



Kent Minerals and Waste Local Plan 2024-39

Town and Country Planning (Local Planning) (England) Regulations 2012, 22. (1)(c)

Regulation 22 Statement

May 2024

During the preparation of the Kent Minerals and Waste Local Plan 2024-39, the following public consultation exercises took place as follows:

1. Initial evidence gathering to determine which parts of the Plan may need updating - consultation with key stakeholders - 26th March 2021 - 9th April 2021
2. Regulation 18 public consultation on the Kent Minerals and Waste Local Plan Refresh - 16th December 2021 to 9th February 2022
3. Regulation 18 public consultation on the Draft Kent Minerals and Waste Local Plan 2023-38 - 24th October 2022 to 5th December 2022
4. Informal consultation with waste operators on the Draft Kent Minerals and Waste Local Plan 2023-38 - 6th February 2023 to 20th March 2023
5. Informal targeted consultation on the potential deallocation of Norwood Farm, Isle of Sheppey (CSW 5) - 20th March 2023 to 31st March 2023
6. Regulation 18 public consultation on the Kent Minerals and Waste Local Plan 2024-2039 - Further Proposed Changes - 13th June 2023 to 25th July 2023

The table below provide further details of the consultation stages relating to the update of the Kent Minerals and Waste Local Plan 2024-39:

Summary of consultation stages related to the update of the Kent Minerals and Waste Local Plan 2024-39

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 Council's consultation hub which notified DtC bodies including Kent Borough and District Councils, Ebbsfleet Development Corporation (EDC), neighbouring authorities and key statutory bodies associated with minerals and waste development. Interested stakeholders and minerals</p>

Consultation Event	Date	Summary
		<p>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>
<p>Regulation 18 public consultation on draft Kent Minerals and Waste Local Plan 2023-38</p>	<p>24th October 2022 - 5th December 2022 6 weeks</p>	<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 on a variety of policies. Responses from the DtC bodies and the Council's response are summarised in the tables below.</p>
<p>Informal consultation with waste</p>	<p>6th February 2023 - 20th March 2023</p>	<p>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.</p>

Consultation Event	Date	Summary
operators	6 weeks	
Informal targeted consultation on potential deallocation of Norwood Farm	20th March - 31st March 2023 2 weeks	<p>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.</p> <p>1 response was received from a waste operator that raised concerns about the approach.</p>
Regulation 18 public consultation on Further Proposed Changes to the Kent Minerals and Waste Local Plan	13th June - 25th July 2023 6 weeks	<p>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.</p> <p>The consultation took the same form as the previous Regulation 18 consultations.</p> <p>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.</p>

(i) Which bodies and persons the local planning authority invited to make representations under Regulation 18

A total of approximately 5,776 organisations and individuals were written to and invited to make comments during the consultations listed above. Within this number there were:

- 37 Representatives of Kent District/Borough Councils
- 292 Parish Councils in Kent including the Kent Association of Local Councils
- 81 Elected Kent County Council Members
- 143 District/Borough/County Councils and Unitary Authorities outside Kent including other Minerals and Waste Planning Authorities
- 113 Representatives of the Minerals and Waste Industry
- 9 Utilities Companies
- 90 Representatives from Statutory and Non-Statutory Consultees and Duty to Cooperate Prescribed Bodies
- Over 5,000 individual members of the Public who had registered an interest in environmental and planning consultations undertaken by the Council on the County Council's electronic consultation hub

(ii) How those bodies and persons were invited to make representations under Regulation 18

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, borough 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.

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.

Further information is provided below on how bodies and persons were invited to make representations under Regulation 18:

- An initial evidence gathering consultation to determine which parts of the Kent Minerals and Waste Local Plan 2013-30 (as amended by the Early Partial Review adopted in 2020) took place with key stakeholders for a 14-day period from 26th March 2021 to 9th April 2021.

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 were notified of the consultation directly via email.

- A Regulation 18 public consultation on the Kent Minerals and Waste Local Plan Refresh was open for representations for an 8-week period from Thursday 16th December 2021 to midnight on Wednesday 9th February 2022.

The public consultation was launched using the County Council's consultation hub which notified over 5,000 members of the public via email who had registered an interest in environmental and planning consultations undertaken by the Council. The consultation documents were available to view on the online consultation hub and at the main County Council office from Thursday 16th December 2021.

All contacts on the Kent County Council's minerals and waste consultee database, including statutory consultees, interested stakeholders and organisations were also notified of the consultation directly via email.

Meetings were held, and further correspondence took place, with certain stakeholders, as required and requested, and on parts of the Plan which were of particular interest to specific stakeholders.

Social media was used to promote and raise awareness of the consultation.

The consultation provided an opportunity for stakeholders and communities to comment on the Council's draft proposals for updates to the Kent Minerals and Waste Local Plan. At the same time consultees were able to comment on whether changes to other parts of the Plan, not identified by the review work, were needed.

A form was provided to assist those who wished to make comments. Comments were also accepted in hard copy and other electronic formats.

- A further Regulation 18 public consultation on the Draft Kent Minerals and Waste Local Plan 2023-38 was open for representations for a 6-week period from Monday 24th October 2022 to midnight on Monday 5th December 2022.

The public consultation was launched using the County Council's consultation hub which notified over 5,000 members of the public via email who had registered an interest in environmental and planning consultations undertaken by the Council. The consultation documents were available to

view on the online consultation hub and the main County Council office from Monday 24th October 2022.

All contacts on the Kent County Council's minerals and waste consultee database, including statutory consultees, interested stakeholders and organisations were also notified of the consultation directly via email. Social media was used to promote and raise awareness of the consultation, along with a press release.

Meetings were held, and further correspondence took place, with certain stakeholders, as required and requested, and on parts of the Plan which were of particular interest to specific stakeholders.

- An informal consultation with waste operators on the Draft Kent Minerals and Waste Local Plan 2023-38 took place for 6 weeks from 6th February 2023 to 20th March 2023. The operators were notified of the consultation directly via email.
- An informal targeted consultation on the potential deallocation of Norwood Farm, Isle of Sheppey (CSW5) with key stakeholders for 2 weeks from 20th March 2023 to 31st March 2023. The stakeholders were notified of the consultation directly via email. Meetings were held, and further correspondence took place, with certain Stakeholders, as required and requested, and on parts of the Plan which were of particular interest to specific stakeholders.
- A further Regulation 18 public consultation on the Kent Minerals and Waste Local Plan 2024-2039 Further Proposed Changes was open for representations for a 6-week period from Tuesday 13th June 2023 to midnight on Tuesday 25th July 2023.

The public consultation was launched using the County Council's consultation hub which notified over 5,000 members of the public via email who had registered an interest in environmental and planning consultations undertaken by the Council. The consultation documents were available to view on the online consultation hub and the main County Council office from Tuesday 13th June 2023.

All contacts on the Kent County Council's minerals and waste consultee database, including statutory consultees, interested stakeholders and organisations were also notified of the consultation directly via email.

Social media was used to promote and raise awareness of the consultation, along with a press release.

Meetings were held, and further correspondence took place, with certain

Stakeholders, as required and requested, and on parts of the Plan which were of particular interest to specific stakeholders. A public meeting was held on the 7th July 2023 in relation to the Local Plan work, including the potential review of the Kent Mineral Sites Plan. This referred to the public consultation on the Further Proposed Changes to the KMWLP.

(iii) A summary of the main issues raised by the representations made pursuant to Regulation 18, and,

(iv) How any representations made pursuant to Regulation 18 have been taken into account

A summary of main issues raised during the consultations is as follows:

General

- The draft refreshed Kent Minerals and Waste Local Plan does not plan for a fifteen-year period as required by the National Planning Policy Framework;

Minerals

- the existing policy allocating a strategic minerals site in the form of a cement works and associated chalk reserve at Holborough should be deleted as this is not justified, due to a lack of need for the facility, and is inconsistent with national policy including on Green Belt;
- planning permission for the allocated strategic minerals site (see above) has been implemented and so the site should be safeguarded;
- calculation of future requirements for soft sand is flawed resulting in under provision;
- additional provision for crushed rock should be made as future requirements for crushed rock are higher than forecast and cannot be met from existing sites. The plan should consider that the extracted crushed rock is of differing quality and cannot all be used for 'premium' uses;
- extraction of hydrocarbons should not be allowed as it is inconsistent with the climate change agenda;

Waste

- Changes to policy encouraging development to be consistent with achieving a 'circular economy' place onerous burdens on developers which will make new development unviable;
- changes should be consistent with emerging revised Kent Waste Disposal Strategy;

- new sites to manage household waste should be allocated in a Waste Local Plan;
- there is uncertainty over new regulations affecting recycling;
- clarity required regarding management of waste at Dungeness;
- management of radioactive waste at Dungeness risks impacts on human health and the environment. This policy change requires a Habitats Regulations Assessment;
- The strategic site allocation for an extension to a landfill for hazardous waste at Norwood Farm should be retained in the Plan;

Development Management

- Updated policy concerning Biodiversity Net Gain should be more ambitious (require at least 20% instead of 10%) and guidance should be provided setting out how requirements will be met;

Two tables have been prepared which set out the issues raised by the representations during each consultation, and how these issues have been addressed, as appropriate, during the production of the Kent Minerals and Waste Local Plan 2024-39. These can be found in Appendices 1 and 2 of this document.

The main issues raised were addressed as follows:

The plan period was extended to ensure it covers a 15-year period. To ensure the Kent Minerals and Waste Local Plan makes adequate provision for the management of waste and supply of minerals over the 15-year period, an assessment of the need for new facilities and supplies was completed which concluded:

- Although new waste management targets are proposed for 2035/36 and 2040/41, these targets could be met by existing facilities including extensions to such facilities; and,
- for minerals other than crushed rock (hard rock), there is no need to allocate additional sites to ensure supply at this time. These minerals will be subject to ongoing monitoring as part of the plan making process.
- With regard to crushed (hard) rock, the need for new reserves has been included in the Plan and it is noted that an allocation(s) should be sought in an update to the Minerals Sites Plan, if possible.

Updates were made to aggregate requirements in Policy CSM2 and waste management targets in Policy CSW4.

The strategic minerals site (chalk quarry and cement works) allocated in the adopted Kent Minerals and Waste Local Plan 2013-30 is not proposed for retention in

recognition that the site has been granted planning permission and so the land is safeguarded from non-mineral development.

The strategic waste site (Norwood Farm landfill extension) allocated in the adopted Kent Minerals and Waste Local Plan 2013-30 is not proposed for retention as this would act as a disincentive to manage waste in accordance with the waste hierarchy;

A commitment to provide guidance on how development proposals should demonstrate consistency with the circular economy has been included;

A recognition within supporting text of the need for the development of additional capacity for the management of household waste identified by the Waste Disposal Authority.

In response to the Kent Nature Partnership expectation that a minimum 20% biodiversity net gain target be included in all Local Plans in Kent, a change to Policy DM3 was made that seeks the achievement of maximum biodiversity net gain on the basis that restoration of quarries can often easily result in much greater biodiversity net gain than 20% and including such a target of 20% may mean the full potential is not realised. A commitment to provide guidance on how development proposals should demonstrate maximum practicable biodiversity net gain has been included and related policy wording amended;

Changes to Policy CSW17 relating to management of waste at the Dungeness Nuclear Estate were made to ensure that the policy is consistent with relevant national policy and guidance for the management of waste and the protection of the environment. A related 'Habitats Regulations Assessment' was undertaken and has concluded that there would not be a risk of an adverse effect on the integrity of the Dungeness SAC, SPA (and Ramsar site) and their qualifying features. This is because the Policy has been drafted to ensure that any importation of wastes for treatment and disposal, allowed under Policy CSW17 would not result in an increase in vehicle movements and so it was unlikely to have an adverse effect on the integrity of the Special Protection Area (SPA) although further evidence would need to be provided at planning application stage.

Changes were made to improve the clarity of the Plan's wording and, hence the meaning, of objectives and policies.

(v) If representations were made pursuant to Regulation 20, the number of representations made and a summary of the main issues raised in those representations

(vi) If no representations were made in Regulation 20, that no such representations were made

A Regulation 19 public consultation on the Pre-Submission Draft of the Kent Minerals and Waste Local Plan 2024-39 was undertaken from 17th January 2024 to 29th February 2024. A total of 58 representations were received, plus 3 late

representations. A summary of main issues raised during the Regulation 19 consultation is as follows:

General

- Suggested revisions to aid clarity including links to documents and associated reviews, and grammatical corrections;
- Amendments required to reflect national change of 'AONBs' to 'National Landscapes' and clear direction on how duty of conserving and enhancement of national beauty will be sought to ensure consistency with national policy; and,
- Consistency in use of wording and definitions of 'Habitat Sites' and alignment with the NPPF is needed.

Introduction

- The climate emergency should act as a barrier to new development;
- Add reference to the Circular 01/2022 for the Strategic Road Network to ensure consistency with national policy;
- Minerals and waste development will negatively impact Biodiversity Opportunity Areas; BAP targets should be updated to refer to the Nature Partnership Biodiversity Strategy 2020 to 2045; and
- Clarity required regarding use of term 'ragstone' and the alternative sources of 'crushed rock'.

Spatial Vision

- Support for importation infrastructure, minerals handling and processing infrastructure safeguarding;
- The need for increasing levels of infrastructure to meet growth and demands in waste and resource management should be included; and
- Support for the additional text concerned with delivering a sustainable, steady and adequate supply of land-won aggregates.

Objectives

- Support for importation infrastructure, minerals handling and processing infrastructure safeguarding;
- Support for Strategic Objective which aims to deliver a sustainable, steady and adequate supply of land-won aggregates to the Kent area and beyond;
- Support the objective to enable the extraction of building stone minerals (Policy CSM9) for heritage building products;
- Re Objective 11 the County Council should help minimise waste and increase its re-use rather than relying on industry; and
- Objective 11 should more accurately reflect the ability of the Council to influence waste management.

Mineral Supply

- The Plan should make it clearer how Silica Sand should be reserved for non-aggregate industrial uses;

- Estimates of future aggregate requirements in the supporting text should be included in policy;
- Support for the approach to determining the shortfall and scale of provision of hard rock required;
- The Mineral Sites Plan should allocate additional (hard rock) sites to maintain the requisite landbanks of land-won aggregates;
- Support for the plan enabling adjacent administrative areas to maintain a steady and adequate supply of Soft Sand, as recognised in an agreed Statement of Common Ground;
- Stronger reference to the environmental impacts of potential mineral site allocations is needed;
- The Plan should recognise that the long-term conservation of a finite resource cannot be secured;
- Ragstone should be safeguarded for use as a unique building stone and other sources of hard rock for aggregate use should be sought;
- The Plan should recognise the availability of alternatives to Ragstone for use as a building stone;
- Carboniferous Limestone as a source of hard rock for aggregate use should not be dismissed on cost grounds;
- Expansion of Hermitage Quarry should not be allowed as this would have serious adverse impacts;
- The safeguarding SPD should detail local plan allocations that have been deemed acceptable as exemption sites;
- Proposals on allocated sites should not be considered against all the policies of the Plan as their suitability has already been tested;
- Support for maintaining aggregate landbanks to the end of the Plan period;
- There is inadequate provision for the steady and adequate supply of soft sand. Local circumstances have not been properly taken into account when forecasting future aggregate supply requirements;
- Support for the calculation of soft sand requirements;
- Sharp sand and gravel allocations (Stonecastle Farm and Moat Farm) should not be relied on as they will have serious environmental impacts, these should be deleted and the need re-calculated;
- Policy CSM 4 (Non-identified Land-won Mineral Sites) - greater clarity required to demonstrate that there are overriding benefits that justify extraction at an exception site;
- Support for safeguarding of land-won economic minerals; and
- Support for the increased recognition that minimising road transport where possible plays a significant role in promoting sustainable development.

Waste

- To allow for future increases in population and housing, the Plan should more clearly specify the location and nature of additional waste management facilities needed to manage Local Authority Collected Waste;

- Policy wording should be added which is intended to ensure that development is nutrient neutral. Waste arising from schemes intended to mitigate nutrient neutrality issues (such as reedbeds) should be specifically planned for;
- Support for expectation that facilities will be well located to railheads and wharves;
- Facilities should be located proximate to 'strategic' roads to be consistent with national policy;
- Consideration is needed of the accessibility of Household Waste Recycling Centres to residents;
- The Plan should include policy to control the use of "package" wastewater treatment plants in new housing development;
- The Plan should not allow the deposit of low level radioactive waste within the Dungeness Nuclear Estate but if it does should include more details including potential deposit locations; and
- The allocation of an extension to Norwood Quarry Landfill for the landfill of hazardous air pollution control residues should be retained to provide certainty that this waste stream can be managed in future.

Development Management

- Greater emphasis on carbon neutrality needed within sustainable design policies and the need for consistent messages within supporting text and policy wording;
- Concerns regarding suitability and effectiveness of a 'suitable mitigation strategy' for development affecting ancient woodland;
- A number of matters relating to Biodiversity Net Gain:
 - o Policy should align with statutory requirements for Biodiversity Net Gain;
 - o Requirement for Biodiversity Net Gain needs to be clearer;
 - o at least 20% Biodiversity Net Gain should be required;
 - o Minimum 10% Biodiversity Net Gain is a statutory requirement and so cannot be weighed against other planning considerations; and
 - o Proposed guidance relating to Biodiversity Net Gain is welcomed but its timing and status is unclear;
- Safeguarding matters:
 - o Benefits from development providing a significant housing contribution should outweigh a presumption to safeguard sites which have not been developed;
 - o Proposals for 'changes of use' should not be exempt from safeguarding; and
 - o Waste management facilities which cannot reasonably be relied on to come forward should not be safeguarded;
- Policy DM 7 - all exemptions should apply before a site is released from safeguarding (use of 'or' between clauses is not appropriate);
- Policy DM10 - A strengthening of policy wording and supporting text in relation to hydrogeological and/or hydrological assessment(s), water courses, surface water and flood risk assessments references is sought;

- Policy DM13 (Transportation of Minerals and Waste) – not consistent with national policy;
- Policy DM13 - support in relation to emission control measures and AQMAs;
- Is Concern that Policy DM16 is unnecessary and unsound - a local validation list would be more appropriate; and
- Policy DM22 is unnecessary.

Monitoring

- Clarity required regarding terminology of ‘building rock’ and ‘crushed rock’.

Policies Maps and General

- Suggested revisions to aid clarity including adding the locations of wharves onto the plan titles and relate table, and the need to include Ebbsfleet Development Corporation (EDC) on list of MSA maps;
- The revised plans of Mineral Safeguarding Areas should be amended to reflect the viability of extraction in certain locations; and
- Support for retention of mineral safeguarding areas.

Appendix 1: Analysis of Comments received to Regulation 18 consultation on the review of the Kent Minerals and Waste Local Plan 2013-30 from December 2021 - February 2022

Ref No.	Section	Consultee	Summary of Representation	KCC Response
Contents				
ID18	Contents	Ebbsfleet Development Corporation	Policy CSW3 is missing from the policy list in the index.	Noted - amended accordingly.
1. Introduction				
ID22	1.3 The Links with Legislation, Other Policies and Strategies Paragraph 1.3.4	Swale Borough Council	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.
ID52	1.3 The Links with Legislation, Other Policies and Strategies Paragraph 1.3.9	Marine Management Organisation	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
ID22	1.3 The Links with Legislation, Other Policies and Strategies Paragraph 1.3.11	Swale Borough Council	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 co-operation. Change to text proposed.
ID18	1.3 The Links with Legislation, Other Policies and Strategies Paragraph 1.3.11	Ebbsfleet Development Corporation	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.
ID14	1.3 The Links with Legislation, Other Policies and Strategies Paragraph 1.3.11	Ashford Borough Council	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) co-operation. Change to text proposed.
ID60	1.3 The Links with Legislation, Other Policies and Strategies Paragraph 1.3.15	XXXXXX	The proposed year on year reduction on the percentage of landfill is a good intention but is not something that KCC or householders can influence. Householders are broadly stuck with the packaging that comes with the goods they have to purchase. To change this would require changes to national legislation.	The Plan allows for development of facilities which will divert waste from landfill. Agree national legislation has a role to play.

ID16	1.3 The Links with Legislation, Other Policies and Strategies Paragraph 1.3.16	Dartford Borough Council	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.
ID18	1.4 The Evidence Base Paragraph 1.4.3	Ebbsfleet Development Corporation	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.
ID57	1.4 The Evidence Base Paragraph 1.4.5	XXXXXX	The words 'it was' are repeated in the first sentence – cross through the 'no-bold' words.	Noted - text amended accordingly.
ID57	1.5 Planning and Permitting Interface Paragraph 1.5.1	XXXXXX	Change 'it's' to 'its'.	Noted - text amended accordingly.
ID57	1.5 Planning and Permitting Interface Paragraph 1.5.2	XXXXXX	Missing space between 'the control' and 'of processes or emissions'. Missing space between 'these regimes' and 'will operate effectively'. Missing space between 'on a particular' and 'development,'.	Noted - text amended accordingly.
ID57	1.5 Planning and Permitting Interface Paragraph 1.5.3	XXXXXX	Missing space between 'planning' and 'authorities' Missing space between 'assumption that the' and 'relevant pollution' – recommend running spellchecker/formatting following conversion of documents	Noted - text amended accordingly.
ID13	1.5 Planning and Permitting Interface Paragraph 1.5.3	XXXXXX	Paragraph 1.5.3 particularly confusing - focus seems to be on planning without consideration of whether existing methodology achieves strong action on real failures of the present system. Need to consider 'does the present system deliver acceptable results?' No partner organisation seems to have the right to raise issues about: - Pollution of coastal resorts caused by failure of Southern Water to clean up raw sewage disposals in times of river flood conditions. Cause concern from river users. - Failure to control pollution entering Stodmarsh RAMSAR and knock-on implications for district authorities that are unable to authorise the building of property on sites for which planning permission has already been granted. Has been an application (not yet granted) to develop a system that would extract pollution from the Stour at Godmersham to mitigate pollution that would be generated at a site at Blean. Such pollution control mechanism shouldn't be under control of a developer and its mitigation impact should be allocated primarily to developments on brownfield sites rather than to developments on agricultural land. - Failure to mitigate all types of pollution. Points above focus on water pollution & worth noting that sewage, composting and landfill activities also cause significant atmospheric pollution. In April 2021, The Economist stated that 'over the course of 20 years 1 tonne of methane will warm the atmosphere about 86 times more than a tonne of CO2'. KCC should be more open about what it could achieve & does achieve, with any form of methane reduction programme. Should inspire other organisations to address	Matters raised are dealt with under the pollution control regime implemented by the Environment Agency. The Plan allows for the development of waste management facilities, and it is technology neutral to allow innovation. Wastewater management facilities are covered specifically by Policy CSW15. Objectives for the management of household waste in Kent, as well as achievements, are set out in paragraphs 1.3.11 to 1.3.16.

			<p>this problem too.</p> <p>KCC should ensure all aspects of waste are treated in a way that all forms of pollution are minimised, including working with central government, Kent universities & environmental businesses to find Kent based solutions to pollution problems. E.g. producing a list of main wastes that are processed with clear and full descriptions of current processes. Should also include commodities that cannot even be treated in the UK. Market opportunity to develop a series of waste processing businesses that could expand to provide high quality waste processing businesses across the country - all waste collected in Kent should be processed in Kent and everyone should be able to find out what items are/aren't recycled.</p> <p>Kent based Trading Standards personnel could focus attention on companies that can currently state legally that their products 'are not yet recyclable'. Need for an incentive for companies to find solutions to elements of their products for which there is no ready means of recycling to reduce environmental harm. Recommend providing opportunity to work with Kent universities/businesses referred to above to find solutions & naming and shaming companies that sell such products & encourage a greater focus on alternative methods of production and presentation.</p> <p>Understand that at present KCC is unable to recycle products such as plastic covered paper coffee cups which are often littered, or Tetra Pak containers. Processes exist to recycle these products but are not used by KCC. If this recycling work is not to be done by KCC, why is the opportunity not made available to local businesses?</p> <p>Part of the processing issue may be that the local district authorities operate such varied waste collection regimes that the waste recycling process cannot cope with the variability of delivered waste. If appropriate, KCC should take over the waste collection services provided by the individual districts, thus imposing some form of standardisation. Certainly, something needs to be done to improve the current low level of waste recycling in the county.</p>	
2. Minerals and Waste Development in Kent - A Spatial Portrait				
ID57	2.1 Introduction Paragraph 2.1.2	XXXXXX	Footnote 24 not correctly set.	Noted - text amended accordingly.
ID57	2.2 Kent's Environmental and Landscape Assets Paragraph 2.2.1	XXXXXXX	Bullet point after 'Green Belt' and before 'Ancient Woodland' – should there be a spilt and/or an extra bullet point in the italicised part of the point that starts 'species and habitats listed as ...'?	Noted - text amended accordingly.
ID13	2.2 Kent's Environmental and Landscape Assets Figure 4 - International Designations	XXXXXXX	The hatching on the Stodmarsh RAMSAR site shown in Figure 4 does not appear to match the Key.	Noted - It does, but where the site is also subject to SAC and SPA designations there are other layers of hatching which make it appear slightly different.
ID16	2.2 Kent's Environmental and Landscape Assets Figure 5 - Nationally Important	Dartford Borough Council	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

	Designations: Landscape			
ID18	2.2 Kent's Environmental and Landscape Assets Figure 5 - Nationally Important Designations: Landscape	Ebbsfleet Development Corporation	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
ID16	2.2 Kent's Environmental and Landscape Assets Figure 7 - Local Geological Sites and Local Wildlife Sites	Dartford Borough Council	The RIGS site at Bluewater does not seem to appear clearly on the figure.	This is correctly shown on the plan.
ID16	2.2 Kent's Environmental and Landscape Assets Figure 11 – Biodiversity Improvement Areas	Dartford Borough Council	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
ID18	2.2 Kent's Environmental and Landscape Assets Figure 11 – Biodiversity Improvement Areas	Ebbsfleet Development Corporation	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
ID57	2.3 Kent's Economic Mineral Resources Paragraph 2.3.2	XXXXXX	Should 'brickearth' be 'brick earth' or 'brick-earth' or left as it is?	The term 'brickearth' is correct and has been applied correctly in the Plan.
ID18	2.4 Kent's Waste Infrastructure Paragraph 2.4.1	Ebbsfleet Development Corporation	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
ID14	2.4 Kent's Waste Infrastructure	Ashford Borough Council	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

	Paragraph 2.4.5			<p>replacement of such waste capacity subject to proposals being consistent with the policies and objectives of the Plan.</p> <p>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.</p> <p>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.</p>
ID57	2.4 Kent’s Waste Infrastructure Paragraph 2.4.2	XXXXXXX	Lost track of what the MWLP was - has it changed?	Noted - Propose to change the acronym of ‘MWLP’ in this paragraph to long hand of ‘Minerals and Waste Local Plan’ as there are lots of acronyms close together and this will assist in the reading of the paragraph.
ID07	2.4 Kent’s Waste Infrastructure Para 2.4.6	West Sussex County Council	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
ID57	2.4 Kent’s Waste Infrastructure Para 2.4.7	XXXXXX	Missing space between ‘Kent’s new’ and ‘waste treatment’.	Noted - text amended accordingly
3. Spatial Vision for Minerals and Waste in Kent				
ID14	Vision	Ashford Borough Council	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).	<p>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.</p> <p>The Plan period is to be extended to cover the period to 2038.</p>
ID57	Planning for Minerals in Kent will: (6)	XXXXXXX	Replace ‘and’ by ‘to’.	Noted - text amended accordingly
ID20	Planning for Waste in Kent will: (9)	Gravesham Borough Council	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
ID23	Vision	Tonbridge and Malling Borough Council	<p>Tonbridge and Malling Borough Council (TMBC) acknowledge the changes to the spatial vision for minerals and waste and raise no objection to them.</p> <p>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.</p>	Noted
ID44	Spatial Vision	CPRE	Spatial Vision 6 reads: ‘Facilitate the processing and use of secondary and recycled aggregates and become less reliant on land-won construction aggregates; and 11 reads: Ensure waste is managed close to its source of production.’	Safeguarding policy would be considered as part of any application.

