral site allocations at Dungeness and Romney Marsh were not considered acceptable on ecological and geodiversity grounds.

The fifth bullet point in the 'Spatial Vision for Minerals and Waste in Kent' details that minerals and waste development will 'Seek to deliver a sustainable, steady and adequate supply of land-won minerals including aggregates, silica sand, crushed rock, brickearth, chalk and clay, building stone and minerals for cement manufacture'. Given the strong emphasis, following the early partial review, on a transition to marine won aggregates, in part due to the environmental impacts from further allocations at Dungeness, we consider that it may be appropriate for this text to be updated to reflect the change in balance to marine won and imported aggregates.

In relation to the Strategic Objectives for the Minerals and Waste Local Plan, the third bullet point could be strengthened by making reference to delivering a positive environmental outcome through biodiversity net gain and contribution to the local nature recovery strategy, for example. In addition, we consider that the ninth bullet point for minerals could also be significantly strengthened to ensure that restoration and aftercare plans deliver environmental benefits by removal of 'where possible' from this policy wording. We consider that 'After uses should conserve and improve local character and provide opportunities for biodiversity...' more closely aligns with the requirements of the National Planning Policy Framework and the wider aspirations within the Plan. We would also recommend that, in addition to the Biodiversity Opportunity Areas, reference is made to the local nature recovery strategy. Natural England would also support the strengthening of the policy wording within the fifteenth bullet point for waste development through the removal of the 'Where possible' wording and a reference to the local nature recovery strategy.

Whilst Natural England acknowledges that the starting point for identifying future supply needs for land-won sand and gravel is the expected need for materials during the plan period (Section 5.2.17), we consider that the environmental impacts of potential allocations should also be considered at the earliest stage possible. Natural England worked closely with the Council on the recent early partial review of the Plan which saw options outside of designated sites, which had a lesser environmental impact, being pursued to meet the County's mineral requirements. We would support a stronger reference to the environmental impacts for all potential allocations being referenced within the Plan.

Natural England considers that Policy CSM2 (Supply of Land-won minerals in Kent) should be significantly strengthened to ensure that sites designated for their landscape, geological and nature conservation interests are robustly considered. Section 6 of Policy CSM 2 refers only to the needs to undertake a Habitats Regulations Assessment when selecting and screening the suitability of sites for allocation. We would recommend that the Policy is amended to more fully reflect the protection afforded to the hierarchy of designated sites from international through to local as detailed within the National Planning Policy Framework. We would support the inclusion of a requirement for an assessment of impacts to Areas of Outstanding Natural Beauty, Sites of Species Scientific Interest and Marine Conservation Zones being referenced within the Policy. In addition, consideration of impacts to irreplaceable habitats, habitats and species of principal importance, protected species and other species and habitats of conservation concern should be considered when allocating sites. Those with the least environmental impact, whilst meeting the other requirements, should proceed to allocation in accordance with the 'avoid, mitigate, compensate' hierarchy within the National Planning Policy Framework.

Natural England considers that, as with our recommendations for strengthening the policy wording within CSM 2, stronger reference to the environmental impacts of non-identified land won mineral sites should be included within Policy CSM 4. Such consideration appears to have been included within Policies CSM 10 and CS W6, for example.

Natural England welcomes the consideration of air quality impacts for the Medway Estuary and Marshes and The Swale Special Protection Areas and Ramsar sites under Policy CSW 5 (Strategic site for waste). The air quality assessment will also need to consider potential impacts to the underpinning Sites of Special Scientific Interest which have a broader suite of notified features.

The reference to consideration of impacts to protected landscapes and designated sites in Policy CSW 6 (Location of built waste management facilities) is welcomed but, as detailed above, we would recommend that reference is also made to Marine Conservation Zones, which may be impacted by developments such as wharves (for example). The natural environment of Kent is rich and varied so in addition to the consideration of impacts to designated sites and areas of ancient woodland, we would recommend that reference is also made to habitats and species of principal importance, protected species and other habitats and species of conservation concern in Policy CSW 6. Such a strengthening of the Policy wording would more closely reflect the requirements of the National Planning Policy Framework.

Policy CSW 8 (Other recovery facilities for non-hazardous waste) includes proposals such as energy from waste developments. These have the potential to result in air quality impacts to nature conservation sites and habitats. Natural England recommends that reference is made to the need for such developments to avoid impacts to designated sites within the Policy wording.

Natural England supports the second bullet point of Policy CSW 9 (Non inert waste landfill in Kent) to ensure that environmental benefits will result from the development. However, we would recommend that the Policy is strengthened to ensure that environmental impacts are avoided or fully mitigated and the proposal also delivers environmental benefits.

Given the concerns expressed in relation to Policies CSW 6 and 9, in its current form Natural England considers that Policy CSW 12 (Hazardous waste management) could result in significant environmental impacts from hazardous waste proposals. As such, Natural England strongly recommends that Policies CSW 6 and 9 are strengthened as detailed above.

Natural England has significant concerns regarding the proposed amendments to Policy CSW 17 (Nuclear waste management at the Dungeness Nuclear Licensed Sites). The Dungeness licensed sites sit within an area of significant geomorphological and nature conservation interest of national and international importance. The licensed sites themselves fall in part within the Dungeness, Romney Marsh and Rye Bay Site of Special Scientific Interest and the Dungeness Special Area of Conservation. Any increase in activity within these licensed sites has the potential to have a likely significant effect upon the Special Area of Conservation and impact the Site of Special Scientific Interest. Natural England recommends that the policy wording is strengthened significantly to more closely reflect the requirements of the National Planning Policy Framework to ensure that impacts to the designated site are avoided or fully mitigated (rather than being 'mitigated to an acceptable level'). Any proposal will also be subject to a Habitats Regulations Assessment where a likely significant effect cannot be ruled out.

Having reviewed the accompanying Habitats Regulations Assessment to the Plan, Natural England remains concerned regarding the amendment to policy CSW 17. We consider much greater clarity on how the amendments to the policy wording could impact the designated sites and what additional activities this would permit above the consented activities is provided. This will allow a robust consideration of the potential implications from the amendments and a comprehensive Habitats Regulations Assessment to be undertaken. We would therefore welcome the opportunity to explore more fully the implications of the amendments to CSW 17 with the Council to ensure that the Policy wording is sufficiently robust to conserve and enhance the rich environment of the Dungeness designated sites.

The proposed amendments to point six of Policy DM 1 (Sustainable design) include the removal of biodiversity from the matters to be considered. Natural England recommends that the Policy includes specific reference to the sites of biodiversity and landscape value and how any development will avoid, fully mitigate or as a last resort compensate for any impacts to these assets. Such amendments would more closely reflect the requirements of the National Planning Policy Framework.

Natural England welcomes reference to the management objectives for designated sites within Policy DM 2 (Environmental and landscape sites of international, national and local importance) but

consider that the wording should be amended to more closely reflect the requirements of the National Planning Policy Framework. This details in Paragraph 180 that:

‘When determining planning applications, local planning authorities should apply the following principles:

- a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
- b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest’.

Policy DM 2 does not appear to fully reflect the strong presumption against developments which could impact designated sites nor the ‘avoid, mitigate, compensate’ hierarchy for international sites. The wording for Areas of Outstanding Natural Beauty and Sites of Special Scientific Interest more closely reflects the wording within the National Planning Policy Framework which we support. We would therefore recommend that the nature conservation wording is amended to more closely reflect the requirements in the National Planning Policy Framework and The Conservation of Habitats and Species Regulations 2017 (as amended).

The reference to irreplaceable habitats in Policy DM 2 is welcomed; as mentioned above Kent has a rich and varied natural environment and we would support reference to habitats and species of principal importance, protected species and other species and habitats of conservation concerns within Policy DM 2. Such an approach would more closely reflect the requirements of Paragraph 180(a) of the National Planning Policy Framework and ensure that the requirements of the Kent Biodiversity Strategy are incorporated. Whilst it is acknowledged that many of these are included within Policy DM 3, it may be appropriate for consistency for them to be referenced in both policies.

Natural England supports the requirements for robust impact assessments to accompany any application for minerals and waste developments and the addition of geodiversity to the policy wording is welcomed (Policy DM 3 Ecological impact assessment). The requirement for an ecological assessment will not necessarily ensure that geodiversity impacts are fully considered so we would recommend that an ecological and/or geological assessment (as appropriate) should accompany any application. Similarly, the requirement for a positive contribution to the conservation and enhancement of biodiversity is welcomed but the amended wording could be strengthened by also including geodiversity. The wording within Policy DM 3 does not appear to mirror the strong presumption against development within, or impacting, statutory designated sites and irreplaceable habitats contained within Policy DM 2 and the National Planning Policy Framework. The wording within Policy DM 3 suggests that providing impacts are avoided, mitigated or compensated then planning permission will be granted; the requirements within Policy DM 2 and the National Planning Policy Framework indicate that permission should only be granted in exceptional circumstances. We would therefore support the amendment of the policy wording to help avoid any potential for confusion.

Natural England welcomes the supporting text to Policy DM 13 (Transportation of minerals and waste) and the need to undertake an air quality assessment for Habitats Sites. There is also the requirement to consider potential impacts to the underpinning Sites of Special Scientific Interest where these are sensitive to air quality and we would recommend that this is reflected within the Plan. Natural England would also recommend that the air quality assessment will need to consider both the critical load and critical level in any air quality assessment (Sections 7.14.6 and 7.14.7).

Natural England welcomes the commitment to delivery of Kent Biodiversity Strategy targets and landscape enhancement within Policy DM 17 (Planning obligations). We would recommend that the

policy could be strengthened by reference to the local nature recovery strategy (point six) and the conservation and enhancement of notable habitats and species (point nine).

I hope these comments are helpful and we would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us. For any queries relating to the specific advice in this letter only please contact Sean Hanna on 0208 0266 064 or by email to sean.hanna@naturalengland.org.uk. For any new consultations, or to provide further information on this consultation please send these to consultations@naturalengland.org.uk.

Yours sincerely

Sean Hanna
Senior Adviser
Sussex and Kent Team

**Appendix 3 – Natural England Response to Regulation 18 consultation on
'Further Proposed Changes', 25th July 2023.**

Date: 25 July 2023
Our ref: 438127
Your ref: -



Sharon Thompson
Planning Applications Group
Kent County Council

Customer Services
Hornbeam House
Crewe Business Park
Electra Way
Crewe
Cheshire
CW1 6GJ

By email only, no hard copy to follow
mwlp@kent.gov.uk

T 0300 060 3900

Dear Sharon Thompson

Public Consultation on draft Kent Minerals and Waste Local Plan 2024-39 Further Proposed Changes Consultation Document (Regulation 18) and Public Consultation on draft Kent Mineral Sites Plan Including Details of Nominated Hard Rock Site (Regulation 18)

Thank you for your letters of the 13 June 2023 consulting Natural England on the above reviews of the Kent Minerals and Waste Plan.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Public Consultation on draft Kent Minerals and Waste Local Plan 2024-39 Further Proposed Changes Consultation Document (Regulation 18) and

Having reviewed the Regulation 18 Consultation draft dated May 2023, Natural England has no comments to make at present in relation to the proposed further changes.

Public Consultation on draft Kent Mineral Sites Plan Including Details of Nominated Hard Rock Site (Regulation 18)

Natural England has no comments to make at present in relation to the proposed amendments to the policy wording within the Regulation 18 consultation but is concerned that the proposed nominated site for hard rock at Hermitage Quarry (detailed within Section 4.8 and Appendix 1) is likely to result in significant environmental impacts should the site proceed as an allocation.

The location adjacent to the Oaken Wood Site of Special Scientific Interest (SSSI), within an area of ancient woodland and also within the setting of the Kent Downs Area of Outstanding Natural Beauty means that significant impacts are likely to result. Given the strong policy protection both within the National Planning Policy Framework and the adopted Kent Minerals and Waste Plan, Natural England would expect the Council to fully exhaust alternative means of securing the County's minerals requirements with no or a lesser environmental impact.

Oaken Wood Site of Special Scientific Interest

From the information provided within the Regulation 18 consultation, it is unclear whether the nominated site overlaps with the boundary of the Oaken Wood SSSI. If direct or indirect impacts to the SSSI are likely to result from the proposed nominated site, Natural England would expect the Council to fully exhaust all alternative means of delivering the County's hard rock requirements including the use of recycled material and consideration of alternative ways of meeting the need. Such an approach is in accordance with the National Planning Policy Framework (NPPF) which details in Section 17 (Facilitating the sustainable use of minerals), Paragraph 210 that planning

policies should:

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

f) set out criteria or requirements to ensure that permitted and proposed operations do not have unacceptable adverse impacts on the natural and historic environment or human health, taking into account the cumulative effects of multiple impacts from individual sites and/or a number of sites in a locality;'

In addition, Paragraph 211 details that:

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

b) ensure that there are no unacceptable adverse impacts on the natural and historic environment, human health or aviation safety, and take into account the cumulative effect of multiple impacts from individual sites and/or from a number of sites in a locality;'

Paragraph 180, in relation to designated sites, states that:

'b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;'

Policy DM2 of the adopted Kent Minerals and Waste Plan 2020¹ also provides strong policy protection for avoiding allocations which could damage a SSSI:

'2. National Sites

2.2 Proposals for minerals and/or waste developments within or outside of designated Sites of Special Scientific Interest, that are considered likely to have any unacceptable adverse impact on a Site of Special Scientific Interest, will not be granted planning permission or identified in the Minerals and Waste Sites Plans except in exceptional circumstances where it can be demonstrated that:

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

If the Council is minded to proceed with allocating the nominated site at Hermitage Quarry, we recommend that a detailed assessment of any direct and indirect impacts along with ways in which these will be avoided or fully mitigated should be provided as part of future iterations of the Plan and fully tested through the Sustainability Appraisal.

