

Summary of Representations received to Regulation 19 consultation on the Pre-Submission Draft of the Kent Minerals and Waste Local Plan 2024-39 from 17 January 2024 to 29 February 2024

Ref No.	Section	Consultee	Summary of Representation	Attend Hearings?
			Contents	
			1. Introduction	
LP22	1.2 The Status of the Kent Minerals and Waste Local Plan 2024-39 Paragraph 1.2.3	Ebbsfleet Development Corporation	Is sound and legal compliant. EDC acknowledge and welcome inclusion of references to EDC being a minerals and waste planning authority. However, at paragraph 1.2.3 the second sentence should include EDC in addition to District, Borough and the County for non-minerals and waste applications.	No - by written reps
LP26	1.2 The Status of the Kent Minerals and Waste Local Plan 2024-39 Paragraph 1.2.7	Bean Residents Association	1.2.7 ref to Kent MWLP Scheme. Where is it?	No - by written reps
LP49	1.3 The Links with Legislation, Other Policies and Strategies Joint Municipal Waste Strategy	Save Capel	Note targets and rate percentages. As these were agreed in 2018, clarification is needed of whether the 2020/21 objectives were met & more recent information regarding a year-on-year reduction to ensure the draft Plan is justified and effective.	Yes
LP49	1.3 The Links with Legislation, Other Policies and Strategies Kent Waste Disposal Strategy	Save Capel	5 year review of Waste Disposal Strategy originally (adopted July 2017) is overdue.	Yes
LP26	1.3 The Links with Legislation, Other Policies and Strategies Paragraph 1.3.16	Bean Residents Association	1.3.16 The County Council as Waste Disposal Authority (WDA) is conducting a five-year review of its Waste Disposal Strategy originally adopted in July 2017. Where is 2022 Review?	No - by written reps
LP20	1.3 The Links with Legislation, Other Policies and Strategies Paragraph 1.3.18	Maidstone Green Party	1.3.18 states 'Principles of Clean Growth (growing our economy whilst reducing greenhouse gas emissions), must be factored into all planning and development polices and decisions, whilst not becoming a barrier to new development.' We object to this statement. It downplays the catastrophic emergency that is infolding with the climate and further damage to the climate should be a barrier to new development.	N/A
LP20	1.3 The Links with Legislation, Other Policies and Strategies Paragraph 1.3.19	Maidstone Green Party	1.3.19 KCC have so far failed to provide any form of integrated transport and currently refuse to liaise with Maidstone Borough Council through the Joint Transportation Board.	N/A
LP28	1.3 The Links with Legislation, Other Policies and Strategies	National Highways	This section needs to reference Circular 01/2022 which is national policy for the Strategic Road Network (SRN). In particular, the Plan should highlight para. 4 of the Circular ("...The principal purpose of the SRN is to enable safe, reliable, predictable, efficient, often long distance, journeys of both people (whether as drivers or passengers) and goods...") and para.28 ("...The policies and allocations that result from plan-making must not compromise the SRN's prime function to enable the long-distance movement of	N/A

	Paragraph		people and goods...”). This change is necessary to ensure the Plan recognises and is consistent with national policy (01/2022).	
LP17	Paragraphs 1.3.9, 1.5.1 and 1.5.2	Ebbsfleet Development Corporation Informal Officer Comments	Clarification and grammar changes to 1.3.9, 1.5.1 and 1.5.2 suggested.	N/a
			2. Minerals and Waste Development in Kent - A Spatial Portrait	
LP17	Paragraph 2.1.5	Ebbsfleet Development Corporation Informal Officer Comments	2.1.5 Last sentence before bullets seems to stop short. ‘The SE LEP has identified four strategic priorities which reflect the unique geography, assets and opportunities.’ Of? The SE LEP area?	N/A
LP20	2.2 Kent’s Environmental and Landscape Assets Paragraph 2.2.5	Maidstone Green Party	2.2.5 “The BOAs [Biodiversity Opportunity Areas] are not constraints to development. They are areas where minerals and waste sites will best be able to support the strategic aims for biodiversity conservation in Kent.” This is quite wrong. Mineral extraction and waste sites negatively impact on biodiversity and should be constraints for development.	N/A
LP27	2.2 Kent’s Environmental and Landscape Assets Paragraph 2.2.5	Friends of Oaken Wood	2.2.5 ‘The BOAs [Biodiversity Opportunity Areas] are not constraints to development. They are areas where minerals and waste sites will best be able to support the strategic aims for biodiversity conservation in Kent.’ This is an illogical, generalised statement and requires review. Mineral extraction and waste sites do impact the environment. Each location and proposal are unique and would require individual assessment against BOAs criteria. It cannot be true to say all such sites ‘will best be able...’ to meet these aims.	N/A
LP40	2.2 Kent’s Environmental and Landscape Assets Paragraph 2.2.5	Kent Wildlife Trust	Biodiversity Opportunity Areas (BOAs) are indicators for areas where minerals and waste development will be best able to support the strategic aims for biodiversity conservation in Kent. This approach should be predicated by the objective to enhance and manage what already exists so that the identified area’s (sites) with their habitats and species, at the greater scale of landscapes, are prioritised. This objective should have priority over than the extraction of natural resources, or of the loss of existing habitats or incur impacts (assumed that are detrimental). This approach to BOAs and Local Nature Recovery Strategies should be reconsidered as part of the Plan’s approach to the preservation and enhancement of biodiversity, this part of the Plan’s strategic vision should be rewritten with BOAS being prioritised over any minerals and/or waste developments.	No – by written reps
LP22	2.2 Kent’s Environmental and Landscape Assets Paragraph 2.2.6	Ebbsfleet Development Corporation	Sound and legally compliant. At paragraph 2.2.6 it is considered that reference to BAP targets should be updated to refer to the Nature Partnership Biodiversity Strategy 2020 to 2045.	No - by written reps