			The processing facilities on Swanscombe Peninsula are at risk of being lost to other uses and there may be no locally suitable alternative sites. This will impact on the deliverability of the vision.	It is understood the proposed London Resort development includes proposals for facilities to manage waste arising at the site. Development of the Swanscombe Peninsula is not certain.
ID07	Vision	West Sussex County Council	The amendments proposed to the Vision are supported.	Noted
ID22	Vision	Swale Borough Council.	Supports the updated environmental policies and their preamble and the proposed vision and objectives.	Noted
4. Objectives for the Minerals and Waste Local Plan				
ID14	Objectives	Ashford Borough Council	<p>The objectives are not currently aligned with the spatial vision of circular economy. The objectives should be updated to address this.</p> <p>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.</p>	<p>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.</p> <p>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.</p>
ID22	Objectives	Swale Borough Council	Supports the updated environmental policies and their preamble and the proposed vision and objectives.	Noted.
ID20	Strategic Objectives for the Minerals and Waste Local Plan (4)	Gravesham Borough Council	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 '.
ID20	Strategic Objectives for the Minerals and Waste Local Plan (9)	Gravesham Borough Council	<p>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.</p> <p>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.</p> <p>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?</p>	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.
ID14	Objective 10	Ashford Borough Council	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.
ID44	Strategic	CPRE	Proposed Waste Strategic Objective 11 reads: 'Promote the management of waste close to the source of	Safeguarding policy would be considered as part of any

	Objectives for the Minerals and Waste Local Plan (11)		production in a sustainable manner using appropriate technology and, where applicable, innovative technology, such that net self-sufficiency is maintained throughout the plan period.' The processing facilities on Swanscombe Peninsula are at risk of being lost to other uses and there may be no locally suitable alternative sites. This will impact on the deliverability of this strategic objective.	application to ensure that any loss in capacity is provided for elsewhere in Kent.
ID57	Strategic Objectives for the Minerals and Waste Local Plan (9)	XXXXXX	Insert hyphen between 'after' and 'uses', to match use of the phrase later in the same paragraph.	Noted - text amended accordingly
ID46	Strategic Objectives for the Minerals and Waste Local Plan (9) and (14)	High Weald AONB Unit	Supports these objectives but was not able to find them reflected in policy. It is recommended that policy DM19 utilises the wording in the objectives to give it full weight in planning decisions. It is also recommended that the Kent Nature Partnership's recommended minimum of 20% biodiversity net gain be referenced in the policy.	Text amended to ensure that the maximum practicable biodiversity net gain is sought. Whilst the policy does not prescribe 20%, given the nature of mineral development, their restoration may deliver in excess of this. Policies DM3 and DM19 has been amended to seek maximum biodiversity net gain and guidance will be prepared setting out how this will be implemented.
ID14	Objective 14	Ashford Borough Council	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.
ID20	Strategic Objectives for the Minerals and Waste Local Plan (14)	Gravesham Borough Council	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.
ID23	Objectives	Tonbridge and Malling Borough Council	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>	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

			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.	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.
5. Delivery Strategy for Minerals				
	Policy CSM2	GAL	<p>The Hythe Formation (Limestone) is an important and distinctive aggregate forming safeguarded mineral deposit in Kent. The provision of aggregates in Kent over the plan period should be sufficient to meet the distinctive aggregate markets that exist, as required by the National Planning Policy Framework (NPPF) (2021). The available data demonstrates that there are two types of hard crushed rock that is found at Hermitage Quarry and Blaise Farm, the combined permitted reserves constitute the Kent landbank for hard crushed rock (Ragstone -Hythe Formation) in Kent.</p> <p>The material available at Hermitage Quarry has a range of characteristics that enables it to meet aggregate specifications that include structural concrete products, Kentish Ragstone cut stone masonry, rip rap armour stone, processed into single-sized aggregate for concrete specifications, and gabion stone materials, as well as lower grade materials that can be applied to more general civil engineering applications such as a Type 1 Sub-base material. The deposits available at Blaise Farm are unable to meet the higher specified aggregate (crushed rock) uses. Therefore, it is considered that the hard (crushed) rock aggregate landbank in Kent should be split into two separate landbanks to reflect the distinction between the materials which are suitable for higher specification products and uses and those which are not. Therefore, the County Council should review the hard (crushed) rock aggregate landbank objectively assessed needs in the County and make adequate provision to enable a steady and adequate provision of both distinctive markets that this important hard (crushed) rock serves into the future.</p>	<p>Aggregate supply to ensure a steady and adequate level of provision is informed by the monitoring process as reported in the Council’s Local Aggregate Assessment (LAA). Interpretation of the most current data has indicated that there will be an insufficient hard rock landbank to meet the policy requirements of the proposed new plan period (to 2023-2038). As a result, additional provision is required and a call for sites is proposed to seek possible sites for allocation. Policy CSM2 is proposed to be amended to reflect this.</p> <p>Discussions are ongoing to determine if there is justification to split the hard (crushed) rock landbank as suggested.</p>
ID57	5.2 Policy CSM 2: Supply of Land-won Minerals in Kent Paragraph 5.2.7	XXXXXX	Missing space between 'Sharp Sand' and the '& Gravels'.	Noted - text amended accordingly.
ID57	5.2 Policy CSM 2: Supply of Land-won Minerals in Kent Paragraph 5.2.10	XXXXXX	Missing space between 'the additional' and 'provision that needs'. Missing space between 'supply' and 'options (including'	Noted - text amended accordingly.
ID57	5.2 Policy CSM 2: Supply of Land-won Minerals in Kent Paragraph 5.2.31	XXXXXXX	Suggest replacing comma by a semi-colon.	Noted - text amended accordingly.
ID57	5.2 Policy CSM 2: Supply of Land-won Minerals in Kent Paragraph 5.2.33	XXXXXX	Missing space between 'is located' and 'in the Weald'.	Noted - text amended accordingly.

ID07	Policy CSM 2 - Supply of Land-won Minerals in Kent	West Sussex County Council	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.
ID10	Policy CSM 2 - Supply of Land-won Minerals in Kent	XXXXXX	<p>Referring specifically to the reported shortage of soft sand reserves, and that the current safeguarding boundary skirts south of Park Farm Quarry, which has an extant application for soft sand extraction, until 2042, and also to the south of the fields to the North of Borough Green Sandpits to the M26, which also contain extensive sand reserves, would it not make sense to extend the Mineral Safeguarding boundary North to the line of the M26.</p> <p>Makes more sense to extract sand by extending existing workings of Borough Green Sand Pit, Park Farm, and Nepicar, than to open new areas for extraction in untouched countryside elsewhere. Whilst Borough Green, Wrotham, Platt and Ightham have suffered decades of noise, dust, and traffic from mineral extraction, it is effectively only temporary with the requirements for reinstatement afterwards.</p> <p>Suggest that local residents would prefer "temporary" extraction sites for these sites than the permanent loss of Greenbelt and AONB land.</p>	<p>The Folkestone Formation that produces soft and silica (high purity) sand is already safeguarded by the adopted Kent Minerals and Waste Local Plan Policy CSM 5: Land-won Mineral Safeguarding and no changes are proposed to this safeguarding policy.</p> <p>In terms of future soft sand supply, the existing permitted reserves in the Kent quarries and the Minerals Sites Plan allocation at Chapel Farm, Lenham will ensure that a maintained landbank can be provided for the Plan period. If annual monitoring were to demonstrate that this cannot be maintained, further resources in the form of additional allocations in a reviewed Mineral Sites Plan would be considered. If planning applications were proposed on unallocated sites, these would be considered in accordance with the development plan i.e. local planning policy.</p>
ID25	Policy CSM 2 – Supply of Land won Minerals in Kent	Brett Aggregates	The 7-year landbank figure for sharp sand and gravel should be 1.89mt and not 1.83mt in paragraph 5.2.26.	The annual position on sharp sand and gravel in the County is reported in the Council's Local Aggregate Assessment. The latest calculation shows permitted reserves at the end of 2021 as 1.384mt and so this value is used in the draft updated Plan.
ID44	Policy CSM 2 – Supply of Land won Minerals in Kent	CPRE	It is unclear if any sites for clay for engineering purposes are to be brought forward.	No sites for engineering clay are being identified in the review of the Kent Minerals and Waste Local Plan 2013-30 or the update to the Minerals Sites Plan. The amount of clay reserves for engineering purposes is not subject to local or national planning policy requirements to maintain a landbank. Any sites that come forward via a planning application would be considered against national and local plan policy including Policy CSM 4: Non-identified Land-won Mineral Sites.
ID24	Policy CSM 2 – Supply of Land-won Minerals in Kent	Borough Green Sandpits Ltd	<p>Policy CSM2 fails to make adequate provision for soft sand supply as it does not take into account future demand for housing and infrastructure. Without considering future demand, the plan becomes a monitoring tool which looks back on past trends.</p> <p>The Annual Mineral Planning Survey (December 2021) produced by the Mineral Products Association (MPA), estimates that some 3.2 – 3.8 billion tonnes of construction aggregates will be required to support growth across the UK up to 2030. There is also significant investment to be made in infrastructure projects over the coming years which will require a significant volume of construction aggregates.</p> <p>The calculation of the 3-year and ten-year averages is flawed in that the years 2019 and 2020 saw a downturn in sales due to Brexit and then the Covid-19 pandemic; this is acknowledged in the MPA's Annual Mineral</p>	<p>Provision for soft sand supply has been calculated in accordance with national policy and guidance.</p> <p>The nationally applied Managed Aggregate Supply System (MASS) requires mineral planning authorities to maintain landbanks of aggregate minerals based on monitoring of sales and reserves data. This is achieved via Local Aggregate Assessment (LAA) monitoring reports that use past sales as required by the National Planning Policy Framework (NPPF). The sales returns are provided to the County Council from the mineral industry and the LAA is considered annually by the South East</p>

		<p>Planning Survey. The survey also found an 8% increase in sales of land-won sand and gravel in the south-east between 2014 and 2019, contrary to the findings of the KMWLP review consultation. The unreliability of the 3- and 10-year averages, as well as the forecasted demand for housing and infrastructure projects means that the policy does not make adequate provision for soft sand supply. The site allocated within the Mineral Sites Plan is not expected to deliver any soft sand during the Plan period and cannot be relied upon.</p> <p>Furthermore, other mineral planning authorities (some of which are heavily constrained by landscape designations) rely on imports of land-won aggregates from Kent, this has not been taken into account.</p>	<p>Aggregate Working Party (SEEAWP) - a representative group of the mineral planning authorities, the mineral industry and the Mineral Products Association.</p> <p>It is recognised that the NPPF requires consideration of “...<i>other relevant local information</i>”. This has been considered. However, any predicted future changes in demand, as in arising from high growth development projections are considered to be unreliable at this time, particularly in light of the current economic circumstances and the uncertainty of future growth patterns. Therefore, the emerging strategy is based upon the annual monitoring process to inform need. As required by the NPPF, “...<i>relevant information will be used to assess landbank requirements on an ongoing basis, and this will be kept under review through the annual production of a Local Aggregate Assessment.</i>”</p> <p>The growth scenario as predicted by the Minerals Products Association and potential aggregate need is noted. However, in terms of the amount and type of these materials, it is speculative. The Mineral Products Association’s estimation of sustained UK growth in its ‘<i>Regional overview and forecasts of construction and mineral products markets in Great Britain</i>’ Spring 2022 states that the construction output forecast is +3.0% increase per annum in the South East between 2022-25.</p> <p>The Office for Budgetary Responsibility however states in their Economic and fiscal outlook in March 2022 that over the medium term: <i>“1.15 Real GDP growth slows further to 1.8 per cent in 2023 as the rebound from pandemic related restrictions fades, the cost of living squeeze continues, some fiscal support is withdrawn, and monetary policy tightens further. Growth then recovers in 2024 to 2.1 per cent as lower energy prices drag inflation below the 2 per cent target, supporting real incomes. Growth then settles around its potential rate of 1¾ per cent a year from 2025 onwards, while per-capita GDP growth averages just over 1½ per cent a year. The level of real GDP from 2025 is unchanged from our October forecast as we have maintained our assumption that the pandemic has led to economic scarring of 2 percent of GDP (Chart 1.4). But we have revised up the contribution to scarring of lower labour supply (due to a smaller population and lower labour force participation) from 0.8 to 1.2 percentage points and made an offsetting downward revision to the hit to productivity (see Annex C).”</i></p> <p>This forecast shows continued uncertainty of any return to higher national economic growth and casts doubt on the Mineral Planning Association’s regional growth scenario, supporting the Council’s approach to rely upon average sales data and reserve levels to plan for future mineral supply.</p>
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ID44	Policy CSM 3 Strategic Site for Minerals	CPRE	<p>There is a SSSI near the northern border of the strategic site (Holborough) and a couple within the Mineral Consultation Area.</p> <p>There is no requirement for an assessment of the impact of mineral workings and associated development on these SSSI and this should be included.</p> <p>Figure 17 has a number of coloured designations not all of which are identified in the key and this is needed.</p>	<p>Planning permission for the Holborough site has been implemented and so its further development is safeguarded by policies CSM5 and DM7. Policy CSM3 has therefore been deleted although supporting text to explain the position has been retained.</p> <p>Covered by Policy DM2</p> <p>Policy CSM 3: Strategic Mineral Site is proposed to be deleted from the Plan, along with the accompanying Figure 17.</p>
ID20	Policy CSM 3: Strategic Site for Minerals	Gravesham Borough Council	<p>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.</p> <p>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 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>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>

			<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 weight to be accorded such landscapes as a result of the Government's response to the Glover review are also likely to be relevant – see https://www.gov.uk/government/publications/landscapes-review-national-parks-and-aonbs-government-response</p> <p>National policy on decarbonisation and the road to net zero by 2050 in terms of the Government's industrial strategy is also likely to be of relevance given the dispersed nature of the cement industry raises significant challenges in this respect – see https://assets.publishing.service.gov.uk/government/uploads/system/uploads/</p>	
ID23	Policy CSM 3: Strategic Site for Minerals	Tonbridge and Malling Borough Council	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.
ID57	5.4 Policy CSM 4: Non-identified Land-won Mineral Sites Paragraph 5.4.2	XXXXXX	Should the bold typing and the closing bracket be crossed through?	Noted - text amended accordingly
ID57	5.5 Policy CSM 5: Land-won Mineral Safeguarding Paragraph 5.5.3	XXXXXX	Missing space between 'exception' and 'is provided'.	Noted - text amended accordingly
ID44	Policy CSM 5 – Land Won Mineral Safeguarding	CPRE	<p>Paragraph 5.5.11 sets out that 'Coal, oil, and deep pennant sandstone resources are also not being safeguarded, as they are located at considerable depth underground and may potentially form extensive resources. The safeguarding of these deep underground minerals would dilute the focus of safeguarding mineral resources, access to which is more likely to be lost to built development.'</p> <p>There is a need to encourage and support the development and growth of renewable sources of energy.</p>	Noted. The Plan is consistent with national policy on extraction of fossil fuels.

			Resisting the extraction of fossil fuels is one means of doing this.	
ID15	5.5 Policy CSM 5: Land-won Mineral Safeguarding Paragraph 5.5.12	Canterbury City Council	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 geographies are reviewed again to ensure that only minerals which have any potential economic value are safeguarded under this policy.	The Mineral safeguarding Areas have been updated.
ID27	Policy CSM 5 – Land-won Mineral Safeguarding	Tarmac Cement and Lime Limited	Bullet point 2 could be amended to read “2. Mineral Consultation Areas which cover the same area as the Minerals Safeguarding Areas and a separate area adjacent to the Strategic Site for Minerals at Medway Works, Holborough as shown in Figure 17 (to which the provisions of Policy DM7 also apply).” This would enable a stronger linking of Policy CSM 3 (Strategic Site for Minerals) with Policy DM 7 (Safeguarding Mineral Resources)	Planning permission for this site has been implemented and so its further development is safeguarded by policies CSM5 and DM7. Policy CSM3 has therefore been deleted, although supporting text to explain the position has been retained.
ID17	5.6 Policy CSM 6: Safeguarded Wharves and Rail Depots	Dover District Council	Note and support updated text relating to the Dunkirk Jetty safeguarded wharf.	Noted.
ID15	Policy CSM 6 - Safeguarded Wharves and Rail Depots	Canterbury City Council	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.
ID12	Policy CSM 6 - Safeguarded Wharves and Rail Depots	XXXXX	Plans are afoot at Thanet District Council to replace the berths at the port used by Brett Aggregates with a more extensive berth, which Bretts have not asked for, but which Council tax-payers have been obliged to pay for - unable to obtain clear information for the reasons of this. Local rumours, suggest that there are plans to use the facility for transport of bulk waste. Consider Ramsgate Port an unsuitable site for the management of bulk waste: it is open, windy, vulnerable to flooding, very close to housing, next to a national site of scientific interest.	The review of the Kent Minerals and Waste Local Plan does not propose any change to this site in respect of managing waste. In the event that this were to be proposed, it would be considered on its merits against planning policy and legislation. Mineral wharves in the Port are safeguarded in accordance with planning policy that is part of the adopted Kent Minerals and Waste Local Plan. There have been no national policy amendments to justify change to the safeguarding of the site.
ID54	Policy CSM 6 - Safeguarded Wharves and Rail Depots	Port of London Authority	No significant amendments are made to this policy which is supported.	Noted
ID57	5.8 Policy CSM 8: Secondary and Recycled Aggregates Paragraph 5.8.3	XXXXX	Missing space between 'While sites with' and 'permanent consent'.	Noted - text amended accordingly
ID07	Policy CSM 9 - Building Stone in Kent	West Sussex County Council	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
ID57	Policy CSM 9 - Building Stone in Kent	XXXXX	Cross through '3'.	Noted - text amended accordingly
ID45	Policy CSM 9 – Building Stone in Kent	Environment Agency	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.

ID57	5.10 Policy CSM 10: Oil, Gas and Unconventional Hydrocarbons Paragraph 5.10.2	XXXXX	Missing space between 'quantities' and 'of unconventional'.	Noted - text amended accordingly
ID57	5.10 Policy CSM 10: Oil, Gas and Unconventional Hydrocarbons Paragraph 5.10.3	XXXXXX	Missing space between 'for' and 'a subsequent'.	Noted - text amended accordingly
ID57	5.10 Policy CSM 10: Oil, Gas and Unconventional Hydrocarbons Paragraph 5.10.5	XXXXX	Missing space between 'need' and 'to be satisfied'.	Noted - text amended accordingly
ID57	5.10 Policy CSM 10: Oil, Gas and Unconventional Hydrocarbons Paragraph 5.10.8	XXXXXX	Add in a comma or semi-colon after East Sussex.	Noted - text amended accordingly
ID57	5.10 Policy CSM 10: Oil, Gas and Unconventional Hydrocarbons Paragraph 5.10.9	XXXXXX	Technologies is plural, so associated verb should be 'enable', not 'enables'.	Noted - text amended accordingly
ID57	5.10 Policy CSM 10: Oil, Gas and Unconventional Hydrocarbons Paragraph 5.10.10	XXXXXX	Missing space between 'combustible' and 'is a potential'. Missed space between 'spaces of coal' and 'in coal seams'.	Noted - text amended accordingly
ID57	5.10 Policy CSM 10: Oil, Gas and Unconventional Hydrocarbons Paragraph 5.10.12	XXXXX	Missing space between 'gas' and 'or oil'. Space missing between 'under pressure' and 'into oil from shale'.	Noted - text amended accordingly
ID57	Policy CSM 10 - Oil, Gas and Unconventional Hydrocarbons	XXXXXX	Item 3 - missing space between 'wetlands' and 'habitats'. Item 6 - missing space between 'standard' and 'and appropriate'.	Noted - text amended accordingly
ID09	Policy CSM 10 - Oil, Gas and Unconventional Hydrocarbons	XXXXXXX	Policy CSM 10 is considered incompatible with the climate emergency that has been declared by the council. Fail to see how the county can hope to reach net zero by 2050 if the policy still has a presumption in favour of granting permission for the exploration for and production of oil and gas and unconventional hydrocarbons.	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.
ID11	Policy CSM 10 - Oil, Gas and Unconventional Hydrocarbons	XXXXXXX	Reservations about Policy CSM 10 - Planning permission should not be granted as any production of oil, gas and unconventional hydrocarbons will exacerbate climate change. There is a climate emergency which is a priority consideration.	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.
ID19	Policy CSM 10 - Oil, Gas and	Folkestone & Hythe District	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

	Unconventional Hydrocarbons	Council		out the use of Oil, Gas and Unconventional Hydrocarbons.
ID44	Policy CSM 10 – Oil, Gas and Unconventional Hydrocarbons	CPRE	The policy and plan should reflect the government guidance which no longer supports fracking in the UK energy market. The policy should also support the encouragement of a Green Industrial Revolution by resisting the extraction of fossil fuels.	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.
ID44	Policy CSM 11 – Prospecting for Carboniferous Limestone	CPRE	<p>There is no specific policy approach to guide determination of an application if a prospecting consent confirms it would be financially viable to extract the underground mineral. Mining in this environmentally sensitive area would need to be very carefully undertaken to ensure minimum impact on issues such as views, landscape character, environment, tranquillity, dark skies, biodiversity and net biodiversity gain, nearby communities, traffic on roads, water supply and quality.</p> <p>The British Geological Survey indicates that Carboniferous Limestone is an aquifer - a massive, well-fissured karstic limestone that gives large water supplies. With regard water supply the Environment Agency acknowledges that Kent is severely stressed. Significant development is planned for the East Kent districts which is likely to worsen the situation.</p> <p>It is unclear if the geography of the possible mining area, and surface aggregates processing facility and mine entrance remain unchanged from the 1993 plan. Clarification would be helpful.</p>	<p>Noted. In the event that a planning application is made, development management policies would address potential impacts on views, landscape character, environment, tranquillity, dark skies, biodiversity and net biodiversity gain, nearby communities, traffic on roads, water supply and quality and any other material considerations.</p> <p>Policy DM10 addresses water supply concerns. The effect of any major deep Carboniferous Limestone mine on water resources would be central to any consideration of either a local plan allocation or a planning application. The Plan does not identify such a proposal as needed to maintain aggregate supply at the required levels over the remaining Plan period.</p> <p>The Construction Aggregates Local Plan 1993 has been superseded by the Kent Minerals and Waste Local Plan 2013-30 (as partially reviewed 2020) and the Kent Mineral Sites plan 2020. The area identified in the 1993 Plan is now of historic interest only. Whilst the geology of the Carboniferous Limestone in east Kent has not altered, the area identified as a potential deep mine and surface aggregate processing facility in the 1993 Plan would carry very little weight if a planning application were to be submitted. Any application would be assessed and determined on its merits against current national and local development plan policies.</p>
ID54	CSM12 – Sustainable Transport of Minerals	Port of London Authority	Welcome the amendment to section 5.12.1 that provision of rail/water facilities for the transport of minerals would reduce reliance on road transport and encourage sustainable development.	Noted
6. Delivery Strategy for Waste				
ID45	Policy CSW1 – Sustainable Development	Environment Agency	Agree with the proposed changes regarding achieving a circular economy where more waste is prevented or reused.	Noted
ID45	Policy CSW2 – Waste Hierarchy	Environment Agency	Agree with the proposed changes regarding achieving a circular economy where more waste is prevented or reused.	Noted
ID30	Policy CSW2 – Waste Hierarchy	Persimmon Homes	No objection to this policy which strives to push waste up the hierarchy.	Noted
ID17	6.2 Policy CSW 2: Waste Hierarchy and Policy CSW 3: Waste Reduction	Dover District Council	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
ID22	6.2 Policy CSW 2: Waste Hierarchy and	Swale Borough Council	<p>See comments above relating to paragraph 1.3.4.</p> <p>Although Environment Act 2021 identifies separate waste collections for certain waste streams if practicable,</p>	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

	Policy CSW 3: Waste Reduction Paragraph 6.2.4		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.	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.
ID14	6.2 Policy CSW 2: Waste Hierarchy Para 6.2.3	Ashford Borough Council	The aspirations of Policy CSW2 are supported, however, it is considered that the word ' <i>support</i> ' should be replaced with the word ' <i>ensure</i> '. 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. 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.	It is considered that the term ' <i>support</i> ' 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 ' <i>ensure</i> ' 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). 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).
ID20	6.2 Policy CSW 2: Waste Hierarchy and Policy CSW 3: Waste Reduction Paragraph 6.2.6	Gravesham Borough Council	The proposition that development should seek to reduce waste based on the ' <i>circular economy</i> ' 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
ID18	6.2 Policy CSW 2: Waste Hierarchy and Policy CSW 3: Waste Reduction Paragraph 6.2.7	Ebbsfleet Development Corporation	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.
ID20	6.2 Policy CSW 2: Waste Hierarchy and Policy CSW 3: Waste Reduction Paragraph 6.2.7	Gravesham Borough Council	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 ' <i>may</i> ' which is intended to recognise that seeking financial contributions may not be appropriate in all circumstances.
ID45	Policy CSW3: Waste Reduction	Environment Agency	Agree with the proposed changes regarding achieving a circular economy where more waste is prevented or reused.	Noted
ID30	Policy CSW3 –	Persimmon	The principles established in both the Policy wording and its pre -amble intend to influence development	The Policy is entirely consistent with Government strategy and

	Waste Reduction	Homes	<p>proposals by supporting the retention of existing buildings and advocating modern methods of construction. This has significant implications for development of sites and construction of buildings and is likely to have a considerable impact upon the deliverability and overall viability of development.</p> <p>Policy CSW3 relates to the assessment of planning applications and does not appear to be applicable at the Plan making stage. As such, costs associated with the measures identified in the policy would not have been assessed as part of site allocations or setting of other strategic policies by District and Borough Authorities as required by NPPF para 34. The application of the Policy could therefore undermine the deliverability of specific sites or even individual Local Plans.</p> <p>Policy CSW3 requires full details of the nature and quantity of any construction, demolition and excavation waste arising from the development together with its management and a waste management strategy. Such extensive information on construction methodology may not available at that stage.</p>	<p>policy on the need to move towards a more circular economy. The need for action is more urgent in light of the climate emergency that is reflected in the adopted Kent and Medway Low Emissions and Energy Strategy. The provision of such information with applications has already been made a requirement in the adopted London Plan. Supporting text to the Policy 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.</p>
ID20	Policy CSW3: Waste Reduction	Gravesham Borough Council	<p>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.</p> <p>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'.</p> <p>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'.</p> <p>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.</p>	<p>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.</p> <p>The term 'householder applications' has been reinserted to avoid confusion.</p>
ID21	Policy CSW3: Waste Reduction	Maidstone Borough Council	<p>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.</p>	<p>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.</p> <p>If updated Policy CSW3 is adopted, then conditions can be added to a permission to ensure the policy is implemented.</p>
ID22	Policy CSW3: Waste Reduction	Swale Borough Council	<p>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.</p>	<p>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."</p>
ID22	6.3 Policy CSW	Swale	<p>See comments above relating to paragraph 1.3.4.</p>	<p>Noted - Related text has been updated to address this comment.</p>

	4: Strategy for Waste Management Capacity Net Self-sufficiency and Waste Movements Paragraph 6.3.3	Borough Council	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.	Text to refer to businesses preference for separate glass collections has been deleted.
ID22	6.3 Policy CSW 4: Strategy for Waste Management Capacity Net Self-sufficiency and Waste Movements Paragraph 6.3.5	Swale Borough Council	See comments above relating to paragraph 1.3. 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 ' <i>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</i> '.
ID14	Para 6.3.6	Ashford Borough Council	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. 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).	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. 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. 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.
ID14	Para 6.3.6	Ashford Borough Council	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 legislative 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.	Noted - Related text has been updated to address this comment.
ID18	6.3 Policy CSW 4: Strategy for Waste Management Capacity Net Self-sufficiency and Waste	Ebbsfleet Development Corporation	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	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.