Ancient Woodland

The proposed nominated site falls partly within an area of replanted ancient woodland. Such irreplaceable ancient woodland habitat is afforded strong policy protection in the

¹ https://www.kent.gov.uk/_data/assets/pdf_file/0004/112585/Kent-Minerals-and-Waste-Local-Plan-2013-2030.pdf

NPPF as detailed within Section 180 which states that:

c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; ...

Policy DM2 of the adopted Kent Minerals and Waste Local Plan provides strong policy protection against allocating sites which could impact ancient woodland:

‘2.3 Minerals and/or waste proposals located within or considered likely to have any unacceptable adverse impact on Ancient Woodland will not be granted planning permission, or identified in the Minerals and Sites Plans, unless the need for, and the benefits of the development in that location clearly outweigh any loss.

Replanted woodlands on ancient woodland soils that contain the ancient woodland features, such as undisturbed soil, ground flora and fungi have the same policy protection as ancient semi-natural woodland mainly made up of trees and shrubs native to the site, usually arising from natural regeneration².

If the Council is minded to proceed with allocating the nominated site at Hermitage Quarry, we recommend that a detailed assessment of any direct and indirect impacts along with ways in which these will be avoided or mitigated should be provided as part of future iterations of the Plan and robustly tested through the Sustainability Appraisal.

As an irreplaceable habitat, it is not possible to compensate for the loss of ancient woodland which should be fully reflected within the Sustainability Appraisal and the draft development management criteria.

Kent Downs Area of Outstanding Natural Beauty

Given the size of the proposed nominated site, there are also potentially significant implications for the Kent Downs Area of Outstanding Natural Beauty with the site falling within its setting.

Paragraph 176 of the NPPF states that:

‘Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks and the Broads. The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.’

In addition, Policy DM2 of the adopted Plan details that:

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

²<https://www.gov.uk/guidance/ancient-woodland-ancient-trees-and-veteran-trees-advice-for-making-planning-decisions>

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

If the Council is minded to progress this nominated site, then a detailed assessment of any impact to the Kent Downs and the mitigation measures proposed should be provided as part of future iterations of the Plan and tested through the Sustainability Appraisal.

Soils

The Plan should give appropriate weight to the roles performed by the area's soils when considering the nominated site. These should be valued as a finite multi-functional resource which underpins our well-being and prosperity. Decisions about minerals development and restoration should take full account of the impact on soils, their intrinsic character and the sustainability of the many ecosystem services they deliver, for example:

1. Soil is a finite resource that fulfils many important functions and services (ecosystem services) for society; for instance as a growing medium for food, timber and other crops, as a store for carbon and water, as a reservoir of biodiversity and as a buffer against pollution. It is therefore important that the soil resources are protected and used sustainably. The [Natural Environment White Paper](#) (NEWP) *'The Natural Choice: securing the value of nature'* (Defra, June 2011), emphasises the importance of natural resource protection, including the conservation and sustainable management of soils, for example:
 - A Vision for Nature: 'We must protect the essentials of life: our air, biodiversity, soils and water, so that they can continue to provide us with the services on which we rely' (paragraph 2.5).
 - Safeguarding our Soils: 'Soil is essential for achieving a range of important ecosystem services and functions, including food production, carbon storage and climate regulation, water filtration, flood management and support for biodiversity and wildlife' (paragraph 2.60).
 - 'Protect 'best and most versatile' agricultural land' (paragraph 2.35).
2. The conservation and sustainable management of soils also is reflected in the [National Planning Policy Framework](#) (NPPF), particularly in paragraphs 170,171 and 204. When planning authorities are considering land use change, the permanency of the impact on soils is an important consideration. Particular care over planned changes to the most potentially productive soil is needed, for the ecosystem services it supports including its role in agriculture and food production. Plan policies should therefore take account of the impact on land and soil resources and the wide range of vital functions (ecosystem services) they provide in line with paragraph 118 of the NPPF, for example by:
 - Safeguarding the long term capability of best and most versatile agricultural land (Grades 1, 2 and 3a in the Agricultural Land Classification) as a resource for the future.
 - Not identifying new sites or extensions to existing sites for peat extraction.
 - Avoiding development that would disturb or damage other soils of high environmental value (eg ancient woodland soils), and, where development is proposed.
 - Ensuring soil resources are conserved and managed in a sustainable way.
3. To assist in understanding agricultural land quality within the plan area and to safeguard 'best and most versatile' agricultural land in line with paragraph 170 and 171 of the National Planning Policy Framework, strategic scale Agricultural Land Classification (ALC) Maps are available. Natural England also has an archive of more detailed ALC surveys for selected locations. Both these types of data can be supplied digitally free of charge by contacting Natural England. Some of this data is also available on the www.magic.gov.uk website. The planning authority should

ensure that sufficient site specific ALC survey data is available to inform decision making. For example, where no reliable information was available, it would be reasonable to expect that developers should commission a new ALC survey for any sites they wished to put forward for consideration in the Local Plan.

4. General mapped information on soil types, including peaty soils, is available as 'Soilscapes' on the www.magic.gov.uk and also from the LandIS website <http://www.landis.org.uk/index.cfm> which contains more information about obtaining soil data.
5. Where minerals underlie the best and most versatile agricultural land (Grades 1, 2 and 3a in the Defra ALC system) it is particularly important that restoration and aftercare preserve the long-term potential of the land as a national, high quality resource. Where alternative afteruses (such as forestry and some forms of amenity, including nature conservation) are proposed on the best and most versatile agricultural land, the methods used in restoration and aftercare should enable the land to retain its longer-term capability, thus remaining a high quality resource for the future.
6. Reclamation to non-agricultural uses does not mean that there can be any reduced commitment to high standards in the reclamation. Such reclamations require equal commitment by mineral operators, mineral planning authorities and any other parties involved to achieve high standards of implementation.
7. In line with the the [Planning Practice Guidance](#) to support the NPPF; we advise that a soil and ALC assessment should be carried out as part of the site selection process, (see Sections titled [Natural Environment - Brownfield Land, Soils and Agricultural Land](#) (Paras 025 & 026 refer) and [Assessing environmental impacts from minerals extraction](#) (Para 013). It should be noted that some of the potential sites may already have had such surveys carried out, for example by MAFF (see point 3 above), or by potential developers. These surveys can then be used to inform any subsequent soil moving and site restoration plans. Further information can be found in the Defra [Guidance for Successful Reclamation of Mineral and Waste sites](#) and [Good Practice Guide for Handling Soils](#).

Summary of advice

Based upon the information provided within the Regulation 18 consultation, Natural England is concerned that the nature and scale of the impacts and the ability to mitigate them within the draft Sustainability Appraisal may be underestimated. As ancient woodland is an irreplaceable habitat, it is not possible to compensate for direct loss of this habitat.

Given the significant direct and indirect impacts to the natural environment that the proposed nominated site at Hermitage Quarry is likely to have, we recommend that the Council should undertake a comprehensive and independent consideration of whether there are alternative sites or sources of material which will avoid or result in lesser environmental effects. This assessment should include alternative sites, including those outside of the County boundary and alternative sources such as recycled material. This assessment should include landscape, nature and geological conservation and soil considerations in addition to the socio-economic impacts.

Once this assessment has been undertaken, and if the Council considers there are exceptional circumstances that justify the allocation, and the site proceeds to allocation, the Sustainability Appraisal and proposed Development Management policies should be updated to reflect the results of the impact assessment and any mitigation and compensation measures proposed (whilst acknowledging that it is not possible to compensate for the loss of irreplaceable ancient woodland habitat).

Such an approach is in accordance with the 'avoid, mitigate, compensate' hierarchy within the NPPF. Without such an assessment, the Minerals Plan may be unsound if it is not in accordance with the NPPF.

I trust these comments are helpful. Should you have any queries regarding this letter please do not hesitate to contact me by telephone on 0208 0266 064 or by email to sean.hanna@naturalengland.org.uk.

Yours sincerely

Sean Hanna
Sussex and Kent Area Team

Appendix 4 – Natural England Representation in response to publication of Regulation 19 ‘Pre-Submission’ Plan, dated 29th February 2024.

Date: 29th February 2024
Our ref: 464024



Minerals and Waste Planning Policy
Planning Applications Group
Invicta House
Maidstone
Kent
ME14 1XX

Customer Services
Hornbeam House
Crewe Business Park
Electra Way
Crewe
Cheshire
CW1 6GJ

T 0300 060 3900

BY EMAIL ONLY

To whom it may concern,

Planning consultation: Draft Kent Minerals and Waste Local Plan Update 2024-2039 - Regulation 19

Thank you for your consultation on the above dated 17th January 2024 which was received by Natural England on 17th January 2024.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Natural England welcomes the opportunity to provide our comments on the draft Regulation 19 Kent Minerals and Waste Local Plan Update (2024 – 2039). A copy of our comments can be found within the provided proforma document, as appended to this letter. We have only provided comments on policies within our remit, and those that we believe to be unsound. Where we have considered certain policies to be unsound, we have provided comments and amendments that we believe would help to ensure that the Local Plan update and the policies contained within can be considered as being sound.

Habitats Regulations Assessment

The submitted appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the European sites considered within the Plan area. Having considered the assessment, Natural England advises that we concur with the assessment conclusions and that an adverse effect on integrity can be ruled out.

Sustainability Appraisal

Having reviewed the submitted Sustainability Appraisal, Natural England can confirm that we have no comments to make on it.

Further general advice on the consideration of protected species and other natural environment issues is provided at Annex A. Should the proposal change, please consult us again.

If you have any queries relating to the advice in this letter please contact me at luke.hasler@naturalengland.org.uk

Yours sincerely,

Luke Hasler
Sussex & Kent Area Team

Representation Form

We welcome your comments on the Pre-Submission Draft of the Kent Minerals and Waste Local Plan 2024-39.

We have provided this form to help you tell us your views on soundness and legal compliance of the draft Plan. Your responses will form part of the submission of the draft Kent Minerals and Waste Local Plan 2024-39 to the Secretary of State for Independent Examination. Once completed this form can be uploaded online at www.kent.gov.uk/mineralsandwaste

If you are unable to upload the form online, please complete this Word/paper form and return it to:

Email: mwlp@kent.gov.uk

Address: Minerals and Waste Planning Policy Team, Planning Applications Group, Invicta House, Maidstone, Kent, ME14 1XX

Please ensure your response reaches us by midnight on Thursday 29 February 2024. Please note that responses received after this deadline will not be considered.

What information do you need before completing the questionnaire?

Before commenting on the Pre-Submission Draft of the Kent Minerals and Waste Local Plan 2024-39, we would strongly recommend that you read the [Guidance on making a Representation](#), the [Statement of Representations Procedure](#) and consultation documents. This consultation specifically invites comments on soundness and legal compliance and the guidance note explains the soundness tests and statutory plan making requirements relevant to this consultation.

Please note: There will not be any other opportunities to make further representations or provide evidence following this consultation. Please include all the information, evidence and supporting information necessary to support or justify your response and any suggested change(s) to the Plan. After this stage, further submissions will only be invited at the request of the Planning Inspector, based on the matters and issues he/she identifies for examination.

Full responses will be submitted to the Planning Inspector appointed by the Secretary of State for Independent Examination. A summary of the responses will be made publicly available on our website with all personal data removed. Please read our privacy statement below for further details.

You may also find it helpful to read our [Frequently Asked Questions](#).

Privacy: Kent County Council (KCC) collects and processes personal information in order to provide a range of public services. KCC respects the privacy of individuals and endeavours to ensure personal information is collected fairly, lawfully, and in compliance with the General Data Protection Regulation and Data Protection Act 2018. Read the full Privacy Notice at the end of this document.

Alternative formats: If you require any of the consultation material in an alternative format or language, please email: alternativeformats@kent.gov.uk or call: 03000 42 15 53 (text relay service number: 18001 03000 42 15 53). This number goes to an answering machine, which is monitored during office hours.

Section A - Personal Information

Q1. Please tell us in what capacity you are completing this form:

Please select one option.

- | | |
|-------------------------------------|--|
| <input type="checkbox"/> | As an individual |
| <input type="checkbox"/> | On behalf of someone else |
| <input checked="" type="checkbox"/> | On behalf of an organisation / affiliation |

Q1a. Please tell us your name or the person you are responding on behalf of:

Please provide a first and last name. Please write in below.

Luke Hasler

Q1b. Please tell us the name of your organisation / affiliation (if relevant):

Please write in below.

Natural England

Q1c. Please provide details of who should be contacted regarding this response:

Please include an address, phone number and email address in the box below.

Name: Luke Hasler

Email: luke.hasler@naturalengland.org.uk

Address: Natural England, International House, Dover Place, Ashford, TN23 1HU

Section B - Representation

Q2. Which part of the draft Kent Minerals and Waste Local Plan 2024-39 or element of its preparation does this representation relate to? Please be specific in terms of paragraph numbers and document title. Please tell us in the box below.

CSM 8 – Secondary and Recycled Aggregates

Q2a. Do you consider this part of the draft Kent Minerals and Waste Local Plan 2024-39 or element of its preparation to be legally compliant? Select one option.

Yes

No

Don't Know

Q2b. Do you consider this part of the draft Kent Minerals and Waste Local Plan 2024-39 or element of its preparation to be sound? Select one option.

Yes

No

Don't Know

The Inspector must be satisfied that the Local Plan meets four soundness requirements: is 'positively prepared', is 'justified', 'effective' and 'consistent with national policy'. In the [Guidance on making a Representation](#) document you will find explanations on each of these four requirements and how they need to be met.

Q2c. If you consider the draft Kent Minerals and Waste Local Plan 2024-39 to be unsound, please select the reason for this: Please select all that apply.

Positively prepared

Justified

Effective

Consistent with national policy

On the following pages, please explain why you think this part of the Plan is unsound or not legally compliant, and set out any changes you feel should be made to this part of the Plan to make the Plan sound and legally compliant.