LP17	Paragraph 2.2.7	Ebbsfleet Development Corporation Informal Officer Comments	Grammar issues in relation to para 2.2.7	N/A
LP27	2.3 Kent’s Economic Mineral Resources Paragraph 2.3.9	Friends of Oaken Wood	2.3.9 refers to ragstone as the only material crushed for aggregate in Kent. While it may be the only form currently manufactured, other forms of aggregate would also be viable material. The wording needs reviewing to make clear that there is no reason for crushed rock to be produced solely from Kentish ragstone simply because that is how it is currently supplied.	N/A
LP17	Paragraphs 2.3.15 and 2.3.16	Ebbsfleet Development Corporation Informal Officer Comments	2.3.15 move ‘quarries’ after ‘Hythe Formation’ and before the bracket. 2.3.16 move ‘deposits’ after ‘silica sand’ before the bracket.	N/A
LP42	2.4 Kent’s Waste Infrastructure Paragraph 2.4.5	Swale Borough Council	Concerns raised regarding provision, and operational impacts, of waste management facilities by the Waste Disposal Authority in Kent.	N/A
LP17	Paragraphs 2.4.3, 2.4.4, 2.4.5 and 2.4.8	Ebbsfleet Development Corporation Informal Officer Comments	Clarification and grammar changes needed to paras 2.4.3 to 2.4.8.	N/A

			3. Spatial Vision for Minerals and Waste in Kent	
LP40	Spatial Vision for Minerals and Waste in Kent	Kent Wildlife Trust	A biodiversity net gain should be sought in accordance with the NPPF and the Environment Act (2021). Reference to this requirement should form a central part of the Plan's vision and inform the approach of policies within the Plan. The vision should look to having restored sites form part of a wider landscape scale recovery to address the biodiversity and the climate crises.	No - by written reps
LP49	Spatial Vision for Minerals and Waste in Kent	Save Capel	<p><u>Planning for Minerals</u> Strongly supports the intentions of spatial vision points 6 and 8 however consider that history shows that the restoration of mineral extraction sites has too often been neither to a "high standard" nor has provided "sustainable benefits" to communities. Consider that developers often claim that wildlife habitat has benefited from the sites but arguably provides no benefits to Kent communities.</p> <p>Concerned that planning conditions not strictly enforced.</p> <p>Spatial vision point 8 (restoration) needs a clearer requirement to make the Plan effective. Suggests consideration of a series of points (see representation), and whilst some points may be mentioned in strategic objectives, vision would be improved by addressing the points more clearly for the Plan to be effective.</p> <p><u>Planning for Waste</u> Spatial vision point 11 is not clear and the inclusion of "close to its source" is ambiguous and too vague to be effective.</p>	Yes
LP51	Spatial Vision for Minerals and Waste in Kent	Ashford Borough Council	<p>The Council previously noted that 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.</p> <p>In the Council's opinion, supporting increasing levels of service infrastructure is fundamental to successful and efficient waste and resource management and therefore plays an important role in helping to achieve KCC's objectives set out in their Plan.</p> <p>For this reason, the Council continue to recommend that 'managing service infrastructure' is reflected more explicitly within the Plan's 'Spatial Vision'.</p> <p>The Council previously expressed the opinion that both disposal capacity and transfer capacity should be dealt with as one function of the Waste Disposal Authority (WDA). It is noted that KCC, in its role as WDA, have clarified that it is conducting a five-year review of its Waste Disposal Strategy (WDS) (paragraph 1.3.16 of the pre-submission draft LP). In the Council's opinion the changes to the Local Plan should reflect the emerging revised Kent WDS.</p>	N/A
LP53	Spatial Vision for Minerals and Waste in Kent	Gallagher Aggregates Limited (GAL)	Broadly or fully supports the overarching Draft KMWLP Spatial Vision and Objectives for minerals and waste.	N/A
LP20	Spatial Vision for Minerals and Waste in Kent Paragraph 3.0.4	Maidstone Green Party	<p>3.0.4 "Deliver sustainable solutions to the minerals and waste needs of Kent" and "deliver a sustainable, steady and adequate supply of land- won minerals including aggregates" – using non-renewable sources cannot be considered sustainable as they are, by definition, finite.</p> <p>"Safeguard economic mineral resources for future generations" – the only way to safeguard mineral resources is not to use them. This statement is clearly contradictory.</p> <p>There needs to be a full "circular economy" with no landfill or incineration.</p>	N/A
LP27	Spatial Vision for Minerals and Waste in Kent Paragraph 3.0.4	Friends of Oaken Wood	<p>3.0.4 'Deliver sustainable solutions to the minerals and waste needs of Kent' and 'deliver a sustainable, steady and adequate supply of land-won minerals including aggregates.'</p> <p>The above statements are contradictory. The use of non-renewable sources such as land-won minerals cannot be considered sustainable as they are, by definition, finite.</p> <p>The council should review its terminology here. 'Sustainable' should be removed or very clearly defined.</p> <p>3.0.4 'Safeguard economic mineral resources for future generations' The statement is misleading. The only way to safeguard mineral resources is not to use them. The council should review its terminology here. The statement should be removed, or 'safeguard' very clearly defined.</p>	N/A
LP09	Spatial Vision for Minerals and Waste in Kent Point 1, 3 & 5	South Downs National Park Authority (SDNPA)	Welcomes the additional text proposed at Points 1, 3 and 5 in the Spatial Vision (and Point 5 in the Strategic Objectives) which, collectively, aim to deliver a sustainable, steady and adequate supply of land-won aggregates to the Kent area and beyond [emphasis added] through: identifying sufficient sites; safeguarding minerals bearing land; and collaborative working with communities, landowners, minerals and waste industries, environmental and voluntary sectors, and planning authorities. The	N/A

			above, and Paragraph 5.2.6, recognise the important role Kent has in ensuring a steady and adequate supply of regionally important minerals beyond the county boundary.	