	Movements Paragraph 6.3.6		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.	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.
ID19	6.3 Policy CSW 4: Strategy for Waste Management Capacity Net Self-sufficiency and Waste Movements Paragraph 6.3.6	Folkestone & Hythe District Council	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).
ID20	6.3 Policy CSW 4: Strategy for Waste Management Capacity Net Self-sufficiency and Waste Movements Paragraph 6.3.6	Gravesham Borough Council	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.
ID22	Policy CSW5: Strategic Site for Waste	Swale Borough Council	Supports the plans continued proposals to extend Norwood Quarry on Sheppey for waste disposal as previously adopted.	Noted.
ID20	Policy CSW 6: Location of Built Waste Management Facilities	Gravesham Borough Council	<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>
ID23	Policy CSW 6: Location of Built Waste Management Facilities	Tonbridge and Malling Borough Council	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
ID45	Policy CSW 6: Location of Built Waste	Environment Agency	Support the changes that separate Source Protection Zone and Flood Zone 3b as separate priorities.	Noted

	Management Facilities			
ID54	Policy CSW 6: Location of Built Waste Management Facilities	Port of London Authority	Support the amendment to part C of the policy to specifically refer to granting planning permission for proposals that are well located in relation to Kent's Key Arterial Routes, and/or railheads and wharves.	Noted
ID45	Policy CSW 8: Recovery Facilities for Non-hazardous Waste	Environment Agency	Pleased to note the inclusion of Carbon Capture Utilisation and Storage from 2025 onwards	Noted
ID45	Policy CSW 9: Non inert Waste Landfill in Kent	Environment Agency	Pleased that 85% of landfill gas produced will be captured and utilised using best practice techniques.	Noted
ID45	Policy CSW 10: Development at Closed Landfill Sites	Environment Agency	Support the maximum use of gases being emitted and reducing the emission of gases to the environment.	Noted
ID24	Policy CSW11: Permanent Deposit of Inert Waste	Sheerness Recycling Ltd	<p>Policy CSW11 identifies that the capacity for the permanent deposit for inert waste may only be sufficient to meet Kent's needs. However, the county receives a lot of this waste stream from outside of Kent which would require additional capacity.</p> <p>The Policy states that the use for other engineering operations would only be acceptable if it is demonstrated that there is no local demand for its use in restoration operations. The term "local" is considered ambiguous and further definition should be provided. The use of inert material for engineering purposes has proven to be very beneficial in the delivery of major housing schemes across the county. Therefore, the policy should be amended to more readily enable the use of this material for engineering operations and reduce the reliance on primary and secondary aggregates for this purpose.</p>	<p>While current capacity is sufficient to meet Kent's arisings of inert waste, the Plan does not inhibit the development of new capacity to manage additional arisings of inert waste be deposit on land subject to proposals being in a suitable location and designed to protect the local environment and communities.</p> <p>The text has been amended to provide definition of term 'local' with regard to restoration opportunities.</p> <p>The policy is considered suitably permissive in allowing for the use of inert material in engineering operations.</p>
ID54	Policy CSW14 – Disposal of Dredgings	Port of London Authority	<p>Reference to the PLA's Thames Vision is welcomed however the year the Vision is being reviewed should be amended to 2021 rather than 2022. The Vision may also be better referenced in the 'links with legislation, other policies and strategies section' of the Kent Mineral and Waste Local Plan and the current Vision for the Tidal Thames document (2016) should also be referred to in addition to the revised vision.</p> <p>The need to keep this policy under review should be referenced in the justification wording in case a specific need is identified for a landfill with river access.</p>	Noted. Text amended.
ID32	Policy CSW 15 – Wastewater Development	Southern Water	The addition of criterion 2 is supported however the "best practice techniques" referred to could be specified in a footnote of the supporting text.	Supporting text added to explain and justify new criterion 2.
ID33	Policy CSW 15 – Wastewater Development	Thames Water	Support the amended policy.	Noted
ID19	Policy CSW 17: Nuclear Waste Treatment and Storage at Dungeness	Folkestone & Hythe District Council	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
ID09	Policy CSW 17: Nuclear Waste	XXXXX	Policy CSW17 would allow the storage of nuclear waste at Dungeness. Accept that the policy does say subject to the outcome of environmental assessments but fail to see how the storage of nuclear waste could	The Dungeness Nuclear Licensed Sites are within Flood Risk Zones 2 and 3 and are protected from flooding by the sea and

	Treatment and Storage at Dungeness		ever be safe given the flood risk on Romney Marsh.	<p>from coastal erosion by a bank of shingle that is maintained for this purpose under the approved Shoreline Management Plan. In any event proposals for development would be subject to a Flood Risk Assessment at the planning application stage in accordance with Policy DM10. Such an assessment would ensure that the proposals are not at risk of flooding or would not increase flood risk to the surrounding area.</p> <p>An Appropriate Assessment has been carried out to establish how the disposal of low level radioactive waste at the site might impact on the protected habitat and species designations which apply to this area. This took account of the measures in place to protect the site from flooding including drainage of the site. This concluded that there would be a low risk to the designated habitat as a result of changes to hydrology caused by any development.</p>
ID45	Policy CSW 17: Nuclear Waste Treatment and Storage at Dungeness	Environment Agency	<p>The policy is not specific as to where the infilling material can come from.</p> <p>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.</p>	<p>Noted. Section 1.5 of the KMWLP discusses the need for Environmental Permits but relevant supporting text has been added.</p> <p>Text has been included in the supporting text of CSW 17 that refers to the need for an Environmental Permit.</p>
ID22	Policy CSW 17: Nuclear Waste Treatment and Storage at Dungeness	Swale Borough Council	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
ID44	Policy CSW 17 – Nuclear Waste Treatment and Storage at Dungeness	CPRE	<p>Would welcome confirmation that the Dungeness site is no longer being considered for a geological disposal facility, this isn't entirely clear within the policy.</p> <p>Object to the proposed relaxations on permitted filling operations. The revised policy would permit low-level waste from other sites to be imported and disposed of at Dungeness, thus potentially increasing the emissions above existing levels. The policy now permits development of a low-level radioactive landfill anywhere within the Nuclear Estate, albeit subject to planning permission. This is very worrying. The soils on the site are highly permeable. Climate change will increase tidal levels and consequently ground water levels much higher than was contemplated when these two stations were designed, and the site will be subject to more severe storm events than it has experienced in the past.</p> <p>The policy implies that planning permission would not be required for the back filling of voids, is this the case?</p> <p>Request that the terms used for each type of filling operation are defined more precisely. A clear distinction should be made between the conditions applying to waste arising within the site and those applying to imported waste. We suggest 'demonstrated that there is an overriding need' be replaced by 'demonstrated that there are no more suitable alternative sites', and this applies to all imported waste, however stored.</p>	<p>The supporting text has been updated to clarify the position with regard to the development of a Geological Disposal Facility in this location.</p> <p>An Appropriate Assessment has been carried out to establish how the disposal of low-level radioactive waste at the site might impact on the protected habitat and species designations which apply to this area. This concluded 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.</p> <p>Planning permission would be required for the backfilling of voids. The text of the policy has been updated.</p> <p>The text of the policy and the explanatory preamble to the policy has also been updated to provide further clarification.</p>
ID59	Policy CSW 17 – Nuclear Waste Treatment and	Natural England	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	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

	Storage at Dungeness		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.	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.
ID53	Policy CSW 17 – Nuclear Waste Treatment and Storage at Dungeness	NDA and Magnox	Welcome the progress made on the policy to bring it in line with new government policy and guidance however request further amendments to the policy.	Further amendments to the policy and its supporting text have been made that are intended to address these concerns. Updates to the policy also take account of an Appropriate Assessment of the impact of the policy on designated habitats and species in the area.
7. Development Management Policies				
ID49	Whole chapter	KCC Biodiversity	Reference has been removed to 'European' when referring to SPA and SAC. The amended legislation confirms that SPA and SAC are still referred to as European sites.	The glossary of the National Planning Policy Framework (NPPF) uses the term 'Habitat Sites' as follows: <i>Habitats site: Any site which would be included within the definition at regulation 8 of the Conservation of Habitats and Species Regulations 2017 for the purpose of those regulations, including candidate Special Areas of Conservation, Sites of Community Importance, Special Areas of Conservation, Special Protection Areas and any relevant Marine Sites.</i> The term 'Habitat Site' has therefore been used to ensure consistency with the NPPF.
ID50	Policy DM 1 – Sustainable Design	KCC PROW	PROW is widely recognised as Green Infrastructure and the PROW network should be recognised as such given its ability to contribute to social, environmental, and economic benefit as stated above. Future development proposals to enhance the local PROW network.	Noted. Text updated.
ID20	Policy DM 1: Sustainable Design	Gravesham Borough Council	It is suggested this policy should cross-refer to CSW3.	Agree. Add the following new paragraph: 7.1.3 Policy CSW3 sets out in detail how proposals should consider the production and management of waste arising from development.
ID33	Policy DM 1 – Sustainable Design	Thames Water	Concern that the requirement for BREEAM ratings of very good or similar for waste developments may not be appropriate depending on the nature of the scheme being delivered. It is considered that additional supporting text should be added to clarify that BREEAM ratings of very good or similar will be sought on new development where appropriate in order to avoid onerous requirements being applied to developments for which the BREEAM assessment process is not suited. Potentially a threshold for the scale of development could also be provided. For example, it could be clarified that the requirement will not apply to minor or temporary buildings or infrastructure on a waste sites.	Policy doesn't expect BREEAM process necessarily. A change to the supporting text and policy has been made to indicate that this requirement only applies to major development.
ID32	Policy DM 1: sustainable Development	Southern Water	Supports part 3 of this policy, specifically the draft updates requiring water consumption to be minimised during construction and operation, and the removal of 'where possible'.	Noted
ID54	Policy DM 1 – Sustainable Design	Port of London Authority	Support the addition of the need for proposals to maximise opportunities to contribute to green and blue infrastructure.	Noted
ID45	Policy DM 1 – Sustainable Development	Environment Agency	Support the addition of the need for proposals to maximise opportunities to contribute to green and blue infrastructure.	Noted

ID18	7.2 Policy DM 2: Environmental and Landscape Sites of International, National and Local Importance and Policy DM 3: Ecological Impact Assessment	Ebbsfleet Development Corporation	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.
ID20	Policy DM2: Environmental and Landscape Sites of International, National and Local Importance	Gravesham Borough Council	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.	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.
ID23	Policy DM2: Environmental and Landscape Sites of International, National and Local Importance	Tonbridge and Malling Borough Council	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.
ID46	Policy DM2 – Environmental and Landscape Sites of International, National and Local Importance	High Weald AONB Unit	<p>Recommends the addition of a policy and/or supporting text which emphasises the biodiversity and carbon sequestration properties of soil, for example:</p> <p>“7.7 The importance placed on the biodiversity within soils and its potential to store carbon has significantly increased in the last few years. Both waste and minerals development can result in a large amount of soil disturbance. The Environmental Statement accompanying such proposals should therefore include details of how soil disturbance is to be minimised. Best practice examples are set out in the Defra publication ‘Construction Code of Practice for the Sustainable Use of Soils on Construction Sites’”.</p>	Agree – supporting text added to Policy DM1.
ID51	Policy DM 2 – Environmental and Landscape Sites of International, National and Local Importance	Kent Downs AONB Unit	<p>Supports the inclusion of the additional wording in respect of AONBs, which reflects the updates to the NPPF.</p> <p>Paragraph 7.2.4 requires a biodiversity net gain of at least 10%, but Kent Nature Partnership is seeking a 20% net gain, this should be reflected in the Plan.</p> <p>Recommends the addition of a policy and/or supporting text which emphasises the biodiversity and carbon sequestration properties of soil, for example:</p> <p>“7.7 The importance placed on the biodiversity within soils and its potential to store carbon has significantly increased in the last few years. Both waste and minerals development can result in a large amount of soil disturbance. The Environmental Statement accompanying such proposals should therefore include details of how soil disturbance is to be minimised. Best practice examples are set out in the Defra publication ‘Construction Code of Practice for the Sustainable Use of Soils on Construction Sites’”.</p>	<p>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 which would result 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.</p> <p>Related change also made to Policy DM19 on restoration.</p> <p>Supporting text to Policy DM1 concerning the importance of soils has been added.</p> <p>Agree comment regarding importance of soils - text amended.</p>
ID59	Policy DM 2 –	Natural	Welcome the continued presence of Policy DM 2 and note the updated wording to reflect changes to the	Noted

	Environmental and Landscape Sites of International, National and Local Importance	England	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.	
ID20	Policy DM 3: Ecological Impact Assessment	Gravesham Borough Council	<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>
ID23	Policy DM 3: Ecological Impact Assessment	Tonbridge and Malling Borough Council	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.
ID51	Policy DM 3 – Ecological Impact Assessment	Kent Downs AONB Unit	Paragraph 7.2.4 requires a biodiversity net gain of at least 10%, but Kent Nature Partnership is seeking a 20% net gain, this should be reflected in the Plan.	<p>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.</p> <p>Guidance on how biodiversity net gain will be measured and delivered will be included in a Supplementary Planning Document.</p>
ID45	Policy DM 3 – Ecological Impact Assessment	Environment Agency	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.	<p>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.</p> <p>Guidance on how biodiversity net gain will be measured and delivered will be included in a Supplementary Planning Document.</p>
ID20	Policy DM 5: Heritage Assets	Gravesham Borough Council	<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 	Historic England have commented that the changes reflect updates in national policy and guidance.

			<p>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);</p> <ul style="list-style-type: none"> • 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 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. 	
ID47	Policy DM 5 – Heritage Assets	Historic England	Notes that the policy has been revised to reflect updates in national policy and guidance.	Noted
ID47	Policy DM 6 – Historic Environment Assessment	Historic England	Notes that the policy has been revised to reflect updates in national policy and guidance.	Noted
ID15	7.5 Policy DM 7: Safeguarding Mineral Resources	Canterbury City Council	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.
ID23	Policy DM 7: Safeguarding Mineral Resources	Tonbridge and Malling Borough Council	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
ID28	Policy DM 7 – Safeguarding Mineral Resources	XXXXXX	Consideration of mineral safeguarding should be undertaken at the planning application stage as opposed to the plan making stage. At plan making stage, it is not always possible to consider the full financial implications and viability of a proposal as these are sometimes not known until the advanced design phase.	It is important for mineral safeguarding to be considered at the plan making stage to ensure that Local Plans do not rely on allocations for development which may not be deliverable to the need to safeguard underlying mineral resources and minerals and waste infrastructure. This approach was considered during the Early Partial Review of the Kent Minerals and Waste Local Plan and found sound and legally compliant.
ID14	Policy DM 7 – Safeguarding Mineral Resources	Ashford Borough Council	<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.
ID23	Policy DM 8: Safeguarding Minerals	Tonbridge and Malling Borough Council	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

	Management, Transportation, Production & Waste Management Facilities	Council		
ID54	Policy DM 8: Safeguarding Minerals Management, Transportation, Production & Waste Management Facilities	Port of London Authority	<p>Criterion 6 is considered too broad and not compliant with paragraph 210 of the NPPF. It could usefully be reworded to “it constitutes a strategic development of essential benefit to the region, which cannot be planned for and delivered on any other site in Kent”.</p> <p>Reference to the Agent of Change principle is welcomed, however specific reference to paragraph 187 of the NPPF could be included to strengthen the policy.</p>	<p>This policy was updated as part of the Kent Minerals and Waste Local Plan Early Partial Review and revised text adopted in 2020. The policy has therefore been recently examined and found to be legally compliant and sound.</p> <p>A more detailed explanation of the term ‘Agent of Change’ has been included in the Glossary.</p>
ID29	Policy DM 8: Safeguarding Minerals Management, Transportation, Production & Waste Management Facilities	Otterpool Park LLP	The policy is too restrictive and does not make provision for a scenario where a safeguarded facility would likely never be delivered. For instance, permitted facilities which are extant or yet to be implemented. The landowner of the Permitted Waste Facility site at Otterpool Park has no aspiration to complete the consented development and build out the facility, this is needlessly preventing the delivery of the proposed Garden City in the area.	Policy DM8 allows for development to come forward in a number of circumstances and one or more of those may apply in this case.
ID45	Policy DM 10: Water Environment	Environment Agency	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
ID48	Policy DM 10 – Water Environment	KCC Sustainable Drainage	Reference should be made to KCC’s Drainage and Planning Policy and the requirement for developments to comply with it.	Agree - text added to paragraph 7.8.6.
ID20	Policy DM 11: Health and Amenity	Gravesham Borough Council	<p>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</p>	Agree - text added
ID22	7.11 Policy DM 13: Transportation of Minerals and Waste Paragraph 7.11.2	Swale Borough Council	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.
ID54	Policy DM12 – Safeguarding of Transportation Infrastructure	Port of London Authority	Support the continued reference to the PLA’s network of navigational equipment.	Noted
ID23	Policy DM 13: Transportation of Minerals and Waste	Tonbridge and Malling Borough Council	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.
ID01	DM14 - Public	British Horse	There appears to be no changes in this respect. Currently the only site that has a major impact on PROW is	Noted. The allocation of the mineral site at Chapel Farm, Lenham

	Rights of Way	Society	the proposed site expansion at East Lenham Farm, Maidstone. There is a good opportunity here to improve access for non-motorised vehicles, providing a through route from the A20 to Lenham Heath Road.	in the adopted Kent Minerals Site Plan 2020 includes Development Criteria which addresses transport considerations and site access. No changes are proposed to the Chapel Farm allocation.
ID50	Policy DM 14 – Public Rights of Way	KCC PROW	The KCC Rights of Way Improvement Plan 2018-2028 should be recognised within para. 7.12.1. Policy DM14, bullet 1 should be amended to '... its diversion or stopping up are made ...'; Policy DM14, bullet 2 should be amended to '... an acceptable alternative route during operations' - reference to an alternative route following restoration is not needed as the path will either revert to its previous route to an agreed specification or will have been permanently diverted or stopped up. Policy DM14, bullet 3 should be amended to '... improved access into and within the countryside'. This should be further enhanced in acknowledging the KCC Rights of Way Improvement Plan 2018-2028 as per point 2 above	Noted – text amended.
ID48	DM19 – Restoration, aftercare and afteruse	KCC Sustainable Drainage	The effects on ground water as part of the restoration process needs to be carefully considered not just in terms of contamination but with regards to increasing flood risk. For example, the importation of considerable quantities of fill material can alter both ground water levels and flow paths, increasing the risk of flooding to and from the site.	Noted – text amended.
ID46	DM19 – Restoration, aftercare and afteruse	High Weald AONB Unit	It is recommended that this policy utilises the wording in strategic objectives 9 and 14 to give it full weight in planning decisions. It is also recommended that the Kent Nature Partnership's recommended minimum of 20% biodiversity net gain be referenced in the policy.	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.
ID51	DM19 – Restoration, aftercare and afteruse	Kent Downs AONB Unit	It is recommended that this policy utilises the wording in strategic objectives 9 and 14 to give it full weight in planning decisions. It is also recommended that the Kent Nature Partnership's recommended minimum of 20% biodiversity net gain be referenced in the policy.	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.
8. Managing and Monitoring the Delivery of the Strategy				
No comments received				
9. Adopted Policies Maps				
ID26	9.1 Safeguarded Wharves and Transportation Depots	Tarmac	Section should be updated to correctly refer to Tarmac as opposed to Lafarge.	Noted - text amended accordingly
ID16	9.2 Mineral	Dartford	Note intention to review and adjust these for changes to the defined urban areas and any uneconomic mineral	Noted - Mineral Safeguarding Area (MSA) maps updated

	Safeguarding Areas	Borough Council	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).	
ID17	9.2 Mineral Safeguarding Areas	Dover District Council	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
ID18	9.2 Mineral Safeguarding Areas	Ebbsfleet Development Corporation	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
ID20	9.2 Mineral Safeguarding Areas	Gravesham Borough Council	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.
Other				
ID16	Safeguarding Supplementary Planning Document	Dartford Borough Council	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 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.	The revised Safeguarding Supplementary Planning Document (SPD) was adopted in 2021 following engagement with the borough and district councils and other interested parties.
ID44	Appendix C List of Mineral Sites that are included in Landbank Calculations	CPRE	The consultation document indicates that the present version of Appendix C is to be deleted. However, there are a number of references in the consultation document to Appendix C such as Policy CSM5 (point 3), proposed paragraphs 5.2.18 and 5.2.34, and the Monitoring Schedule.	Noted. Text has been updated to address this inconsistency.
ID16	GIS Safeguarding Data	Dartford Borough Council	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.
ID16	Figures/maps	Dartford Borough Council	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
ID18	Figures/maps	Ebbsfleet Development Corporation	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
ID07	Biodiversity Net Gain reference	West Sussex County Council	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.
ID09	Circular Economy	XXXXX	Pleased to see emphasis on a circular economy and reducing waste. Sceptical that you will be able to reduce waste all the time KCC is obliged to deliver a minimum level to Allington. If Allington's requirements were to be met from outside the county that would significantly increase emissions from the extra lorry journeys. Burning waste isn't ideal from a climate change point of view anyway.	Noted. The Plan seeks to ensure waste is managed in accordance with the waste hierarchy.
ID12	Circular Economy	XXXXX	Waste management and the circular economy: Question why HRWCs in Kent do not separate out reusable items. Previous experience elsewhere in the UK of established systems of HRWCs working with local charities who retrieved useable items for sale, for use by former homeless people setting up home etc. Simple separation of working/useable items into a clearly marked container is the simple solution as opposed to burning items. Request to reconsider this policy, which is quite incompatible with KCC's climate emergency commitments and wasteful of money and resources.	The question concerning the operation of Household Waste Recycling Centres is a matter for the Waste Disposal Authority. Policies seeking to support the achievement of a circular economy are entirely consistent with KCC's climate emergency commitments. The circular economy seeks to ensure more goods and materials are kept in use for as long as possible which avoids energy expended to extract new resources.
ID09	Economic Growth	XXXXXXX	Document refers to economic growth. If we continue to aim for growth - even so called "clean" growth - then it is highly unlikely that we will be able to tackle climate change.	The Council and national government support economic growth as a means to ensure improvement to our quality of life and the environment. The Plan seeks to ensure sustainable development takes place in a manner that will benefit communities and the environment.
ID09	Waste Sites Restoration	XXXXXX	Support the restoration of old waste management sites but interpret the policy that the building of housing on those sites has not been excluded. It is not acceptable to build houses on such contaminated land.	Under certain circumstances it may be possible to develop housing on old landfill sites and so this should not be ruled out. Appropriateness would be assessed against policies in Local Plans.
ID12	Sustainability Appraisal Scoping Report	XXXXX	Note that Sustainability Appraisal (SA) states that our Plan should "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". Strongly support and would advocate that we vigorously enforce this policy. Understanding is that Ramsgate Port is a protected wharf for the landing and storage of sand and aggregates. I believe that Bretts Aggregates run several sites in Kent, in which various safety precautions are undertaken - wheel washing of vehicles leaving the site, storage of aggregates in closed berms etc. Yet at Bretts' site at Ramsgate Port, which is directly adjacent to the Pegwell SSSI, piles of sand and aggregate are kept out in the open, wheel washing is a rarity and other precautions do not appear to be being undertaken. Please could you comment on why this disparity exists at what must surely be Kent's most environmentally sensitive mineral storage & transport site?	Noted. The approach to the enforcement of planning policy is set out in Policy DM22. This is noted. Material is stored in accordance with current regulations at the site. The review of the Minerals and Waste Local Plan is unable to revisit how existing materials are stored at this site
ID20	Sustainability Appraisal Scoping Report	Gravesham Borough Council	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.

ID47	Sustainability Appraisal Scoping Report	Historic England	The document adequately covers issues that may arise in respect of the potential impacts of proposed development on heritage impacts.	Noted
ID44	Sustainability Appraisal Scoping Report	CPRE	<p>Table 1 soft sand 3-year average is wrongly given as 541,907 when it should be 506,419. Secondary and recycled aggregates 3-year figure has been rounded up from 896,667 to 900,000 when the other averages given in the table have not been rounded. It would be helpful to have a consistent approach.</p> <p>At 3.8 Noise the Baseline helpfully refers to CPRE Tranquillity Map in line with NPPF 185 b). NPPF 185 c) refers to intrinsically dark skies and the CPRE England's Light Pollution and Dark Skies mapping should be included in the baseline section.</p> <p>3.10 refers to Green Belt and omits to mention that a small part of Maidstone Borough and Medway lie within the Green Belt.</p> <p>3.11 Land: The county has a high proportion of Best and Most Versatile land (Grades 1 – 3a). This needs to be reflected in the baseline assessment and not limited to Grade 1 land.</p> <p>3.13 Water does not mention Natural England's Advice on Nutrient Neutrality for New Development in the Stour Catchment in Relation to Stodmarsh Designated Sites - For Local Planning Authorities November 2020 and this should be included.</p> <p>3.15 Economy. It is unclear why the age group 16-64 is used when retirement age has risen to 65 for men and women and will rise to 67 by 2028.</p> <p>5. The SA Framework: Landscape and the historic environment should also include light pollution and dark skies. Transport: There is reference to 'Plans are in place to improve the transport infrastructure within and to the Thames Gateway, East Kent and Ashford.' Without specifically mentioning them. Are these consented and funded schemes or ones, such as the Lower Thames Crossing that have still to reach examination?</p> <p>Transport: there is reference on page 48 to 'Plans are in place to improve the transport infrastructure within and to the Thames Gateway, East Kent and Ashford. The KMLP should recognise and support the aims of regional transport hubs'. There is no explanation of these plans: what they entail and how this will help the KMLP 'promote minerals and waste transport that maximises the use of alternatives to road transport, does not add to congestion on the road network and does not adversely affect air quality'. and other than Ashford where they are. There is no reference to them in the Appendix A summary of the Local Transport Plan 4: Delivering Growth without Gridlock 2016–2031. This needs clarification so that the implications can be understood.</p> <p>Water: this should include the implications of nutrient neutrality</p> <p>5.2 The SA Framework</p> <p>6 Land should seek to safeguard Best and Most Versatile Agricultural land</p> <p>7 Landscape and the historic environment should include protecting tranquil areas and areas of intrinsically dark skies.</p> <p>Appendix A: Review of Policies, Plans and Programmes does not consider Natural England's Advice on Nutrient Neutrality for New Development in the Stour Catchment in Relation to Stodmarsh Designated Sites - For Local Planning Authorities November 2020.</p>	<p>The issue of light pollution has been added to the Sustainability Appraisal framework as well as map showing the baseline.</p> <p>Mention of Maidstone Borough in the Green Belt will be included. Medway is no longer in Kent.</p> <p>Reference to Best and Most Versatile (BMV) agricultural land being grades 1-3a and that Kent has a relatively high proportion of this compared to rest of SE region has been added including the need to safeguard this Best and Most Versatile land.</p> <p>Natural England advice on nutrient neutrality relates to new housing developments which would have an additional burden on the sewage network.</p> <p>Economically active people aged 16-64: Age grouping is as used in KCC Labour Force Bulletin</p> <p>Information has been edited to be clearer about what the transport plans are and where they relate to.</p> <p>Tranquil areas have been added to the Sustainability Appraisal framework.</p>

ID23	Sustainability Appraisal Scoping Report	Tonbridge and Malling Borough Council	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.
ID45	Strategic Flood Risk Assessment (SFRA) Position Statement	Environment Agency	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
ID44	Strategic Flood Risk Assessment (SFRA) Position Statement	CPRE	Given the proposed relaxation of Policy CSW17 it is not clear why it wasn't considered necessary to update the SFRA.	The Environment Agency has confirmed that an update to the Strategic Flood Risk Assessment is not required. Any development at Dungeness would need to be consistent with Policy DM10.
ID20	Habitat Regulations Assessment	Gravesham Borough Council	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.
ID59	Habitat Regulations Assessment Position Statement	Natural England	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.
ID23	Habitat Regulations Assessment and Strategic Flood Risk Assessment	Tonbridge and Malling Borough Council	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
ID49	Deleted Policy DM 17 (information to be retained elsewhere)	KCC Biodiversity	Point 9 refers to internationally, Nationally and locally notable and protected species. This only needs to refer to notable and protected species.	Noted - text amended.
ID50	Deleted Policy DM 17 (information to be retained elsewhere)	KCC PROW	Policy DM17, bullet 15 should be amended to '... improvement to the PROW network in accordance with Actions included within the KCC Rights of Way improvement Plan 2018-2028'.	Noted – text amended but taking account of the fact that the KCC Rights of Way improvement Plan applies to the period 2018-2028 whereas this plan applies to the period to 2030.
Miscellaneous				
ID50	Miscellaneous	KCC PROW	Page 160 states DM14 is linked to Strategic Objectives SO3, SO9, SO15; should the latter be SO14? Page 202 states CA21 is replaced by DM13; should this be DM14?	Agree - text has been amended.

ID45	Miscellaneous	Environment Agency	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.
ID21	Miscellaneous	Maidstone Borough Council	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
ID22	Miscellaneous	Swale Borough Council	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 .
ID04	Miscellaneous	East Sussex County Council	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. 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).	Noted
ID05	Miscellaneous	Medway Council	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 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.	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.
ID06	Miscellaneous	Surrey County Council	No comments to make.	Noted.
ID02	Miscellaneous	Cardiff Council	I can confirm the Council has no comments to make on the proposed changes to the plan.	Noted.
ID03	Miscellaneous	Doncaster Council	We have no wish to comment on your local plan.	Noted.
ID08	Miscellaneous	XXXXX	Must stop building on/digging up Grade 1 food producing farmland. UK now at about 70 million mouths to feed & 70 million amounts of waste & water needed to flush, drinking, cleaning and bathing. Kent was known as the Garden of England and has fed and needs to feed a huge number of UK people. Southern Water admitted it cannot cope with illegal sewerage discharges, aquifers are poor and KCC needs to consider future impacts. Evidence around the world of looming problems.	Policy DM10 is included in the Plan to ensure that development will not come forward which jeopardises water supplies.
ID24	Miscellaneous	Borough Green Sandpits Ltd and Sheerness Recycling Ltd	The plan is not consistent with national policy which requires that local plans make provision for a 15-year period as it does not extend beyond 2030.	Noted. The Plan period is now proposed to be extended to 2038. Policy CSM2 has been updated to take account of estimated mineral requirements to 2040. This takes account of the latest Local Aggregates data.
ID31	Miscellaneous	Romney Marsh Internal	Have no comments to make.	Noted.

		Drainage Board		
ID41	Miscellaneous	Plaxtol Parish Council	No objection to the proposed changes.	Noted.
ID42	Miscellaneous	Shipbourne Parish Council	Have no comments to make.	Noted.
ID34	Miscellaneous	Bidborough Parish Council	Have no comments to make.	Noted.
ID37	Miscellaneous	Ightham Parish Council	Have no comments to make.	Noted.
ID39	Miscellaneous	Lydd Town Council	Have no comments to make.	Noted.
ID55	Miscellaneous	Transport for London	Have no comments to make.	Noted.
ID36	Miscellaneous	Dunkirk Parish Council	Have no comments to make.	Noted.
ID35	Miscellaneous	Bobbing Parish Council	KCC should take a hard-line approach in ensuring that mineral development takes place in advance of housing development.	Noted - the current policies of the Plan ensure that mineral resources are not needlessly sterilised.
ID38	Miscellaneous	Iwade Parish Council	KCC should take a hard-line approach in ensuring that mineral development takes place in advance of housing development.	Noted - the current policies of the Plan ensure that mineral resources are not needlessly sterilised.
ID40	Miscellaneous	Oare Parish Council	Endorse comments made by Swale Borough Council	Noted.
ID43	Miscellaneous	Coal Authority	Have no comments to make.	Noted.