Q2d. If you consider the draft Kent Minerals and Waste Local Plan 2024-39 to be unsound and/or not legally compliant, please explain why in the box below.

Please be precise and give as much detail as possible.

Natural England considers that the inclusion of the word 'unacceptable' is ambiguous and does not provide sufficient clarity as to how environmental impacts will be robustly assessed as being either acceptable or unacceptable. Furthermore, we would advise that the current policy wording could imply that there may be instances when 'acceptable' impacts to biodiversity may still occur without having been dealt with in line with mitigation hierarchy i.e., being avoided in the first instance. As such, we believe that in its current form the policy wording is contrary to Paragraph 186a of the National Planning Policy Framework, wherein significant harm to biodiversity resulting from a development should be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for.

When assessing proposals for additional capacity and/or aggregate production, a robust consideration should be made of the potential environmental impacts (in line with the mitigation hierarchy). Natural England is concerned that the current policy wording may facilitate a continuation of adverse impacts to biodiversity assets where they occur, because they had previously been considered to be 'acceptable' when originally permitted. Instead, we would advise that all proposed developments should be assessed against the best-available evidence and recent survey data, where applicable.

Furthermore, the current policy wording could give rise to new development that has adverse impacts (even if it is 'no worse' than the current situation), without having been properly assessed against the principles outlined within Paragraph 186 of the National Planning Policy Framework and/or the exceptional circumstances tests outlined within it. We would therefore advise that the policy wording should be amended to ensure that it accurately reflects the National Planning Policy Framework, and ensures that potential future impacts are first avoided, then mitigated for, and as a last resort, compensated for.

Q3. Please explain in the box below what change(s) you consider necessary to make the draft Kent Minerals and Waste Local Plan 2024-39 legally compliant and/or sound.

Please be precise as possible and explain why this change(s) would make the draft Local Plan legally compliant and sound. Please also include in your response any suggested revised wording you feel is necessary.

In order to make the Plan sound, Natural England would recommend the following changes to the policy wording:

Secondary and Recycled Aggregates

Processing capacity will be maintained to allow the production of at least 2.7 million tonnes per annum or the productive capacity value in the latest Local Aggregate Assessment (whichever is the greater) of secondary and recycled aggregates, throughout the Plan period.

Proposals for additional capacity for secondary and recycled aggregate production including those relating to the expansion of capacity at existing facilities that increases the segregation and hence end product range/quality achieved, will be granted planning permission if they are well located in relation to the source of input materials or need for output materials, have good transport infrastructure links and accord with the other relevant policies in the development plan, at the following types of sites:

- 1. temporary demolition, construction, land reclamation and regeneration projects and highways developments where materials are either generated or to be used in the project or both for the duration of the project (as defined by the planning permission)*
- 2. appropriate mineral operations (including wharves and rail depots) for the duration of the host site permission.*
- 3. appropriate waste management operations for the duration of the host site permission.*
- 4. industrial estates, where the proposals are compatible with other policies set out in the development plan including those relating to employment and regeneration.*
- 5. any other type of site that meets the requirements cited in the second paragraph of this policy above.*

The term 'appropriate' in this policy is defined in terms of the proposal demonstrating that it will not give rise to unacceptable adverse impacts on communities or the environment as a whole ~~ever and above the levels that had been considered to be acceptable for the host site when originally permitted without the additional facility.~~

Planning permission will be granted to re-work old inert landfills and dredging disposal sites to produce replacement aggregate material where it is demonstrated that net gains in landscape, biodiversity or amenity can be achieved by the operation and

*environmental impacts ~~can be~~ **are avoided in the first instance, or where not possible, fully** mitigated to an acceptable level.*

Q4. If you support the draft Kent Minerals and Waste Local Plan 2024-39, and wish to make any comments to that affect, please use the box below.

The Planning Inspector will determine whether hearing sessions are required. If they are, he/she will also decide the most appropriate procedure to hear from those who have indicated that they wish to participate at the hearing sessions during the examination.

Q5. Do you consider it necessary to attend and give evidence at any hearing sessions during the examination? Select one option.

- Yes, I wish to speak to the Inspector at any hearing sessions
- No, I wish to communicate through written representations
- Don't know

Q5a. If you wish to participate at the hearing sessions during the examination, please outline why you consider this to be necessary in the box below:

Q2. Which part of the draft Kent Minerals and Waste Local Plan 2024-39 or element of its preparation does this representation relate to? Please be specific in terms of paragraph numbers and document title. Please tell us in the box below.

CSM 9 – Building Stone in Kent

Q2a. Do you consider this part of the draft Kent Minerals and Waste Local Plan 2024-39 or element of its preparation to be legally compliant? Select one option.

Yes

No

Don't Know

Q2b. Do you consider this part of the draft Kent Minerals and Waste Local Plan 2024-39 or element of its preparation to be sound? Select one option.

Yes

No

Don't Know

The Inspector must be satisfied that the Local Plan meets four soundness requirements: is 'positively prepared', is 'justified', 'effective' and 'consistent with national policy'. In the [Guidance on making a Representation](#) document you will find explanations on each of these four requirements and how they need to be met.

Q2c. If you consider the draft Kent Minerals and Waste Local Plan 2024-39 to be unsound, please select the reason for this: Please select all that apply.

Positively prepared

Justified

Effective

Consistent with national policy

On the following pages, please explain why you think this part of the Plan is unsound or not legally compliant, and set out any changes you feel should be made to this part of the Plan to make the Plan sound and legally compliant.

Q2d. If you consider the draft Kent Minerals and Waste Local Plan 2024-39 to be unsound and/or not legally compliant, please explain why in the box below.

Please be precise and give as much detail as possible.

Natural England considers that the inclusion of the word 'unacceptable' is ambiguous and does not provide sufficient certainty as to how environmental impacts will be robustly assessed as being either acceptable or unacceptable. Furthermore, we advise that the current policy wording could imply that there may be instances when 'acceptable' impacts to biodiversity may still occur without having been dealt with in line with mitigation hierarchy i.e., being avoided in the first instance. As such, we believe that in its current form the policy wording is contrary to Paragraph 186a of the National Planning Policy Framework, wherein significant harm to biodiversity resulting from a development should be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for.

Q3. Please explain in the box below what change(s) you consider necessary to make the draft Kent Minerals and Waste Local Plan 2024-39 legally compliant and/or sound.

Please be precise as possible and explain why this change(s) would make the draft Local Plan legally compliant and sound. Please also include in your response any suggested revised wording you feel is necessary.

In order to make the Plan sound, Natural England would recommend the following changes to the policy wording:

Building Stone in Kent

Planning permission will be granted for proposals that are needed to provide a supply of local building stone necessary for restoration work associated with the maintenance of historic buildings and structures and new build projects, subject to:

1. *Development taking place in appropriate locations where the proposals do not have ~~unacceptable~~ adverse impacts on the local environment and communities,; and*
2. *There being no other suitable, sustainable sources of the stone available.*

Q4. If you support the draft Kent Minerals and Waste Local Plan 2024-39, and wish to make any comments to that affect, please use the box below.

The Planning Inspector will determine whether hearing sessions are required. If they are, he/she will also decide the most appropriate procedure to hear from those who have indicated that they wish to participate at the hearing sessions during the examination.

Q5. Do you consider it necessary to attend and give evidence at any hearing sessions during the examination? Select one option.

- Yes, I wish to speak to the Inspector at any hearing sessions
- No, I wish to communicate through written representations
- Don't know

Q5a. If you wish to participate at the hearing sessions during the examination, please outline why you consider this to be necessary in the box below:

Q2. Which part of the draft Kent Minerals and Waste Local Plan 2024-39 or element of its preparation does this representation relate to? Please be specific in terms of paragraph numbers and document title. Please tell us in the box below.

CSM 10 – Oil, Gas and Unconventional Hydrocarbons

Q2a. Do you consider this part of the draft Kent Minerals and Waste Local Plan 2024-39 or element of its preparation to be legally compliant? Select one option.

Yes
 No
 Don't Know

Q2b. Do you consider this part of the draft Kent Minerals and Waste Local Plan 2024-39 or element of its preparation to be sound? Select one option.

Yes
 No
 Don't Know

The Inspector must be satisfied that the Local Plan meets four soundness requirements: is 'positively prepared', is 'justified', 'effective' and 'consistent with national policy'. In the [Guidance on making a Representation](#) document you will find explanations on each of these four requirements and how they need to be met.

Q2c. If you consider the draft Kent Minerals and Waste Local Plan 2024-39 to be unsound, please select the reason for this: Please select all that apply.

- Positively prepared
- Justified
- Effective
- Consistent with national policy

On the following pages, please explain why you think this part of the Plan is unsound or not legally compliant, and set out any changes you feel should be made to this part of the Plan to make the Plan sound and legally compliant.

Q2d. If you consider the draft Kent Minerals and Waste Local Plan 2024-39 to be unsound and/or not legally compliant, please explain why in the box below.

Please be precise and give as much detail as possible.

Natural England considers that the current policy wording does not conform with Paragraph 186a of the National Planning Policy Framework and the mitigation hierarchy, wherein significant harm to biodiversity resulting from a development should first be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for. It is Natural England's opinion that the use of the word 'minimise' instead of 'avoid' indicates that impacts will not be avoided in the first instance; and that it also infers that there may be residual impacts that are not wholly addressed. We would advise that all impacts should be fully addressed in line with the mitigation hierarchy i.e., avoid, then mitigate, and as a last resort, compensate.

Natural England considers that the use of the word 'unacceptable' is ambiguous and does not provide sufficient certainty as to how environmental impacts will be robustly assessed as being either acceptable or unacceptable. Furthermore, we would advise that the current policy wording could imply that there may be instances when 'acceptable' impacts to biodiversity may still occur without having been fully considered in line with mitigation hierarchy i.e., being avoided in the first instance.

Natural England advise that inclusion of the word 'practicable' appears contrary to Paragraph 182 of the National Planning Policy Framework wherein development should avoid or minimise adverse impacts to nationally designated landscapes. Whilst we support the need to restore any affected land to a high-quality and appropriate after-use that reflects the local landscape character, we consider that the inclusion of the word 'practicable' may lead to the duration of adverse landscape impacts being extended, rather than being minimised.

Q3. Please explain in the box below what change(s) you consider necessary to make the draft Kent Minerals and Waste Local Plan 2024-39 legally compliant and/or sound.

Please be precise as possible and explain why this change(s) would make the draft Local Plan legally compliant and sound. Please also include in your response any suggested revised wording you feel is necessary.

In order to make the Plan sound, Natural England would recommend the following changes to the policy wording:

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

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

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

Q4. If you support the draft Kent Minerals and Waste Local Plan 2024-39, and wish to make any comments to that affect, please use the box below.

The Planning Inspector will determine whether hearing sessions are required. If they are, he/she will also decide the most appropriate procedure to hear from those who have indicated that they wish to participate at the hearing sessions during the examination.

Q5. Do you consider it necessary to attend and give evidence at any hearing sessions during the examination? Select one option.

- Yes, I wish to speak to the Inspector at any hearing sessions
- No, I wish to communicate through written representations
- Don't know

Q5a. If you wish to participate at the hearing sessions during the examination, please outline why you consider this to be necessary in the box below:

Q2. Which part of the draft Kent Minerals and Waste Local Plan 2024-39 or element of its preparation does this representation relate to? Please be specific in terms of paragraph numbers and document title. Please tell us in the box below.

CSM 11 – Prospecting for Carboniferous Limestone

Q2a. Do you consider this part of the draft Kent Minerals and Waste Local Plan 2024-39 or element of its preparation to be legally compliant? Select one option.

Yes

No

Don't Know

Q2b. Do you consider this part of the draft Kent Minerals and Waste Local Plan 2024-39 or element of its preparation to be sound? Select one option.

Yes

No

Don't Know

The Inspector must be satisfied that the Local Plan meets four soundness requirements: is 'positively prepared', is 'justified', 'effective' and 'consistent with national policy'. In the [Guidance on making a Representation](#) document you will find explanations on each of these four requirements and how they need to be met.

Q2c. If you consider the draft Kent Minerals and Waste Local Plan 2024-39 to be unsound, please select the reason for this: Please select all that apply.

Positively prepared

Justified

Effective

Consistent with national policy

On the following pages, please explain why you think this part of the Plan is unsound or not legally compliant, and set out any changes you feel should be made to this part of the Plan to make the Plan sound and legally compliant.

Q2d. If you consider the draft Kent Minerals and Waste Local Plan 2024-39 to be unsound and/or not legally compliant, please explain why in the box below.

Please be precise and give as much detail as possible.

As per the supporting text for this policy, it is understood that the location of the underground limestone resource is in the vicinity of calcareous grassland, which is an important habitat, being registered with both the national and Kent Biodiversity Action Plans (BAPs) and as a Habitat of Principal Importance under the Natural Environment and Rural Communities Act 2006. Furthermore, there are also Habitat sites, SSSIs and Local Wildlife Sites within the Plan area.

Whilst Natural England notes that a new site has not been identified within this Plan, and that the East Kent Limestone mine has not been progressed for a significant period of time, we would advise that – given the importance of calcareous grassland, both as a Habitat of Principal Importance – and as a feature of statutory designated sites within the Plan area, we would advise that the policy should be updated to reflect its importance. We would therefore advise that any prospecting for Carboniferous Limestone should be considered in line with the principles outlined within Paragraph 186 of the National Planning Policy Framework.

Q3. Please explain in the box below what change(s) you consider necessary to make the draft Kent Minerals and Waste Local Plan 2024-39 legally compliant and/or sound.

Please be precise as possible and explain why this change(s) would make the draft Local Plan legally compliant and sound. Please also include in your response any suggested revised wording you feel is necessary.