			4. Objectives for the Minerals and Waste Local Plan	
LP26	Strategic Objectives Paragraph 4.0.3	Bean Residents Association	4.0.3 Chapter 8 sets out a schedule for managing and monitoring the delivery of the strategy. It doesn't show review dates.	No - by written reps
LP22	Strategic Objectives	Ebbsfleet Development Corporation	Legally compliant and sound. On pages 57 and 58 (Strategic Objectives for the Minerals and Waste Local Plan), it is questioned whether points 9 and 15 should refer to biodiversity net gain targets more specifically.	No - by written reps
LP09	Strategic Objective 5	South Downs National Park (SDNP)	Welcomes (the additional text proposed at Points 1, 3 and 5 in the Spatial Vision) and Point 5 in the Strategic Objectives – which, collectively, aim to deliver a sustainable, steady and adequate supply of land-won aggregates to the Kent area and beyond [emphasis added] through: identifying sufficient sites; safeguarding minerals bearing land; and collaborative working with communities, landowners, minerals and waste industries, environmental and voluntary sectors, and planning authorities. The above, and Paragraph 5.2.6, recognise the important role Kent has in ensuring a steady and adequate supply of regionally important minerals beyond the county boundary.	N/A
LP40	Strategic Objective 8	Kent Wildlife Trust	Point 8 of the Strategic Objectives of the Plan should highlight the finite nature of building stone minerals for heritage building products. Moreover, the objective of the Plan should seek to ensure that existing resources of this specific type of building stone are not depleted as a result of fulfilling other needs, which could be met from the use of alternative materials.	No - written reps
LP51	Strategic Objective 11	Ashford Borough Council	Objective 11 of the Plan (formerly objective 10) continues to look to industry for solutions to minimise waste and increase its re-use. The Council previously highlighted the need to plan for required infrastructure, and partner with industry to provide solutions. KCC have responded to this issue by stating that they are not responsible for the management of non-household waste and therefore cannot form partnerships with industry in the manner envisaged by ABC. KCC also advise that the Joint Resource Partnership exists to ensure household waste is managed appropriately. The Council acknowledge KCC's comments. In response, the Council recommend that the word 'enabling' in objective 11 is replaced with the word 'empowering'. The use of the word enabling suggests a level of control over the waste management industry that KCC have clarified they do not have. The Council accept that KCC are not responsible for the management of non-household waste but remain of the opinion that the objective should encourage partnership working as a means to achieving desired outcomes. In order to achieve this, the Council consider that the objective could be modified to begin by stating "Work in partnership to minimise the production in waste and increase.....".	N/A
LP48	Strategic Objective 12 and 14 combined	Waste Recycling Group (Central) Limited (Trading as FCC Environment UK Limited) and S W Attwood & Partners	The Strategic Objectives for the Plan are clear that [Strategic Objective 12] the management of waste should be close to the source of production such that net self-sufficiency is maintained throughout the plan period, and [Strategic Objective 14] that there should be sufficient capacity to maintain a county-wide network for the sustainable management of Kent's waste. These Strategic Objectives are supported by FCC and SW Attwood & Partners. However, the current policies which are applicable to hazardous waste management do not support these objectives of managing waste close to the source of production and providing sufficient capacity to maintain a county-wide network for the sustainable management of Kent's waste.	Yes
			5. Delivery Strategy for Minerals	
LP20	Delivery Strategy for Minerals Paragraph 5.0.1	Maidstone Green Party	5.0.1 "[minerals] are a finite natural resource, and can only be worked where they are found, it is important to make the best use of them to secure their long-term conservation" – There is a clear lack of understanding here, as they are finite, they cannot be conserved if they are being extracted. "Sustainable economic growth" is impossible. Continued economic growth on a finite planet is not possible. The Plan's strategy should recognise this and focus on sustainability and a closed (no waste) circular economy that negates the need for mineral extraction, waste incineration or landfill.	N/A
LP27	Delivery Strategy for Minerals Paragraph 5.0.1	Friends of Oaken Wood	5.0.1 '[minerals] are a finite natural resource, and can only be worked where they are found, it is important to make the best use of them to secure their long-term conservation'. This statement is contradictory as there is no way to secure the long-term conservation of a finite resource, so the council should review its terminology here. The statement should be removed, amended or 'long-term conservation' very clearly defined.	N/A

LP20	Policy CSM 2: Supply of Land-won Minerals in Kent	Maidstone Green Party	<ul style="list-style-type: none"> • Hard rock availability is not an absolute requirement of the plan, Essex doesn't have any and therefore no sites are in their plan. • The term ragstone should not be used in place of 'hard rock' as it suggests that no other hard rock is available when the document is clear that other rock types are available. • Ragstone is a finite and precious resource used for heritage restoration. It should not be used for crushed aggregate. • No ancient woodland should be put at risk. <p>The document refers to ragstone as the only form of crushed aggregate that can be used for crushed aggregate. While it may be the only form available in Kent, other forms of aggregate from outside of Kent are available. The document should just refer to crushed rock rather than ragstone, particularly as 5.11 acknowledges the potential for other forms of hard stone.</p>	N/A