Appendix 2: Analysis of Comments received to Regulation 18 consultation on the Draft Kent Minerals and Waste Local Plan 2023-38 from October 2022 to December 2022, and comments received to Regulation 18 consultation on the Draft Kent Minerals and Waste Local Plan 2024-2039 Further Proposed Changes from June 2023 to July 2023

Ref No.	Section	Consultee	Summary of Representation	KCC Response
	1. Introduction			
ID13	1.2 The Status of the Kent Minerals and Waste Local Plan 2023-38 Paragraph 1.2.3	Ebbsfleet Development Corporation	Acknowledge the correct inclusion of the EDC as a Waste and Minerals Authority in Kent.	Noted
ID19	1.2 The Status of the Kent Minerals and Waste Local Plan 2023-38 Paragraph 1.2.3	Aggregate Industries and Brett Aggregates Ltd [combined representation]	Continued guidance in terms of the relevance of the Plan to the determination of non-minerals and waste applications and identification of the main policies that will be implemented is supported.	Noted
ID16	1.2 The Status of the Kent Minerals and Waste Local Plan 2023-38	Tonbridge and Malling Borough Council	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.
ID03	1.3 The Links with Legislation, Other Policies and Strategies Paragraph 1.3.13	Individual	<p>A. KCC's waste plans</p> <p>1. Section 1.3.913 shows that KRP has achieved a 40% recycling and composting target within KCC and a 60% recycling and composting rate at its HWRCs. An objective of raising the 40% target to 50% is given in section 1.3.115, with no more than 5% going to landfill. These objectives are totally unclear:</p> <ul style="list-style-type: none"> • What do the percentages represent? Percentages should only be used where it is clear what they are percentages of. • No indication is given as to how these objectives are to be achieved • No indication of where material that is initially fly tipped is included in the two categories • Greater clarity would be given by showing the quantities collected by the local authorities, broken down into recyclables, composting and non- recyclable headings. Amounts deposited directly in Household Waste Recycling Centres (HWRC) should be shown separately, ideally by HWRC since that would indicate the appropriateness of the waste collection methods adopted within each local authority. It should certainly be possible to see which local authorities are performing well in their waste collection activities and where additional support is required to enable each local district to be brought up to an acceptable level. • The overall impression is of a report being written to hide the facts to the greatest possible extent. <p>2. The report seems to be totally unaware that supermarkets are the only places where plastic food covering materials can be delivered for recycling. It is apparently unacceptable to include these within local authority collections for recyclables.</p> <p>3. Similarly, used pharmaceutical blister packs can be recycled via one specific pharmacy chain.</p> <p>4. Product labelling that identifies what can be recycled is very poor with there being no overall control on what can and can't be recycled. KCC should press for improved labelling at a national level, to ensure that people living in Kent can rely on statements made by manufacturers.</p> <p>5. At a HWRC, there are many different categories of product than can be collected separately from each individual house. What steps are going to be taken to align local authority collection categories with the categories used at HWRCs? Bearing in mind the additional value that correctly sorted materials have, the answer to this question is important to maximise the value of those different categories to KCC.</p> <p>As shown in point 2 to 5 above, we now have a recycling approach that involves people who want to ensure good recycling having to deal with the local authority, a HWRC, a choice of shops for specific types of waste and a poor control over the way in which the recycling options for each packaging element are communicated.</p>	<p>Percentages related to the proportion of waste produced.</p> <p>The objectives will be achieved from the development of new and safeguarding exiting facilities in accordance with the policies in the Plan.</p> <p>Waste collection is a matter for district and borough waste collection authorities - please also refer to the Municipal Waste Management Strategy for Kent.</p> <p>Other legislation exists and is being introduced which is intended to improve recycling rates including that relating to packaging. Some of this legislation is enforced by the Environment Agency.</p>
ID03	1.3 The Links with Legislation, Other Policies and Strategies	----	<p>C. KCC's Strategic Transport Plan and NPPF guidelines.</p> <p>The inclusion of information about the county's Strategic Transport Plan was noted, but the summary given provides little information about the pollution that is generated by excessive passenger and freight traffic on</p>	Policy DM 13 is intended to ensure waste and minerals development comes forward in a manner that minimises impacts on the highway and communities.

	Strategic Transport Plans Paragraph 1.3.19		the roads. Many are not designed to deal with the current volume of vehicles and, as I understand it, there is no provision for providing opportunities contained in NPPF Guidelines to make it possible for people to walk about in their villages. At the time many houses were built, traffic volume was significantly lower than it is today. While new housing developments have to provide local transport plans, there is no provision for improvements to enable people living in older properties to be able to have appropriate footways built, thus enabling them to be able to exercise, to visit neighbours or to visit local shops safely. This lack of concern for people in areas supported by inadequate infrastructure requires attention. It is considered considerably more work is required to bring the report up to an acceptable standard.	The development of housing is addressed by policies in the District and Borough Local Plans.
ID19	Figure 13: Minerals Key Diagram (as proposed to be replaced)	Aggregate Industries and Brett Aggregates Ltd [combined representation]	Is supported as it continues to identify the safeguarded wharves.	Noted
ID19	Figure 13A: Minerals Key Diagram Inset Map – Sustainable Mineral Supply (as proposed to replace Figure 14)	Aggregate Industries and Brett Aggregates Ltd [combined representation]	Is supported as it continues to identify Robins Wharf as a safeguarded wharf.	Noted
2. Minerals and Waste Development in Kent: A Spatial Portrait				
ID47	2.2 Kent's Environmental and Landscape Assets Paragraph 2.2.1	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.	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'.
ID47	2.2 Kent's Environmental and Landscape Assets Paragraph 2.2.7	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.	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.
ID47	2.2 Kent's Environmental and Landscape Assets Figure 5	Natural England	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.
ID21	2.2 Kent's Environmental and Landscape Assets Figure 7: Local Geological Sites and Local Wildlife Sites	Dartford Borough Council	Figure 7 does not seem to clearly show the RIGS site at Bluewater.	Noted - Change proposed to Figure 7 to address this comment.
ID47	2.3 Kent's Economic Mineral Resources Paragraph 2.3.6	Natural England	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.
ID29	2.4 Kent's Waste Infrastructure Figure 15	Environment Agency	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.
3. Spatial Vision for Minerals and Waste in Kent				
ID35	Spatial Vision for	Gallagher	GAL support the extension of the Plan period to 2038. As this is in accordance with the NPPF's requirements	Noted - The Plan period now covers a plan horizon from 2024-

	Minerals and Waste in Kent [time period]	Aggregates Ltd (GAL)	as set out in paras. 17 and 22, that require local planning authorities to have strategic policies that look ahead over a minimum of 15 years from adoption, and that anticipate and respond to long-term requirements and opportunities such as those arising from major developments in infrastructure. The NPPF stresses that a sufficient supply of minerals is essential for the delivery of infrastructure, buildings, energy and goods to meet society's needs and that minerals can only be worked where they are found. If future demand for construction materials is to be met, it is vital that the Kent Minerals and Waste Local Plan (KMWLP) makes adequate provision sufficiently far ahead to give developers/operators the certainty they need to commit to investing in and bringing sites forward.	2039. Noted - It is the County Council's strategy to meet the objectively assessed needs of construction materials (including hard rock aggregates) in accordance with the NPPF.
ID19	Spatial Vision for Minerals and Waste in Kent	Aggregate Industries and Brett Aggregates Ltd [combined representation]	Supports the intent as detailed at part 7 that planning for minerals in Kent will, amongst other things, safeguard all existing, planned and potential mineral transportation and processing infrastructure (including wharves and rail depots and production facilities).	Noted
ID31	3. Spatial Vision for Minerals and Waste in Kent	Gravesham Borough Council	No additional comments on the Vision.	Noted
ID16	3. Spatial Vision for Minerals and Waste in Kent	Tonbridge and Malling Borough Council	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
ID23	3. Spatial Vision for Minerals and Waste in Kent	Tunbridge Wells Borough Council	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.
ID49	3. Spatial Vision for Minerals and Waste in Kent	Ashford Borough Council	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). 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. 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).	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.' The Plan explains the role of the Waste Disposal Authority.
ID25	3. Spatial Vision for Minerals and Waste in Kent Points 1 and 3	East Sussex County Council and Brighton and Hove City Council	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
ID32	3. Spatial Vision for Minerals and Waste in Kent Points 1 and 3	South Downs National Park Authority	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
ID47	3. Spatial Vision for Minerals and Waste in Kent Point 5	Natural England	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.
4. Strategic Objectives for the Minerals and Waste Local Plan				
ID31	4. Objectives for the Minerals and Waste Local Plan	Gravesham Borough Council	No additional changes to the Strategic Objectives.	Noted
ID16	4. Objectives for the Minerals and Waste	Tonbridge and Malling Borough	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	Noted

	Local Plan	Council		
			maximising biodiversity net gain are supported.	
ID23	4. Objectives for the Minerals and Waste Local Plan	Tunbridge Wells Borough Council	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 been included under some of the development management policies such as DM1: Sustainable Design and DM3: Ecological Impact Assessment (below).	Noted
ID49	4. Objectives for the Minerals and Waste Local Plan	Ashford Borough Council	<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>	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.
ID47	4. Objectives for the Minerals and Waste Local Plan Strategic Objective 3	Natural England	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 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.	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.
ID23	4. Objectives for the Minerals and Waste Local Plan Strategic Objective 4a	Tunbridge Wells Borough Council	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
ID27	4. Objectives for the Minerals and Waste Local Plan Strategic Objective 4a	Mineral Products Association	It is not clear what supply of minerals 'in a manner which is consistent with the achievement of a more circular economy' means in practice. Does it mean optimising/maximising use of recycled and secondary materials? If so, it should be acknowledged that this would be limited by the supply of suitable material from construction and demolition projects, and the suitability of such materials to substitute for primary aggregates. Such applications will be limited by the quality of materials and the specification for the end use. In addition, it is likely that use of recycled and secondary materials, as a proportion of all consumption, is already maximised (the replacement figures in para 5.2.8 appear to reflect this). There is a risk that an objective worded in this way may be wrongly interpreted as meaning the level of provision for primary minerals made in the Plan is negotiable maximum that may be revised downwards, or that applications for new reserves may be refused on the basis that demand can be met through recycled and secondary materials.	Circular economy is defined with the Plan and the use of recycled aggregate produced from Construction, Demolition and Excavation Waste (CDEW) is consistent with this principle but there are other examples which include ensuring that there is no, or minimal wastage, when primary aggregate is used in development. The Plan recognises the need for primary aggregate and includes policy that allows it to be produced – see Policy CSM2 and supporting text.
ID35	4. Objectives for the Minerals and Waste Local Plan Strategic Objective 4a	Gallagher Aggregates Ltd (GAL)	<p>The meaning of this objective is unclear. Para. 5.2.2 of the KMWLP states that Mineral Planning Authorities (MPA) are required by the NPPF to aim to source minerals indigenously so far as practicable and take into account the contribution that substitute, or secondary and recycled materials and minerals waste would make to supply before considering extraction of primary materials. For land-won primary materials the NPPF requires MPAs to identify and include policies for the extraction of mineral resources of national and local importance in their area.</p> <p>GAL is a leading supplier of recycled products from its Kent operational base. GAL recognises that there are limitations on the extent to which recycled and secondary materials can meet material needs and replace or substitute primary aggregates. This being in response to the availability of substitute waste (C,D & E) materials and product specifications required by different markets. The Mineral Products Association has stated in their recent (2022) strategy that while the recycled and secondary materials make up around 30% of aggregate supply reducing some of the requirements of primary materials, this source is virtually maximised and primary materials will comprise the vast majority of future supply. In addition, manufacturing industries require a wider range of minerals than ever before</p> <p>The County Council's Local Aggregate Assessment (LAA) 2022 makes the same observation, in that the</p>	Circular economy is defined with the Plan and the use of recycled aggregate produced from CDEW is consistent with this principle but there are other examples which include ensuring that there is no, or minimal wastage, when primary aggregate is used in development. The Plan recognises the need for primary aggregate and includes policy that allows it to be produced – see Policy CSM2 and supporting text.

			supply of recycled and secondary aggregates is contingent not on the demand for this type of material but on their availability and that is significantly determined by wider economic factors in the economy that affect CDEW arisings. The KMWLP should make clear that the provision of future mineral supply takes account of the anticipated contribution from the recycled and secondary aggregates and avoids the risk that this objective be wrongly interpreted as meaning the level of provision of primary minerals, to maintain landbanks at the appropriate levels, is a negotiable maximum that can be revised downwards.	
ID19	4. Objectives for the Minerals and Waste Local Plan Strategic Objective 7	Aggregate Industries and Brett Aggregates Ltd [combined representation]	The confirmation at part 7 (page 45) as a strategic objective in the context of 'Minerals' to: safeguard existing, planned and potential sites for mineral infrastructure including wharves and rail depots across Kent to enable the on-going transportation of marine dredged aggregates, crushed rock and other minerals as well as other production facilities is supported.	Noted
ID35	4. Objectives for the Minerals and Waste Local Plan Strategic Objective 9	Gallagher Aggregates Ltd (GAL)	The meaning of this objective is not clear. The objective includes a mix of references as to what could be expected from developers in regard to biodiversity. For developers to plan properly for the delivery of biodiversity enhancements and biodiversity net gain (BNG) the KWWLP should be unambiguous in its requirements for BNG and clear as to the basis for any targets over and above the statutory requirements, and how they have been arrived at.	The Plan's requirements with regard to biodiversity net gain are set out in Policy DM2. Guidance will be issued following adoption of the Plan.
ID42	4. Objectives for the Minerals and Waste Local Plan Strategic Objective 9	Kent Downs AONB	Support the amendments in point 9 of the Strategic Objectives regarding restoration of minerals sites	Noted
ID23	4. Objectives for the Minerals and Waste Local Plan Strategic Objective 11	Tunbridge Wells Borough Council	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.
ID49	4. Objectives for the Minerals and Waste Local Plan Strategic Objective 11	Ashford Borough Council	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.	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.
5. Delivery Strategy for Minerals				
ID24	5.1 Policy CSM 1: Sustainable Development	Tunbridge Wells Borough Council	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.
ID23	5.1 Policy CSM 1: Sustainable Development	Tunbridge Wells Borough Council	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 (response to ID24)
ID24	5.2 Policy CSM 2: Supply of Land-won Minerals in Kent	Tunbridge Wells Borough Council	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.
ID23	5.2 Policy CSM 2: Supply of Land-won Minerals in Kent	Tunbridge Wells Borough Council	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.	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 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.	as it has a clearer understanding for users.
ID30	5.2 Policy CSM 2: Supply of Land-won Minerals in Kent	West Sussex County Council	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 " <i>at least</i> ". 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)? 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.	Agree - Change proposed to address this comment. Noted - Continued engagement is welcomed by the County Council.
ID40	5.2 Policy CSM 2: Supply of Land-won Minerals in Kent	Ryarsh Protection Group	Provision of soft sand from the Folkstone Beds in Kent always needs to take into account the views of local residents. Moreover, the views of residents are increasingly important. Residents should have full access to any and all mineral extraction details that impact their local area. Kent has too often been adversely impacted by mineral extraction. Current (December 2022) economic forecasts indicate UK recession and the anaemic growth outlook will weaken UK sectors. The OBR indicates recession will reduce UK GDP. Speculative views by the mineral industry to justify more soft sand provision are irrelevant.	Noted - The monitoring reports (Local Aggregate Assessment - LAA and Annual Monitoring Report - AMR) are available on the County Council's website which are undated annually. The County Council will also undertake any relevant engagement in accordance with the adopted Statement of Community Involvement (SCI).
ID25	5.2 Policy CSM 2: Supply of Land-won Minerals in Kent Paragraph 5.2.6	East Sussex County Council and Brighton and Hove City Council	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
ID27	5.2 Policy CSM 2: Supply of Land-won Minerals in Kent Paragraph 5.2.15	Mineral Products Association	We support the reference to the need to maintain a minimum landbank including at the end of the Plan period, which we believe is the correct interpretation of National Planning Policy Framework requirements.	Noted
ID47	5.2 Policy CSM 2: Supply of Land-won Minerals in Kent Paragraph 5.2.17	Natural England	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.
ID46	5.2 Policy CSM 2: Supply of Land-won Minerals in Kent Paragraph 5.2.22	Maidstone Borough Council	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
ID32	5.2 Policy CSM 2: Supply of Land-won Minerals in Kent Paragraph 5.2.22	South Downs National Park Authority	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.
ID27	5.2 Policy CSM 2: Supply of Land-won Minerals in Kent Paragraph 5.2.22	Mineral Products Association	Support the reference to the need to maintain a minimum landbank including at the end of the Plan period, which we believe is the correct interpretation of National Planning Policy Framework requirements. There should be reference to the strategic significance of soft sand resources and reserves, and the need to make provision to supply areas without resources, as presented in the South East Mineral Planning Authorities Soft Sand Position Statement and Statement of Common Ground.	Noted. Supporting text has been amended to reflect that the mineral is of strategic importance and provision is being made for areas without resources (within the southeast) with use of the 10-year sales average need assessment system.
ID25	5.2 Policy CSM 2: Supply of Land-won Minerals in Kent Paragraph 5.2.22	East Sussex County Council and Brighton and Hove City Council	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.

ID27	5.2 Policy CSM 2: Supply of Land-won Minerals in Kent Paragraph 5.2.24	Mineral Products Association	Support the reference to the need to maintain a minimum landbank including at the end of the Plan period, which we believe is the correct interpretation of National Planning Policy Framework requirements.	Noted
ID27	5.2 Policy CSM 2: Supply of Land-won Minerals in Kent Paragraph 5.2.26	Mineral Products Association	Support recognition that by extending the Plan period that additional rock reserves will be required to achieve this.	Noted
ID35	5.2 Policy CSM 2: Supply of Land-won Minerals in Kent Paragraphs 5.2.15, 5.2.24 & 5.2.26	Gallagher Aggregates Ltd (GAL)	<p>GAL support the reference to the need for additional crushed rock reserves over the extended 15-year Plan period (para. 5.2.24). The starting point is an amalgamation of existing reserves at the two consented operational sites in Kent. GAL are of the view that there should also be a consideration of the characteristics of the geology of the mineral as represented across the two sites and thus future provision should take this into account.</p> <p>At the previous Regulation 18 Public Consultation GAL made detailed comments on the differing characteristics of the geology (the Hythe Formation [Limestone]) on the basis that the available evidence is sufficient to delineate two types of hard crushed rock from the geology of the formation at the two sites. The NPPF requires that where an aggregate material serves a distinct market or markets there must be provision made to meet the identified needs over the Plan period. The Hermitage Quarry and Blaise Farm sites taken together constitute the Kent landbank for hard crushed rock that meet the requirements of two distinct aggregate markets. The Hermitage Quarry site has the characteristics necessary to meet structural concrete products, Kentish Ragstone cut stone masonry, rip rap armour stone, processed into single sized aggregate for concrete specifications, gabion stone materials and lower grade materials that can be applied to more general civil engineering applications such as Type 1 Sub-base material. The geology as Blaise Farm is unable to meet the higher specified aggregate uses as a crushed rock.</p> <p>Therefore, it is considered that the hard (crushed) rock aggregate landbank in Kent should be split into two separate landbanks to reflect the distinction between the materials. The County Council should review the hard (crushed) rock aggregate landbank objectively assessed needs in the area and make adequate provision to enable a steady and adequate provision to enable a supply of these materials so that both distinctive market needs are met into the future.</p>	Noted. Currently there is insufficient data to draw a significant difference between the two sites producing crushed hard rock aggregate products, such that two distinct and entirely different aggregate forming geologies exist for landbank based need calculation purposes.
ID47	5.2 Policy CSM 2: Supply of Land-won Minerals in Kent Policy CSM 2	Natural England	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.	<p>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.</p> <p>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.</p>
ID27	5.2 Policy CSM 2: Supply of Land-won Minerals in Kent Policy CSM 2	Mineral Products Association	Support the policy commitment to maintain minimum landbanks including at the end of the Plan period, which we believe is the correct interpretation of National Planning Policy Framework requirements.	Noted
ID28	5.2 Policy CSM 2: Supply of Land-won Minerals in Kent Policy CSM 2	Borough Green Sandpit	<p>The Plan period of 2023-38 will give a 15-year Plan period and this is in accordance with the NPPF requirements and is supported.</p> <p>Policy CSM2 fails to make adequate provision for soft sand supply as it does not take into account future demand for housing and infrastructure. Without considering future demand, the plan becomes a monitoring tool which looks back on past trends.</p>	<p>Noted. The anticipated Plan period of 2023-38 has been a modified to 2024-39. The 15-year Plan period maintains the KMWLP review in accordance with the NPPF.</p> <p>The need for sand in Policy CSM 2 has been calculated in accordance with government requirements. Housing supply and</p>

			<p>The Annual Mineral Planning Survey (December 2021) produced by the Mineral Products Association (MPA), estimates that some 3.2 – 3.8 billion tonnes of construction aggregates will be required to support growth across the UK up to 2030. There is also significant investment to be made in infrastructure projects over the coming years which will require a significant volume of construction aggregates.</p> <p>The calculation of the 3-year and ten-year averages is flawed in that the years 2019 and 2020 saw a downturn in sales due to Brexit and then the Covid-19 pandemic; this is acknowledged in the MPA's Annual Mineral Planning Survey. The survey also found an 8% increase in sales of land-won sand and gravel in the south-east between 2014 and 2019, contrary to the findings of the KMWLP review consultation. The unreliability of the 3- and 10-year averages, as well as the forecasted demand for housing and infrastructure projects means that the policy does not make adequate provision for soft sand supply. The site allocated within the Mineral Sites Plan is not expected to deliver any soft sand during the Plan period and cannot be relied upon.</p> <p>Furthermore, other mineral planning authorities (some of which are heavily constrained by landscape designations) rely on imports of land-won aggregates from Kent, this has not been taken into account.</p>	<p>infrastructure projections are reflected in the sales based managed aggregate supply system. Future housing and infrastructure projections are not certain and past sales have the advantage of being certain, in that they have occurred.</p> <p>Any predicted future changes in demand, as in arising from high growth development projections are considered to be unreliable at this time, particularly in light of the current economic circumstances and the uncertainty of future growth patterns in the UK. Therefore, the emerging strategy is based upon the annual monitoring process to inform need. As required by the NPPF, "...relevant information will be used to assess landbank requirements on an ongoing basis, and this will be kept under review through the annual production of a Local Aggregate Assessment."</p> <p>The Kent 10-year sales average indeed reflects the fact that Kent supplies other areas where soft sand supply is heavily constrained. As the sales data does not differentiate between sales that lead to consumption in Kent or East Sussex or Surrey. It is recognised that Kent's reserves of soft sand have a wider regional role in supplying aggregates than the Kent demand. Therefore, use of the sales averages ensures that this supply pattern is reflected in need assessments. That need is then monitored with LAA reports to identify if the need is changing.</p>
ID32	5.2 Policy CSM 2: Supply of Land-won Minerals in Kent Policy CSM 2 Soft Sand	South Downs National Park Authority	<p>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.</p> <p>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 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>Noted</p> <p>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.</p> <p>Noted</p>
ID25	5.2 Policy CSM 2: Supply of Land-won Minerals in Kent Policy CSM 2 Soft Sand	East Sussex County Council and Brighton and Hove City Council	<p>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.</p>	<p>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.</p>
LP09	Further Proposed Changes - Section 2 CSM2	Tunbridge Wells Borough Council	<p>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.</p>	<p>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.</p>
LP25	Further Proposed Changes - Section 2	Mineral Products Association	<p>We support the review of the Plan and the extension of the Plan Period to 2039 and the policy to maintain a landbank of at least 7 years' supply for sharp sand and gravel as long as resources and reserves allow, and</p>	<p>Noted</p>

	CSM2		<p>to maintain landbanks of at least 7 years for soft sand and at least 10 years for hard rock throughout the Plan period including at its end.</p> <p>The most up-to-date information should be used in the Plan. This includes the latest Local Aggregates Assessment (LAA) produced by the County Council (2022).</p>	
LP29	<p>Further Proposed Changes - Section 2</p> <p>CSM2</p>	Gravesham Borough Council	<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>
LP46	<p>Further Proposed Changes</p> <p>CSM2</p>	Online comment - individual	<p>There is no reference to the Archaeology of the Goodwin Sands and the 2,000 recorded wrecks known to be there.</p> <p>Who in Kent County Council’s Heritage Team has produced any KCC Policy report on the Goodwin Sands Mineral Quarrying, Kent’s own Treasure Trove of International Maritime Historical significance, and where can this be accessed?</p> <p>In ID 47 Natural England highlights Marine Conservation areas, The Goodwin’s are such an area.</p> <p>In ID 19 Brett Aggregates highlight the possible scale of Marine dredging.</p> <p>ID 40 Ryarsh Protection Group feel the need to ask that KCC should take into account the views of local residents and the impact on their area nor KCC or Dover DC have voluntarily engaged the people of South</p>	<p>The comments are noted. The Goodwin Sands are not part of the land area of Kent that the KMWLP or the Kent Mineral Sites Plan can have any direct influence over.</p> <p>As stated above the County Council has no direct role in recovering or preserving any heritage characteristics of the Goodwin Sands. It is considered that the Crown Estate (CE) and the Marine Management Organisations (MMO) may have such responsibilities.</p> <p>The MMO has responsibility for Marine Conservation areas not the County Council.</p> <p>The Crown Estates (CE) is the organisation that has authority to grant dredging licences, not the County Council.</p>

			<p>Kent in decisions on Quarrying on the Goodwin Sands.</p> <p>ID 47 Natural England highlight the need to consider environmental aspects of quarrying need to be addressed at the earliest stage, and Natural England considers that Policy CSM2 should be significantly strengthened and that Policy CSM 2 appears weak in it's protection.</p> <p>The references are for Land Based extraction but surely should apply to any Quarrying activity that is in a sensitive location</p> <p>Natural England has concerns that any KCC Planning application that has a possibility of harm to biodiversity should be refused. Does KCC have any say in the Goodwin Sands quarrying , and do they feel they should have? They also ask for robust impact studies, the planned lack of any land based archaeological taking place on the Goodwin Sands prior to quarrying is deplorable.</p> <p>ID 26 Historic England note the absence of its Archaeological advice.</p> <p>ID 24 Tunbridge Wells BC go further and would like enhancement of Heritage assets.</p> <p>ID 33 Otterpool Park seem to want to extend KCC Planning permissions from 5 to 10 years, in the rapidly increasing global warming concerns a tighter not looser control would seem critical. The tone to the reader is of exploitation of natural reserves with little regard to the vast majority of Kent's people.</p>	<p>The possible dredging of the Goodwin Sands is a licensing matter for the CE to have authority over, not the County Council.</p> <p>This is noted. Policy CSM 2 addresses the quantities of minerals that ae required over the Plan period, other policies in the Plan address the concerns held by Natural England (NE). The Plan has to be read as a whole; policies do not exist in isolation to others in the Plan.</p> <p>The deposits offshore are the licensed by the CE in consultation with the MMO. These authorities are responsible in ensuring that the marine environment is conserved, not the County Council.</p> <p>The deposits offshore in the Goodwin Sands are matters that the CE in consultation with the MMO would consider if they were thought to be economically important. These authorities are responsible in ensuring that the marine environment is conserved, not the County Council.</p> <p>The County Council consults Historic England on its plans. As the Goodwin Sands are not part of the County Council's responsible area Historic England would not comment on them to the County Council in relation to its Plan formulation.</p> <p>That is a matter for a consideration against the relevant policy of the Plan (Policy DM 5: Heritage Assets and Policy DM 6: Historic Environment Assessment) not Policy CSM 2: Supply of Land-won Minerals.</p> <p>The Otterpool Park new settlement is not a matter the County Council has any direct responsibility over. It is a matter the Folkestone and Hythe Borough Council's Plan addresses.</p>
LP50	Further Proposed Changes CSM2	Online comment - individual	Disagree - Leave ancient woodland alone.	Noted. Further hard (crushed) rock supply may or may not adversely affect ancient woodland. This is a matter that any allocation in the Kent Mineral Sites Plan would have to consider, if relevant, when promoted allocations for site(s) are subject to detailed technical assessment prior to any allocation and adoption of the Mineral Sites Plan.
LP51	Further Proposed Changes CSM2	Online comment - individual	Disagree - Reduce the demand for the quantity of aggregate needed in the local area by reducing the number of new housing developments, creating incentives to redistribute accommodation more effectively.	The County Council is required by the Planning Acts and national planning policy to plan for a steady and adequate supply of aggregate forming minerals to meet objectively identified needs.
LP52	Further Proposed Changes CSM2	Medway Council	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
LP15	Further Proposed Changes Sharp Sand and Gravel Soft Sand	Hampshire County Council	<p>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.</p> <p>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.</p>	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.

