

**From:** [Neil Clarke - GT - ECE](#)  
**To:** [MWLP - GT](#)  
**Subject:** RE: Pre-Submission Draft of the Kent Minerals and Waste Local Plan 2024-2039 - Regulation 19 Public Consultation January 2024  
**Date:** 29 February 2024 15:35:58  
**Attachments:** [image005.png](#)

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Please find below our comments in relation to the Draft submission, apologies for not utilising the representation form but we have comments relating to a variety of sections and thought it would be easier to simply send an email.

In reference to 6.15 Policy CSW 15: Wastewater Development, given that para 6.15.2 makes specific reference to issues relating to nutrient neutrality and that inline with the recommendations of Natural England and the Habitat Regulations that development should not be permitted unless it is demonstrated that the proposals are nutrient neutral, we would suggest a further sentence could be included in the policy wording itself accordingly (reference could be made to the DEFRA Magic map service which demarks the areas required to demonstrate NN).

Section 7.8 deals with the Water Environment and fails to mention surface water specifically. Whilst the policy does state that “Planning permission will be granted for minerals or waste development where it does not: • result in the deterioration of physical state, water quality or ecological status of any water resource and waterbody, including aquifers, rivers, streams, lakes and ponds;” which does provide some form of protection with regards to water quality there is the question would ordinary water courses be considered a waterbody (I suspect if only with a through flow present)? It would be useful if ‘ordinary watercourses’ could be included in the list of examples.

Furthermore, it states that planning permission will only be granted where it does not: “exacerbate flood risk in areas prone to flooding (as shown in Figure 15) and elsewhere, both now and in the future. Measures to reduce flood risk where possible are encouraged.” Fig 15 shows Flood Zones 2&3, but fails to show the surface water flood risk (flow paths) – as such we are concerned that this does not sufficiently consider the risk of flooding from (and to) existing surface water flow paths - does ‘and elsewhere’ provide sufficient weight of protection to areas experiencing flood risk in association with surface water? We would suggest that the use of “in areas prone to flooding (as shown in Figure 15) and elsewhere” be removed from the policy wording and it just be “exacerbate flood risk, both now and in the future (taking account of climate change recommended uplifts).”

Also we would suggest that the part of the DM10 Water Environment Statement policy statement “Hydrogeological and/or hydrological assessment(s) may be required to demonstrate the effects of the proposed development on the water environment and how these may be mitigated to an acceptable level.” Should also include a requirement for a Flood Risk Assessment to be submitted in the line with the requirements of the NPPF and shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year

storm can be managed] without increase to flood risk on or off-site.

As an aside I note the proposed specific sites for mineral developments are set out in the separate Kent Mineral Sites Plan 2013-30, on checking this concerns are raised whereby flood risk to and from surface water doesn't seem to be considered with the onus being placed on water resources and groundwater protection. Obviously this is a historic document but there are concerns that as a minimum the sequential test check had not been undertaken on any of the proposed sites with regards to surface water flood risk and so could be in contravention to the requirements of the *current* NPPF and that this will roll over into the latest KMWLP?

Should you wish to discuss any of the above matters further please do not hesitate to contact ourselves.

Best Regards

**Neil Clarke | Sustainable Drainage Team Leader | Flood & Water Management**

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**From:** MWLP - GT <[MWLP@kent.gov.uk](mailto:MWLP@kent.gov.uk)>

**Sent:** 17 January 2024 12:51

**Subject:** Pre-Submission Draft of the Kent Minerals and Waste Local Plan 2024-2039 - Regulation 19 Public Consultation January 2024



**Minerals and Waste Planning Policy**

Planning Applications Group

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Dear Sir/Madam,

**Kent Minerals and Waste Local Plan 2024-39  
Pre-Submission Draft (Regulation 19) Public Consultation**

The Kent Minerals and Waste Local Plan sets out the strategy for the sustainable management of Kent's waste and supply of minerals and is the primary element of the development plan for Kent against which planning applications and appeals for minerals and waste development in Kent will be determined.

Once adopted, the Kent Minerals and Waste Local Plan 2024-39 will update the

adopted Kent Minerals and Waste Local Plan 2013-30 (as amended by the Early Partial Review (2020)). The County Council is now seeking views on the soundness and legal compliance of the Pre-Submission Draft of the Kent Minerals and Waste Local Plan 2024-39.

The consultation is being carried out under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 and is an opportunity to comment on the document before it is submitted to the Secretary of State for Independent Examination. Any views received will be forwarded to the Secretary of State for consideration as part of the Independent Examination.

The consultation is taking place from **Wednesday 17<sup>th</sup> January 2024 to midnight on Thursday 29<sup>th</sup> February 2024.**

Comments can be submitted via our website [www.kent.gov.uk/mineralsandwaste](http://www.kent.gov.uk/mineralsandwaste), via email to [mwlp@kent.gov.uk](mailto:mwlp@kent.gov.uk) or by post to Minerals and Waste Planning Policy, Planning Applications Group, Invicta House, Maidstone, Kent, ME14 1XX.

Please read the attached guidance for information on how to make a representation. Representations can be made online or using the attached representation form. Please note that representations received after the deadline for comments will not be considered. This consultation specifically invites comments on soundness and legal compliance and the guidance note explains the soundness tests and statutory plan making requirements relevant to this consultation.

Should you have any queries or wish to speak to a member of the team, then please contact us on 03000 422370 or via [mwlp@kent.gov.uk](mailto:mwlp@kent.gov.uk).

I look forward to hearing from you.

Yours faithfully

Sharon Thompson

Head of Planning Applications  
Growth and Communities