In order to make the Plan sound, Natural England would recommend the following changes to the policy wording:

Prospecting for Carboniferous Limestone

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

Suitable locations can be defined as those that have been considered and assessed in-line with the mitigation hierarchy (Paragraph 186a of the National Planning Policy Framework).

Q4. If you support the draft Kent Minerals and Waste Local Plan 2024-39, and wish to make any comments to that affect, please use the box below.

The Planning Inspector will determine whether hearing sessions are required. If they are, he/she will also decide the most appropriate procedure to hear from those who have indicated that they wish to participate at the hearing sessions during the examination.

Q5. Do you consider it necessary to attend and give evidence at any hearing sessions during the examination? Select one option.

- | | |
|-------------------------------------|---|
| <input type="checkbox"/> | Yes, I wish to speak to the Inspector at any hearing sessions |
| <input checked="" type="checkbox"/> | No, I wish to communicate through written representations |
| <input type="checkbox"/> | Don't know |

Q5a. If you wish to participate at the hearing sessions during the examination, please outline why you consider this to be necessary in the box below:

Q2. Which part of the draft Kent Minerals and Waste Local Plan 2024-39 or element of its preparation does this representation relate to? Please be specific in terms of paragraph numbers and document title. Please tell us in the box below.

CSM 12 – Sustainable Transport of Minerals

Q2a. Do you consider this part of the draft Kent Minerals and Waste Local Plan 2024-39 or element of its preparation to be legally compliant? Select one option.

Yes
 No
 Don't Know

Q2b. Do you consider this part of the draft Kent Minerals and Waste Local Plan 2024-39 or element of its preparation to be sound? Select one option.

Yes
 No
 Don't Know

The Inspector must be satisfied that the Local Plan meets four soundness requirements: is 'positively prepared', is 'justified', 'effective' and 'consistent with national policy'. In the [Guidance on making a Representation](#) document you will find explanations on each of these four requirements and how they need to be met.

Q2c. If you consider the draft Kent Minerals and Waste Local Plan 2024-39 to be unsound, please select the reason for this: Please select all that apply.

- Positively prepared
- Justified
- Effective
- Consistent with national policy

On the following pages, please explain why you think this part of the Plan is unsound or not legally compliant, and set out any changes you feel should be made to this part of the Plan to make the Plan sound and legally compliant.

Q2d. If you consider the draft Kent Minerals and Waste Local Plan 2024-39 to be unsound and/or not legally compliant, please explain why in the box below.

Please be precise and give as much detail as possible.

Natural England advise that the current policy wording does not appear to consider Paragraphs 180 – 188 of the National Planning Policy Framework (impacts to the natural and local environment). We would advise that planning permission should only be granted where a proposed development has been assessed against – and is found to be consistent with – relevant environmental policies.

Whilst we support the overall ambition of this Policy to identify and revive sustainable methods of transport within the Plan Area, we do not currently feel that sufficient consideration is currently given within this policy to the potential impacts to statutory designated sites that could arise from the provision of both new transport infrastructure and/or their associated transport corridors. As such, we would reiterate that this ambition should not be delivered without due regard to the relevant environmental policies enshrined within National Policy and/or legislation.

Q3. Please explain in the box below what change(s) you consider necessary to make the draft Kent Minerals and Waste Local Plan 2024-39 legally compliant and/or sound.

Please be precise as possible and explain why this change(s) would make the draft Local Plan legally compliant and sound. Please also include in your response any suggested revised wording you feel is necessary.

In order to make the Plan sound, Natural England would recommend the following changes to the policy wording:

Sustainable Transport of Minerals

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

- 1. They are well located in relation to the Key Arterial Routes across Kent; and*
- 2. The proposals are compatible with other local employment, **environmental** and regeneration policies set out in the development plan.*

Q4. If you support the draft Kent Minerals and Waste Local Plan 2024-39, and wish to make any comments to that affect, please use the box below.

The Planning Inspector will determine whether hearing sessions are required. If they are, he/she will also decide the most appropriate procedure to hear from those who have indicated that they wish to participate at the hearing sessions during the examination.

Q5. Do you consider it necessary to attend and give evidence at any hearing sessions during the examination? Select one option.

- Yes, I wish to speak to the Inspector at any hearing sessions
- No, I wish to communicate through written representations
- Don't know

Q5a. If you wish to participate at the hearing sessions during the examination, please outline why you consider this to be necessary in the box below:

Q2. Which part of the draft Kent Minerals and Waste Local Plan 2024-39 or element of its preparation does this representation relate to? Please be specific in terms of paragraph numbers and document title. Please tell us in the box below.

CSW 6 – Location of Built Waste Management Facilities

Q2a. Do you consider this part of the draft Kent Minerals and Waste Local Plan 2024-39 or element of its preparation to be legally compliant? Select **one** option.

Yes

No

Don't Know

Q2b. Do you consider this part of the draft Kent Minerals and Waste Local Plan 2024-39 or element of its preparation to be sound? Select **one** option.

Yes

No

Don't Know

The Inspector must be satisfied that the Local Plan meets four soundness requirements: is 'positively prepared', is 'justified', 'effective' and 'consistent with national policy'. In the [Guidance on making a Representation](#) document you will find explanations on each of these four requirements and how they need to be met.

Q2c. If you consider the draft Kent Minerals and Waste Local Plan 2024-39 to be unsound, please select the reason for this: Please select all that apply.

Positively prepared

Justified

Effective

Consistent with national policy

On the following pages, please explain why you think this part of the Plan is unsound or not legally compliant, and set out any changes you feel should be made to this part of the Plan to make the Plan sound and legally compliant.

Q2d. If you consider the draft Kent Minerals and Waste Local Plan 2024-39 to be unsound and/or not legally compliant, please explain why in the box below.

Please be precise and give as much detail as possible.

Natural England does not consider that the inclusion of the word 'significant' (in reference to internationally and nationally designated sites) accurately reflects the mitigation hierarchy as included within the Paragraph 186a of the National Planning Policy Framework, wherein significant harm to biodiversity resulting from a development should be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for. It is our opinion that the current policy wording indicates that there is a presumption in favour of mitigating and compensating for adverse impacts rather than avoiding them in the first instance.

With regard to the use of the word 'significant' (in the context of National Landscapes, previously known as AONBs), Natural England advise that the current policy wording may be contrary to the recent duty on relevant authorities (as enshrined within the Levelling-up and Regeneration Act 2023) to "*further the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty*" when exercising their functions. Furthermore, we advise that it may also be contrary to Paragraph 182 of the National Planning Policy Framework which states that development should be sensitively located and designed to avoid or minimise adverse impacts on designated areas. We would advise that the current policy wording could imply that there is a presumption in favour of mitigating for 'significant' adverse impacts rather than avoiding them in the first instance.

Paragraph 186c of the National Planning Policy Framework states that "*development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons, and a suitable compensation strategy exists*". It is our opinion that the Policy wording in its current form could give rise to what are deemed to be 'insignificant' adverse impacts on ancient woodland. We would however advise that this appears to be contrary to the National Planning Policy Framework wherein development that results in a deterioration (or a loss) of irreplaceable habitats such as ancient woodland should be refused, unless there are wholly exceptional circumstances. We would therefore not consider it possible to assess either a loss or deterioration of an irreplaceable habitat to be insignificant. The National Planning Policy Framework also defines ancient woodland as "*ancient semi-natural woodland and plantations on ancient woodland sites*". We would therefore advise that this definition should be included within this policy for the avoidance of doubt and to ensure its protection.

Natural England considers that the inclusion of the word 'unacceptable' is ambiguous and does not provide sufficient certainty as to how environmental impacts will be robustly assessed as being either acceptable or unacceptable. Furthermore, we

consider that the current policy wording could imply that there may be instances when 'acceptable' impacts to biodiversity may still occur without having been dealt with in line with mitigation hierarchy i.e., being avoided in the first instance. As per our comments above, we would reiterate that impacts to biodiversity should be avoided in the first instance, then mitigated, and finally, compensated for.

Q3. Please explain in the box below what change(s) you consider necessary to make the draft Kent Minerals and Waste Local Plan 2024-39 legally compliant and/or sound.

Please be precise as possible and explain why this change(s) would make the draft Local Plan legally compliant and sound. Please also include in your response any suggested revised wording you feel is necessary.

In order to make the Plan sound, Natural England would recommend the following changes to the policy wording:

Location of Built Waste Management Facilities

Planning permission will be granted for proposals that:

- a) *Do not give rise to ~~significant~~ adverse impacts upon national and international designated sites, including designated National Landscapes Areas of Outstanding Natural Beauty (AONB), Sites of Special Scientific Interest (SSSI), Special Areas of Conservation (SAC), Special Protection Areas (SPAs), Ramsar sites, and heritage assets. (See Figures 4, 5 & 6). **Development within a National Landscape must also seek to further the purpose of conserving and enhancing the natural beauty of the site.***
- b) *do not give rise to ~~significant~~ adverse impacts upon Local Wildlife Sites (LWS), Local Nature Reserves (LNR), Ancient Woodland (**including ancient semi-natural woodland and plantations on ancient woodland sites (PAWS)**), Air Quality Management Areas (AQMA) and groundwater resources. (See Figures 7, 8, 10 & 15)*
- c) *are well located in relation to Kent's Key Arterial Routes, and/or railheads and wharves avoiding proposals which would give rise to unacceptable adverse impacts on local roads and/or villages.*
- d) *do not represent inappropriate development in the Green Belt.*
- e) *avoid Groundwater Source Protection Zone.*
- f) *avoid Flood Risk Zone 3b76.*

- g) 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.*
- h) for energy producing facilities - sites are in proximity to existing or planned heat users.*
- 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.*
- j) for facilities involving operations that may give rise to bioaerosols (e.g. composting) to locate at least 250m away from any potentially sensitive receptors.*

Where it is demonstrated that waste will be dealt with further up the hierarchy, or it is replacing capacity lost at existing sites, facilities that satisfy the relevant criteria above on land in the following locations will be granted consent, providing there is no ~~unacceptable~~ adverse impact on the environment and communities and where such uses are compatible with the development plan:

- 1. within or adjacent to an existing mineral development or waste management use*
- 2. forming part of a new major development for B8 employment or mixed uses*
- 3. within existing industrial estates*
- 4. other previously developed, contaminated or derelict land not allocated for another use*
- 5. redundant agricultural and forestry buildings and their curtilages*
- 6. within farm units where the proposal is for composting or anaerobic digestion and the compost / digestate is to be used within that unit.*

Proposals on greenfield land will only be permitted if it can be demonstrated that there are no suitable locations identifiable from categories 1 to 6 above within the intended catchment area of waste arisings. Particular regard will be given to whether the nature of the proposed waste management activity requires an isolated location.

Q4. If you support the draft Kent Minerals and Waste Local Plan 2024-39, and wish to make any comments to that effect, please use the box below.

The Planning Inspector will determine whether hearing sessions are required. If they are, he/she will also decide the most appropriate procedure to hear from those who have indicated that they wish to participate at the hearing sessions during the examination.

Q5. Do you consider it necessary to attend and give evidence at any hearing sessions during the examination? Select one option.

- Yes, I wish to speak to the Inspector at any hearing sessions
- No, I wish to communicate through written representations
- Don't know

Q5a. If you wish to participate at the hearing sessions during the examination, please outline why you consider this to be necessary in the box below:

Q2. Which part of the draft Kent Minerals and Waste Local Plan 2024-39 or element of its preparation does this representation relate to? Please be specific in terms of paragraph numbers and document title. Please tell us in the box below.

DM 1 – Sustainable Design

Q2a. Do you consider this part of the draft Kent Minerals and Waste Local Plan 2024-39 or element of its preparation to be legally compliant? Select one option.

Yes
 No
 Don't Know

Q2b. Do you consider this part of the draft Kent Minerals and Waste Local Plan 2024-39 or element of its preparation to be sound? Select one option.

Yes
 No
 Don't Know

The Inspector must be satisfied that the Local Plan meets four soundness requirements: is 'positively prepared', is 'justified', 'effective' and 'consistent with national policy'. In the [Guidance on making a Representation](#) document you will find explanations on each of these four requirements and how they need to be met.

Q2c. If you consider the draft Kent Minerals and Waste Local Plan 2024-39 to be unsound, please select the reason for this: Please select all that apply.

- Positively prepared
- Justified
- Effective
- Consistent with national policy

On the following pages, please explain why you think this part of the Plan is unsound or not legally compliant, and set out any changes you feel should be made to this part of the Plan to make the Plan sound and legally compliant.

Q2d. If you consider the draft Kent Minerals and Waste Local Plan 2024-39 to be unsound and/or not legally compliant, please explain why in the box below.

Please be precise and give as much detail as possible.

Natural England considers that the use of the word 'minimise' (in the context of potential losses of Best and Most Versatile Agricultural Land) does not fully reflect Paragraph 180 of the National Planning Policy Framework wherein it is stated that:

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

b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land".

We advise that, in order to properly contribute to and enhance the natural and local environment, that impacts to best and most versatile land should be avoided in the first instance, rather than minimised. Where losses cannot be avoided, then we would recommend that, as outlined within Footnote 62 of the National Planning Policy Framework, that losses should be prioritised in areas that are of the lowest agricultural value instead. In its current form, we do not consider that the policy wording accurately captures this.

Q3. Please explain in the box below what change(s) you consider necessary to make the draft Kent Minerals and Waste Local Plan 2024-39 legally compliant and/or sound.

Please be precise as possible and explain why this change(s) would make the draft Local Plan legally compliant and sound. Please also include in your response any suggested revised wording you feel is necessary.