LP25	Further Proposed Changes Sharp Sand & Gravel Paragraph 2.4	Mineral Products Association	<p>The 10-year average of sales for sharp sand and gravel cited in the Draft Review Plan appears low. The 10-year average reported in the LAA 2022 (and resulting LAA APR) is 186,150t (the 'dashboard' at the front of the LAA cites 228,526tpa). The 10-year average of the sales figures presented in Table 2 of the LAA is actually 228,544tpa. The figures should be checked. A minimum 7-year landbank to be maintained would be 1.6mt, which would be inadequate by 2027 if the potential yield in the allocated sites is not realised or by 2038 if it is. Thus, while they would not be exhausted, the minimum landbank required would not be maintained at the end of the Plan period without further reserves being permitted over and above those in allocated sites.</p> <p>The level of provision, based on the LAA (2022) rate would be 5.016mt, giving a larger shortfall of 2.962mt. Taking into account the potential yield (rather than 'reserve') from of 2.5mt in allocated sites, the 'surplus' reported in the Plan then becomes a shortfall of 0.462mt.</p>	<p>The Further Proposed Changes (FPC) of the KMWLP Policy CSM 2 for the sharp sands and gravels is based on the 2022 sales and reserves data that will be fully published in the next LAA monitoring report (LAA published in 2023 using 2022 data).</p> <p>The more recent information (than the LAA published in 2022 using 2021 data) demonstrates that the lowered 10-year sales average coupled with the remaining reserves and the anticipated 2.5mt in allocated sites will result in a technical surplus over the Plan period to 2039. Continued monitoring will demonstrate if this relationship alters and there are several statutorily required review cycles prior to 2039 that will be available to reexamine the planned supply of this aggregate mineral. However, it is not anticipated that the land-won sector will 'recover' in any significant manner due to the geological scarcity of sustainable resources remaining in the authority's area.</p>																																			
LP21	Further Proposed Changes Soft Sand	Invicta Planning Ltd. On Behalf of Borough Green Sand Pits Ltd	<p>Paragraphs 2.5-2.4 appear to contain incorrect data regarding soft sand supply over the Plan period, without taking into account the depletion of available landbanks. In 2024, it is estimated that the landbank will amount to 10.73 years, assuming accurate data from all operators. Nevertheless, there have been instances, such as between 2021 and 2022, where an overestimation of 3 million tonnes (33%) occurred, indicating imprecise data submitted by operators based on non-publicly available monitoring data. This lack of data accuracy could be influenced by operators' motivations to avoid regulatory enforcement, resulting in inaccurate sales and reserves estimations for the Local Plan.</p> <p>Future demand for soft sand supply is a key concern. The County Council bases its assessment on NPPF requirements for maintaining a steady and adequate supply of aggregates, considering 10-year sales averages and available reserves. However, the Council may not have fully considered "relevant local information" and all supply options when forecasting future demand. Housing delivery in Kent has been around 109% of requirements over the last three years, suggesting a balance between supply and demand. Soft sand sales averages have been below the 10-year average, giving confidence that supply can meet increasing demand. However, a recent increase in demand has been observed, which calls the adequacy of the reserves into question.</p> <p>The Proposed Further Changes consultation illustrates the soft sand requirements over the Plan period and sets out the Soft Sand data in the following table:</p> <table border="1" data-bbox="884 1224 1863 1864"> <thead> <tr> <th></th> <th>Previous Consultation</th> <th>Current Consultation</th> <th>Difference</th> <th>Trend</th> </tr> </thead> <tbody> <tr> <td>10 year sales average</td> <td>0.456mtpa</td> <td>0.475mtpa</td> <td>+ 0.019tpa</td> <td>↑ 4% increase</td> </tr> <tr> <td>7 year land bank</td> <td>3.192mt</td> <td>3.325mt</td> <td>+ 0.133mt</td> <td>↑ 4% increase</td> </tr> <tr> <td>Total soft sand requirement (15 years + 7)</td> <td>10.032mt</td> <td>10.45mt</td> <td>+ 0.418mt</td> <td>↑ 4% increase</td> </tr> <tr> <td>Existing Soft Sand Reserve at beginning of Plan Period</td> <td>5.769mt</td> <td>5.099mt</td> <td>- 0.67mt</td> <td>↓ 12% decrease</td> </tr> <tr> <td>Chapel Farm Allocation</td> <td>3.2mt</td> <td>3.2mt</td> <td>0</td> <td>No change</td> </tr> <tr> <td>Shortfall</td> <td>1.063mt</td> <td>2.15mt</td> <td>+ 1.087mt</td> <td>↑ 102% increase</td> </tr> </tbody> </table>		Previous Consultation	Current Consultation	Difference	Trend	10 year sales average	0.456mtpa	0.475mtpa	+ 0.019tpa	↑ 4% increase	7 year land bank	3.192mt	3.325mt	+ 0.133mt	↑ 4% increase	Total soft sand requirement (15 years + 7)	10.032mt	10.45mt	+ 0.418mt	↑ 4% increase	Existing Soft Sand Reserve at beginning of Plan Period	5.769mt	5.099mt	- 0.67mt	↓ 12% decrease	Chapel Farm Allocation	3.2mt	3.2mt	0	No change	Shortfall	1.063mt	2.15mt	+ 1.087mt	↑ 102% increase	<p>The County Council considers the issue of soft sand supply as a significant strategic mineral planning concern. It must balance this concern with various planning considerations to ensure sustainable mineral development while minimising adverse effects on the environment and society over the expected Plan period.</p> <p>The availability of monitoring data, while essential, can be confidential and subject to varying levels of accuracy, which is unavoidable. To enhance the level of certainty regarding supply needs over the planning period, a 10-year sales average for soft sand is used, reducing variance.</p> <p>The County Council acknowledges the importance of relevant local information, although its application is subjective when compared to objective sales data.</p> <p>Soft sand demand is not solely tied to housing supply as it is used in various construction applications, including road building, recreation, and other purposes. Sales data is considered a more accurate proxy for demand than projected housing numbers which can vary significantly.</p> <p>Despite a recent increase in demand, the magnitude of change is not so significant to warrant a departure from the MPA's soft sand supply strategy, given available reserves and the plan review system's ability to address potential shortfalls in the 7-year landbank requirement.</p> <p>Charing Quarry's final restoration is not restricted to 2034, and the availability of Chapel Farm is not necessarily tied to that date. The MPA's soft sand supply strategy is based on an earlier completion of Charing Quarry and the commencement of extraction at Chapel Farm in 2027. Theoretically the lack of a 7-year landbank toward the end of the Plan period may emerge but plan reviews will consider and address the need for further site allocations.</p> <p>Competition in the Kent soft sand market is expected to be maintained, with the possibility of "windfall" reserves coming from sites with prior extraction.</p> <p>Plan reviews will identify any new allocations if significant changes in demand occur, either increasing or decreasing.</p>
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LP22	Further Proposed Changes Soft Sand	East Sussex County Council	<p>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.</p>	<p>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.</p>
LP32	Further Proposed Changes Soft Sand	South Downs National Park Authority	<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</p>

				<p>indicate that supply will be maintained 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>
LP04	<p>Further Proposed Changes</p> <p>Soft Sand</p> <p>Paragraph 2.4</p>	British Horse Society	<p>We would like to draw the Council's attention to two matters in relation to Chapel Farm. The first, we are sure, will already be known to the Council which is the proposal that Maidstone Borough Council will use the same location as part of the "Lenham Garden Village" development. The second is that part of the proposed access route is over the historic East Lenham Road, a highway maintainable at public expense which still exists at the northern and southern extents but the middle section of which has disappeared off the maps since the 1950s with no legal stopping up event. A Definitive Map Modification Order application has been made (ref PROW/MA/C450 on the KCC register) to add the entire route to the Definitive Map as a bridleway, notwithstanding that the Council might consider it appropriate, based on the evidence, to add it as a restricted byway. If this DMMO claim is successful, then the new PROW would need to be diverted if the route was required for a haulage route.</p>	<p>The Heathlands Graden settlement is well known to the County Council. Its potential effect on the delivery of the soft sand resources (3.2mt) over the anticipated Plan period of 2024-39. PROW and any necessary diversions to maintain access is a matter that is more appropriately addressed at any planning application stage. The Development Management criteria in the Mineral Sites Plan can be amended to include this matter at the plan's review.</p>
LP25	<p>Further Proposed Changes</p> <p>Soft Sand</p> <p>Paragraph 2.4</p>	Mineral Products Association	<p>Error in paragraph numbers.</p> <p>The 10-year average figure for soft sand used in the Plan is slightly higher than that in the LAA 2022 (0.456mtpa). The resulting requirement over the Plan period would be 10.032mt. A minimum 7-year landbank to be maintained would be 3.2mt. By 2029 the reserves would be below the minimum landbank requirement should the allocated sites not be delivered, or by 2036 if they are. Thus, while they would not be exhausted, the minimum landbank required would not be maintained at the end of the Plan period without further reserves being permitted over and above those in allocated sites.</p>	<p>Noted - final paragraph numbers can be found in clean version of Regulation 19 Plan.</p> <p>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 maintained over the Plan period, meeting the at least 7-year landbank level until 2036, on current monitoring data.</p> <p>Chapel Farm may yield 3.2mt of replenishing resources, that and the existing permitted reserves, will maintain an at least 7-year landbank until 2036, given the more recent (than that of LAA2022 that uses 2021 data) sales and reserves data. Moreover, if 0.80mt of 'windfall' reserves from the 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 (where much of this mineral is situated) 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, would be 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>

				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.
LP15	Further Proposed Changes Hard Rock	Hampshire County Council	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.
LP22	Further Proposed Changes Hard Rock	East Sussex County Council	<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>
LP25	Further Proposed Changes Hard Rock Paragraph 2.6	Mineral Products Association	We support the use of the 6-year average of sales based on the most up-to-date information (it would be worth explaining why these data differ to those presented in the most recent LAA), as an indicator of future demand as this better reflects the demand and market for the material and the Local Aggregates Assessment which indicates that demand has increased recently and is likely to continue at these levels (and as such is consistent with the NPPF requirement to consider 'other relevant local information' as well as past sales).	The LAA that will report the 2022 sales and reserves data will demonstrate why the last 6-year sales average for the hard rock are exceptional in comparison to the 10-year sales average.
ID16	5.3 Policy CSM 3: Strategic Site for Minerals	Tonbridge and Malling Borough Council	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.
ID23	5.3 Policy CSM 3: Strategic Site for Minerals	Tunbridge Wells Borough Council	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.
ID31	5.3 Policy CSM 3: Strategic Site for Minerals	Gravesham Borough Council	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

ID39	5.3 Policy CSM 3: Strategic Site for Minerals	Tarmac Cement and Lime	We support the changes proposed with respect to Policy CSM 3 which will result in the deletion of that Policy allied to the insertion of new paragraph 5.2.37. Policy CSM 3 established safeguarding for the proposed Medway Cement Works at Holborough. Planning permission for the works has been granted and implemented within both Tonbridge and Malling and Medway administrative areas, and no further safeguarding is now necessary. We support the deletion of the Policy, the addition of the explanatory paragraph and the consequential text changes necessary.	Noted
ID29	5.4 Policy CSM 4: Non-Identified Land-Won Mineral Sites Policy CSM 4	Environment Agency	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.
ID47	5.4 Policy CSM 4: Non-Identified Land-Won Mineral Sites Policy CSM 4	Natural England	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.
ID19	5.6 Policy CSM 6: Safeguarded Wharves and Rail Depots Paragraph 5.6	Aggregate Industries and Brett Aggregates Ltd [combined representation	Para. 5.6 (pages 72- 73) - are fully supported, including continued identification of Robins Wharf, Northfleet (both operational sites) and requirements in respect of consultation on non-mineral development at or within 250 m of a safeguarded minerals transportation facility.	Noted
ID34	5.6 Policy CSM 6: Safeguarded Wharves and Rail Depots Paragraph 5.6.1	Dover District Council	We note and support the updated text relating to the Dunkirk Jetty safeguarded wharf.	Noted
ID51	5.6 Policy CSM 6: Safeguarded Wharves and Rail Depots	Thanet District Council	As you may be aware, the Council has been successful in gaining Levelling-Up Fund funding towards a number of projects at Port Ramsgate and Ramsgate Royal Harbour. The only projects in the vicinity of the safeguarded area are the refurbishment of the Ro-Ro berth, and a Green Campus (which is located right at the edge of the 250m buffer, adjacent to Military Road). Our view is that these projects can operate alongside the mineral import operation without either being compromised.	Noted
ID27	5.6 Policy CSM 6: Safeguarded Wharves and Rail Depots	Mineral Products Association	While no changes are proposed to these policies (for safeguarding of minerals transport infrastructure) we would like to register our continued support for the safeguarding approach applied to the identified facilities. Given the very real and live threat to one of the major safeguarded wharves (Northfleet), it may be appropriate to amend the supporting text to reflect that in the most recent Local Aggregates Assessment (para 8.27). This should stress the increasing importance of all existing wharf and rail depot capacity for the long-term supply of aggregates, particularly given the depletion of land-based sharp sand and gravel and growth in demand. As the LAA states, the ' <i>loss of any wharf site will be largely irreplaceable</i> ' and ' <i>safeguarding of the existing wharf infrastructure will therefore remain a central requirement to maintain supply</i> '. This is important in providing more context to implementation of clause vii of Policy DM8 and the ' <i>demonstration that the capacity to be lost is not required.</i> ' An apparent ' <i>headroom</i> ' of capacity at present does not mean that it is not required either now or in the future and is not demonstration that it is not required.	Noted - Proposed change to supporting text to reflect the irreplaceability of wharf sites and their safeguarding being imperative to maintaining future supply.
ID16	5.7 Policy CSM 7: Safeguarding Other Mineral Plant Infrastructure Policy CSM 7, last paragraph	Tonbridge and Malling Borough Council	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.
ID19	5.7 Policy CSM 7: Safeguarding Other Mineral Plant Infrastructure Policy and supporting text	Aggregate Industries and Brett Aggregates Ltd [combined representation]	The text remains unchanged and the ongoing policy safeguarding of mineral plant infrastructure on a wharf for the life of the host site is fully supported. There is a typo at the start of the final sentence of the policy text. 'There' should read 'Where'	Agree - Change to Policy wording proposed to address this comment.

ID24	5.8 Policy CSM 8: Secondary and Recycled Aggregates	Tunbridge Wells Borough Council	The changes are noted but TWBC does not wish to comment on this policy.	Noted
ID52	5.8 Policy CSM 8: Secondary and Recycled Aggregates Paragraph 5.8.1	CLArchitects on behalf of McAleer Contracts Ltd	The second sentence of para 5.8.1 ends with 'so far as practicable'. We note that the text of the proposed commentary inverts the actual text of the NPPF to which we presume this is intended to refer which reads: <i>(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;</i> The inversion actually changes the application of the "so far as practicable" clause from the need to take account of the contribution (via surveys), to the substituting of primary minerals. This is not the intention of national policy if read in its normal construction. Therefore, substitution should not be qualified in this way. In relation to the last 2 sentences of para 5.8.1 we welcome this stated intention, and McAleer Contracts intends to expand its operation to make an even greater contribution to the County's mineral supply through the addition of an aggregate wash plant which will be subject to a planning application in the near future.	Noted - Paragraph 5.8.1 second sentence amended - 'so far as practicable' moved to the front of the sentence rather than at the end. Noted
ID52	5.8 Policy CSM 8: Secondary and Recycled Aggregates Paragraph 5.8.2	CLArchitects on behalf of McAleer Contracts Ltd	In relation to para 5.8.2 note that there is no additional need identified for Energy from Waste capacity in the supporting Waste Needs Assessment and therefore the last sentence ought to be deleted. Given furnace bottom ash arises from the burning of residual non-hazardous waste, and this is expected to reduce in quantity over the revised Plan period, reliance should not be placed on this as a source of non-primary aggregate.	Noted. Appropriate update to text has been made to address this comment.
ID52	5.8 Policy CSM 8: Secondary and Recycled Aggregates Paragraph 5.8.3	CLArchitects on behalf of McAleer Contracts Ltd	In relation to the first 2 sentences of para 5.8.3 consider the stated presumption to provide a "covered building or similar structure" to be excessive where processing takes place in a plant that has integral dust suppression. This clause ought therefore to be deleted or at least qualified. In relation to the last sentence of para 5.8.3 - our assessment of the market supports that of KCC and therefore no additional sites will be needed to be identified to meet the target output of 2.7 million tpa for the Plan period. Focus should be on allowing existing sites with permanent consent, such as that operated by McAleer Contracts to expand its operation as it proposes.	Explanation of the presumption is provided in the text. Note that this text formed part of the original plan that was found sound in 2016. Expansion of operations are supported in certain circumstances i.e. where they are in accordance with the relevant policies of the Plan.
ID52	5.8 Policy CSM 8: Secondary and Recycled Aggregates Policy CSM 8	CLArchitects on behalf of McAleer Contracts Ltd	It is not clear from the wording what types of site the Council has in mind with the inclusion of clause 5 and in particular which item the reference to "the second paragraph of this policy" is intended to direct the reader. Is it intended to exclude the bullet points listed? If so, the wording appears to be subject to the least stringent level of restriction. If it includes the bullets, then it is a circular reference. The meaning therefore ought to be clarified.	Noted. Update made to the wording of clause 5 that is intended to address this comment.
ID11	5.9 Policy CSM 9: Building Stone in Kent Policy CSM 9, point 1	British Horse Society	This must also include PROW, in particular higher status paths where availability is severely restricted in Kent.	No change to policy proposed. PROW matters are addressed by Policy DM 14: Public Rights of Way.
ID24	5.9 Policy CSM 9: Building Stone in Kent Policy CSM 9, point 2	Tunbridge Wells Borough Council	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.
ID23	5.9 Policy CSM 9: Building Stone in Kent Policy CSM 9, point 3	Tunbridge Wells Borough Council	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.
ID11	5.10 Policy CSM 10: Oil, Gas and Unconventional Hydrocarbons Paragraph 5.10.5	British Horse Society	This must also include PROW, in particular higher status paths where availability is severely restricted in Kent.	No change to policy proposed. PROW matters are addressed by Policy DM 14: Public Rights of Way.
ID24	5.10 Policy CSM 10: Oil, Gas and Unconventional Hydrocarbons Paragraph 5.10.7	Tunbridge Wells Borough Council	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.
ID23	5.10 Policy CSM 10: Oil, Gas and Unconventional Hydrocarbons	Tunbridge Wells Borough Council	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.	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.

	Paragraph 5.10.7		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'.	
ID11	5.10 Policy CSM 10: Oil, Gas and Unconventional Hydrocarbons Paragraph 5.10.17	British Horse Society	We welcome the inclusion of PROW in these considerations. The impact on the local road network for vulnerable road users must also be considered.	Noted
ID11	5.10 Policy CSM 10: Oil, Gas and Unconventional Hydrocarbons Policy CSM 10	British Horse Society	PROW should also be included in these considerations as per 5.10.17 above.	No change to policy proposed. PROW matters are addressed by Policy DM 14: Public Rights of Way.
ID24	5.11 Policy CSM 11: Prospecting for Carboniferous Limestone	Tunbridge Wells Borough Council	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.
ID23	5.11 Policy CSM 11: Prospecting for Carboniferous Limestone	Tunbridge Wells Borough Council	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.
ID24	5.12 Policy CSM 12: Sustainable Transport of Minerals	Tunbridge Wells Borough Council	The additional references to carbon neutrality and reduction of emissions are welcomed.	Noted
6. Delivery Strategy for Waste				
ID24	6.1 Policy CSW 1: Sustainable Development	Tunbridge Wells Borough Council	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.
ID23	6.1 Policy CSW 1: Sustainable Development	Tunbridge Wells Borough Council	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.
ID24	6.2 Policy CSW 2: Waste Hierarchy and Policy CSW 3: Waste Reduction Paragraph 6.2.6	Tunbridge Wells Borough Council	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.
ID41	6.2 Policy CSW 2: Waste Hierarchy and Policy CSW 3: Waste Reduction Paragraph 6.2.6 and 6.2.7	Individual	The policy should also require new build properties to reuse waste from demolition or site clearance works. they should be required to use a percentage of recycled materials in their construction. Any items such as old windows, doors, bricks, tiles, timbers in reasonable condition should be reused or offered to the community to avoid sending to landfill.	This is addressed in Policies CSW3 and DM2.
ID31	6.2 Policy CSW 2: Waste Hierarchy and Policy CSW 3: Waste Reduction Paragraph 6.2.6 and 6.2.7	Gravesham Borough Council	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.
ID13	6.2 Policy CSW 2: Waste Hierarchy and Policy CSW 3: Waste Reduction Paragraph 6.2.7	Ebbsfleet Development Corporation	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.
ID24	6.2 Policy CSW 2: Waste Hierarchy and	Tunbridge Wells Borough Council	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	Guidance on developer contributions relating to waste disposal and recycling is available

	Policy CSW 3: Waste Reduction Paragraph 6.2.7		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.	The monitoring framework includes targets for monitoring Policies CSW2 and CSW3.
ID34	6.2 Policy CSW 2: Waste Hierarchy and Policy CSW 3: Waste Reduction Paragraph 6.2.7	Dover District Council	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.
ID23	6.2 Policy CSW 2: Waste Hierarchy and Policy CSW 3: Waste Reduction Paragraph 6.2.8	Tunbridge Wells Borough Council	Welcomes the new paragraph setting out what is expected of applicants in relation to a Circular Economy Statement for major applications. 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 level of financial contributions required will be set on a case by case basis and informed by the Waste Disposal Authority. The monitoring framework includes targets for monitoring Policies CSW2 and CSW3.
ID46	6.2 Policy CSW 2: Waste Hierarchy and Policy CSW 3: Waste Reduction Policy CSW 3	Maidstone Borough Council	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.
ID24	6.2 Policy CSW 2: Waste Hierarchy and Policy CSW 3: Waste Reduction Policy CSW 3	Tunbridge Wells Borough Council	The new criteria in relation to meeting circular economy principles are welcomed.	Noted
ID23	6.3 Policy CSW 4: Strategy for Waste Management Capacity Net Self-sufficiency and Waste Movements	Tunbridge Wells Borough Council	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
ID02	6.3 Policy CSW 4: Strategy for Waste Management Capacity Net Self-sufficiency and Waste Movements Paragraph 6.3.1	Cheshire West and Chester Council	As per WDI 2021, the hazardous waste flow from Kent to CWaC is approximately 609 tonnes which is above our significant threshold of 500 tonnes. As such in Kent MWLP mention that <i>“While Kent currently achieves net self-sufficiency in the management of each waste stream, this position will be monitored to ensure this remains the case throughout the plan period.”</i> (Para 6.3.1) It also mentions <i>“However, Kent could cease to be net self-sufficient in hazardous waste capacity if changes in the production and management profile of hazardous waste occur as follows:</i> <ul style="list-style-type: none"> <i>the continued demand for disposal capacity for flue residues from Allington EfW facility</i> <i>the likely increase in hazardous residues from air pollution control from additional EfW capacity requiring management</i> <i>if the existing asbestos landfill closes then a significant amount of asbestos based hazardous waste will cease to be imported into the county.”</i> (Para 6.12.2) We don't have any notable minerals exchange relationship with Kent. In the light of the above, requests that we are kept informed of any future updates and changes to Kent's Hazardous Waste arisings or transfer capacities.	Noted
ID41	6.3 Policy CSW 4: Strategy for Waste Management Capacity Net Self-sufficiency and Waste Movements Paragraph 6.3.3	Individual	FHDC stopped collecting tetrapack cartons for recycling. Councils should be increasing opportunities to recycle not decreasing them. The policy needs to be strengthened so that this kind of backward step is not permitted.	The Plan's objectives and policies support the development of recycling facilities, but it is not within the remit of the Plan to address specific waste collection issues which should be raised with the Waste Collection Authority.
LP09	Further Proposed Changes Paragraph 6.3.3	Tunbridge Wells Borough Council	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
LP22	Further Proposed Changes Paragraph 6.3.3	East Sussex County Council	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

LP26	Further Proposed Changes Paragraph 6.3.3	Surrey County Council	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 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.	Noted
LP27	Further Proposed Changes Paragraph 6.3.3	South East Waste Planning Advisory Group	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
LP29	Further Proposed Changes Paragraph 6.3.3	Gravesham Borough Council	GBC notes this change but does not wish to raise any comment at this stage.	Noted
LP36	Further Proposed Changes Paragraph 6.3.3	Online comment - individual	Let London sort out its own waste, not transport it here for Kent to deal with	Noted
LP40	Further Proposed Changes Paragraph 6.3.3	Online comment - individual	London should provide its own facilities -if not possible then somewhere other than Kent should be found - Kent is very overcrowded	Noted
LP41	Further Proposed Changes Paragraph 6.3.3	Online comment - individual	By energy recovery.	The content of this comment is insufficiently clear to respond to.
LP52	Further Proposed Changes Paragraph 6.3.3	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.	The Statement of Common Ground between KCC and Medway Council will be updated to acknowledge this concern.
ID24	6.3 Policy CSW 4: Strategy for Waste Management Capacity Net Self-sufficiency and Waste Movements Paragraph 6.3.3 and 6.3.4	Tunbridge Wells Borough Council	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
ID21	6.3 Policy CSW 4: Strategy for Waste Management Capacity Net Self-sufficiency and Waste Movements Paragraph 6.3.6	Dartford Borough Council	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.
ID31	6.3 Policy CSW 4: Strategy for Waste Management Capacity Net Self-sufficiency and Waste Movements Paragraph 6.3.6	Gravesham Borough Council	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
ID49	6.3 Policy CSW 4: Strategy for Waste Management Capacity Net Self-sufficiency and Waste Movements Paragraph 6.3.6	Ashford Borough Council	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	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>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>	
ID44	6.3 Policy CSW 4: Strategy for Waste Management Capacity Net Self-sufficiency and Waste Movements Paragraph 6.3.6	Folkestone and Hythe District Council	<p>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.</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.</p> <p>The issue raised has been acknowledged in proposed changes to the Plan's supporting text.</p>
LP54	6.3 Policy CSW 4: Strategy for Waste Management Capacity Net Self-sufficiency and Waste Movements	Greater London Authority (GLA)	<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.
ID47	6.4 Policy CSW 5: Strategic Site for Waste	Natural England	<p>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.</p>	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.
LP09	Further Proposed Changes CSW5	Tunbridge Wells Borough Council	<p>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.</p>	Noted
LP15	Further Proposed Changes CSW5	Hampshire County Council	<p>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.</p>	Noted
LP22	Further Proposed Changes CSW5	East Sussex County Council	<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>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.</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>
LP23	Further Proposed Changes	Axis on behalf of FCC Environment	<p>Disagree - strongly believe that the continued allocation at Norwood Landfill is wholly justified and necessary to maintain flexibility within the MWLP (the Plan) and for the Plan to be 'sound'.</p>	The deletion of Policy CSW5 is justified on the basis that its continued inclusion encourages a form of waste management,

	CSW5			(landfill) that is not consistent with the objective of sustainable waste management and the waste hierarchy when alternatives are, and will become, available. Flexibility is maintained as deletion of CSW5 does not rule out the possibility of hazardous landfill being developed in Kent.
LP26	Further Proposed Changes CSW5	Surrey County Council	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
LP27	Further Proposed Changes CSW5	South East Waste Planning Advisory Group	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
LP29	Further Proposed Changes CSW5	Gravesham Borough Council	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 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
LP52	Further Proposed Changes CSW5	Medway Council	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 would be reflected in any assessment of proposals for the management of APCr associated with the Medway One development.	Noted
ID13	6.5 Policy CSW 6: Location of Built Waste Management Facilities	Ebbsfleet Development Corporation	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
ID47	6.5 Policy CSW 6: Location of Built Waste Management Facilities Policy CSW 6	Natural England	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.

ID24	6.5 Policy CSW 6: Location of Built Waste Management Facilities Policy CSW 6, point a and c	Tunbridge Wells Borough Council	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).
ID16	6.5 Policy CSW 6: Location of Built Waste Management Facilities Policy CSW 6, point f.	Tonbridge and Malling Borough Council	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.
ID24	6.7 Policy CSW 7: Waste Management for Non-hazardous Waste	Tunbridge Wells Borough Council	The changes are noted but TWBC does not wish to comment on this policy.	Noted
ID23	6.7 Policy CSW 7: Waste Management for Non-hazardous Waste	Tunbridge Wells Borough Council	The changes are noted. TWBC does not wish to comment on this policy.	Noted
ID24	6.8 Policy CSW 8: Other Recovery Facilities for Non-hazardous Waste	Tunbridge Wells Borough Council	The proposed changes to this policy, with an emphasis on addressing issues in relation to climate change are welcomed.	Noted
ID23	6.8 Policy CSW 8: Other Recovery Facilities for Non-hazardous Waste Paragraph 6.8.2	Tunbridge Wells Borough Council	The new wording at paragraph 6.8.2 setting out the requirements for the submission of a Waste Hierarchy Statement is welcomed.	Noted
ID16	6.8 Policy CSW 8: Other Recovery Facilities for Non-hazardous Waste Paragraph 6.8.2	Tonbridge and Malling Borough Council	TMBC supports the requirement for a waste hierarchy statement.	Noted
ID38	6.8 Policy CSW 8: Other Recovery Facilities for Non-hazardous Waste Paragraph 6.8.4	Sevenoaks Climate Action Network: Waste Management Subgroup	The proposal for carbon capture at the energy from waste sites need to be accelerated if feasible and more priority given to recycling household waste. In particular in Sevenoaks District, we would like to see the introduction of a food waste scheme for composting in line with neighbouring districts so that there is more consistence in waste management across the county.	Noted. The Plan will support proposals for the development of facilities to manage separately collected food waste in appropriate locations.
ID47	6.8 Policy CSW 8: Other Recovery Facilities for Non-hazardous Waste Policy CSW 8	Natural England	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.
ID24	6.9 Policy CSW 9: Non Inert Waste Landfill in Kent	Tunbridge Wells Borough Council	The proposed changes to this policy are welcomed.	Noted
ID23	6.9 Policy CSW 9: Non Inert Waste Landfill in Kent Paragraph 6.9.4	Tunbridge Wells Borough Council	The additional reference to the requirement for a Waste Hierarchy Statement at paragraph 6.9.4 is welcomed.	Noted
ID47	6.9 Policy CSW 9: Non Inert Waste Landfill in Kent Policy CSW 9, second bullet point	Natural England	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.
ID24	6.10 Policy CSW 10: Development at Closed Landfill Sites	Tunbridge Wells Borough Council	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
ID24	6.11 Policy CSW 11: Permanent Deposit of Inert Waste	Tunbridge Wells Borough Council	The proposed changes to this policy are welcomed.	Noted
ID28	6.11 11 Policy CSW 11: Permanent Deposit of Inert Waste	Invicta Planning (on behalf of Borough Green Sand Pits Ltd)	The available inert waste to land capacity is stated as only sufficient for the Plan period to meet Kent's arisings needs. The importation of this material from outside Kent will occur and this will need to be accommodated. The policy is supportive of this and recognises that the import of inert material will aid in the restoration of old mineral sites that require this. This highlights the high priority that should be given to using inert waste that cannot be recycled, in preference to using materials that are suitable for non-restorative	The change to the policy has been misunderstood as it is not intended to, and does not, inhibit inert waste being imported into Kent for quarry restoration. The policy seeks to ensure that quarry restoration is a priority use of inert waste material.