LP30	Policy CSM 2: Supply of Land-won Minerals in Kent	Mineral Products Association	<p>Legally compliant but not sound due to not being effective. Suggests following changes:</p> <p>Aggregates: The policy should provide clarity by including figures (tonnes) for the reserves required to achieve this i.e. reserves required to 2039 plus the required landbank at 2039 as described in the supporting text (paras 5.2.2 for sharp sand & gravel, 5.2.26 for soft sand, and 5.2.31 for rock). This would better reflect the requirement of the NPPF for plans to 'make provision for the land-won and other elements of their LAA (para 219 c).</p> <p>Silica sand: While it is understood why silica sand should be reserved for and used for industrial end uses, it is not clear how this would be demonstrated in an application or enforced. The extraction and end use will be determined by economics and the market, and deposits vary in character and quality vertically and horizontally. Seeks the deletion of the second bullet requiring demonstration that resources will be used efficiently so that high grade sand deposits are reserved for industrial end uses. This is un-necessary and unenforceable, given the end use of the material will depend on the market and practical requirements of customers.</p>	Yes - speak at hearings (MPA represents the minerals industry)
LP30	Policy CSM 2: Supply of Land-won Minerals in Kent	Mineral Products Association	<p><u>Support</u> provision for maintenance of aggregates landbanks throughout (including at the end of) the Plan period, for as long as resources allow. Many/most plans only make provision to the end of the Plan period, which does meet the requirements of NPPF to maintain landbanks.</p> <p>The language could be simplified by referring to:</p> <p>For sharp sand and gravel and soft sand: 'A landbank of permitted reserves equivalent to at least 7 years' supply (as set out in the latest LAA) will be maintained...'</p> <p>For crushed rock: 'A landbank of permitted reserves equivalent to at least 10 years' supply (as set out in the latest LAA) will be maintained...'</p>	Yes - speak at hearings (MPA represents the minerals industry)
LP37	Policy CSM 2: Supply of Land-won Minerals in Kent	Campaign to Protect Rural England (CPRE)	<p>The draft plan repeatedly mentions ragstone as a primary source of crushed hard rock for construction, despite the availability of other sources and types. Specifically, the plan recognises that other crushed rock resources exist in Kent, such as the Carboniferous Limestone deposits to be found within East Kent, yet these are seemingly being dismissed on the grounds that they may be more expensive to quarry.</p> <p>Ragstone, crucial for heritage restoration, is in decline, with only a minimal portion of it allocated for restoration purposes. The plan needs to recognise this disparity and address the necessity to limit the non-essential use of Kentish Ragstone. Furthermore, the draft plan asserts that stone from quarries is sustainable, but Kentish ragstone is non-renewable and finite.</p> <p>As it currently stands, only Hermitage Quarry has been identified as an existing consented reserve with the ability to produce high-quality cut stone to provide building stone for building conservation uses. However, only a tiny percentage of the ragstone extracted from the Hermitage Quarry is currently used for restoration. The vast majority is instead used as a general-purpose aggregate. The plan should acknowledge this and the need to curb non-essential demand for Kentish Ragstone.</p> <p>The draft plan needs to better recognise and safeguard the unique and finite resource that Kent Ragstone is. If alternative sites for general crushed rock other than Kentish ragstone are available, their use should be prioritised before allowing the high-quality cut stone at Hermitage Quarry to be extracted.</p> <p>Do not want to see is the small percentage of ragstone used for heritage purposes being used as smokescreen to justify the further expansion of the Hermitage Quarry site into ancient woodland at Oaken Wood.</p>	Don't know - CPRE will review KCCs response to comments & others within consultation statement & map wish to make further reps as part of examination process

			We have objected to the potential expansion of the Hermitage Quarry allocation within the Regulation 18 version of the Kent mineral site plan and raised concerns as to the lack of consideration of alternative sites and options, including importation.	
LP40	Policy CSM 2: Supply of Land-won Minerals in Kent	Kent Wildlife Trust	<p>Introductory paragraph should include 'as a whole' at the end to make clear that all relevant policies within the Plan will be applied to those sites which have not yet been identified but which will be included in any future updated Minerals Sites Plan.</p> <p>Selection of Sites: Include stronger reference to the environmental impacts for all potential allocations and expand to include reference to irreplaceable habitats within any site as a criterion when selecting and screening the suitability of sites for allocation. This would bring the policy in line with the requirements of the NPPF, particularly paragraph 11.</p> <p>Policy should be expanded to include the presence of irreplaceable habitats within a site as a criterion when selecting and screening the suitability of sites for allocation. Consideration should also be given to habitats and species of principal importance, protected species, and other species and habitats of conservation concern when allocating sites. The 'avoid, mitigate, compensate' hierarchy within the NPPF should be used with sites that will have the least environmental impact proceeding to allocation.</p>	No-by written reps.