In order to make the Plan sound, Natural England would recommend the following changes to the policy wording:

Sustainable Design Proposals for minerals and waste development will be required to demonstrate that they have been designed in accordance with best practice to:

- 1. minimise greenhouse gas emissions which may arise from the construction and operation of the development;*
- 2. minimise other emissions of pollutants which may arise from construction and operation;*

3. *minimise energy and water consumption during their construction and operation and incorporate measures for water recycling and utilisation of low carbon renewable energy;*
4. *minimise waste and maximise the re-use or recycling of materials during their construction and operation;*
5. *incorporate climate change adaptation measures including sustainable urban drainage systems, suitable shading of pedestrian routes and open spaces and drought resistant landscaping unless there is clear evidence that this would be inappropriate;*
6. *protect and enhance the character and quality of the site's setting or mitigate and if necessary compensate for any predicted loss;*
7. *maxmise opportunities to contribute to green and blue infrastructure, to include benefits to communities (including Public Rights of Way), and to contribute to biodiversity net gain;*
8. **Avoid in the first instance** *minimise the loss of Best and Most Versatile Agricultural Land and protect soils more generally;* **Where this is not possible, then losses should be minimised by prioritising the loss of areas of poorer quality land over those of a higher quality.**
9. *achieve a BREEAM 'Very Good' standard or equivalent where appropriate; and*
10. *where possible, utilise existing buildings and achieve an efficient re-use or land.*

Q4. If you support the draft Kent Minerals and Waste Local Plan 2024-39, and wish to make any comments to that affect, please use the box below.

The Planning Inspector will determine whether hearing sessions are required. If they are, he/she will also decide the most appropriate procedure to hear from those who have indicated that they wish to participate at the hearing sessions during the examination.

Q5. Do you consider it necessary to attend and give evidence at any hearing sessions during the examination? Select one option.

- | | |
|-------------------------------------|---|
| <input type="checkbox"/> | Yes, I wish to speak to the Inspector at any hearing sessions |
| <input checked="" type="checkbox"/> | No, I wish to communicate through written representations |
| <input type="checkbox"/> | Don't know |

Q5a. If you wish to participate at the hearing sessions during the examination, please outline why you consider this to be necessary in the box below:

Q2. Which part of the draft Kent Minerals and Waste Local Plan 2024-39 or element of its preparation does this representation relate to? Please be specific in terms of paragraph numbers and document title. Please tell us in the box below.

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

Q2a. Do you consider this part of the draft Kent Minerals and Waste Local Plan 2024-39 or element of its preparation to be legally compliant? Select one option.

Yes

 No

 Don't Know

Q2b. Do you consider this part of the draft Kent Minerals and Waste Local Plan 2024-39 or element of its preparation to be sound? Select one option.

Yes

 No

 Don't Know

The Inspector must be satisfied that the Local Plan meets four soundness requirements: is 'positively prepared', is 'justified', 'effective' and 'consistent with national policy'. In the [Guidance on making a Representation](#) document you will find explanations on each of these four requirements and how they need to be met.

Q2c. If you consider the draft Kent Minerals and Waste Local Plan 2024-39 to be unsound, please select the reason for this: Please select all that apply.

- Positively prepared
- Justified
- Effective
- Consistent with national policy

On the following pages, please explain why you think this part of the Plan is unsound or not legally compliant, and set out any changes you feel should be made to this part of the Plan to make the Plan sound and legally compliant.

Q2d. If you consider the draft Kent Minerals and Waste Local Plan 2024-39 to be unsound and/or not legally compliant, please explain why in the box below.

Please be precise and give as much detail as possible.

Natural England considers that the inclusion of the word ‘unacceptable’ is ambiguous and does not provide sufficient certainty as to how environmental impacts will be robustly assessed as being either acceptable or unacceptable. Furthermore, we consider that the current policy wording could imply that there may be instances when ‘acceptable’ impacts to biodiversity may still occur without having been dealt with in line with mitigation hierarchy i.e., being avoided in the first instance. As such, we advise that in its current form the policy wording appears contrary to Paragraph 186a of the National Planning Policy Framework, wherein significant harm to biodiversity resulting from a development should be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for.

Natural England would advise that amendments should be made to the policy wording regarding potential impacts to International Sites, and the manner in which potential adverse impacts to them should be assessed. In its current form, we do not consider that it accurately reflects the iterative process by which potential adverse impacts to a European site should be considered.

Natural England acknowledge that the consultation draft was finalised prior to the recent duty on relevant authorities (as enshrined within the Levelling-up and Regeneration Act 2023) to “*further the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty*” when exercising their functions coming into effect. In addition, we do not consider that it fully reflects Paragraph 182 of the National Planning Policy Framework which states that development should be sensitively located and designed to avoid or minimise adverse impacts on designated areas. We therefore recommend the Policy is updated to reflect the additional duty and the requirements of the National Planning Policy Framework.

Currently, Natural England does not consider that the current policy wording wholly reflects the exceptional circumstances in which development on land within or outside of a Site of Special Scientific Interest (SSSI), and which is likely to have an adverse effect on it may be permitted. Once it has been clearly demonstrated that impacts have been considered in line with the mitigation hierarchy, and that permission is still to be granted (or identified within an update to Minerals and Waste Sites Plans), then consideration should be given to the ‘exceptional circumstances’ that may justify a proposal that has an adverse effect on a SSSI. We would however advise that as part of the exceptional circumstances test, Paragraph 186b stipulates that the “benefits of the development in the location proposed” should form part of this decision-making process, and that consideration should be given as to whether it can be located elsewhere instead.

Paragraph 186c of the National Planning Policy Framework states that “*development resulting in the loss of deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons, and a suitable compensation strategy exists*”. Natural England advise that the Policy wording in its current form could give rise to what are deemed to be ‘insignificant’ adverse impacts on ancient woodland. We would however advise that this appears to be contrary to the National Planning Policy Framework wherein development that results in a deterioration (or a loss) of irreplaceable habitats such as ancient woodland should be refused, unless there are wholly exceptional circumstances. We would therefore not consider it possible to assess either a loss or deterioration of an irreplaceable habitat to be insignificant. The National Planning Policy Framework also defines ancient woodland as “*ancient semi-natural woodland and plantations on ancient woodland sites*”. We would therefore advise that this definition should be included within this policy for the avoidance of doubt and to ensure its protection.

It is noted that within the current policy wording that Marine Conservation Zones (MCZ) are included within the Local Sites section of the policy. Natural England would however highlight that MCZs protect nationally important, rare or threatened habitats and species and should therefore, any impacts to them should be considered as being impacts to a site of national importance, rather than one of local importance. In addition, proposals that may adversely impact a MCZ must be compliant with the requirements of the Marine and Coastal Access Act 2009 in that it should not hinder the conservation objectives of the affected Marine Conservation Zone.

Q3. Please explain in the box below what change(s) you consider necessary to make the draft Kent Minerals and Waste Local Plan 2024-39 legally compliant and/or sound.

Please be precise as possible and explain why this change(s) would make the draft Local Plan legally compliant and sound. Please also include in your response any suggested revised wording you feel is necessary.

In order to make the Plan sound, Natural England would recommend the following changes to the policy wording:

1. International Sites

*Minerals and/or waste proposals ~~located within or~~ **that are** considered **to have a ‘likely significant effect’** ~~to have any unacceptable adverse impact~~ **(either alone or in combination with other plans or projects)** on international designated sites, including Ramsar **sites**, Special Protection Areas and Special Areas of Conservation (‘National Site Network’ as defined by the Changes to the Habitats and Species Regulations 2017 and ‘Habitat Sites’ as defined by the NPPF), will need to be evaluated **as part of an ‘appropriate assessment’** ~~in combination with other projects and plans and be in~~*

accordance with established management objectives for the national sites network ('network objectives'). **Where an 'adverse effect on integrity' of an international designated site cannot be ruled out as a result of a proposal (that either seeks planning permission, or is allocated within the Minerals and Waste Sites Plan),** ~~Before any such proposal will be granted planning permission or identified in the Minerals and Waste Sites Plan,~~ it will need to be demonstrated that:

- a. there are no alternatives;
- b. there is a robust case established as to why there are imperative reasons of overriding public interest; and
- c. there is sufficient provision for adequate timely compensation.

before permission can be granted, or the allocation can be included within the Minerals and Waste Sites Plan.

2. National Sites

Designated National Landscapes have the highest status of protection in relation to landscape and scenic beauty. **When exercising or performing any functions in relation to, or so as to affect land, in a National Landscape, relevant authorities must seek to further the purpose of conserving and enhancing the natural beauty of the National Landscape.** ~~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 National Landscape 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 a National Landscape, great weight will be given to conserving and enhancing its landscape and scenic beauty. Proposals within the setting of a National Landscape should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.

Proposals for minerals and/or waste development will be required to ensure that there is no ~~unacceptable~~ adverse impact on the integrity, character, appearance and function, biodiversity and geodiversity interests of sites of international, national and local importance, such that these proposals accord with the avoid, mitigate, compensate hierarchy. **Proposals in coastal locations that are considered likely to have an adverse impact upon Marine Conservation Zones should also accord with the avoid, mitigate and compensate hierarchy.**

Proposals for minerals and/or waste developments within or outside of designated Sites of Special Scientific Interest or National Nature Reserves, that are considered likely to

have any ~~unacceptable~~ adverse impact on a Site of Special Scientific Interest or National Nature Reserve, will not be granted planning permission or identified in updates to the Minerals Sites Plan and any Waste Sites Plan except in exceptional circumstances where it can be demonstrated that **impacts cannot be avoided in the first instance (through locating on an alternative site with less harmful impacts), or adequately mitigated, unless** there is an overriding need for the development and any impacts can be ~~mitigated~~ or compensated for, and:

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

Minerals and/or waste proposals located within or considered likely to have any ~~unacceptable~~ adverse impact on irreplaceable habitat such as Ancient Woodland **(including ancient semi-natural woodland and plantations on ancient woodland sites (PAWS))** and ancient or veteran trees will not be granted planning permission or identified in updates to the Minerals Sites Plan and any Waste Sites Plan unless the need for, and the benefits of the development in that location clearly outweigh any loss, justified by wholly exceptional reasons, and a suitable compensation strategy is in place.

3. Local Sites

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

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

Q4. If you support the draft Kent Minerals and Waste Local Plan 2024-39, and wish to make any comments to that affect, please use the box below.

The Planning Inspector will determine whether hearing sessions are required. If they are, he/she will also decide the most appropriate procedure to hear from those who have indicated that they wish to participate at the hearing sessions during the examination.

Q5. Do you consider it necessary to attend and give evidence at any hearing sessions during the examination? Select one option.

- Yes, I wish to speak to the Inspector at any hearing sessions
- No, I wish to communicate through written representations
- Don't know

Q5a. If you wish to participate at the hearing sessions during the examination, please outline why you consider this to be necessary in the box below:

Q2. Which part of the draft Kent Minerals and Waste Local Plan 2024-39 or element of its preparation does this representation relate to? Please be specific in terms of paragraph numbers and document title. Please tell us in the box below.

DM 3 – Ecological Impact Assessment

Q2a. Do you consider this part of the draft Kent Minerals and Waste Local Plan 2024-39 or element of its preparation to be legally compliant? Select one option.

Yes

No

Don't Know

Q2b. Do you consider this part of the draft Kent Minerals and Waste Local Plan 2024-39 or element of its preparation to be sound? Select one option.

Yes

No

Don't Know

The Inspector must be satisfied that the Local Plan meets four soundness requirements: is 'positively prepared', is 'justified', 'effective' and 'consistent with national policy'. In the [Guidance on making a Representation](#) document you will find explanations on each of these four requirements and how they need to be met.

Q2c. If you consider the draft Kent Minerals and Waste Local Plan 2024-39 to be unsound, please select the reason for this: Please select all that apply.

Positively prepared

Justified

Effective

Consistent with national policy

On the following pages, please explain why you think this part of the Plan is unsound or not legally compliant, and set out any changes you feel should be made to this part of the Plan to make the Plan sound and legally compliant.

Q2d. If you consider the draft Kent Minerals and Waste Local Plan 2024-39 to be unsound and/or not legally compliant, please explain why in the box below.

Please be precise and give as much detail as possible.

Natural England considers that the inclusion of the word 'unacceptable' is ambiguous and does not provide sufficient certainty as to how environmental impacts will be robustly assessed as being either acceptable or unacceptable. Additionally, we consider that in its current form, the policy wording may be contrary to Paragraph 186a of the National Planning Policy Framework, wherein significant harm to biodiversity resulting from a development should be avoided in the first instance (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for.

The current wording does not make any reference to avoiding impacts to the natural environment (through locating on an alternative site with less harmful impacts), and instead focuses on the mitigation and compensation stages of the mitigation hierarchy. As such, Natural England would advise that the current policy wording may be contrary to the National Planning Policy Framework and we would recommend that it is updated in order to be fully reflective of the mitigation hierarchy. In addition, given the protection afforded to irreplaceable habitats such as ancient woodland (including ancient semi-natural woodland and plantations on ancient woodland sites (PAWS)) within Paragraph 186c National Planning Policy Framework, we would advise that they should also be included within any ecological impact assessments that are undertaken.

Natural England would advise that under the Environment Act 2021, the delivery of biodiversity net gain is now a mandatory requirement for new development, rather than just 'major' development as currently proposed within the policy wording. We would therefore recommend that it should be amended in order to accurately reflect this.

Q3. Please explain in the box below what change(s) you consider necessary to make the draft Kent Minerals and Waste Local Plan 2024-39 legally compliant and/or sound.

Please be precise as possible and explain why this change(s) would make the draft Local Plan legally compliant and sound. Please also include in your response any suggested revised wording you feel is necessary.

In order to make the Plan sound, Natural England would recommend the following changes to the policy wording:

Ecological Impact Assessment

Proposals for minerals and waste developments will be required to ensure that they result in no ~~unacceptable~~ adverse impacts on Kent's important biodiversity assets. These include internationally, nationally and locally designated sites, internationally and nationally protected species, **irreplaceable habitats such as ancient woodland (including ancient semi-natural woodland and plantations on ancient woodland sites (PAWS))** and habitats and species of principal importance for the conservation, protection and enhancement of biodiversity, geodiversity and habitats and species identified in the Kent Nature Partnership Biodiversity Strategy 2020 to 2045.