			<p>applications such as bund formation or land raising that are strictly not an act of restoration of past mineral workings.</p> <p>In prioritising the restoration of landfill sites and mineral workings with suitable material of a 'local' (Kent) origin is not reflective of the market and how inert waste is transported and deposited. Kent has good east-west but poor north-south connectivity and transporting inert waste in the county to achieve this 'localism' in inert waste deposition will involve material traveling great distances because of the poor connectivity of the road network (north-south) leading to high fuel costs and a commensurate detrimental impact on sustainability and impact air quality. Not prioritising 'local' materials will enable the continued ability of operators to move materials from in and outside Kent thus enabling sites to be engineered viably to deliver sustainable outcomes (housing etc).</p> <p>Inert materials of the type relevant to the policy has no other beneficial use other than for landfill operations, restoration, or land engineering operations. If the material is in any way prejudiced/restricted in meeting these uses, then use of primary or recycled materials would have to be employed which would be a poor utilisation of these materials that have construction applications. Also, this would place further demands on their production. It is considered that it is not the lack of suitable inert materials that cause delays in landfill restoration but operational restrictions (HVG movements etc). Therefore, the policy should not try to restrict new capacity but to identify additional capacity for the purpose of engineering operations as discussed above, otherwise the re-use of this material in an appropriate way will be compromised by its simple disposal.</p> <p>The policy should be amended to allow the use of inert materials in engineering operations without reference to local demand for such uses as site restoration, given the benefits brought about by the avoidance of use of primary/recycled aggregates for these purposes, thus avoiding the potential for their simple disposal to land without being uses in restorative applications to be greater benefit of being sustainable development. This would ensure the policy would be 'positively prepared' and 'consistent with National Policy'.</p>	
ID24	6.12 Policy CSW 12: Hazardous Waste Management	Tunbridge Wells Borough Council	The changes are noted but TWBC does not wish to comment on this policy.	Noted
ID47	6.12 Policy CSW 12: Hazardous Waste Management	Natural England	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.
ID29	6.13 Policy CSW 13: Remediation of Brownfield Land Paragraph 6.13.1	Environment Agency	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.
ID24	6.14 Policy CSW 14: Disposal of Dredgings	Tunbridge Wells Borough Council	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.
ID24	6.15 Policy CSW 15: Wastewater Development	Tunbridge Wells Borough Council	The changes are noted but TWBC does not wish to comment on this policy.	Noted
ID29	6.15 Policy CSW 15: Wastewater Development	Environment Agency	<p>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.</p> <p>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).</p>	Supporting text sets out how a policy may be implemented and so text has been added to the supporting text rather than the policy.
ID24	6.16 Policy CSW 16: Safeguarding of Existing Waste Management Facilities	Tunbridge Wells Borough Council	TWBC supports the changes made to this policy.	Noted
ID33	6.16 Policy CSW 16: Safeguarding of Existing	Otterpool Park LLP (Quod)	Policy CSW 16 safeguards permitted sites as " <i>capacity at sites with permanent planning permission for waste management is safeguarded from being developed for non-waste management uses</i> ". The Draft KMWLP	The Plan does not absolutely safeguard sites in the manner suggested by this comment. Policy DM8 sets out circumstances

	<p>Waste Management Facilities</p>	<p>seeks to roll forward the safeguarding presumption for the sites that are permitted. This results in a theoretical capacity being safeguarded, not actual operational capacity. Case law supports that decisions should be made in the real world not on theoretical positions. If a site has planning permission, it does not automatically justify safeguarding if it is not developed and operational. Para: 054 Reference 5 ID: 28-054-20141016 of the NPPG makes clear that if there are doubts about the prospects of sites coming forward consideration should be given to bringing forward alternative or additional allocations if needed, rather than relying on them coming forward to achieve the strategy.</p> <p>Paragraph 7.6.1 of the draft KMWLP states: <i>“It is essential to the delivery of this Plan’s minerals and waste strategy that existing facilities 114 used for the management of minerals (including wharves and rail depots) and waste are safeguarded for the future, in order to enable them to continue to be used to produce and transport the minerals needed by society and manage its waste. Footnote 114 ‘Existing facilities’ are taken as those have permanent planning permission for minerals and waste uses.”</i></p> <p>A key part of the above text is that the facilities which are essential to safeguard for the future are the ones that are “used for the management of...waste”. This does not apply to the facility at Otterpool park as is not operational, nor can it be seen to provide any capacity or perform any waste function and thus should not be safeguarded. It has been used for an HGV parking site since 2015 (ref: Y16/0068/SH) this is a clear indication that there is no need for the facility in this location nor any intention of the landowner to deliver it. It cannot be considered to be used or in use as the policy intends.</p> <p>Draft Policy CSW 6 (g) states that the location of built waste management facilities should avoid sites on or in proximity to land where alternative development exists/has planning permission or is identified in an adopted Local Plan (such as the Proposed Development through the adopted FHDC Core Strategy Review (2022)). Para. 119 of the NPPF (2021) states that planning policies and decision <i>“should promote an effective use of land in meeting the need for homes and other uses”</i>. If planning permission has been granted for waste uses on a site but despite this, and 11 years later it still has not been developed, it would not be an effective use of land to continue safeguarding the site for waste uses and prevent the delivery of new uses which are supported by local policy and offer tangible benefits.</p> <p>Para. 82 of the NPPF (2021) states that planning policies should <i>“be flexible enough to accommodate needs not anticipated in the plan, allow for new and flexible working practices...and to enable a rapid response to changes in economic circumstances”</i>. The current wording of CSW 16 is not flexible or responsive to changes in economic circumstances as it safeguards sites which are not providing operational waste capacity. It is not appropriate to prevent non-waste uses on the site in perpetuity and reference should be made in Policy CSW 16 to Policy DM 8 which provides exemption criteria for when non-waste development could come forward.</p> <p>Paragraph 8 of the NPPW (2014) states that when determining planning applications for non-waste development, local authorities should, to the extent appropriate to their responsibilities, ensure that <i>“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”</i>. There is no reference to sites which have previously been given planning permission. The KMWLP should therefore focus on ensuring the safeguarding of existing waste management facilities that have been built and allocated sites and areas and not undeveloped sites simply because they have previously been granted planning consent.</p> <p>Permanent planning permission does not necessarily result in waste capacity. For the plan to be found sound, draft Policy CSW 16 should be amended to reflect the need to safeguard waste management facilities that are operational not ones that provide just theoretical capacity. It is suggested it should be amended to state: <i>“capacity at sites with permanent planning permission for waste management and that are operational within 5 years of planning consent being granted, is safeguarded from being developed for non-waste management uses”</i> (or 10 years rather than 5 years if KCC consider that to be more appropriate). For the same reason, the definition in footnote 114 of paragraph 7.6.1 should be amended to state: <i>“Existing facilities’ are taken as those which have permanent planning permission for minerals and waste uses and that are operational within 5 years of the planning consent being granted”</i> (or 10 years rather than 5 years if KCC consider that to be more appropriate).</p> <p>Policy CSW 16 and the supporting text in para. 6.16.1 states that a list of waste sites is updated and</p>	<p>when development can come forward on safeguarded sites.</p> <p>For example Policy DM8 allows development on safeguarded sites where: <i>‘the facility is not viable or capable of being made viable;’</i> and <i>‘It has been demonstrated that the capacity of the facility to be lost is not required.’</i></p> <p>A clear list of safeguarded sites sits alongside the AMR.</p>
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			published each year in the Kent MWLP Annual Monitoring Report (AMR). It is not considered that a clear list is provided in the AMR.	A list of Kent minerals and waste sites is available alongside the AMR, as a separate document. This enables the list to be updated, if appropriate, more often than AMRs are published.
LP18	6.16 Policy CSW 16: Safeguarding of Existing Waste Management Facilities	Quod on behalf of Otterpool Park LLP	<p>For the plan to be found sound, draft Policy CSW 16 should be amended to reflect the need to safeguard waste management facilities that do provide waste capacity and not just theoretical capacity. We suggest it should be amended to state:</p> <p>“capacity at sites with permanent planning permission for waste management and that are operational within 5 years of planning consent being granted, is safeguarded from being developed for non-waste management uses”</p> <p>(or we would be content for it to say 10 years rather than 5 years if KCC considered that to be more appropriate).</p> <p>For the same reason, the definition in footnote 114 of draft Policy CSW 16 should be amended to state:</p> <p>“Existing facilities’ are taken as those which have permanent planning permission for minerals and waste uses and that are operational within 5 years of the planning consent being granted”</p> <p>(or we would be content for it to say 10 years rather than 5 years if KCC considered that to be more appropriate).</p> <p>The Kent MWLP Annual Monitoring Report (AMR) should be updated to include a clear list of waste sites. 8. It is not appropriate to prevent non-waste uses on sites in perpetuity where waste facilities have been granted permission previously and reference should be made in Policy CSW 16 to Policy DM8 which provides criteria for when non-waste development could come forward.</p>	No change to policy or explanatory footnote. Consented waste management capacity that has been lawfully implemented should be considered part of the County Council’s safeguarded waste management capacity. Policy DM 8 allows development to come forward if it meets the criteria of the policy to allow the presumption to safeguard to be set aside.
ID29	16.8.2	Environment Agency	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.
ID29	16.8.6	Environment Agency	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.
ID29	6.17 Radioactive Waste Management	Environment Agency	<p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>Exempt waste within the levels outline above will meet the criteria for an exemption. If levels are exceeded, an environmental permit will be required.</p>	The definitions of radioactive waste are accurate and are still in use. Text added to note change to legislation.
ID18	6.18 Policy CSW 17: Waste Management at the Dungeness Nuclear Site Supporting text at para. 6.18.2, para. 6.18.4 and para. 6.18.6	Nuclear Decommissioning Authority (NDA) and Magnox Limited (Magnox)	<p>NDA/Magnox welcome progress that has been made to date on amendments to Policy CSW 17 and its supporting text, which is in line with the NDA strategy and Government and regulatory guidance. However additional changes are required to ensure the policy and supporting text is fully compliant with these strictures, and for the policy to provide a robust framework for the determination of planning applications that come forward in the future.</p> <p>Proposed amended version of Policy CSW17 For ease of reference the proposed amended wording of policy CSW17 is included below with the requested changes by NDA and Magnox in bold and that stricken through, and original policy retained text in italics:</p> <p><i>Policy CSW 17 - Waste Management at the Dungeness Nuclear Licensed Sites</i> Management of Storage, treatment, disposal and / or management of radioactive waste Facilities for</p>	Changes to Policy CSW 17 are proposed which are intended to address NDA/Magnox concerns as appropriate. These changes have been discussed with NDA/Magnox and differ from the original proposed text included in the original NDA/Magnox consultation response.

			<p>the management (including storage, treatment or disposal) storage and/or management of radioactive waste will be acceptable within the Dungeness Nuclear Licensed Sites where:</p> <ol style="list-style-type: none"> 1. <i>this is consistent with the national strategy for managing radioactive waste and discharges; and</i> 2. <i>the outcome of environmental assessments justify it being managed on site.</i> <p>On-Site Disposal of Waste <i>The only wastes that will be acceptable for disposal within the Dungeness Nuclear Licensed Sites are non-hazardous low-level and very low-level radioactive wastes, or other non hazardous inert (non-radioactive) wastes.</i></p> <p><i>The types of disposal of such wastes that would be acceptable are:</i></p> <ul style="list-style-type: none"> • <i>In situ disposal of inground structures and foundations (including contaminated below-ground structures, foundations and redundant drains);</i> • <i>The back-filling of voids within the Dungeness Nuclear Licensed Sites using wastes generated by the demolition of existing buildings and structures; and</i> • <i>Purpose built landfill or land raise activities within the Dungeness Nuclear Licensed Sites using wastes generated by the demolition of existing buildings and structures.</i> <p><i>Planning permission for the disposal of waste arisings as described above will be granted if it can be demonstrated that there is an overriding need for this the development is the optimum waste management approach and that impacts on the sustainability, including environment, of the area mitigated to an acceptable level as demonstrated with reference to baseline data.</i></p> <p>With regard to amendments required in the policy's supporting text the following comments are made.</p> <ul style="list-style-type: none"> • Para. 6.18.2- reference in the last sentence to "including baseline data and monitoring of vehicle movements, air quality and bird populations" should be removed. NDA/Magnox will be required to provide baseline data with planning applications; however it is considered that the issues identified are too specific and in (in the context of on-site disposal projects) exclude for example assessment of the impact on groundwater. It is requested that the last sentence is amended to read as follows: "To enable the competent authority under the Habitats Regulations to: i) Determine the need for appropriate assessment of applications for waste management and disposal at the Dungeness nuclear sites; and ii) undertake such assessment where it is deemed necessary, sufficient relevant information will be required to accompany each planning application." • Paragraph 6.18.4 – the last sentence refers to "the NDA and Magnox Ltd do not anticipate any import of radioactive waste for disposal at Dungeness". It is considered that such a statement is potentially misleading if it is taken to exclude the possibility that there may be movement of radioactive waste between the Dungeness A and B sites, depending on the voids each has and when they are available. The text should therefore be amended to clarify this. • Paragraph 6.18.6 – This includes the following sentence. "Separate EA guidance (ref. footnote 96) relating to the in situ disposal of radioactive waste in a dedicated disposal facility needs to be followed when preparing the ESC for such a facility." It is considered that this sentence should be amended to reflect the fact that "in situ disposal" and "disposal of radioactive waste in a dedicated disposal facility" are mutually exclusive concepts for disposal. Reference is also made to footnote 96 which is defined as: "96. 'Near-surface Disposal Facilities on Land for Solid Radioactive Wastes: Guidance on Requirements for Authorisation' (NS-GRA) (EA et al., 2009). This is commonly referred to as the "GRA". However, the forms of on-site disposal the NDA and Magnox might propose (in situ disposal and/or disposal for a purpose) would relate to the application of the "GRR" not the GRA, the GRR being "Management of radioactive waste from decommissioning of nuclear sites: Guidance on Requirements for Release from Radioactive Substances Regulation" which was published by the Environment Agency in 2018. It would only be if a proposal involved disposal in a dedicated, purpose built facility that the GRA would apply. It is considered that the above clarification is made in para. 6.18.6 of the policy's supporting text. 	
ID24	6.18 Policy CSW 17: Waste Management at the Dungeness Nuclear	Tunbridge Wells Borough Council	The changes are noted but TWBC does not wish to comment on this policy.	Noted

	Site			
ID23	6.18 Policy CSW 17: Waste Management at the Dungeness Nuclear Site	Tunbridge Wells Borough Council	The additional paragraphs and changes are noted. TWBC does not wish to comment on this policy.	Noted
ID29	6.18 Policy CSW 17: Waste Management at the Dungeness Nuclear Site	Environment Agency	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.
ID47	6.18 Policy CSW 17: Waste Management at the Dungeness Nuclear Site	Natural England	<p>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.</p> <p>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.</p>	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.
ID24	6.19 Policy CSW18: Non-nuclear Radioactive Low Level Waste (LLW) Management Facilities	Tunbridge Wells Borough Council	The changes are noted but TWBC does not wish to comment on this policy.	Noted
ID29	6.19 Policy CSW18: Non-nuclear Radioactive Low Level Waste (LLW) Management Facilities	Environment Agency	Please revise use of phrase Very Low Level Waste in this Policy. 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.	Noted. The use of the term Very Low Level Waste is appropriate - this term is still in use.
7. Development Management Policies				
ID16	7.1 Policy DM 1:Sustainable Design	Tonbridge and Malling Borough Council	TMBC supports the additional biodiversity net gain wording in this policy.	Noted
ID24	7.1 Policy DM 1:Sustainable Design	Tunbridge Wells Borough Council	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
ID23	7.1 Policy DM 1:Sustainable Design	Tunbridge Wells Borough Council	The new additional wording relating to BNG and BREEAM standards is welcomed.	Noted
ID31	7.1 Policy DM 1:Sustainable Design Paragraph 7.1.3	Gravesham Borough Council	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.
ID42	7.1 Policy DM 1:Sustainable Design Paragraph 7.1.4	Kent Downs AONB	Support the inclusion of reference to soils in para 7.1.4, although consider it would be beneficial for this to be included in the policy wording of DM1, rather than just sitting in the background text.	A change is proposed to Policy DM1 to ensure the impact on soils is specifically addressed.
ID47	7.1 Policy DM 1:Sustainable Design Policy DM1, point 6	Natural England	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.
ID41	7.1 Policy DM	Individual	Change 'minimise' to 'avoid' because we will need all available agricultural land to feed the growing	In certain circumstances the loss of Best and Most Versatile

	1:Sustainable Design Policy DM1, point 8		population. relying on imported food makes us vulnerable to climate change and global conflicts (e.g. Ukraine)	Agricultural Land will be outweighed by the need for the development. Such a change as proposed would not be consistent with national policy in the NPPF.
ID20	7.2 Policy DM 2: Environmental and Landscape Sites of International, National and Local Importance and Policy DM 3: Ecological Impact Assessment	Kent Nature Partnership	<p>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.</p> <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>	Noted
ID31	7.2 Policy DM 2: Environmental and Landscape Sites of International, National and Local Importance and Policy DM 3: Ecological Impact Assessment	Gravesham Borough Council	<p>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.</p> <p>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.</p>	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).
ID42	7.2 Policy DM 2: Environmental and Landscape Sites of International, National and Local Importance and Policy DM 3: Ecological Impact Assessment Paragraph 7.2.1	Kent Downs AONB	Welcome the inclusion of requirement for enhancement as well as conservation in AONBs and the reference to AONB setting.	Noted
ID37	7.2 Policy DM 2: Environmental and Landscape Sites of International, National and Local Importance and Policy DM 3: Ecological Impact Assessment Paragraph 7.2.2	Woodland Trust	Welcome the new reference in paragraph 7.2.2 to the emerging Local Nature Recovery Strategy for Kent.	Noted
ID37	7.2 Policy DM 2:	Woodland Trust	Welcome the new reference in paragraph 7.2.4 to the calls by the Kent Local Nature Partnership for requiring	Noted

	Environmental and Landscape Sites of International, National and Local Importance and Policy DM 3: Ecological Impact Assessment Paragraph 7.2.4		greater than the statutory minimum of 10% biodiversity net gain, given the important irreplaceable habitats in the county (such as the Blean complex) and the intense pressure for development, including nationally significant infrastructure projects.	
ID42	7.2 Policy DM 2: Environmental and Landscape Sites of International, National and Local Importance and Policy DM 3: Ecological Impact Assessment Paragraph 7.2.4	Kent Downs AONB	Support the requirement for 20% BNG here.	Noted
ID27	7.2 Policy DM 2: Environmental and Landscape Sites of International, National and Local Importance and Policy DM 3: Ecological Impact Assessment Paragraph 7.2.4	Mineral Products Association	There is no evidence presented to justify why the Kent Nature Partnership 'expects' at least 20% biodiversity gain to be achieved, or why weight is given to this 'expectation'. This appears to simply double the (arbitrary) level required by the Environment Act. While management and restoration of minerals sites can often deliver biodiversity gain well above the minimum level, this is not always the case and is not always as straightforward as may be assumed, given the way the Metric works (it was designed for development types other than minerals and does not reflect the unique characteristics that are referred to in the separate Biodiversity Topic Paper). It is increasingly common for minerals sites to be developed and operated on a leasehold basis, and there is no guarantee that the landowner would entertain biodiversity gain and associated 30-year management post-development, which may result in sites not coming forward in the first place (affecting supply) or restoration to after uses that are not biodiversity-led. This may mean achieving 10% on- or off-site would be difficult. Applying a blanket 20% is not justified. It would be more practicable and realistic to apply a case-by-case approach where biodiversity gain objectives (above the minimum) should reflect opportunities and constraints and be agreed at an early stage by the planning authority and the applicant.	The change to the policy does not require the achievement of at least 20%. 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 minimum 10%, however, in the case of quarry restoration in particular there is evidence that indicate well in excess of 10% and indeed greater 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).
ID16	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	Tonbridge and Malling Borough Council	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
ID24	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	Tunbridge Wells Borough Council	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).
ID23	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	Tunbridge Wells Borough Council	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).
ID37	7.2 Policy DM 2: Environmental and	Woodland Trust	Welcome the strengthened wording to protect ancient woodland and trees in section 2 of this policy, in particular:	Noted - Recognise support for policy changes. Other matters related to mitigation for habitat / ancient woodland loss would be

	<p>Landscape Sites of International, National and Local Importance and Policy DM 3: Ecological Impact Assessment</p> <p>Policy DM 2</p>		<ul style="list-style-type: none"> • The explicit recognition that ancient woodland is an irreplaceable habitat • Including ancient and veteran trees alongside ancient woodland in this definition • Requiring both wholly exceptional reasons and a suitable compensation strategy before considering any proposal within or impacting on such habitats. <p>Direct impacts that would lead to damage or loss of ancient woodland habitat or veteran trees must either be avoided or compensated for if the need is judged to be truly exceptional; there is no appropriate mitigation for the loss of irreplaceable habitats.</p> <p>Where it is deemed that there is going to be unavoidable residual damage or loss to ancient woodland, the measures taken to compensate for this must be of a scale and quality commensurate with loss of irreplaceable habitat. Where ancient woodland is to be replaced by new woodland, this should aim to create thirty hectares of new woodland for every hectare lost.</p> <p>We recommend adding further wording requiring appropriate buffers where sites are close to ancient woodland. Where development sites are adjacent to ancient woodland, we recommend that as a precautionary principle, a minimum fifty metre buffer should be maintained between a development and the ancient woodland, including through the construction phase, unless the applicant can demonstrate very clearly how a smaller buffer would suffice. A larger buffer may be required for particularly significant engineering operations, or for after-uses that generate significant disturbance. Further information is available in the Trust's Planners' Manual for ancient woodland.</p> <p>We therefore recommend strengthening the policy as follows:</p> <p><i>After "Minerals and/or waste proposals located within or considered likely to have any unacceptable adverse impact irreplaceable habitat such as Ancient Woodland and ancient or veteran trees will not be granted planning permission or identified in updates to the Minerals Sites Plan and any Waste Sites Plans unless the need for, and the benefits of the development in that location clearly outweigh any loss, justified by wholly exceptional reasons, and a suitable compensation strategy is in place."</i></p> <p><i>Add "Where proposals are located adjacent to Ancient Woodland, a minimum 50-meter buffer will generally be required between the development and the woodland, including through the construction phase."</i></p>	<p>considered at detailed planning application stage.</p> <p>Detailed matters related to habitat loss and any appropriate mitigation (including buffers) would be addressed at detailed planning application stage.</p> <p>Recognise role that buffers play in mitigation on a site by side basis and include sentence in para 7.2.4 (supporting text) to reflect this.</p>
ID47	<p>7.2 Policy DM 2: Environmental and Landscape Sites of International, National and Local Importance and Policy DM 3: Ecological Impact Assessment</p> <p>Policy DM 2</p>	Natural England	<p>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:</p> <p>'When determining planning applications, local planning authorities should apply the following principles:</p> <p>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;</p> <p>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'.</p> <p>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).</p> <p>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.</p>	<p>Noted - Reference is made to the avoid, mitigate, compensate hierarchy in paragraph 180 of the NPPF (Sept 2023).</p> <p>Amended to include reference to this hierarchy in Policy DM 2.</p> <p>Both Policy DM 2 and DM 3 would be applied equally.</p>

ID41	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, first paragraph	Individual	Delete 'unacceptable' as no adverse impact should be acceptable for these sites	Noted - Not all adverse impacts are necessarily unacceptable. Each proposal would be considered on its merits.
ID41	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, fourth paragraph of section 2	Individual	Please define what is acceptable/unacceptable adverse impacts	This is a matter specific to each application. Each application would be considered against all relevant material considerations, of which potential adverse impacts is one.
ID41	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, final paragraph of section 2	Individual	Delete 'unacceptable' as no adverse impact is acceptable for these sites	Noted - Not all adverse impacts are necessarily unacceptable. Each proposal would be considered on its merits.
ID16	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	Tonbridge and Malling Borough Council	TMBC support the additional wording to maximise biodiversity net gain.	Noted
ID24	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	Tunbridge Wells Borough Council	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.
ID23	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	Tunbridge Wells Borough Council	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.
ID29	7.2 Policy DM 2: Environmental and Landscape Sites of	Environment Agency	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	Policy DM2 provides the protection of habitats sought by this comment.

	International, National and Local Importance and Policy DM 3: Ecological Impact Assessment Policy DM 3		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.	
ID42	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	Kent Downs AONB	Welcome addition of reference to enhancement as well as conservation of AONBs in the Policy.	Noted
ID37	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	Woodland Trust	Welcome the new wording at the end of policy DM 3 that requires the maximum practicable biodiversity net gain from any minerals or waste development.	Noted
ID46	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	Maidstone Borough Council	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 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).
ID47	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	Natural England	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 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.	Noted
ID27	7.2 Policy DM 2: Environmental and Landscape Sites of International, National and Local Importance	Mineral Products Association	Biodiversity gain requirements will apply to the vast majority of all applications for development. When challenged about the introduction of the requirement, and the design of the Metric not being primarily for or suited to minerals development, Natural England has stressed the need for a 'level playing field' with one metric being applied using common rules and values, no matter what the development type. Defra has been clear that this is necessary so that developments that deliver above the minimum 10% gain may be able to	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 there is evidence that well in excess of 10% and indeed more than 20%

	and Policy DM 3: Ecological Impact Assessment Policy DM 3		<p>'trade' additional biodiversity units created to offset for other developments. This includes minerals sites. Therefore, requiring 'maximum practicable biodiversity net gain' for minerals developments is not reasonable, as even though it may be possible to achieve more than 10% (or even 20%) in some cases, in the new regulatory environment where biodiversity gain is mandatory, minerals should be treated the same way as other development types. As recommended above, early discussion and agreement of biodiversity gain objectives between the planning authority and applicant, reflecting constraints and opportunities, including for targets higher than the 10% mandatory minimum, would be a more realistic and effective approach. Biodiversity gain (units) created above the minimum or the level agreed may then be used to offset other developments (subject to requirements of registering and monitoring etc). Also, for information, publication of the Metric 4.0, and associated regulations and guidance, is delayed and Defra report publication is likely in the first quarter of 2023.</p>	<p>BNG can be achieved on site. 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.</p> <p>Guidance on the implementation of this policy will be prepared once the Plan has been adopted.</p>
ID28	Policy DM 3: Ecological Impact Assessment	Invicta Planning (on behalf of Borough Green Ltd Sandpits and Sheerness Recycling Ltd)	<p>The policy is intended to prevent any unacceptable adverse impacts on Kent's biodiversity assets. It is proposed to be amended (again) to achieve at least 10% biodiversity net gain (BNG) and for all proposals to demonstrate how the maximum practical BNG shall result for minerals and waste developments.</p> <p>The 10% BNG requirement is consistent with the Environment Act and there is no objection to this objective being part of the Minerals and Waste Local Plan for Kent. NPPF par. 68 requires Strategic Policy Making Authorities to have a clear understanding of the land available in their area and devise policies which take account of site availability, suitability and likely economic viability. The relevant NPPG offers more guidance in relation to viability and plan making. Essentially the guidance is stating that in assessing viability of sites and the cumulative cost of all relevant policies should not compromise or undermine the deliverability of the Plan.</p> <p>Applying a standardised with a higher than 10% BNG needs to be assessed by the Council to understand how it may impact viability and deliverability of the Plan as a whole and individual sites. The detailed policy wording requiring the maximisation of BNG is unclear. It does not explain how the maximisation can be demonstrated or the metric to be used to make an assessment. Without certainty of the amount of BNG to be achieved (i.e., 10% may not be acceptable) it might make sites unviable for delivery is therefore not 'justified' or 'positively prepared'</p>	<p>The change to the policy does not specifically include a % target above the statutory minimum 10% 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 there is evidence that well in excess of 10%, and indeed more than 20% BNG can be achieved on site. 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.</p> <p>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).</p>
ID35	Policy DM 3: Ecological Impact Assessment Para. 7.2.4	Gallagher Aggregates Ltd (GAL)	<p>GAL, like the rest of the mineral industry, has provided environmental enhancements through progressive restoration and long-term management as the company's track record demonstrates in Kent show. The KMWLP does not clarify or justify why mineral operations restorations should, going into the future, be required to deliver double the statutory minimum BNG or maximise it. The imposition of a blanket target over and above the statutory minimum BNG runs the risk of making it impossible for the minerals industry to bring sites forward to the detriment of future minerals supply and the many sectors which rely on it and on which society depends.</p> <p>Whilst it may be possible to achieve more than 10% BNG on certain sites, this would be more appropriately determined through discussion and agreement between the mineral planning authority (MPA) and applicant, taking into account the unique opportunities and constraints of individual sites.</p> <p>GAL concurs with the Mineral Products Association's submission on the proposed amendments to the KMWLP with respect to BNG. As stated in relation to Objective 9 amendments to the KMWLP the Plan should be unambiguous in its requirements for BNG and clear as to the basis for any targets over and above the statutory requirements.</p>	<p>The change to the policy does not specifically include a % target above the statutory minimum 10% 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 circumstances it may be possible for development to achieve much more than the statutory 10%, however, in the case of quarry restoration in particular there is evidence that well in excess of 10%, and indeed more than 20%, BNG can be achieved on site. 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.</p> <p>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).</p>
ID26	7.4 Policy DM 5: Heritage Assets and Policy DM 6: Historic Environment Assessment Paragraph 7.4.2	Historic England	<p>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.</p>	<p>Noted - Change proposed to paragraph 7.4.2 to address this comment.</p>
ID24	7.4 Policy DM 5: Heritage Assets and Policy DM 6: Historic Environment Assessment Policy DM 5	Tunbridge Wells Borough Council	<p>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.</p> <p>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:</p> <p><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</i></p>	<p>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.</p> <p>Noted - Changes proposed to Policy DM 5 to address this comment and ensure consistency with the NPPF.</p>

			<i>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>	
ID23	7.4 Policy DM 5: Heritage Assets and Policy DM 6: Historic Environment Assessment Policy DM 5	Tunbridge Wells Borough Council	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 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>	Noted - Changes proposed to Policy DM 5 to address these comments and ensure consistency with the NPPF.
ID31	7.4 Policy DM 5: Heritage Assets and Policy DM 6: Historic Environment Assessment Policy DM 5	Gravesham Borough Council	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.
ID41	7.4 Policy DM 5: Heritage Assets and Policy DM 6: Historic Environment Assessment Policy DM 5, last paragraph	Individual	Remove the word 'unacceptable' as no adverse impact is acceptable for these heritage assets	Noted - Changes proposed to Policy DM 5 to address this comment and ensure consistency with the NPPF.
ID24	7.4 Policy DM 5: Heritage Assets and Policy DM 6: Historic Environment Assessment Policy DM 6, criterion 1	Tunbridge Wells Borough Council	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: 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.
ID23	7.4 Policy DM 5: Heritage Assets and Policy DM 6: Historic Environment Assessment Policy DM 6, criterion 1	Tunbridge Wells Borough Council	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.
ID13	7.5 Policy DM 7: Safeguarding Mineral Resources and 7.6 Policy DM 8: Safeguarding Minerals Management, Transportation, Production & Waste Management Facilities	Ebbsfleet Development Corporation	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.
ID24	7.5 Policy DM 7: Safeguarding Mineral Resources and 7.6 Policy DM 8: Safeguarding Minerals Management, Transportation, Production & Waste Management Facilities	Tunbridge Wells Borough Council	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'.	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.