LP49	Policy CSM 2: Supply of Land-won Minerals in Kent	Save Capel	<p>Notes the simplification of policy (1) but considers that the removal of "Demand will instead be increasingly met from other sources, principally a combination of recycled and secondary aggregates, landings of MDA, blended materials and imports of crushed rock through wharves and railheads" no longer emphasises the strategy at the heart of the Plan with regard to Aggregates.</p> <p><u>Land-won Aggregate Supply</u> Notes several elements of the explanatory text regarding the diminishing supply of sandstone gravels in the Medway Valley. Consider that Policy CSM 2 (1) is neither effective nor justified because it relies entirely on the delivery of land-won aggregates from only two sites which are identified as the "potentially replenishing resource"[para 5.2.22]. (Stonecastle Farm Quarry Extensions, Tonbridge and Malling & Land at Moat Farm, Tunbridge Wells) Whilst these sites collectively straddle the borough boundaries, they can be considered as one overall site because they are expected to be accessed from the existing haul road at Stonecastle Quarry and processing would be at a single location.</p> <p><u>Stonecastle Quarry</u> Stonecastle Quarry has a history of extensive landfill and quarrying activities. However, these activities ceased in 2008 seemingly due to the low-grade quality, limited use, high extraction cost, together with the poor financial and economic viability of the minerals - sharp sand and gravel. Therefore, the Plan's assessment of 'available reserves' is already overstated as there is no reasonable prospect of these being delivered. The Council will be aware of the widespread objections of the community against the re-opening of the site and for the allocations in the Mineral Plan. Whilst permission was granted by KCC in 2020 for the restarting of operations at the quarry, there has been no activity since. Save Capel not aware of any recent surveys that may determine the suitability, or likely otherwise, of the minerals but it is apparent from the several changes of ownership over the past twenty years that this is not a productive site for the industry.</p> <p><u>Conclusion on CSM 2</u> The Plan appears to concede the above points are relevant by saying "If the allocations do not come forward during the Plan period, increased importation is anticipated to occur, thereby addressing the market need for this aggregate type" [para 5.2.22]. Therefore, the communities who are particularly concerned about the effects of these potential quarries would welcome certainty from KCC that the proposals are withdrawn. Save Capel questions whether merely keeping the 'options open' is justified or effective. Consideration of the allocated sites, in particular, raises a number of issues which include; traffic concerns, potential contamination with the historic landfill (which is in breach of its permit), flood risk, SPZ at Hartlake, immediately adjacent to the proposed Stonecastle Extension (see DM 10 below), pollution to other water courses, wildlife habitat, loss of productive farmland, and residential amenity. Whilst this draft Plan does not directly allocate sites, Save Capel recommends that the Plan is reworked to remove these two potential resources and re-calculate the requirement from other sources of aggregates supply to meet the Plan's identified need.</p>	Yes
LP53	Policy CSM 2: Supply of Land-	Gallagher Aggregates Limited	GAL is pleased to note the continued statement of the fact that the only resource exploited commercially to supply crushed rock in the County is from the Hythe Formation (Kentish Ragstone) and that only two ragstone quarries have consented reserves:	N/A

	won Minerals in Kent	(GAL)	<p>Hermitage Quarry and Blaise Farm Quarry, both of which are operated by GAL.</p> <p>GAL supports the Policy CSM 2 approach to determining the shortfall and scale of provision of hard rock to be made throughout the Draft Plan period. In accordance with national planning policy (NPPF) and guidance (PPG) the identified requirement takes account of the significant increase in the sales pattern of land won crushed rock from the two sites since 2017 which is expected to be sustained. The approach is consistent with the NPPF and PPG which states that such other relevant information should be considered in addition to a rolling average of ten years' sales data when planning for aggregate minerals.</p> <p>In accordance with the NPPF (para 2019 (c)), KCC is required to plan for a steady and adequate supply of aggregates by c) making provision for the land-won and other elements of their Local Aggregate Assessment within their mineral plans... Such provision should take the form of specific sites, preferred areas and/or areas of search and locational criteria as appropriate. Furthermore, planning policies are to aim to source minerals supplies indigenously (NPPF para 216 b)). As such GAL agrees that additional sites to maintain the requisite landbanks of land-won aggregates should if possible be identified in the Mineral Sites Plan, with the presumption that provision will be made by means of the allocated sites coming forward and providing the mineral required at the appropriate time (KMWLP para 5.4.2). A site allocation should be supported by adequate and proportionate evidence.</p> <p>GAL is confident that the identified shortfall can be met by allocating new hard (crushed rock) reserves in an updated Mineral Sites Plan sufficient to ensure an adequate and steady supply is maintained throughout the Plan period 2024-2039. GAL endorse the statement in para 5.2.35 that any allocation would need to be acceptable in planning terms and subject to detailed examination. GAL will continue to participate in due process to promote their Nominated Site – “Land South and West of Hermitage Quarry” for allocation in the Mineral Sites Plan as this would be the only option for maintaining future, indigenous land-won supplies of hard rock from within Kent, to serve Kent and the wider South-East of England. GAL maintain that this will enable ongoing, sustainable supply which it cannot be relied upon or assumed will or can be provided from elsewhere or by other means.</p> <p>GAL notes the provision in the Policy CSM 4 for ‘non-identified land-won mineral sites’ to be put forward for consideration where these would be needed to ensure the steady and adequate supply of aggregates in the event, that an allocation in the Mineral Sites Plan does not come forward as anticipated. However, as set out in national policy, the starting point for the Development Plan is to make provision for the deliverable, sustainable means of meeting the area’s objectively assessed needs in a way which gives certainty to businesses and communities. Such need for certainty is particularly pertinent given that no sites, other than GAL’s, have been Nominated through KCC’s recent Call for Sites process which is evidence that a sustainable, future supply of hard crushed rock cannot be assumed to be available, let alone relied upon, from elsewhere in the County. Furthermore, such need for certainty is of utmost importance as the unique Kentish Ragstone is critical to the ongoing protection and enhancement of the historic environment, nationally and locally.</p>	
LP20	Policy CSM 2: Supply of Land-won Minerals in Kent Paragraph 5.2.9	Maidstone Green Party	There are significant concerns about the environmental effects of marine dredged aggregates which should be properly understood before this source of mineral is allowed to continue to be used.	N/A
LP25	Policy CSM 2: Supply of Land-won Minerals in Kent Paragraph 5.2.19	Keep Kent Green	<p>Retaining the allocation of Stonecastle Farm Quarry and Mote [Moat] Farm sites for sand and gravel working within the Pre – Submission Draft Minerals and Waste Local Plan 2024-2039 may not be justified for the following reasons:</p> <ul style="list-style-type: none"> - potential environmental damage - availability of alternative sources - limited long-term economic benefits - inactivity at Stonecastle Farm - Mineral is poor quality - Compliance issues associated with landfill at Stonecastle Farm - leases between the Landowner and Operator are due to expire by 2026 or have already expired - Impacts on ecology water quality and flood risk <p>Alternative options should be considered.</p>	N/A

			Concerns about the quality of restoration of previous mineral working at Stonecastle Farm.	