Proposals that are likely to have ~~unacceptable~~ adverse impacts upon important geodiversity and biodiversity assets will need to demonstrate that an adequate level of ecological assessment has been undertaken and should provide a positive contribution to the protection, enhancement, creation and management of biodiversity. Such proposals will only be granted planning permission following:

1. an ecological assessment of the site, including preliminary ecological appraisal and, where likely presence is identified, specific protected species surveys;
2. consideration of the **exceptional circumstances that clearly demonstrate the** need for, and benefits of, the development and the reasons for locating the development in its proposed location, **that clearly outweigh its impacts, as well as a clear justification as to why the proposed development cannot be located at an alternative site with less harmful impacts.**
3. **Where impacts cannot be avoided,** ~~the~~ **identification and securing of** measures **required** to mitigate any adverse impacts (direct, indirect and cumulative) **should be identified and appropriately secured;** and,
4. **finally, as a last resort,** ~~the identification and securing of compensatory measures where adverse impacts cannot be avoided or mitigated for,~~ **then compensatory measures should be identified and secured.**

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

Restoration of mineral extraction sites for end uses that limit options to maximise biodiversity gain, may still be acceptable, provided the restoration achieves the minimum requirements and it can be demonstrated that the benefits of the restoration proposed

would help achieve other objectives within the Development Plan that can be balanced against the need to maximise biodiversity net gain.

Q4. If you support the draft Kent Minerals and Waste Local Plan 2024-39, and wish to make any comments to that affect, please use the box below.

The Planning Inspector will determine whether hearing sessions are required. If they are, he/she will also decide the most appropriate procedure to hear from those who have indicated that they wish to participate at the hearing sessions during the examination.

Q5. Do you consider it necessary to attend and give evidence at any hearing sessions during the examination? Select one option.

- Yes, I wish to speak to the Inspector at any hearing sessions
- No, I wish to communicate through written representations
- Don't know

Q5a. If you wish to participate at the hearing sessions during the examination, please outline why you consider this to be necessary in the box below:

Q2. Which part of the draft Kent Minerals and Waste Local Plan 2024-39 or element of its preparation does this representation relate to? Please be specific in terms of paragraph numbers and document title. Please tell us in the box below.

DM9 – Prior Extraction

Q2a. Do you consider this part of the draft Kent Minerals and Waste Local Plan 2024-39 or element of its preparation to be legally compliant? Select one option.

Yes

No

Don't Know

Q2b. Do you consider this part of the draft Kent Minerals and Waste Local Plan 2024-39 or element of its preparation to be sound? Select one option.

Yes

No

Don't Know

The Inspector must be satisfied that the Local Plan meets four soundness requirements: is 'positively prepared', is 'justified', 'effective' and 'consistent with national policy'. In the [Guidance on making a Representation](#) document you will find explanations on each of these four requirements and how they need to be met.

Q2c. If you consider the draft Kent Minerals and Waste Local Plan 2024-39 to be unsound, please select the reason for this: Please select all that apply.

Positively prepared

Justified

Effective

Consistent with national policy

On the following pages, please explain why you think this part of the Plan is unsound or not legally compliant, and set out any changes you feel should be made to this part of the Plan to make the Plan sound and legally compliant.

Q2d. If you consider the draft Kent Minerals and Waste Local Plan 2024-39 to be unsound and/or not legally compliant, please explain why in the box below.

Please be precise and give as much detail as possible.

Natural England considers that the inclusion of the word 'unacceptable' is ambiguous and does not provide sufficient certainty as to how environmental impacts will be robustly assessed as being either acceptable or unacceptable. Additionally, we advise that in its current form, the policy wording may be contrary to Paragraph 186a of the National Planning Policy Framework, wherein significant harm to biodiversity resulting from a development should be avoided in the first instance (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for.

Q3. Please explain in the box below what change(s) you consider necessary to make the draft Kent Minerals and Waste Local Plan 2024-39 legally compliant and/or sound.

Please be precise as possible and explain why this change(s) would make the draft Local Plan legally compliant and sound. Please also include in your response any suggested revised wording you feel is necessary.

In order to make the Plan sound, Natural England would recommend the following changes to the policy wording:

Prior Extraction of Minerals in Advance of Surface Development

Planning permission for, or incorporating, mineral extraction in advance of development will be granted where the resources would otherwise be permanently sterilised provided that:

the mineral extraction operations are only for a temporary period linked to the timing of the associated surface development; and, the proposal will not cause unacceptable adverse impacts to the environment or communities.

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

Q4. If you support the draft Kent Minerals and Waste Local Plan 2024-39, and wish to make any comments to that affect, please use the box below.

The Planning Inspector will determine whether hearing sessions are required. If they are, he/she will also decide the most appropriate procedure to hear from those who have indicated that they wish to participate at the hearing sessions during the examination.

Q5. Do you consider it necessary to attend and give evidence at any hearing sessions during the examination? Select one option.

- Yes, I wish to speak to the Inspector at any hearing sessions
- No, I wish to communicate through written representations
- Don't know

Q5a. If you wish to participate at the hearing sessions during the examination, please outline why you consider this to be necessary in the box below:

Q2. Which part of the draft Kent Minerals and Waste Local Plan 2024-39 or element of its preparation does this representation relate to? Please be specific in terms of paragraph numbers and document title. Please tell us in the box below.

DM12 – Cumulative Impact

Q2a. Do you consider this part of the draft Kent Minerals and Waste Local Plan 2024-39 or element of its preparation to be legally compliant? Select one option.

Yes

No

Don't Know

Q2b. Do you consider this part of the draft Kent Minerals and Waste Local Plan 2024-39 or element of its preparation to be sound? Select one option.

Yes

No

Don't Know

The Inspector must be satisfied that the Local Plan meets four soundness requirements: is 'positively prepared', is 'justified', 'effective' and 'consistent with national policy'. In the [Guidance on making a Representation](#) document you will find explanations on each of these four requirements and how they need to be met.

Q2c. If you consider the draft Kent Minerals and Waste Local Plan 2024-39 to be unsound, please select the reason for this: Please select all that apply.

Positively prepared

Justified

Effective

Consistent with national policy

On the following pages, please explain why you think this part of the Plan is unsound or not legally compliant, and set out any changes you feel should be made to this part of the Plan to make the Plan sound and legally compliant.

Q2d. If you consider the draft Kent Minerals and Waste Local Plan 2024-39 to be unsound and/or not legally compliant, please explain why in the box below.

Please be precise and give as much detail as possible.

Natural England considers that the inclusion of the word 'unacceptable' is ambiguous and does not provide sufficient certainty as to how environmental impacts will be robustly assessed as being either acceptable or unacceptable. Additionally, we consider that in its current form, the policy wording may be contrary to Paragraph 186a of the National Planning Policy Framework, wherein significant harm to biodiversity resulting from a development should be avoided in the first instance (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for.

Q3. Please explain in the box below what change(s) you consider necessary to make the draft Kent Minerals and Waste Local Plan 2024-39 legally compliant and/or sound.

Please be precise as possible and explain why this change(s) would make the draft Local Plan legally compliant and sound. Please also include in your response any suggested revised wording you feel is necessary.

In order to make the Plan sound, Natural England would recommend the following changes to the policy wording:

Cumulative Impact

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

Q4. If you support the draft Kent Minerals and Waste Local Plan 2024-39, and wish to make any comments to that affect, please use the box below.

The Planning Inspector will determine whether hearing sessions are required. If they are, he/she will also decide the most appropriate procedure to hear from those who have indicated that they wish to participate at the hearing sessions during the examination.

Q5. Do you consider it necessary to attend and give evidence at any hearing sessions during the examination? Select one option.

- | | |
|-------------------------------------|---|
| <input type="checkbox"/> | Yes, I wish to speak to the Inspector at any hearing sessions |
| <input checked="" type="checkbox"/> | No, I wish to communicate through written representations |
| <input type="checkbox"/> | Don't know |

Q5a. If you wish to participate at the hearing sessions during the examination, please outline why you consider this to be necessary in the box below:

Q2. Which part of the draft Kent Minerals and Waste Local Plan 2024-39 or element of its preparation does this representation relate to? Please be specific in terms of paragraph numbers and document title. Please tell us in the box below.

DM13 – Transportation of Minerals and Waste

Q2a. Do you consider this part of the draft Kent Minerals and Waste Local Plan 2024-39 or element of its preparation to be legally compliant? Select one option.

Yes
 No
 Don't Know

Q2b. Do you consider this part of the draft Kent Minerals and Waste Local Plan 2024-39 or element of its preparation to be sound? Select one option.

Yes
 No
 Don't Know

The Inspector must be satisfied that the Local Plan meets four soundness requirements: is 'positively prepared', is 'justified', 'effective' and 'consistent with national policy'. In the [Guidance on making a Representation](#) document you will find explanations on each of these four requirements and how they need to be met.

Q2c. If you consider the draft Kent Minerals and Waste Local Plan 2024-39 to be unsound, please select the reason for this: Please select all that apply.

- Positively prepared
- Justified
- Effective
- Consistent with national policy

On the following pages, please explain why you think this part of the Plan is unsound or not legally compliant, and set out any changes you feel should be made to this part of the Plan to make the Plan sound and legally compliant.

Q2d. If you consider the draft Kent Minerals and Waste Local Plan 2024-39 to be unsound and/or not legally compliant, please explain why in the box below.

Please be precise and give as much detail as possible.

Natural England considers that the inclusion of the words/phrase 'unacceptable' and 'as far as practicable' are ambiguous and do not provide sufficient certainty as to how environmental impacts will be robustly assessed as being either acceptable or unacceptable, or how appropriate measures will be taken to avoid impacts to biodiversity assets. Given the potential adverse impacts of transported generated emissions on air quality and biodiversity assets, we would advise that consideration should be given as to what steps can be taken in order to ensure that these impacts are avoided in the first instance.

Whilst we recognise that it may not be possible to wholly avoid adverse impacts to biodiversity (due to the existing/future technological barriers within the transport industry), we do not believe that in its current form, the policy wording places sufficient emphasis on avoiding impacts in the first instance. As such, we advise that it may be contrary to Paragraph 186a of the National Planning Policy Framework, wherein significant harm to biodiversity resulting from a development should be avoided in the first instance (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for.

Q3. Please explain in the box below what change(s) you consider necessary to make the draft Kent Minerals and Waste Local Plan 2024-39 legally compliant and/or sound.

Please be precise as possible and explain why this change(s) would make the draft Local Plan legally compliant and sound. Please also include in your response any suggested revised wording you feel is necessary.

In order to make the Plan sound, Natural England would recommend the following changes to the policy wording:

Transportation of Minerals and Waste

Minerals and waste development will be required to demonstrate that emissions associated with road transport movements are minimised ~~as far as practicable~~ and by preference being given to non-road modes of transport. Where development requires road transport, proposals will be required to demonstrate that:

1. *the proposed access arrangements are safe and appropriate to the scale and nature of movements associated with the proposed development such that the impact of traffic generated is not detrimental to road safety;*

2. *the highway network is able to accommodate the traffic flows that would be generated, as demonstrated through a transport assessment, and the impact of traffic generated does not have an ~~unacceptable~~ adverse impact on the environment or local community; and*
3. *emission control and reduction measures, such as deployment of low emission vehicles and environmentally sustainable vehicle technologies, installation of electric vehicle charging points (where appropriate) and vehicle scheduling to avoid movements in peak hours. Particular emphasis will be given to such measures where development is proposed within an AQMA or in a location where impacts on an AQMA will result. (Figure 15).*

Q4. If you support the draft Kent Minerals and Waste Local Plan 2024-39, and wish to make any comments to that affect, please use the box below.

The Planning Inspector will determine whether hearing sessions are required. If they are, he/she will also decide the most appropriate procedure to hear from those who have indicated that they wish to participate at the hearing sessions during the examination.

Q5. Do you consider it necessary to attend and give evidence at any hearing sessions during the examination? Select one option.

- | | |
|---|---|
| | Yes, I wish to speak to the Inspector at any hearing sessions |
| X | No, I wish to communicate through written representations |
| | Don't know |

Q5a. If you wish to participate at the hearing sessions during the examination, please outline why you consider this to be necessary in the box below:



Q2. Which part of the draft Kent Minerals and Waste Local Plan 2024-39 or element of its preparation does this representation relate to? Please be specific in terms of paragraph numbers and document title. Please tell us in the box below.

DM19 – Restoration, Aftercare and After-use

Q2a. Do you consider this part of the draft Kent Minerals and Waste Local Plan 2024-39 or element of its preparation to be legally compliant? Select one option.

Yes

No

Don't Know

Q2b. Do you consider this part of the draft Kent Minerals and Waste Local Plan 2024-39 or element of its preparation to be sound? Select one option.

Yes

No

Don't Know

The Inspector must be satisfied that the Local Plan meets four soundness requirements: is 'positively prepared', is 'justified', 'effective' and 'consistent with national policy'. In the [Guidance on making a Representation](#) document you will find explanations on each of these four requirements and how they need to be met.

Q2c. If you consider the draft Kent Minerals and Waste Local Plan 2024-39 to be unsound, please select the reason for this: Please select all that apply.

Positively prepared

Justified

Effective

Consistent with national policy

On the following pages, please explain why you think this part of the Plan is unsound or not legally compliant, and set out any changes you feel should be made to this part of the Plan to make the Plan sound and legally compliant.

Q2d. If you consider the draft Kent Minerals and Waste Local Plan 2024-39 to be unsound and/or not legally compliant, please explain why in the box below.

Please be precise and give as much detail as possible.