			In relation to Policy DM 8 - The changes are noted but TWBC does not wish to comment on this policy.	
ID23	7.5 Policy DM 7: Safeguarding Mineral Resources and 7.6 Policy DM 8: Safeguarding Minerals Management, Transportation, Production & Waste Management Facilities	Tunbridge Wells Borough Council	<p>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.</p> <p>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, 'Further guidance on the application of this policy is included in a Supplementary Planning Document'.</p>	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.
ID49	7.5 Policy DM 7: Safeguarding Mineral Resources and 7.6 Policy DM 8: Safeguarding Minerals Management, Transportation, Production & Waste Management Facilities	Ashford Borough Council	<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.</p> <p>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>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.</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.
ID27	7.5 Policy DM 7: Safeguarding Mineral Resources and 7.6 Policy DM 8: Safeguarding Minerals Management, Transportation, Production & Waste Management Facilities	Mineral Products Association	See comments in relation to 5.6 Policy CSM 6: Safeguarded Wharves and Rail Depots above – comments also apply here in relation to Policy DM 8.	Noted. Proposed change to supporting text to reflect the irreplaceability of rail depot sites and their safeguarding being imperative to maintaining future supply.
ID33	7.5 Policy DM 7: Safeguarding Mineral Resources	Otterpool Park LLP (Quod)	<p>The policy describes the circumstances in which non-mineral developments that are incompatible with safeguarding a resource would be acceptable.</p> <p>Where proposals for non-mineral developments come forward which make a significant housing contribution and provide a policy compliant level of affordable housing, the benefits should outweigh a presumption to safeguard the safeguarded mineral where extraction has not yet come forward – this should be stated as a specific example of exemption in the exemption criteria policy wording. Housing delivery to meet the trajectory of the recently adopted FHDC Core Strategy Review (2022) should be taken into account. It is suggested that further additional exemption wording could be inserted into Policy DM 7 (beneath the list of seven criteria) to reflect the importance of exceptional cases such as the Proposed Development:</p> <p><i>"It is recognised that there are exceptional cases where the benefits of delivering a particular development are so great. Therefore, in the case of plan-led comprehensive new settlements, this policy will not apply."</i></p>	No policy change required. The ability to argue 'overriding' and 'exceptional' circumstances to meet the relevant exemption criterion (5) in Policy DM 7 exists, this can be applied to developments that are identified in Plans (that do not meet the requirements of exemption criterion 7) and to 'windfall' sites that have land-won safeguarding implications.
LP18	7.5 Policy DM 7: Safeguarding Mineral Resources	Quod on behalf of Otterpool Park LLP	<p>Where proposals for non-mineral developments come forward which make a significant housing contribution and provide a policy compliant level of affordable housing, the benefits should outweigh a presumption of continuing to safeguard a site for mineral extraction which has not yet come forward – this should be stated as a specific example of exemption in the policy wording. Delivery of housing to meet the trajectory envisaged in the recently adopted FHDC Core Strategy Review (2022) should be taken into account. Where there is conflict between policies in a plan which is adopted after another document in the development plan, the more recent policy takes precedent. In this instance, the more recent document is the FHDC Core Strategy Review (2022), which designates the site as a new garden settlement.</p> <p>We suggest that further additional wording could be inserted into Policy DM 7 (beneath the list of seven criteria) to reflect the importance of exceptional cases such as the Proposed Development:</p> <p><i>"It is recognised that there are exceptional cases where the benefits of delivering a particular development are so great. Therefore, in the case of plan-led comprehensive new settlements, this policy will not apply."</i></p>	<p>No policy change required. The ability to argue an exemption to the presumption to safeguard finite land-won mineral resources on the basis of an 'overriding need' for non-mineral development is set out in criterion 5. It also sets out that prior extraction of the threatened mineral resources should be explored before invoking the exemption. Therefore, there are sufficient safeguards for non-mineral development to have the case for an 'overriding need' that outweighs the safeguarding presumption, including such matters of practicality for any prior mineral extraction, to be presented to the County Council as the mineral safeguarding authority.</p> <p>The relevant guidance is also included in the Safeguarding SPD. The SPD or associated guidance will be maintained by the</p>

				<p>County Council and updated as required. Moreover, the argument that more recently adopted local plans should, if they have allocations exist on safeguarded mineral bearing land, should take precedence is entirely counter to the principle of finite land-won mineral safeguarding. The policy has a criterion (7) that allows an exemption to be argued for a local plan allocated development provided that the allocation in that relevant local plan has been the subject of mineral safeguarding consideration via the local plan formulation and examination process. Therefore, to simply allow the adopted FHDC Core Strategy Review (2022) to circumvent that process retrospectively would undermine the KMWLP's mineral safeguarding strategy and that of the NPPF that makes clear finite mineral resources are to be conserved (NPPF 2023, Part 17. Facilitating the sustainable use of minerals para. 209, page 59).</p>
ID33	7.6 Policy DM 8: Safeguarding Minerals Management, Transportation, Production & Waste Management Facilities	Otterpool Park LLP (Quod)	<p>The policy sets out the circumstances when safeguarded minerals and waste development may be replaced by non-waste and minerals uses.</p> <p>It is considered that Policy DM8 should only apply for waste facilities where there is existing operational capacity which is proposed to be lost through proposals for non-waste uses. Notwithstanding that it is considered that the Permitted Waste Facility should not be safeguarded. The policy should not be applied to Otterpool Park proposals. The policy overly restrictive and should be updated to take account of the recently adopted Core Strategy Review (2022), which does not require a waste facility to be provided within the new garden settlement allocation area. PPG Para.: 072 Reference ID: 61-072-20190315 states that where there is conflict between policies in a plan which is adopted after another document in the development plan, the more recent policy takes precedent. The more recent document is the FHDC Core Strategy Review (2022), which designates the site as a new garden settlement.</p> <p>It is considered that the hurdles that an applicant is required to overcome to meet the criteria are, in some circumstances, too great and, do not reflect site-specific conditions about a particular safeguarded facility and its relationship with a potential development which may impact its delivery.</p> <p>The current policy wording does not consider a scenario where a safeguarded minerals management, transportation or waste management facility has no (limited) prospect of being delivered. This includes permitted facilities which are either extant but not implemented, or where implementation has taken place, but it will not be completed (such as the safeguarded facility). The landowner of the safeguarded site has no intention to complete the consented development and build out the facility.</p> <p>There are elements of existing policy wording which enable a subjective view to be adopted. Criteria 6 states that planning permission will only be granted for development that is incompatible where "<i>material considerations indicate that the need for development overrides the presumption for safeguarding</i>". This wording allows the decision-taker (KCC) to resist a proposal for alternative development and not accept the demonstrable '<i>material considerations</i>' that weigh in the determination of planning applications, as required by s38(6) of TCPA 1990, irrespective of their significance.</p> <p>The policy as currently drafted is ineffective. There is a demonstrable housing and affordable housing crisis in the local area and nationally. Where proposals for non-waste uses come forward which make a significant housing contribution and provide a policy compliant level of affordable housing the benefits should outweigh a presumption to safeguard a site for waste management provision – this should be stated as a specific example of exemption in the policy wording.</p> <p>The policy provides very little opportunity for an applicant of an 'incompatible' development to align themselves to specific planning circumstances that could be met to expressly justify the loss of a safeguarded facility. Planning and development policies throughout the UK often include time based and evidence-based tests which, if met, allow an existing use or operation to be replaced by another use or operation (for example, where suitable evidence demonstrates that demand for an existing employment use is no longer present, and</p>	<p>No policy change required. Safeguarding of lawfully implemented waste management capacity is required. If this did not occur the County Council's safeguarding of facilities in the drive to maintain self-sufficiency over the projected plan period would be undermined and potentially be an unsound approach to plan preparation.</p> <p>Noted. The process of assessing whether there is overriding need that is sufficient to invoke an exemption from the presumption to safeguard is set out in Policy DM 8 for all applicants to address in their submissions to the determining planning authority.</p> <p>The policy wording reflects the principle of safeguarding and the circumstances of when an exemption from the presumption to safeguard that applies in the Plan area.</p> <p>The decision-making planning authority for non-waste development would be the local not Kent County Council; the local authority would assess, in consultation with Kent County Council, if the requirements of criterion 6 have been met.</p> <p>The local planning authority will be able to apply the exemption tests and come to a decision regarding any 'overriding need' exists and is sufficient to invoke an exemption from the presumption to safeguard.</p> <p>It provides any applicant with the ability to demonstrate why the non-waste development being proposed is capable of being determined with an exemption from the presumption to safeguard. Criterion 6 allows for all arguments supporting an 'overriding need' to be taken into account by the determining local authority.</p> <p>No change to policy. The suggested text is too specific to a circumstance where such matters of being no longer required</p>

			<p>that use can be changed to another). Introduction of such wording would represent a more pragmatic approach and would enable safeguarded sites to be protected where necessary, while recognising that in some instances it is not appropriate to continue to plan for their delivery.</p> <p>It is suggested that the following wording is inserted into the policy (following the list of seven criteria):</p> <p><i>“Safeguarded minerals management facilities, transportation or waste management facilities which are subject to a planning permission facilitating their delivery no longer need to be protected for the purposes of this policy where the facility the subject of the planning permission has not been completed (for the purposes of occupation and operation) within 5 years of the date of the planning permission.”</i></p> <p>It is considered that it would be appropriate for each application for non-waste development on a safeguarded site to be assessed on its own merits. With KCC taking a considered and proportionate view when balancing the need to maintain the safeguarded facility versus the need for specific development to come forward as required to facilitate regeneration and to deliver benefits. The Proposed Development, provides a once in a generation opportunity to create an innovative, resilient and inclusive community to stand the test of time and to deliver a vision which is underpinned by the Garden City Principles. The Proposed Development is allocated for development and is identified as a strategic site, contributing significantly towards meeting the District Council’s identified housing need. The planning case for the Proposed Development to be properly delivered is significant.</p> <p>It is suggested that the following further wording be inserted into the policy (beneath the list of seven criteria) to reflect the importance of exceptional cases such as the Proposed Development:</p> <p><i>“It is recognised that there are exceptional cases where the benefits of delivering a particular development are so great. Therefore, in the case of plan-led comprehensive new settlements, this policy will not apply.”</i></p> <p>It is considered that if this new wording is introduced into the policy, this will not prevent KCC from managing safeguarded sites across the County. Instead, it will allow decisions to be made on a case by-case basis to facilitate the delivery of new development where it is genuinely required, and which represents the optimal masterplan approach for a particular area.</p> <p>These amendments were previously suggested to KCC in February 2022, but KCC considered that the policy allows for development to come forward in a number of circumstances and one or more of those may apply in this case (Consultation Summary Document, 2022). It is not considered that the policy allows development to proceed in cases where it should be allowed to.</p> <p>It is understood that the policy is intended to operate where proposals will result in a loss of waste management capacity, but this is not the case at Otterpool Park. More flexibility is necessary given the more recent policy position in the adopted Core Strategy Review 2022. Criteria 3 of the policy would allow non-waste development to come forward on the site if replacement capacity was provided elsewhere. The Permitted Waste Facility site is however not providing capacity currently so it would not be appropriate to require replacement capacity to be provided in the case where non-waste development is proposed on the site. It is considered that these amendments to Policy DM 8 are particularly important to be taken forward if KCC do not agree to the proposed amendments suggested for Policy CSW 16.</p>	<p>(criterion 7) that a lack of being fully developed may indicate.</p> <p>Noted</p> <p>No change to policy. The suggested text is too specific to a circumstance where such matters as a ‘overriding need’ that can outweigh the presumption to safeguard may apply, such as local plan allocation considerations that may be part of the local plan’s strategy. Such issues can be argued with current policy exemption justification wording.</p> <p>Noted</p> <p>No change to Policy CSM: 16 or DM: 8 required. The site has an implemented planning permission, the capacity is part of the understood waste management capacity in the County of Kent. To disregard it would potentially cause the sustainable waste strategy to be found unsound.</p>
LP18	7.6 Policy DM 8: Safeguarding Minerals Management, Transportation, Production & Waste Management Facilities	Quod on behalf of Otterpool Park LLP	<p>Where proposals for non-waste uses come forward which make a significant housing contribution and provide a policy compliant level of affordable housing, the benefits should outweigh a presumption of continuing to safeguard a site for waste provision which has not yet come forward within 5 years of consent being granted – this should be stated as a specific example of exemption in the policy wording.</p> <p>We suggest additional wording is inserted into Policy DM8 (following the list of seven criteria):</p> <p><i>“Safeguarded minerals management facilities, transportation or waste management facilities which are subject to a planning permission facilitating their delivery no longer need to be protected for the purposes of this policy where the facility the subject of the planning permission has not been completed (for the purposes of occupation and operation) within 5 years of the date of the planning permission.”</i></p> <p>We suggest additional wording is inserted into Policy DM8 (beneath the list of seven criteria) to reflect the importance of exceptional cases such as the Proposed Development:</p>	<p>No policy change required. Safeguarding of lawfully implemented waste management capacity is required. If this did not occur the County Council’s safeguarding of facilities in the drive to maintain self-sufficiency over the projected plan period would be undermined and vulnerable to legal challenge.</p>

			<p>“It is recognised that there are exceptional cases where the benefits of delivering a particular development are so great. Therefore, in the case of plan-led comprehensive new settlements, this policy will not apply.”</p>	
ID19	7.6 Policy DM 8: Safeguarding Minerals Management, Transportation, Production & Waste Management Facilities	Aggregate Industries and Brett Aggregates Ltd [combined representation]	<p>The policy remains unchanged in detailing the criteria against which planning applications for development that is incompatible with safeguarded facilities will be assessed. This is predicated on supporting text (para 7.6.1) that it is essential to the delivery of the Plan’s mineral and waste strategy that existing facilities used for management of minerals (including wharves and rail depots) are safeguarded for the future.</p> <p>The policy confirms in the final sentence that further guidance on the application of the policy will be included in a Supplementary Planning Document (SPD). It is suggested, given operational experience in dealing with applications coming forward in the vicinity of safeguarded wharves and associated plant (often characterised by lack of early or any engagement on the part of the developer) that the opportunity should be taken either as part of this review or as an update to the SPD to expressly require early (pre-application) engagement with the operator of the safeguarded facility.</p> <p>This is to avoid applications being made which have not appropriately or robustly assessed and if required mitigated any potential conflicts between the proposed development and the safeguarded uses under the ‘agent of change’ principle. Such a requirement could be inserted after the penultimate paragraph of the policy as follows (additions shown bold and underlined):</p> <p><i>.....by occupants of the proposed development and that access to and from the facility would not be constrained by the development proposed. <u>Early engagement with the operator of the safeguarded sites should be progressed to identify on site activities, including operational hours, in order to ensure robust assessment.</u></i></p>	Noted. Early engagement in the planning application process is important. Though the process is a voluntary matter, and therefore should not be part of a plan policy. It is more suitably expressed in any review or replacement of the Supplementary Planning Document (SPD) on land-won minerals and minerals and waste management facility safeguarding. The policy’s supporting text can be amended to make this clear.
ID24	7.7 Policy DM 9: Prior Extraction of Minerals in Advance of Surface Development	Tunbridge Wells Borough Council	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....”
ID23	7.7 Policy DM 9: Prior Extraction of Minerals in Advance of Surface Development	Tunbridge Wells Borough Council	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....”
ID24	7.8 Policy DM10: Water Environment	Tunbridge Wells Borough Council	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.
ID23	7.8 Policy DM10: Water Environment	Tunbridge Wells Borough Council	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.
ID03	7.8 Policy DM10: Water Environment Figure 21 Water Availability Status	Individual	The relationship between housing growth, ground water availability and sewage disposal It was disappointing to note that no attempt seems to have been made to link the absence of groundwater in Kent with the increase in housing stock proposed. Review of the map demonstrating water availability demonstrates the difficulty of providing adequate water supplies to additional housing. Given the proven inability of Southern Water to clean up the wastewater it processes, leading to excess sea discharges and the fouling of the River Stour makes one wonder why anyone considers why ‘Waste Planning Authorities should work on the assumption that the relevant pollution control regime will be properly applied and enforced.’ If a policy is not working surely that fact should be communicated to the policy makers who feel that it is working.	Noted. The Kent Minerals and Waste Local Plan addresses what is required to maintain net self-sufficiently in waste management capacity in terms of targets, that is to ascend the defined waste hierarchy. Waste development, that is currently operational, is controlled by separate legislation (the Environment Act 2021). The Environment Agency (EA) controls such matters as permitting facilities to operate in accordance with a licensing requirement.
ID31	7.9 Policy DM 11: Health and Amenity	Gravesham Borough Council	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

ID16	7.9 Policy DM 11: Health and Amenity Policy DM 11, first paragraph	Tonbridge and Malling Borough Council	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.
ID11	7.9 Policy DM 11: Health and Amenity Policy DM 11, second paragraph	British Horse Society	PROW should also be included in these considerations.	It is not considered appropriate to add reference to Public Rights of Way in Policy DM 11 as this is already covered in Policy DM 14 Public Rights of Way.
ID24	7.9 Policy DM 11: Health and Amenity Policy DM 11, second paragraph	Tunbridge Wells Borough Council	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.
ID24	7.10 Policy DM 12: Cumulative Impact	Tunbridge Wells Borough Council	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
ID47	7.11 Policy DM 13: Transportation of Minerals and Waste	Natural England	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.
ID24	7.11 Policy DM 13: Transportation of Minerals and Waste	Tunbridge Wells Borough Council	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
ID11	7.11 Policy DM 13: Transportation of Minerals and Waste Policy DM 13, points 1 and 2	British Horse Society	The location of PROW in the vicinity and the impact on the local road network for vulnerable road users must also be considered.	Noted. Consideration of the impact of proposals on the PROW network is provided for in Policy DM 14. Consideration is also given in Policy DM 11 (Health and Amenity) and DM 13 (Transportation of Minerals and Waste). The impact on the local road network of any proposal would be considered at the planning application stage.
ID23	7.11 Policy DM 13: Transportation of Minerals and Waste Policy DM 13, point 3	Tunbridge Wells Borough Council	The additional wording to provide clarification and the inclusion of and environmentally sustainable vehicle technologies under Criterion 3 of the Policy are welcomed.	Noted
ID24	7.12 Policy DM 14: Public Rights of Way	Tunbridge Wells Borough Council	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.
ID23	7.12 Policy DM 14: Public Rights of Way	Tunbridge Wells Borough Council	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
ID11	7.12 Policy DM 14: Public Rights of Way Policy DM 14, point 1	British Horse Society	We welcome this policy with the exception of 'stopping up' which is never going to be convenient unless a new, equally convenient and amenable, path is provided of same or higher status and connecting to the existing network.	Noted. 'Stopping up' is potential measure that would be considered during the consideration of any planning application, alongside other material planning considerations.
ID24	7.14 Policy DM16: Information Required in Support of an Application	Tunbridge Wells Borough Council	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.
ID23	7.14 Policy DM16: Information Required in Support of an Application	Tunbridge Wells Borough Council	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.
ID24	7.15 Policy DM 17: Planning Obligations Policy DM 17	Tunbridge Wells Borough Council	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.
ID47	7.15 Policy DM 17: Planning Obligations Policy DM 17, point 6	Natural England	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.

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ID11	7.15 Policy DM 17: Planning Obligations Policy DM 17, point 15	British Horse Society	We welcome point number 15 of Policy DM 17.	Noted
ID24	7.16 Policy DM 18: Land Stability Paragraph 7.16.1	Tunbridge Wells Borough Council	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.
ID13	7.17 Policy DM 19: Restoration, Aftercare and After-use	Ebbsfleet Development Corporation	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.
ID43	7.17 Policy DM 19: Restoration, Aftercare and After-use	RSPB	<p>I would like to bring turtle doves to your attention and ask whether or not this is something that could be included in relation to nature after minerals, specifically quarry restoration and aftercare which present real opportunities to provide essential habitats for them.</p> <p>Turtle dove is a RSPB priority species due to its significant population decline, both in the UK and across its breeding range. The Turtle Dove is the UK's fastest declining breeding bird and is threatened with global as well as national extinction. RSPB is a lead partner on the Operation Turtle Dove partnership which seeks to offer practical evidence-based solutions to halt the decline of Turtle Doves across England. The foundation of this work is based on working with landowners and communities in areas that still support breeding populations of Turtle Doves, which are known as Turtle Dove Friendly Zones (TDFZs). There are 29 zones across England, 12 of which are in Kent. Last year the RSPB and partners organised the first national Turtle Dove survey for England. In Kent this was run by the Kent Ornithological Society in partnership with the RSPB. The results of the survey have further revealed the importance of Kent for Turtle Doves, showing that Kent supports approximately a third of the total England population with approx. 700 territories recorded in Kent.</p> <p>We are seeking out strategic opportunities in Kent, is this something that might be able to be included? An advice note is attached for reference.</p>	Noted. No change to the policy 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. Singling out a particular species for individual consideration is not appropriate in the policy. This matter, as in making specific provision for a RSPB priority species (Turtle Dove), is more appropriately addressed in terms of individual planning applications where specific opportunities exist or can be potentially made to accommodate the needs of this or other priority species.
ID24	7.17 Policy DM 19: Restoration, Aftercare and After-use	Tunbridge Wells Borough Council	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.
ID23	7.17 Policy DM 19: Restoration, Aftercare and After-use	Tunbridge Wells Borough Council	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.
ID29	7.17 Policy DM 19: Restoration, Aftercare and After-use	Environment Agency	<p>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.</p> <p>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.</p> <p>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.</p>	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.
ID11	7.17 Policy DM 19: Restoration, Aftercare and After-use	British Horse Society	We welcome this and would ask that this includes public rights of way, ideally restoring original locations of paths and retaining the diverted paths resulting in a net increase for the area.	Noted

	Policy DM 19, second paragraph			
ID41	7.17 Policy DM 19: Restoration, Aftercare and After-use Policy DM 19, point 21	Individual	Change 'unacceptable' to 'detrimental'	No change to the policy required. The policy is intended to address restoration and aftercare matters, the use of the term 'unacceptable' relates to when the degree of any detrimental impacts become unacceptable.
ID24	7.18 Policy DM2 20: Ancillary Development	Tunbridge Wells Borough Council	The minor changes are noted but TWBC does not wish to comment on this policy.	Noted
ID24	7.19 Policy DM 21: Incidental Mineral Extraction	Tunbridge Wells Borough Council	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.
ID23	7.19 Policy DM 21: Incidental Mineral Extraction	Tunbridge Wells Borough Council	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.
ID24	7.20 Policy DM 22: Enforcement	Tunbridge Wells Borough Council	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.
ID23	7.20 Policy DM 22: Enforcement	Tunbridge Wells Borough Council	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.
8. Managing and Monitoring the Delivery of the Strategy				
ID23	Monitoring Schedule	Tunbridge Wells Borough Council	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
9. Adopted Policies Maps				
ID19	9.1 Safeguarded Wharves and Rail Transportation Adopted Policies Maps Site G	Aggregate Industries and Brett Aggregates Ltd [combined representation]	The ongoing identification of Robins Wharf as a safeguarded wharf and identified as 'Site G' is fully supported.	Noted
ID21	9.2 Mineral Safeguarding Areas Dartford Mineral Safeguarding Areas	Dartford Borough Council	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.
ID34	9.2 Mineral Safeguarding Areas Dover Mineral Safeguarding Areas	Dover District Council	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	Noted - Dover District Council has been contacted for the latest urban boundary shapefile data.

			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.	
ID31	9.2 Mineral Safeguarding Areas Gravesham Mineral Safeguarding Areas	Gravesham Borough Council	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.
ID16	9.2 Mineral Safeguarding Areas Tonbridge and Malling Mineral Safeguarding Areas	Tonbridge and Malling Borough Council	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.
Sustainability Appraisal				
ID31	Sustainability Appraisal Scoping Report	Gravesham Borough Council	GBC do not wish to make any additional changes to the Sustainability Appraisal Scoping Report	Noted
ID49	Sustainability Appraisal Scoping Report	Ashford Borough Council	No comment.	Noted
ID23	Sustainability Appraisal Scoping Report Section 3.3	Tunbridge Wells Borough Council	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.
ID16	Sustainability Appraisal Scoping Report Appendix C	Tonbridge and Malling Borough Council	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.
LP09	Draft Sustainability Appraisal Report - Reg 18 Consultation - May 2023	Tunbridge Wells Borough Council	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
LP29	Draft Sustainability Appraisal Report - Reg 18 Consultation - May 2023	Gravesham Borough Council	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.
Kent Waste Needs Assessments				
ID44	Kent Waste Needs Assessments 2022	Folkstone and Hythe District Council	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. 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. 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. 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. 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	Noted 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. 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

			falls within this allocation. 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	planning proposal submitted to the determining planning authority, this being Folkestone and Hythe District Council.
ID52	Kent Waste Needs Assessments 2022	CLArctitects on behalf of McAleer Contracts Ltd	McAleer Contracts Ltd is a recently established operator in Kent having been granted planning permission by KCC for the operation of a recycled aggregated production facility at land to north east of Cross Keys Coaches, Caesar's Way, Folkestone in February 2021 (FH/20/1590). Given the granted of this permission, we are surprised and concerned that there is no mention of the site in the Council's Local Aggregate Assessment (LAA) (omitted from figure 6) or Annual Monitoring Report (AMR) (15 th). There is also no mention of the site in the Construction, Demolition and Excavation section on the Kent Waste Needs Assessment 2022 update document. We have also not been invited to respond to the operators survey from which the data on recycled aggregate sales presented in the LAA (and repeated in the AMR) have been computed. For the sake of accuracy we can confirm the following sales: 2021- 7,084 tonnes and 2022- 6,651 tonnes. Add that we have recently become aware of the fact that the returns submitted to the Environment Agency were erroneous, so this might explain the omission. This error has now been corrected to reflect the tonnages above.	Thank you for this information which will be used in the next LAA and in any update to the Waste Needs Assessment. Future surveys will include this facility.
LP09	Kent Waste Needs Assessment 2022 Update - Hazardous Waste Management Requirements in Kent to 2039 - May 2023	Tunbridge Wells Borough Council	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
LP29	Kent Waste Needs Assessment 2022 Update - Hazardous Waste Management Requirements in Kent to 2039 - May 2023	Gravesham Borough Council	No comments.	Noted
LP38	Kent Waste Needs Assessment 2022 Update - Hazardous Waste Management Requirements in Kent to 2039 - May 2023	Online comment - individual	Concerned about any increase in use of land to process hazardous materials.	The Plan does not include any specific proposals to increase the use of land for the processing of hazardous materials and a change is proposed that would result in the allocation of land for an extension to an existing hazardous landfill site on the Isle of Sheppey (Norwood Quarry) (Policy CSW5).
LP41	Kent Waste Needs Assessment 2022 Update - Hazardous Waste Management Requirements in Kent to 2039 - May 2023	Online comment - individual	Needs to be done sooner than later.	Comment is not clear on what change is required to the Plan.
			Other	
ID29	Glossary	Environment Agency	Biodiversity Net Gain is not defined in the glossary.	A definition is proposed in the Reg 19 version of the Plan.
ID13	Biodiversity Net Gain	Ebbsfleet Development Corporation	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 "While a statutory target of at least 10% biodiversity net gain for all development has been introduced,	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.