LP20	Policy CSM 2: Supply of Land-won Minerals in Kent Paragraph 5.2.27	Maidstone Green Party	The need for crushed aggregate should not be simply defined by the volume that a private company has managed to sell, it should be defined by need.	N/A
LP27	Policy CSM 2: Supply of Land-won Minerals in Kent Paragraph 5.2.27	Friends of Oaken Wood	The need for crushed aggregate should not be simply defined by the volume that a private company has managed to sell. It should be defined by incontrovertible need.	N/A
LP41	Policy CSM 2: Supply of Land-won Minerals in Kent	Invicta Planning on behalf of Borough Green Sandpits Ltd	The Plan's demand forecast (Soft Sand) is not taking into account local circumstances and the inadequacies of the 10-year sales average system of forward prediction. The Mineral Sites Plan allocation (Chapel Farm) will likely be required to be brought forward (due to recent evidence of increased extraction) leading to a failure to maintain a 7-year landbank over the Plan period (2024-39). Therefore, the Plan is not positively planned and unjustified, and thus unsound.	N/A
LP46	Policy CSM 2: Supply of Land-won Minerals in Kent Paragraph 5.2.37	David Lock on behalf of Tarmac Cement and Lime Limited	<p>The site of the Medway Cement Works is an implemented planning permission. Whilst alternative uses are being considered, that should not be interpreted to preclude the construction of a new cement works at Holborough.</p> <p>The Council struck out Policy CSM 3 (which safeguards the Medway Cement Works as a strategic site for minerals) as part of the Full Review of the adopted Kent Minerals Local Plan. We support the Council's approach and consider the principle to be sound.</p> <p>We note the wording inserted at paragraph 5.2.37 provides context for the deletion of CSM 3 and sets out how any alternative proposal at the cement works site should be considered. Reference is made to Policies DM7 and DM8 which, respectively and in summary, relate to safeguarded minerals sites and to safeguarded minerals infrastructure. Paragraph 5.2.37 also references Policy CSM 5 as relevant. Whilst Policy CSM 5 did previously reference the Medway Cement Works as a safeguarded asset, it no longer does so (amendments to that policy wording having also been affected through the previous KMWLP Full Review). We consider the continued cross-reference within paragraph 5.2.37 to Policy CSM 5 to be an erroneous reference which should be deleted.</p> <p>Whilst it is a matter of soundness (it is not justified to rely upon Policy CSM 5 when that is not relevant to the implementation of that paragraph and thus the provisions of paragraph 5.2.37 are not sound), it is capable of remedy through a minor text amendment. We do, however, object to paragraph 5.2.27 in the above context.</p> <p><i>[Representation assumed to relate to para 5.2.37.]</i></p>	N/A
LP49	Policy CSM 3: Strategic Site for Minerals	Save Capel	Notes the proposed deletion of this policy but considers that the remaining policies should be re-numbered for the clarity and effectiveness of the Plan.	Yes
LP40	Policy CSM 4: Non-identified Land-won Mineral Sites	Kent Wildlife Trust	Revisions should be made to ensure that bringing forward an exception site is only acceptable where the adverse impacts of doing so will not significantly and demonstrably outweigh the benefits.	No - by written reps
LP48	Policy CSM 4: Non-identified Land-won Mineral Sites	Waste Recycling Group (Central) Limited (Trading as FCC Environment UK Limited) and S W Attwood & Partners	<p>Paragraph 5.2.39 (to Policy CSM 2) concludes that there is no need to maintain any specific quantity of reserves of clay for engineering processes over the Plan period. Sites for such material will be assessed against Policy CSM 4 as non-identified sites. The NPPF makes clear that (para.215) states that it is essential that there is sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs. Since minerals can only be worked where they are found, best use needs to be made of them to secure their long-term conservation. The Plan is sound in relation to this NPPF requirement, it places all applications for additional engineering clay to be determined against Policy CSM4 for 'Non-identified Land-won Mineral Sites'.</p> <p>In effect the Plan relegates all such applications to be considered against a policy which has been prepared with the objective of</p>	Yes

			<p>dealing with 'additional' sites that have not successfully come through a strategic allocation process. It forces developers bringing forward sites for engineering clay to justify them as 'exception' sites. Consequently, it is questioned whether it would remain justified (as an appropriate strategy, taking into account the reasonable alternatives) and remain sound without minor re-drafting of the Policy CSM 4.</p> <p>The policy should be it is split so that for applications for sites that seek the winning and working of mineral that has been subject to allocation 'testing' (i.e. Aggregates, Brickearth and Clay for Brick Manufacturing and Silica Sand) then proposals at non-allocated sites be considered against the policies of the Plan as a whole and in the context of the Vision and Objectives of the Plan. For applications for engineering clay, the same provisions should apply, but a general presumption in favour be included in recognition that such development could not be delivered as an allocated site. This would help ensure that adequate supply can come forward without delay and in accordance with an appropriate assessment of supply and demand for engineering clay.</p>	
LP 14	Delivery Strategy for Minerals Policy CSM 6: Safeguarding Wharves and Rail Depots	<p>Firstplan</p> <p>Aggregate Industries UK Ltd (AI)</p> <p>Brett Aggregates Ltd (Brett)</p>	<p>Submission in the safeguarding interest of Robins Wharf, Northfleet.</p> <p>Both companies operate the Northfleet Robin's Wharf (a safeguarded wharf) and have interests in marine dredged sand and gravel and hard rock importation and produce coated stone products.</p> <p>The operators support the conclusions of the LAA2023 in that importation of sand and gravel aggregates from terrestrial resources are reducing and that future supply will become significantly and increasingly dependent on importation. Wharves will become steadily more and more important in overall supply. Therefore, their continued safeguarding will be pivotal in delivering an overall sustainable and steady supply of materials to the market. The KMWLP has this objective and the continued safeguarding of these facilities via the specific policies of the KMWLP Review is supported, including the ongoing identification of Robins Wharf as a safeguarded site in the Proposals Maps.</p> <p>However, revision sought to include in supporting text that early (preapplication) engagement with the operator of the safeguarded facility is progressed. Clear detailing of this requirement in the Plan itself is considered a key part of safeguarding objectives.</p> <p>AI and Brett confirm their support for the Pre-Submission Draft MWLP and consider it complies with the National Planning Policy Framework (NPPF) tests of soundness in terms of being 'justified', 'effective', 'positively prepared', and particularly with regard to the requirement to be 'consistent with national policy' in relation to mineral supply and mineral facility safeguarding matters.</p>	