Natural England acknowledge that the consultation draft was finalised prior to the recent duty on relevant authorities when exercising their functions (as enshrined within the Levelling-up and Regeneration Act 2023) to “*further the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty*” coming into effect. In addition, we do not consider that it fully reflects Paragraph 182 of the National Planning Policy Framework which states that development should be sensitively located and designed to avoid or minimise adverse impacts on designated areas. We therefore recommend the Policy is updated to reflect the additional duty and the requirements of the National Planning Policy Framework

Q3. Please explain in the box below what change(s) you consider necessary to make the draft Kent Minerals and Waste Local Plan 2024-39 legally compliant and/or sound.

Please be precise as possible and explain why this change(s) would make the draft Local Plan legally compliant and sound. Please also include in your response any suggested revised wording you feel is necessary.

In order to make the Plan sound, and reflect the recent Levelling Up and Regeneration Act requirements, Natural England would recommend the following changes to the policy wording:

Restoration, Aftercare and After-use

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

Restoration plans should be submitted with the planning application which reflect the proposed after-use, be carried out to a standard that reflects best practice and provides for restoration and aftercare at the earliest opportunity, Restoration proposals must deliver sustainable afteruses that benefit the Kent community, economically, socially or environmentally. All development should achieve at least 10% biodiversity net gain and demonstrate how maximum practicable on site biodiversity net gain shall result from the development.

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

Where appropriate, restoration plans should address the following issues in relation to the restoration, aftercare and after-use of minerals extraction and temporary waste management development:

- 1. a site-based landscape strategy for the restoration scheme **that reflects the local landscape character, and where applicable, seeks to further the conservation and scenic beauty of a designated National Landscape**;*
- 2. the key landscape and biodiversity opportunities and constraints ensuring connectivity with surrounding landscape and habitats;*
- 3. the geological, archaeological and historic heritage and landscape features and their settings;*
- 4. the site boundaries and areas identified for soil and overburden storage;*
- 5. an assessment of soil resources and their removal, handling and storage;*
- 6. an assessment of the overburden to be removed and stored;*
- 7. the type and depth of workings and information relating to the water table;*
- 8. storage locations and quantities of waste/fill materials and quantities and types of waste/fill involved;*
- 9. proposed infilling operations, sources and types of fill material;*
- 10. the arrangements for monitoring and the control and management of landfill gas;*
- 11. consideration of land stability after restoration;*
- 12. directions and phasing of working and restoration and how they are integrated into the working scheme;*
- 13. the need for and provision of additional screening taking account of degrees of visual exposure;*
- 14. details of the proposed final landform including pre and post settlement levels*

15. *types, quantities and source of soils or soil making materials to be used;*
16. *a methodology for management of soils to ensure that the pre-development soil quality is maintained;*
17. *proposals for meeting and where relevant exceeding, biodiversity net gain targets, including those outlined in the Kent Nature Partnership Biodiversity Strategy 2020-45, Biodiversity Opportunity Areas, Areas of Outstanding Natural Beauty Management Plans and the Local Nature Recovery Strategy;*
18. *removal of all buildings, plant, structures, accesses and hardstanding not required for long term management of the site;*
19. *planting of new native woodlands;*
20. *installation of drainage to enable high quality restoration and after-use;*
21. *measures to incorporate flood risk mitigation opportunities and avoid unacceptable impacts on groundwater;*
22. *details of the seeding of grass or other crops and planting of trees, shrubs and hedges;*
23. *a programme for the long-term management and aftercare of the restored sites to include details of vegetation establishment, vegetation management, biodiversity habitat management, field drainage, irrigation and watering facilities;*
24. *the restoration of the majority of the site back to agriculture, if the site consists of the best and most versatile agricultural land;*
25. *the potential for financial guarantees such as bonds in exceptional circumstances where their use can be justified to secure restoration objectives. Aftercare schemes should incorporate an aftercare period of at least five years. Where appropriate, voluntary longer periods for certain uses will be sought through agreement between the applicant and minerals planning authority.*

Q4. If you support the draft Kent Minerals and Waste Local Plan 2024-39, and wish to make any comments to that affect, please use the box below.

The Planning Inspector will determine whether hearing sessions are required. If they are, he/she will also decide the most appropriate procedure to hear from those who have indicated that they wish to participate at the hearing sessions during the examination.

Q5. Do you consider it necessary to attend and give evidence at any hearing sessions during the examination? Select one option.

- Yes, I wish to speak to the Inspector at any hearing sessions
- No, I wish to communicate through written representations
- Don't know

Q5a. If you wish to participate at the hearing sessions during the examination, please outline why you consider this to be necessary in the box below:

Q2. Which part of the draft Kent Minerals and Waste Local Plan 2024-39 or element of its preparation does this representation relate to? Please be specific in terms of paragraph numbers and document title. Please tell us in the box below.

DM 20 – Ancillary Development

Q2a. Do you consider this part of the draft Kent Minerals and Waste Local Plan 2024-39 or element of its preparation to be legally compliant? Select one option.

Yes

No

Don't Know

Q2b. Do you consider this part of the draft Kent Minerals and Waste Local Plan 2024-39 or element of its preparation to be sound? Select one option.

Yes

No

Don't Know

The Inspector must be satisfied that the Local Plan meets four soundness requirements: is 'positively prepared', is 'justified', 'effective' and 'consistent with national policy'. In the [Guidance on making a Representation](#) document you will find explanations on each of these four requirements and how they need to be met.

Q2c. If you consider the draft Kent Minerals and Waste Local Plan 2024-39 to be unsound, please select the reason for this: Please select all that apply.

Positively prepared

Justified

Effective

Consistent with national policy

On the following pages, please explain why you think this part of the Plan is unsound or not legally compliant, and set out any changes you feel should be made to this part of the Plan to make the Plan sound and legally compliant.

Q2d. If you consider the draft Kent Minerals and Waste Local Plan 2024-39 to be unsound and/or not legally compliant, please explain why in the box below.

Please be precise and give as much detail as possible.

It is Natural England's opinion that the current policy wording could be strengthened to fully ensure that environmental impacts are avoided in the first instance (as outlined within Paragraph 186a of the National Planning Policy Framework). Whilst we support the ambition to deliver development that can simultaneously deliver environmental benefits, we would advise that it should not be delivered at the detriment of other environmental assets. Instead, development should be delivered in line with the mitigation hierarchy wherein environmental impacts are avoided in the first instance (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for.

Q3. Please explain in the box below what change(s) you consider necessary to make the draft Kent Minerals and Waste Local Plan 2024-39 legally compliant and/or sound.

Please be precise as possible and explain why this change(s) would make the draft Local Plan legally compliant and sound. Please also include in your response any suggested revised wording you feel is necessary.

In order to make the Plan sound, Natural England would recommend the following changes to the policy wording:

Ancillary Development

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

1. *the proposal is necessary to enable the main development to proceed or operate successfully;*
2. *it has been demonstrated that there are environmental benefits in providing a close link between the ancillary development and the existing permitted uses at the site that outweigh any environmental and community impacts from the proposed development. Where permission is granted, the operation and retention of the ancillary development will be limited to the life of the main mineral or waste facility and shall be removed to enable the agreed site restoration.*

Q4. If you support the draft Kent Minerals and Waste Local Plan 2024-39, and wish to make any comments to that affect, please use the box below.

The Planning Inspector will determine whether hearing sessions are required. If they are, he/she will also decide the most appropriate procedure to hear from those who have indicated that they wish to participate at the hearing sessions during the examination.

Q5. Do you consider it necessary to attend and give evidence at any hearing sessions during the examination? Select one option.

- | | |
|---|---|
| | Yes, I wish to speak to the Inspector at any hearing sessions |
| X | No, I wish to communicate through written representations |
| | Don't know |

Q5a. If you wish to participate at the hearing sessions during the examination, please outline why you consider this to be necessary in the box below:

Thank you for taking the time to complete this form.

Full responses will be submitted to the Planning Inspector appointed by the Secretary of State for Independent Examination. A summary of the responses will be made publicly available on our website with all personal data removed. Please read our privacy statement below for further details.

Closing date for responses: midnight on Thursday 29 February 2024

Minerals and Waste Local Plan privacy statement

We keep this privacy notice under regular review and was last updated on 4 January 2024.

Kent County Council (KCC) respects your privacy and is committed to protecting your personal data. This privacy notice will inform you as to how we look after your personal data and tell you about your privacy rights and how the law protects you.

Who we are

KCC collects, uses and is responsible for certain personal information about you. When we do so we are regulated under the General Data Protection Regulation (GDPR) which applies across the European Union (including in the United Kingdom) and the Data Protection Act 2018. We are responsible as 'controller' of that personal information. The Planning Applications Group, as the minerals and waste planning authority for Kent, has a statutory duty to prepare a plan for waste management capacity and mineral provision in accordance with the Planning and Compulsory Purchase Act 2004 ('the Act') and the Town and Country Planning (Local Planning) (England) Regulation 2012 ('the Regulations'). Our Data Protection Officer is Benjamin Watts.

The personal information we collect and use

Information collected by us

In the course of providing a minerals and waste planning service, we collect the following personal information when you provide it to us:

- name
- address
- signature
- email
- telephone number
- full address of the development
- landowner and land occupier information
- any other information that you may provide to us within your correspondence.

We also collect 'special category data' (personal data which is more sensitive and is treated with extra care and protection, for example race and ethnicity, religious or philosophical beliefs, sex life, sexual orientation, political opinions, trade union membership, information about health, and genetic and biometric data) if it is provided to us.

We also obtain personal information, including special category data if it is provided, from other sources as follows:

- name, address, signature, email, telephone number, full address of the development and comments submitted via agents and interested parties via KCC's consultation portal.
- name, address, email, telephone number shared with us from other third parties such as from the district councils, other enforcement agencies, other KCC departments, cabinet members, county councillors, central government.

How we use your personal information

We use your personal information to comply with our statutory duties and any legal obligations and where it is necessary to perform a public task in the public interest as the mineral and waste planning authority.

We store and use personal information submitted to us in relation to the Minerals and Waste Plan making processes in order to:

- make decisions about the use of land in the public interest
- to develop and review the Minerals and Waste Local Plans (MWLP)
- to produce and maintain a Statement of Community Involvement
- to undertake consultation events (such as in relation to a call for sites, site plans)
- to produce a Local Aggregate Assessment (LAA) and Annual Monitoring Review (AMR).

We have a statutory obligation to provide these services in accordance with planning legislation including:

- Town and Country Planning Act 1990
- Planning and Compulsory Purchase Act 2004
- Town and Country Planning (Local Development) Regulations 2004 as amended
- The Town and Country Planning Act (Local Planning) (England) Regulations 2012
- Planning Act 2004
- Town and Country Planning Development Management Procedure England Order 2015
- Town and Country Planning (Environmental Impact Assessment) Regulations 2017
- Local Government Act 1972
- Local Government Act 1974
- Local Government (Access to Information) Act 1985

- any Regulations made pursuant to the above legislation.

Reasons we collect and use your personal information

We rely on public task or legal obligation as the lawful basis on which we collect and use your personal data.

We rely on substantial public interest as the lawful basis on which we collect and use your special categories of personal data.

We rely on the statutory or government purposes condition in the Data Protection Act 2018 to process your special category data.

We take the following appropriate safeguards in respect of your special category data when relying on the conditions above:

- We have a Special Category and Criminal Records Appropriate Policy Document in place when using your special category data. This policy is retained throughout the time we use your data and for 6 months after we cease to use it.
- We have a retention schedule which explains how long data is retained.
- We maintain a record of our processing in our 'Record of Processing Activities' and record in it any reasons for deviating from the periods in our retention schedule.

The provision of contact details and your correspondence or representation (including where you choose to provide special category data) enables us to provide a minerals and waste plan making service.

Anyone can make a representation in relation to a current consultation event (for example, in relation to the MWLP work and review of the Statement of Community Involvement), but comments must be made in writing and should not be anonymous.

Representations can be submitted via the consultation portal or directly to the MWLP Team. Any views or comments received as part of a MWLP consultation event will be taken into account and [at Regulation 19 stage] will be sent in unredacted form to the Secretary of State and the Planning Inspectorate as part of the plan making process.

As we have a statutory basis for collecting your personal data, if you do not provide your name and contact details, we may not be able to acknowledge your response or communicate with you and this may affect the service that we provide.

If you are submitting supporting information, which you would like to be treated confidentially or is special category data, please let us know as soon as you can, ideally in advance of submitting your representation or correspondence. You can do this by contacting the MWLP Team.

How long your personal information will be kept

All information submitted within a response to a consultation event (such as the MWLP, Statement of Community Involvement) including names, addresses, signatures and contact details, will be retained by the council for 6 years after the end of the relevant plan making cycle.

All information submitted within a response to the Aggregate Assessment Survey and Annual Monitoring Review including names, addresses, signatures and contact details, will be retained by the council on a permanent basis.

Personal information including your name and contact details which is retained on our database during the plan making process for the purpose of keeping you informed about the plan making process will be deleted 6 years after the end of the relevant plan making cycle.

Personal information including your name and contact details retained on our consultation database will be retained for the purpose of keeping you informed unless you opt out of this via your registration within the consultation database.

Who we share your personal information with

All information (including personal data and special category data for which we have a legal basis to process) stored on our databases and in our case files may be shared with a contracted external provider who is carrying out planning or IT work on behalf of the planning authority.

All information submitted in response to a MWLP consultation event will be shared in redacted form on our website and on our consultation database. We usually publish the full text of consultation responses you provide on our website. We will redact your address, signature and email address and any special category data from your comment however, you should be careful not to provide any personal data or special category data (previously called sensitive personal data) about yourself in these comments which is capable of identifying you or anyone else. If you do so, you must be aware that these may be seen by the public at large and may be shared as detailed in this privacy notice.