			<i>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.	
ID29	Biodiversity	Environment Agency	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.
ID31	Habitat Regulations Assessment and Strategic Flood Risk Assessment	Gravesham Borough Council	GBC do not wish to make any additional changes to the Habitat Regulations Assessment and/or Strategic Flood Risk Assessment	Noted
ID49	Habitat Regulations Assessment and Strategic Flood Risk Assessment	Ashford Borough Council	No comment.	Noted
ID16	Strategic Flood Risk Assessment Position Statement (October 2022)	Tonbridge and Malling Borough Council	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.
ID24	Strategic Flood Risk Assessment Position Statement (October 2022)	Tunbridge Wells Borough Council	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
ID23	Strategic Flood Risk Assessment Position Statement (October 2022)	Tunbridge Wells Borough Council	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
ID29	Strategic Flood Risk Assessment Position Statement (October 2022)	Environment Agency	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
ID24	Habitat Regulations Assessment	Tunbridge Wells Borough Council	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
ID23	Habitat Regulations Assessment	Tunbridge Wells Borough Council	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
ID29	Habitat Regulations Assessment	Environment Agency	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.

ID37	Future Site Allocations	Woodland Trust	<p>Note there are no new site allocations proposed at this stage of the MWLP. Where sites are considered for allocation, or allocated sites are brought forward with development proposals, it is important that they are re-assessed at that time for any potential impact on ancient woodland and ancient or veteran trees.</p> <p>Smaller areas of ancient woodland may not be recorded on the Ancient Woodland Inventory. In addition, the Ancient Tree Inventory (ATI) for the county is not complete. We therefore recommend an exercise to complete the ATI (which lists ancient, veteran, and notable trees outside woods) across any sites allocated or proposed to be allocated for development, to comply with the requirements of the NPPF 2021 (paragraph 180c) for the protection of irreplaceable habitats.</p>	Noted
ID29	Proof reading	Environment Agency	<p>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.</p>	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.
ID19	Aggregate Industries and Brett Aggregates Ltd [combined representation	Evidence Base (aggregate mineral supply evidence and national planning policy requirements that the Plan is predicated upon)	<p>The NPPF 2021, in the context of 'Facilitating the sustainable use of minerals', is clear at Para.210 (e) that planning policies should:</p> <p style="padding-left: 40px;"><i>“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.”</i></p> <p>The Kent Minerals and Waste Local Plan 2013-30 was adopted by Kent County Council ('KCC') in July 2016 and partially updated in 2020. Robins Wharf is identified as a 'Safeguarded Wharf' on the Policies Map and as "Site G" at Appendix 2. The mapping provided for Site G identifies the split between the two areas operated by Aggregate Industries and Brett respectively.</p> <p>In terms of evidence base documents, it is noted that the KCC Local Aggregates Assessment ('LAA') 2022 (November 2022) is clear in confirming at paragraph 7.27 that:</p> <p style="padding-left: 40px;"><i>“It is recognised that capacity information will become increasingly important in future years, particularly in relation to wharves and rail depots. The 2017 study by the Minerals Products Association into future aggregate requirements suggests that nationally there could be a decrease in the demand for landwon aggregates over time. However, as the landwon resources depletes (as is currently occurring for sharp sand and gravels within Kent) and is substituted by marine-won aggregates, productive capacity of importation facilities both individually and in total will be increasingly important indicators of the resilience of supply, analogous to landbanks within the landwon sector. Kent still has significantly unused capacity in its wharfage, as it is operating at approximately 40% capacity at the end of 2021. However, loss of any wharf site will be, largely, irreplaceable and others will need to increase their throughputs. Ignoring this issue as an unimportant matter neglects the consideration of the difficulties in operating facilities at a higher level of throughputs in a consistent manner. Difficulties such as shipping availability, navigation maintenance, facility repair and renewal considerations all could combine to exert stress on a wharf importation system trying to operate at a higher rate. Safeguarding of the existing wharf infrastructure will therefore remain a central requirement to maintain supply as the landwon sand and gravel sector eventually becomes irrelevant.”</i></p> <p>In this context the LAA 2022 concludes at paragraph 8.2: 3 sates:</p> <p style="padding-left: 40px;"><i>“The landwon sharp sands and gravels continue to decline as a share of overall supply, and the importance of importation, primarily via wharves, appears now set to be the pattern for future supply of this type of material, as marine dredged sands and gravels are largely (if not exactly in particulate size distribution) like landwon deposits.”</i></p> <p>The LAA at paragraph 8.6 goes on to underscore the point that:</p> <p style="padding-left: 40px;"><i>“The importance of safeguarding wharves (significantly for marine dredged sand and gravel supply that is supplanting landwon resources) and rail depots (particularly for hard rock but apparently far less important for sand and gravel supply) as they remain an important element in maintaining overall supply in the future. This is particularly the case with landwon sharp sands and gravels that have now, to all intents and purposes, become of minor importance in overall supply terms in Kent into the future, marine dredged imports via Kent’s wharves now being of far greater importance for this</i></p>	<p>Noted. The safeguarding of all wharves is an ongoing matter that the Plan aims to achieve in accordance with the NPPF.</p> <p>Noted</p> <p>Noted</p> <p>Noted. Importation will become increasingly important in terms of maintaining overall supply of aggregates in the Plan area. Therefore, wharf safeguarding will continue to be provided for in the policies of Plan, it is proposed.</p>

			<i>aggregate type. Future security of supply of this aggregate will increasingly be via imports, of which, while wharfage remains the dominant importation mode."</i>	
			Miscellaneous	
ID01	All	Barking and Dagenham Council	No comments to make at this time but ask to be kept informed going forward.	Noted
ID06	All	Transport for London	Confirm no comments to make in response to consultation.	Noted
ID07	All	Southern Water	Confirm no comments to make at this stage and request to be kept informed of progress.	Noted
ID04	All	Plaxtol Parish Council	No comments to add to document. Notice that the document states there is insufficient stock for crushed rock and a call for more sites to alleviate this shortfall. We would appreciate being kept informed of areas you intend to examine to overcome this issue.	Noted
ID05	All	Hadlow Parish Council	<p>Hadlow Parish Council accepts the substantive part of the draft updated plan and supporting documents subject to two comments.</p> <p>Firstly, the plan is obliged to deal just with the issues of Waste disposal and Mineral access with limited reference to other planning subjects. There are two local development plans at various stages of production that will likely have significant implications for the same southern part of Hadlow Parish. The plans are those of Tonbridge and Malling Borough Council and Tunbridge Wells Borough Council. Acting in concert with the Minerals and Waste Plan the overall implications involve the loss of an extensive area of rural calm.</p> <p>Secondly, the experience in Hadlow has been of remediation and clear up work on closed quarries that is poor or altogether absent. We would like the Minerals and Waste Plan to include a scheme to oblige quarry companies to provide secured funds for clear up and remediation before permission is given for starting work on a new quarry or extension to an existing quarry.</p>	<p>Noted</p> <p>Policy DM 19: Restoration, Aftercare and After-use addresses restoration of sites. Securing guarantees to ensure that sites are restored is addresses by criterion 25 of the policy, that is subject to modification as part of the Plan's review states:</p> <p><i>"the potential for financial guarantees such as bonds in exceptional circumstances where their use can be justified to secure restoration objective."</i></p> <p>This will be in accordance with how such matters are addressed as set of in the NPPF and PPG guidance.</p> <p>The County Council and the other local authorities (Tonbridge and Malling Borough Council and Tunbridge Wells Borough Council) are all plan making authorities who consult one another on their respective local plans to ensure that there is no direct conflict. Though it should be understood that the non-mineral/waste management visions and strategies to deliver sustainable development of these non-County Council local plans will be a matter for these authorities to assess and formulate in each of their respective areas.</p>
	All	Individual	Suggests putting 'County' in brackets after 'Local Plan' to avoid confusion with Borough and District 'Local' Plans.	<p>Kent County Council is the Minerals and Waste Planning Authority for Kent and therefore has a statutory responsibility to plan for sustainable waste management capacity and mineral supply within the County. This is done through the production of the Kent Minerals and Waste Local Plan, which forms part of the development plan alongside district and borough local plans, neighbourhood plans and national planning policy. The production of minerals and waste plans fall to the minerals and waste planning authority, which in this instance is Kent.</p>
ID09	All	Durham County Council	<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 	Noted

			<p>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> <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 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 - <i>'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.'</i> Further information in paragraph 6.21. 	
ID10	All	Hawkinge Town Council	No comments to make on consultation.	Noted
ID14	All	Surrey County Council	No comments to make on consultation.	Noted
ID15	All	The Coal Authority	<p>No specific comments to make on the consultation.</p> <p>All decision-making regarding inclusion of policies for minerals and unconventional hydrocarbons will lie with the responsible authority and we would no longer be commenting on policies in this regard. We leave these decisions to the relevant authority in recognition of their knowledge, experience and understanding of local circumstances and their responsibility for local environments and communities. For clarity other consents in respect of unconventional hydrocarbons, as set out in the relevant guidance, will still be required from the Coal Authority.</p>	Noted
ID11	All	British Horse Society	We would be very willing to work with any applicants to ensure that equestrians are fairly considered and included within any planning applications.	Noted
ID16	All	Tonbridge and Malling Borough Council	<p>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.</p> <p>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.</p>	Noted
ID17	All	Network Rail	<p>It is important that plans and policies reflect the aspirations of Network Rail and the wider rail industry as far as they are known at this stage and provides suitable flexibility to support future growth of the railway for both passenger and freight services. The railway network is a vital element of the country's economy and a key component in the drive to deliver the Government's sustainable agenda.</p> <p>The impact of new development on railway infrastructure such as railway stations and level crossing should be fully assessed. To ensure that Network Rail can continue to deliver a safe and efficient railway, Network Rail would expect financial contributions towards new or enhanced railway infrastructure to mitigate the impact of growth in the area. This could include funding towards improvement at stations such as cycle parking, improved customer information screens, new waiting shelters, lighting, platform extensions, new station entrances etc., and works such as new footbridges to enable level crossings to be closed. As part of Network Rail's license to operate and manage Britain's railway infrastructure, Network Rail have the legal duty to protect rail passengers, the public, the railway workforce, and to reduce risk at our level crossings so far as is reasonably practicable.</p> <p>New development can also have others impact on the railway. It is important that the risk to the railway from landslips and flooding are considered for safety and operational reasons, as well fencing, planting along the railway boundary, excavations etc. Please find attached some guidance from Network Rail's Asset Protection team.</p>	Noted
ID33	All	Otterpool Park LLP (Quod)	Quod act on behalf of their client, Otterpool LLP, and were instructed to make a representation to the further amendments to the KMWLP in the Regulation 18 Public Consultation 5 th October -5 th December 2022.	Noted

		<p>Otterpool Park LLP are seeking to bring forward the development called Otterpool Park. A new garden settlement supported by Policy SS6 of the Folkestone and Hythe District Council (FHDC) adopted Core Strategy 2022. The site is subject to a planning application (Y/19/0257/FH as amended) to deliver 8,500 homes, retail, education, health, community uses and associated infrastructure.</p> <p>The County Council's Strategic Delivery Plan (2020-2023) states that the Kent County Council (KCC) will work collaboratively with the relevant district Council (as the local planning authority or LPA), landowners, and Homes England in order to positively influence the delivery of Otterpool Park.</p> <p><u>Otterpool Quarry Permitted Waste Facility</u> KCC granted planning consent (ref: SH/08/124) in 2011 for this facility and it is understood as recognised by KCC as having been lawfully implemented. Minimal work was done to lawfully implement the planning permission. Since then, several other planning applications have been granted for advertising consent, temporary changes in use and an outstanding (at the time of writing) for a temporary lorry park. The site has been informally used as a lorry park.</p> <p>The permitted waste facility is within the Otterpool Park development area, with the preferred option plan for this development in the location of the waste management facility, the alternative option incorporates measures to accommodate the facility within the development. The LPA Core Strategy Review (2022) does not contemplate the co-location of the waste facility. There are no policies in this strategy that require the provision of a waste facility though anticipates the scenario (para. 4.1.93) where the facility is not delivered. The adopted KMWLP does not allocate the facility.</p> <p><u>Preparation of the KMWLP</u> NPPW 2014 confirms that waste plans should use a proportionate evidence base to ensure the need for new facilities is considered alongside other spatial planning concerns, such as housing etc. Therefore, the draft KMWLP (revision) should consider and take into account of the spatial allocations of other local Plans such as the FHDC Core Strategy Review (2022).</p> <p>The KMWLP relating to waste capacity should identify sufficient opportunities to meet identified needs of the area, aiming to drive waste up the defined waste hierarchy, it should ensure suitable sites and areas for provision of facilities are identified at various locations (NPPG Para. 011 Ref ID: 28-011-20141016). Draft Policy CSW 4 of the KMWLP sets targets for recycling, composting, and landfill and other recovery though the plan itself is unclear on how those targets are to be achieved.</p> <p>Para. 6.3.6 of the draft KMWLP states "<i>the WDA has identified a pressing need for the development of new waste transfer facilities to serve those particular areas where collected waste can be bulked up for onward management and is working with the local WCAs to secure this</i>" KCC should make clear what is needed to undertake to allocate a site(s) to provide the facilities.</p> <p>The permitted facility [at Otterpool Park] consent grants planning permission for materials recycling and an anaerobic digestion plant, its continued safeguarding would not help meet the pressing need for waste transfer facilities identified by para. 6.3.6. A call for sites consultation should be conducted and an assessment of suitable sites be undertaken to provide suitable site allocations for waste transfer facilities. The safeguarded site would not be a suitable location for a waste transfer facility. Given its current rural location and distance to other development where waste is created nor suitable within the centre of a proposed new garden settlement given the vision of the place to be created.</p> <p>If KCC as WPA wish to "<i>ensure sufficient capacity exists to maintain a county-wide network for the sustainable management of Kent's waste</i>" (one of the Strategic Objectives for the KMWLP stated on page 49 of the consultation document) and the Kent WPA does not consider that the area has sufficient sites to achieve this already, then the WPA should undertake a call for sites and assessment process to identify allocation sites to achieve this aim, this being necessary for the plan to be positively prepared, justified and effective.</p> <p>The NPPG states that "<i>Local Plans are the key to delivering sustainable development that reflects the vision and aspirations of local communities. It is important that waste planning authorities engage and collaborate with local communities in an early and meaningful way when identifying options for managing waste</i>" (Para: 012 Reference ID: 28-012-20141016). However, the local community, given the Draft KMWLP, cannot be clear on what site options are identified for managing waste (particularly new waste transfer facilities). It should be noted that there was considerable objection to the safeguarded facility at the time of the planning</p>	<p>Noted</p> <p>Duty to cooperate obligations require the authorities to identify matters that require further discussion. This is ongoing regarding the Otterpool Park proposals at this time.</p> <p>Noted. The site is not allocated in the KMWLP as it is regarded as part of the area's safeguarded waste management capacity. The LPA Core Strategy can be, in regard to this element, assessed against the exemption criteria available in Policy DM 8. If any of the criteria can be met, then the use of this land for non-waste development may be permitted without conflict with the KMWLP's presumption to safeguard this capacity (see Policy CSM: Safeguarding of Existing Waste Management Facilities)</p> <p>Noted</p> <p>Noted</p> <p>Allocation of sites in a Plan are required when net self-sufficiency is no longer possible to be maintained. This is not the case in Kent at this time. Continued monitoring of waste arisings, capacity will inform the Plan process accordingly. There is no current requirement to identify additional sites via a 'Call for Sites' exercise. As stated above, the Otterpool Park development has the opportunity to test the presumption to safeguard via application of exemption criteria in Policy DM 8 of the KMWLP.</p> <p>The waste facility has been the subject of legal consideration as regards its lawful implementation. The permission for materials recycling and an anaerobic digestion plant are considered part of the safeguarded waste management capacity for the area. There is no current need to conduct a 'Call for Sites' exercise given that the extant net self-sufficiency that exists in the Plan area.</p>
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			<p>application. KCC should consider the new garden settlement at Otterpool Park (allocated within the newly adopted FHDC Core Strategy Review, 2022) within the requirement to reflect the “<i>vision and aspiration of local communities</i>” – the new garden settlement is the primary vision for the local area’s growth and a new waste facility at Otterpool Quarry would be incompatible with achieving this vision.</p> <p>Applying the definition of ‘existing facilities’ at footnote 114 of the draft KWMLP, the evidence base to the draft KWMLP should consider the other waste sites in East Kent that have been granted planning permission, it is these facilities that should be factored in when deciding if the Permitted Waste Facility needs to be safeguarded (see Appendix 2 of this letter for a list of waste applications submitted in East Kent since 2009). The NPPG states that “<i>consideration should be given to why any allocated sites and areas have not been taken up as anticipated. If there are doubts about the prospects of particular land allocations coming forward, and this would damage the planning strategy, consideration will need to be given to bringing forward alternative, or additional, allocations.</i>” (Para: 054 Reference ID: 28-054- 20141016). It is noted that the Permitted Waste Facility is not allocated but the ethos of the guidance is still relevant - KCC should not be relying on it to provide capacity for the authority going forward given the uncertainty of it coming forward and KCC should consider bringing forward alternative or additional allocations elsewhere.</p> <p>Table A3 in the Kent Waste Needs Assessment 2022 Update, forming part of the evidence base of the consultation, lists Otterpool Quarry as a site which provides consented Organic Waste Treatment capacity (20,000tpa out of a total of 305,000tpa). Although it is correct to say it is consented, given that it has not been delivered and has not been in the 11 years since it was granted consent, and it is known that the land owner does not intend to build the facility, doubt is cast on the presumption that it should be counted as a realistic prospect for providing capacity. This doubt should be factored into KCC’s waste need and supply calculations. For a plan to be sound there needs to be an evidential basis for safeguarding sites.</p> <p>Policy CSW 16 [see above in 6. Delivery Strategy for Waste]</p>	<p>The current understanding is that the site represents not an allocation but an implemented planning permission. As such it is afforded the presumption of being safeguarded.</p> <p>Noted. To disregard this consented capacity as not being part of the overall waste management capacity for monitoring and Plan review purposes would lead to the potential unsoundness of the KWMLP review. Given that landowner has not as yet fully developed the site is not regarded as sufficient grounds to disregard the waste management capacity.</p>
ID36	All	Ightham Parish Council	<p>Ightham Parish Council has no objections to the changes proposed. We are pleased to note the move towards recycling of minerals rather than fresh extractions.</p>	Noted
ID38	All	Sevenoaks Climate Action Network: Waste Management Subgroup	<p>The Local Waste Plan seem to be in line with the National Planning Policy Framework and is fine as far as it goes but is felt to lack ambition, particularly in terms of the timescale for specific net zero targets.</p> <p>Finally, we support the proposed plan for more packaging producer’s responsibility with regards to reducing nonrecyclable packages.</p>	The objectives and policies of the Plan are considered ambitious and consistent with the Government’s targets for the achievement of net zero.
LP01	Further Proposed Changes	UK Health Security Agency	No comments.	Noted
LP02	Further Proposed Changes	National Gas Transmission	No comments.	Noted
LP03	Further Proposed Changes	Transport for London	No comments.	Noted
LP05	Further Proposed Changes	Dover District Council	No comments.	Noted
LP06	Further Proposed Changes	Southern Water	No comments.	Noted
LP07	Further Proposed Changes	Environment Agency	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
LP08	Further Proposed Changes	Canterbury City Council	No objection to proposed changes.	Noted
LP09	Further Proposed Changes	Tunbridge Wells Borough Council	<p>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 KWMLP and no updated full KWMLP 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.</p>	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.
LP10	Further Proposed Changes	City Corporation	No comments.	Noted
LP11	Further Proposed Changes	New Romney Town Council	No comments.	Noted
LP12	Further Proposed Changes	Tonbridge and Malling Borough Council	Acknowledge further proposed changes to policies CSM2, CSW5, paragraph 6.3.3 and extension of plan period to 2039 and have no concerns.	Noted

LP13	Further Proposed Changes	National Highways	No objection. Proposed additional changes do not impact on safety, reliability and/or operational efficiency of the Strategic Road Network.	Noted
LP14	Further Proposed Changes	Coal Authority	No comments.	Noted
LP16	Further Proposed Changes	Historic England	No comments.	Noted
LP17	Further Proposed Changes	West Sussex County Council	No comments.	Noted
LP18	Further Proposed Changes	Quod on behalf of Otterpool Park LLP	<p>Otterpool Park LLP are seeking to bring forward development on the site identified as 'Otterpool Park' where the development of a new garden settlement is supported as per Policy SS6 of the Folkestone & Hythe District Council (FHDC) Core Strategy Review, adopted in 2022. On 4 April 2023, FHDC resolved to grant outline planning consent for a residential led mixed use development of up to 8,500 homes, along with retail, commercial, education, health, community uses and associated infrastructure at Otterpool Park (ref: Y/19/0257/FH).</p> <p>Kent's Strategic Delivery Plan (2020-2023, page 9) states that "Kent County Council (KCC) will work collaboratively with the relevant district Council as the local planning authority, landowners, and Homes England, as the Government's 'housing accelerator' in order to positively influence the delivery" of Otterpool Park. These representations are prepared with the delivery of Otterpool Park in mind.</p> <p>More recently, Kent County outlined their support for the principle of the delivery of a garden settlement at Otterpool Park within their consultation response issued on 17th March 2023. The County Council confirmed that:</p> <p>"The County Council has provided support for the positively planned delivery of a new garden settlement at Otterpool Park supported by the timely provision of infrastructure in a truly green setting"</p> <p>The amendments proposed within Kent County Council's current consultation are relatively limited in nature, but the most significant of which relates to the proposal to delete draft 'Policy CSW 5 – Strategic Site for Waste', which allocates land at Norwood Quarry Landfill site, Isle of Sheppey. Development of the land was envisaged to extend the life of an existing landfill site, which is now expected to be exhausted by 2028.</p> <p>Representations Quod, on behalf of Otterpool Park LLP, have previously submitted representations to the KMWLP consultations. It is requested the following amendments are made: Preparation of the local plan:</p> <ol style="list-style-type: none"> 1. The KMWLP should be updated to make clear how KCC intends to achieve the waste targets set out in Policy CSW 4 i.e. through which sites will waste facilities be located on. 2. As outlined above, the latest proposed update to the draft Kent Minerals and Waste Local Plan 2023-38 proposes to remove the site allocation for the proposed extension areas for Norwood Quarry and Landfill Site (Policy CSW5). Whilst, in principle, Quod does not object to this amendment, it is important that the Plan should seek to meet demand for waste in a planned and sustainable manner. 3. KCC should be clear what waste transfer facilities are required, taking into account already delivered facilities within the county. KCC should then undertake a call for sites consultation, an assessment of the most suitable sites and carry out the process of allocating sites through the local plan to provide the necessary waste transfer facilities. A waste transfer facility would not be best placed in the location of the Permitted Waste Facility at Otterpool Park (application reference SH/08/124). 4. KCC should not rely on waste facilities providing capacity if they have not been delivered within five years of being granted consent and KCC should consider bringing forward alternative or additional allocations if it considers that is necessary (for example, given the doubts about the prospects of the Permitted Waste Facility (SH/08/124) coming forward, KCC should not be relying on it to provide capacity for the authority going forward). <p>Conclusion</p> <p>Emerging planning policy should not prejudice the ability for FHDC and KCC's strategic objectives from being met and the Proposed Development at Otterpool Park from being properly delivered, which would in turn deliver a significant number of benefits. The first priority in KCC's Strategic Delivery Plan (2020-2023) is for</p>	<p>The County Council supports sustainable development and sees no contradiction between this and the need to maintain minerals and waste safeguarding in the production of its statutory responsibilities as a minerals and waste local plan authority.</p> <p>Duty to cooperate (DtC) obligations are such that the County Council has engaged with Folkestone & Hythe District Council (FHDC) with regard to the need to consider all material waste management capacity and land-won mineral safeguarding in relation to the residential led mixed use development of up to 8,500 homes, along with retail, commercial, education, health, community uses and associated infrastructure at Otterpool Park.</p> <p>The County Council has considered the previous representation and has the following general comments to the points 1. to 4. Below:</p> <ol style="list-style-type: none"> 1. The County Council has assessed current and future waste arisings against current consented management capacity available, this demonstrates that the projected plan period will maintain net self-sufficiency. It would be inappropriate to now allocate additional sites in a Waste Local Plan. 2. The intention to remove the extension to Norwood Quarry from the Plan is to reduce reliance on waste disposal management at the bottom of the defined waste hierarchy. Other technologies to use residues from thermal waste treatment for defined purposes are becoming available. Thus, the need to maintain a strategic waste site for the disposal of such residues would conflict with the Plan's strategy to increase the sustainability of waste management in Kent into the future. 3. Net self-sufficiency can be maintained over the anticipated Plan period to 2039. Therefore, further site allocations in a Waste Local Plan would not be supported by any evidential need case to do so. 4. Consented waste management capacity that has been lawfully implemented should be considered part of the County Council's waste management capacity. Otherwise, the interpretation of what that waste treatment capacity is could be subject to legal challenge.

			Kent to be an ambitious and successful county, with high quality jobs, skilled workers, enterprising businesses and thriving urban and rural areas. To achieve this the Plan states on page 9 that KCC will work collaboratively with the relevant district councils and landowners in order to positively influence the delivery of the garden communities across Kent – including Otterpool Park. The emerging KMWLP should be revised so that this priority can be achieved.	The DtC process, that KCC and FHDC have been engaged in, will enable all material planning matters that support sustainable development in Kent to occur. The KMWLP review document is for the whole of Kent and should not be designed to address what may be thought of as local imperatives that should be the preserve of the respective borough and district local plan formulation, consultation and examination process, which the County Council is also engaged with as a statutory consultee.
LP19	Further Proposed Changes	Ashford Borough Council	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
LP20	Further Proposed Changes	Marine Management Organisation	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. 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. 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. 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.	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.
LP28	Further Proposed Changes	Natural England	No comments.	Noted
LP31	Further Proposed Changes	Gloucester County Council	No comments.	Noted
LP33	Further Proposed Changes	Ebbsfleet Development Corporation	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
LP34	Further Proposed Changes	Thanet District Council	No comments.	Noted
LP35	Further Proposed Changes	Swale Borough Council	No comments.	Noted
LP37	Further Proposed Changes	Online comment - individual	Agree with proposed changes.	Noted
LP38	Further Proposed Changes	Online comment - individual	It would be useful to see further strategies being highlighted by the council to reduce impact on the environment through extraction of minerals and deposition of waste.	Noted
LP39	Further Proposed Changes	Online comment - individual	Agree with proposed changes.	Noted
LP42	Further Proposed Changes	Online comment - individual	Stop destroying the area where many people and particularly wildlife live. It seems yet again that greed has overcome husbandry of our unique natural resources, which will also severely impact and disrupt the lives and businesses of local people.	Noted. The County Council is required to plan for minerals supply in accordance with statutory requirements.
LP43	Further Proposed Changes	Online comment - individual	I am very worried your plans to close sites and reduce opening hours will result in an increase in fly tipping. People already have to book slots to attend the HWRC and this can already put some people off attending legitimate waste locations / services. Also any reduction in hours is likely to impact working people who need to have non traditional hours / days to access the facilities - consider the 9 to 5, 6 days a week employee.	Noted
LP44	Further Proposed Changes	Online comment - individual	Agree with proposed changes.	Noted
LP45	Further Proposed Changes	Plaxtol Parish Council	Agree with proposed changes.	Noted
LP47	Further Proposed Changes	Swanscombe and Greenhithe Town Council	Agree with proposed changes.	Noted
LP48	Further Proposed Changes	Port of London	Agree with proposed changes. For information the Port of London Authority (PLA) in principle supports the ongoing safeguarding of the regions safeguarded wharves and terminals located across the Tidal Thames.	Noted
LP49	Further Proposed	Hunton Parish	Agree with proposed changes.	Noted

	Changes	Council		
LP53	Further Proposed Changes	Essex County Council	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