LP09	Paragraph 5.2.6	South Downs National Park Authority (SDNPA)	<p>Welcomes the additional text proposed at Points 1, 3 and 5 in the Spatial Vision – and Point 5 in the Strategic Objectives. The above, and Paragraph 5.2.6, recognise the important role Kent has in ensuring a steady and adequate supply of regionally important minerals beyond the county boundary.</p>	N/A
LP17	5.2.8, 5.2.9, 5.2.17, 5.2.25, 5.2.26, 5.2.30, 5.11.2, 5.12.1	Ebbsfleet Development Corporation Informal Officer Comments	<p>Clarification and grammar changes to 5.2.8, 5.2.9, 5.2.17, 5.2.25, 5.2.26, 5.2.30, 5.11.2 and 5.12.1 suggested.</p>	N/A
LP44	Policy CSM 8: Secondary and Recycled Aggregates	Natural England	<p>The wording of the policy is ambiguous and provides a lesser level of protection of biodiversity, habitats and the environment than that provided by the NPPF. Representation includes suggested changes to the text to address the issues raised.</p> <p><i>N.B. Following receipt of the representation a Statement of Common Ground (SCG) has been agreed between Natural England and Kent County Council. Amongst other matters this SCG confirms the following:</i></p> <ol style="list-style-type: none"> <i>1. All the matters raised in the representation made by Natural England were intended to improve the clarity of the Plan and not raise matters of soundness; and,</i> <i>2. the Regulation 19 Kent Minerals and Waste Local Plan 2024-2039 is not unsound;</i> <i>3. the term 'unacceptable', before 'adverse impact' is included, and should be retained, in Policies CSM8, CSM9, CSM10, CSW6, DM9, DM12, DM13 to</i> <p><i>acknowledge that in certain circumstances development may come forward where adverse impacts could occur. In terms of impacts on biodiversity, geodiversity and landscapes, impacts that are unacceptable are determined via the application of Policies DM2 and DM3. The term has been found sound in the examination of the adopted Kent Minerals and Waste</i></p>	No - written reps

			<i>Local Plan 2016 and its Early Partial Review in 2020.</i>	
LP49	Policy CSM 8: Secondary and Recycled Aggregates	Save Capel	Welcomes the promotion of more sustainable sources of aggregates but concerned that the policy should preclude additional 'processing' capacity to be developed at sites in the green belt, even if extraction is/ has taken place at that location(s). Consider this should be made clear in the policy and proposals for additional capacity should therefore only be acceptable at existing facilities, wharves, rail depots, and brownfield sites.	Yes
LP27	Policy CSM 9: Building Stone in Kent Paragraph 5.9.1	Friends of Oaken Wood	Examples 5.9.1 and P.56 point 8. The Plan must acknowledge that the way to prolong the availability of Kentish ragstone for restoration projects is to limit the additional, non-essential uses of Kentish ragstone. Other materials could meet these additional demands, such as alternative sources of building rock (see 5.9.1) and crushed rock (see 5.2.7). A plan that references the 'finite' nature of the resource but does not address this issue is unsound. Currently, just 1% of the ragstone produced in Kent is used for heritage projects while 98% is crushed for aggregate. With just a 10-year supply horizon defined in the document, it is clear that heritage buildings, such as the Tower of London, will not have a long-term supply of stone for restoration for the future if this continues.	N/A
LP31	Policy CSM 9: Building Stone in Kent	Tunbridge Wells Borough Council	Legally compliant but not sound due to not being consistent with national policy. Previous TWBC comment to Reg 18 consultations considered that criterion 3 in respect of site restoration is important and should be retained not deleted, in line with Policy DM19. The explanation provided by KCC in response to the previous TWBC representations is unclear. TWBC still disagrees that this does not provide adequate justification for the deletion of Criterion (3). This is especially important for TWBC as 70% of the Borough is within the designated High Weald National Landscape. TWBC therefore considers that it is likely this policy will have negative implications on the test of soundness for the KMWLP. To be sound, it is considered that criterion 3 that reads 'The site is restored to a high-quality standard and appropriate after use that supports the local landscape character' in respect of site restoration is important and should be retained.	No – by written reps
LP44	Policy CSM 9: Building Stone in Kent	Natural England	The wording of the policy is ambiguous and provides a lesser level of protection of biodiversity, habitats and the environment than that provided by the NPPF. Representation includes suggested changes to the text to address the issues raised. <i>N.B. Following receipt of the representation a Statement of Common Ground (SCG) has been agreed between Natural England and Kent County Council. Amongst other matters this SCG confirms the following:</i> <i>1. All the matters raised in the representation made by Natural England were intended to improve the clarity of the Plan and not raise matters of soundness; and,</i> <i>2. the Regulation 19 Kent Minerals and Waste Local Plan 2024-2039 is not unsound;</i> <i>3. the term 'unacceptable', before 'adverse impact' is included, and should be retained, in Policies CSM8, CSM9, CSM10, CSW6, DM9, DM12, DM13 to acknowledge that in certain circumstances development may come forward where adverse impacts could occur. In terms of impacts on biodiversity, geodiversity and landscapes, impacts that are unacceptable are determined via the application of Policies DM2 and DM3. The term has been found sound in the examination of the adopted Kent Minerals and Waste Local Plan 2016 and its Early Partial Review in 2020.</i>	No – by written reps