All information submitted in response to a MWLP consultation [at Regulation 19 stage] (including personal data and special category data for which we have a legal basis to process) will be shared with the planning inspector appointed by the Secretary of State to conduct the minerals and waste plan examination, and during examination in public, will be subject to the current Planning Inspectorate privacy guidance.

All information submitted in response to a Statement of Community Involvement consultation will be shared only in redacted form.

All information submitted in response to a local aggregates assessment request will only be shared on our website in an aggregated format and this will not include personal data.

Where relevant, information may be shared in the event of a request made under the Freedom of Information Act 2000 or Environmental Information Regulations 2004. In such cases personal data will be redacted and any information that has been provided on a confidential basis will be withheld, if an exemption under the relevant regulations apply.

We will share personal information (including unredacted information if required) with law enforcement or other authorities if required by applicable law or in connection with legal proceedings.

In the event of a legal challenge, unredacted correspondence (including personal data and special category data for which we have a legal basis to process) will be sent to the courts and may be disclosed to third parties.

Where relevant, unredacted correspondence (including personal data and special category data for which we have a legal basis to process) received will be sent to the Local Government and Social Care Ombudsman regarding alleged complaints about maladministration by a public authority.

We will share personal information with our legal and professional advisers in the event of a dispute, complaint or claim. We rely on Article 9(2)(f) where the processing of special category data is necessary for the establishment, exercise or defence of legal claims or whenever courts are acting in their judicial capacity.

We will sometimes need to share the unredacted information we have with other departments in KCC and other external statutory bodies.

Your rights

Under the GDPR you have a number of rights which you can access free of charge which allow you to:

- know what we are doing with your information and why we are doing it
- ask to see what information we hold about you
- ask us to correct any mistakes in the information we hold about you
- object to direct marketing
- make a complaint to the Information Commissioner's Office.

Depending on our reason for using your information you may also be entitled to:

- object to how we are using your information
- ask us to delete information we hold about you

- have your information transferred electronically to yourself or to another organisation
- object to decisions being made that significantly affect you
- stop us using your information in certain ways.

We will always seek to comply with your request however we may be required to hold or use your information to comply with legal duties. Please note: your request may delay or prevent us from delivering a service to you.

For further information about your rights, including the circumstances in which they apply, see the guidance from the [UK Information Commissioner's Office](#) on individuals' rights under GDPR.

If you would like to exercise a right, please contact the Information Resilience and Transparency Team at data.protection@kent.gov.uk.

Keeping your personal information secure

We have appropriate security measures in place to prevent personal information from being accidentally lost or used or accessed in an unauthorised way. We limit access to your personal information to those who have a genuine need to know it. Those processing your information will do so only in an authorised manner and are subject to a duty of confidentiality.

We also have procedures in place to deal with any suspected data security breach. We will notify you and any applicable regulator of a suspected data security breach where we are legally required to do so.

Contact

Please contact the Information Resilience and Transparency Team at data.protection@kent.gov.uk to exercise any of your rights, or if you have a complaint about why your information has been collected, how it has been used or how long we have kept it for.

You can contact our Data Protection Officer, Benjamin Watts, at dpo@kent.gov.uk, or write to: Data Protection Officer, Sessions House, Maidstone, Kent ME14 1XQ.

GDPR also gives you right to lodge a complaint with the [Information Commissioner](#) who may be contacted on 03031 231113.

Annex A – Natural England general advice

Protected Landscapes

Paragraph 182 of the [National Planning Policy Framework](#) (NPPF) requires great weight to be given to conserving and enhancing landscape and scenic beauty within Areas of Outstanding Natural Beauty (known as National Landscapes), National Parks, and the Broads and states that the scale and extent of development within all these areas should be limited. Paragraph 183 requires exceptional circumstances to be demonstrated to justify major development within a designated landscape and sets out criteria which should be applied in considering relevant development proposals. [Section 245](#) of the Levelling Up and Regeneration Act 2023 places a duty on relevant authorities (including local planning authorities) to seek to further the statutory purposes of a National Park, the Broads or an Area of Outstanding Natural Beauty in England in exercising their functions. This duty also applies to proposals outside the designated area but impacting on its natural beauty.

The local planning authority should carefully consider any impacts on the statutory purposes of protected landscapes and their settings in line with the NPPF, relevant development plan policies and the Section 245 duty. The relevant National Landscape Partnership or Conservation Board may be able to offer advice on the impacts of the proposal on the natural beauty of the area and the aims and objectives of the statutory management plan, as well as environmental enhancement opportunities. Where available, a local Landscape Character Assessment can also be a helpful guide to the landscape's sensitivity to development and its capacity to accommodate proposed development.

Wider landscapes

Paragraph 180 of the NPPF highlights the need to protect and enhance valued landscapes through the planning system. This application may present opportunities to protect and enhance locally valued landscapes, including any local landscape designations. You may want to consider whether any local landscape features or characteristics (such as ponds, woodland, or dry-stone walls) could be incorporated into the development to respond to and enhance local landscape character and distinctiveness, in line with any local landscape character assessments. Where the impacts of development are likely to be significant, a Landscape and Visual Impact Assessment should be provided with the proposal to inform decision making. We refer you to the [Landscape Institute](#) Guidelines for Landscape and Visual Impact Assessment for further guidance.

Biodiversity duty

The local planning authority has a [duty](#) to conserve and enhance biodiversity as part of its decision making. Further information is available [here](#).

Designated nature conservation sites

Paragraphs 186-188 of the NPPF set out the principles for determining applications impacting on Sites of Special Scientific Interest (SSSI) and habitats sites. Both the direct and indirect impacts of the development should be considered. A Habitats Regulations Assessment is needed where there is a likely significant effect on a habitats site and Natural England must be consulted on '[appropriate assessments](#)'. Natural England must also be consulted where development is in or likely to affect a SSSI and provides advice on potential impacts on SSSIs either via [Impact Risk Zones](#) or as standard or bespoke consultation responses.

Protected Species

Natural England has produced [standing advice](#) to help planning authorities understand the impact of particular developments on protected species. Natural England will only provide bespoke advice on protected species where they form part of a Site of Special Scientific Interest or in exceptional circumstances. A protected species [licence](#) may be required in certain cases.

Annex A – Natural England general advice

Local sites and priority habitats and species

The local planning authority should consider the impacts of the proposed development on any local wildlife or geodiversity site, in line with paragraphs 180, 181 and 185 of the NPPF and any relevant development plan policy. There may also be opportunities to enhance local sites and improve their connectivity to help nature's recovery. Natural England does not hold locally specific information on local sites and recommends further information is obtained from appropriate bodies such as the local records centre, wildlife trust, geoconservation groups or recording societies. Emerging [Local Nature Recovery Strategies](#) may also provide further useful information.

Priority habitats and species are of particular importance for nature conservation and are included in the England Biodiversity List published under section 41 of the Natural Environment and Rural Communities Act 2006. Most priority habitats will be mapped either as Sites of Special Scientific Interest on the Magic website or as Local Wildlife Sites. A list of priority habitats and species can be found on [Gov.uk](#).

Natural England does not routinely hold species data. Such data should be collected when impacts on priority habitats or species are considered likely. Consideration should also be given to the potential environmental value of brownfield sites, often found in urban areas and former industrial land, further information including links to the open mosaic habitats inventory can be found [here](#).

Biodiversity and wider environmental gains

Development should provide net gains for biodiversity in line with the NPPF paragraphs 180(d), 185 and 186. Major development (defined in the [NPPF glossary](#)) is required by law to deliver a biodiversity gain of at least 10% from 12 February 2024 and this requirement is expected to be extended to smaller scale development in spring 2024. For nationally significant infrastructure projects (NSIPs), it is anticipated that the requirement for biodiversity net gain will be implemented from 2025.

Further information on biodiversity net gain, including [draft Planning Practice Guidance](#), can be found [here](#).

The statutory [Biodiversity Metric](#) should be used to calculate biodiversity losses and gains for terrestrial and intertidal habitats and can be used to inform any development project. For small development sites, the [Small Sites Metric](#) may be used. This is a simplified version of the [Biodiversity Metric](#) and is designed for use where certain criteria are met.

The mitigation hierarchy as set out in paragraph 186 of the NPPF should be followed to firstly consider what existing habitats within the site can be retained or enhanced. Where on-site measures are not possible, provision off-site will need to be considered.

Development also provides opportunities to secure wider biodiversity enhancements and environmental gains, as outlined in the NPPF (paragraphs 8, 74, 108, 124, 180, 181 and 186). Opportunities for enhancement might include incorporating features to support specific species within the design of new buildings such as swift or bat boxes or designing lighting to encourage wildlife.

Natural England's [Environmental Benefits from Nature tool](#) may be used to identify opportunities to enhance wider benefits from nature and to avoid and minimise any negative impacts. It is designed to work alongside the [Biodiversity Metric](#) and is available as a beta test version.

Further information on biodiversity net gain, the mitigation hierarchy and wider environmental net gain can be found in government [Planning Practice Guidance for the natural environment](#).

Annex A – Natural England general advice

Ancient woodland, ancient and veteran trees

The local planning authority should consider any impacts on ancient woodland and ancient and veteran trees in line with paragraph 186 of the NPPF. Natural England maintains the Ancient Woodland [Inventory](#) which can help identify ancient woodland. Natural England and the Forestry Commission have produced [standing advice](#) for planning authorities in relation to ancient woodland and ancient and veteran trees. It should be taken into account when determining relevant planning applications. Natural England will only provide bespoke advice on ancient woodland, ancient and veteran trees where they form part of a Site of Special Scientific Interest or in exceptional circumstances.

Best and most versatile agricultural land and soils

Local planning authorities are responsible for ensuring that they have sufficient detailed agricultural land classification (ALC) information to apply NPPF policies (Paragraphs 180 and 181). This is the case regardless of whether the proposed development is sufficiently large to consult Natural England. Further information is contained in [GOV.UK guidance](#) Agricultural Land Classification information is available on the [Magic](#) website and the [Data.Gov.uk](#) website

Guidance on soil protection is available in the Defra [Construction Code of Practice for the Sustainable Use of Soils on Construction Sites](#), and we recommend its use in the design and construction of development, including any planning conditions. For mineral working and landfilling, separate guidance on soil protection for site restoration and aftercare is available on [Gov.uk](#) website. Detailed guidance on soil handling for mineral sites is contained in the Institute of Quarrying [Good Practice Guide for Handling Soils in Mineral Workings](#).

Should the development proceed, we advise that the developer uses an appropriately experienced soil specialist to advise on, and supervise soil handling, including identifying when soils are dry enough to be handled and how to make the best use of soils on site.

Green Infrastructure

Natural England's [Green Infrastructure Framework](#) provides evidence-based advice and tools on how to design, deliver and manage green and blue infrastructure (GI). GI should create and maintain green liveable places that enable people to experience and connect with nature, and that offer everyone, wherever they live, access to good quality parks, greenspaces, recreational, walking and cycling routes that are inclusive, safe, welcoming, well-managed and accessible for all. GI provision should enhance ecological networks, support ecosystems services and connect as a living network at local, regional and national scales.

Development should be designed to meet the [15 Green Infrastructure Principles](#). The GI Standards can be used to inform the quality, quantity and type of GI to be provided. Major development should have a GI plan including a long-term delivery and management plan. Relevant aspects of local authority GI strategies should be delivered where appropriate.

GI mapping resources are available [here](#) and [here](#). These can be used to help assess deficiencies in greenspace provision and identify priority locations for new GI provision.

Access and Recreation

Natural England encourages any proposal to incorporate measures to help improve people's access to the natural environment. Measures such as reinstating existing footpaths, together with the creation of new footpaths and bridleways should be considered. Links to urban fringe areas should also be explored to strengthen access networks, reduce fragmentation, and promote wider green infrastructure.

Annex A – Natural England general advice

Rights of Way, Access land, Coastal access and National Trails

Paragraphs 104 and 180 of the NPPF highlight the importance of public rights of way and access. Development should consider potential impacts on access land, common land, rights of way and coastal access routes in the vicinity of the development. Consideration should also be given to the potential impacts on any nearby National Trails. The National Trails website www.nationaltrail.co.uk provides information including contact details for the National Trail Officer. Appropriate mitigation measures should be incorporated for any adverse impacts.

Further information is set out in Planning Practice Guidance on the [natural environment](#)

Date: 24 April 2024



Sharon Thompson
Minerals and Waste Planning Policy
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Maidstone
Kent
ME14 1XX

Hornbeam House
Crewe Business Park
Electra Way
Crewe
Cheshire
CW1 6GJ

T 0300 060 3900

BY EMAIL ONLY

Dear Sharon,

Planning consultation: Kent Minerals and Waste Local Plan 2024-39

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Natural England welcomes the ongoing opportunity to work closely with your authority in order to ensure that the proposed Kent Minerals and Waste Local Plan 2024-39 is sound and is reflective of environmental policies.

It is acknowledged that the advice contained within our response to the Regulation 19 consultation (our ref: 464024, 29th February 2024) could give cause to believe that Natural England finds the Plan unsound in its current form. However, we would like to reiterate that Natural England does not find the Plan itself unsound; instead, the advice was provided in order to highlight areas of the current Plan that we believed would benefit from further clarification, and in some instances, amendments to the proposed policy wording.

This advice was provided with the intention of ensuring that policies that are related to our remit accurately reflect national planning policy and the policy protection afforded to landscape, biodiversity, and geodiversity assets. Natural England is satisfied that, subject to the amendments outlined within the "Statement of Common Ground Between Kent County Council and Natural England concerning the Kent Minerals and Waste Local Plan 2024-39" that any concerns we raised within our response to the Regulation 19 response have been adequately addressed.

Should you have any further queries please contact me at luke.hasler@naturalengland.org.uk.

Yours sincerely

Luke Hasler
Sussex & Kent Area Team

A handwritten signature in black ink that reads "L. Hasler".