LP56	Policy CSM 9: Building Stone in Kent	Resident	Not sound and not legally compliant. In policy CSM 9 it states, "Development taking place in appropriate locations where the proposals do not have unacceptable adverse impacts on the local environment". The Hermitage quarry site which is one of the two sites referenced would destroy a vast area of ancient woodland. The justification from Gallagher that they will "keep the topsoil and replant with new trees" in no way makes up for the destruction of ancient woodland. You can only destroy it once and it cannot easily be recreated. There is no way that this site can meet this requirement of adverse impact on the environment. To be sound/legally compliant the Hermitage site must be removed from this policy.	No – by written reps
LP20	Policy CSM 9:	Maidstone Green	Highlights the importance of ragstone for heritage restoration. Currently just 1% of the ragstone is used for this with 98% being	N/A

	Building Stone in Kent Paragraph 5.9.2	Party	<p>crushed for aggregate. Given the importance of the heritage need it seems madness to crush almost all the ragstone rather than preserving the supply for heritage use. With just a 10-year supply horizon defined in the document, it is clear that buildings such as the Tower of London, will not have a supply of stone for restoration for the future.</p> <p>This need demonstrated the utter madness of continuing to extract this vital and limited stone for use as crushed aggregate.</p>	
LP37	Policy CSM 9: Building Stone in Kent Paragraphs 5.9.1 and 5.9.2	Campaign to Protect Rural England (CPRE)	<p>In line with our above comments relating to Policy CSM 2, concerned that the preamble text to this policy implies that ragstone alone constitutes “Building Stone” as referred to within the policy text. Additional text should be added to clarify Ragstone is one of several hardstones that could constitute “Building Stone” in the context of Policy CSM 2.</p> <p>Very concerned to see the deletion of the previously proposed criteria 3 to ensure any extraction site be restored to “a high-quality standard and appropriate after use that supports the local landscape character”. We cannot see the justification how, particularly with the now enhanced duty with regards to National Landscapes (AONBs – see our comments with regard to DM2). It is our strong view that this criterion should be re-instated within the submission draft of the plan. Soundness Reason: This is to ensure the plan is positively prepared.</p>	Don't know - CPRE will review KCCs response to comments & others within consultation statement & map wish to make further reps as part of examination process
LP18	Policy CSM 10: Oil, Gas and Unconventional Hydrocarbons	Environment Agency	<p>Note that you have included most of our amendments but have removed entirely the reference to ‘Protected Groundwater Areas’ in regard to the Infrastructure Act which influences policy regarding hydraulic fracturing (Policy CSM 10). We would recommend the following change of wording for clarification purposes.</p> <p>CSM 10 to be amended to read:</p> <p><i>Such development will not be supported within source protection zones or other relevant groundwater protection areas such as those identified under the Infrastructure Act.</i></p>	N/A
LP20	Policy CSM 10: Oil, Gas and Unconventional Hydrocarbons	Maidstone Green Party	<p>5.10 There should be no new licences for exploration or extraction of fossil fuels Unconventional hydrocarbon extraction is particularly damaging and must not be allowed.</p>	N/A
LP37	Policy CSM 10: Oil, Gas and Unconventional Hydrocarbons	Campaign to Protect Rural England (CPRE)	<p>Any new permission to allow the production of oil, gas and unconventional hydrocarbons will exacerbate climate change. There is a climate emergency which is a priority consideration. Policy CSM 10, and the plan in general, should be reworded to better reflect the government guidance which no longer supports fracking in the UK energy market.</p> <p>Soundness Reason: This is to ensure the plan is positively prepared and consistent with national planning guidance.</p>	Don't know - CPRE will review KCCs response to comments & others within consultation statement & map wish to make further reps as part of examination process
LP44	Policy CSM 10: Oil, Gas and Unconventional Hydrocarbons	Natural England	<p>The wording of the policy is ambiguous and provides a lesser level of protection of biodiversity, habitats and the environment than that provided by the NPPF. Representation includes suggested changes to the text to address the issues raised.</p> <p><i>N.B. Following receipt of the representation a Statement of Common Ground (SCG) has been agreed between Natural England and Kent County Council. Amongst other matters this SCG confirms the following:</i></p> <ol style="list-style-type: none"> <i>1. All the matters raised in the representation made by Natural England were intended to improve the clarity of the Plan and not raise matters of soundness; and,</i> <i>2. the Regulation 19 Kent Minerals and Waste Local Plan 2024-2039 is not unsound;</i> <i>3. the term ‘unacceptable’, before ‘adverse impact’ is included, and should be retained, in Policies CSM8, CSM9, CSM10, CSW6, DM9, DM12, DM13 to acknowledge that in certain circumstances development may come forward where adverse impacts could occur. In terms of impacts on biodiversity, geodiversity and landscapes, impacts that are unacceptable are determined via the application of Policies DM2 and DM3. The term has been found sound in the examination of the adopted Kent Minerals and Waste Local Plan 2016 and its Early Partial Review in 2020.</i> <i>4. the term ‘so far as is practicable’ and ‘practicable’ used in policy CSM10 should be retained. Similarly, the term has been found sound in the examination of the adopted Kent Minerals and Waste Local Plan 2016 and its Early Partial Review in 2020.</i> 	No - written reps
LP22	Policy CSM 10: Oil, Gas and	Ebbsfleet Development	<p>Sound and legally compliant. At paragraph 5.10.5, it is questioned whether it is correct to limit to ‘adverse impact on <u>local</u> environment and communities’ given the nature of the works being discussed. It is not clear what the definition of ‘local’ is in this</p>	No – by written reps

	Unconventional Hydrocarbons Paragraphs 5.10.5 and Policy point 5	Corporation	context, so it is questioned whether adverse impacts should be considered on the wider area. The same comment applies to Policy CSM10 (point 4).	
LP44	CSM 11: Prospecting for Carboniferous Limestone	Natural England	The wording of the policy provides a lesser level of protection of biodiversity, habitats and the environment than that provided by the NPPF. Representation includes suggested changes to the text to address the issues raised. <i>N.B. Following receipt of the representation a Statement of Common Ground (SCG) has been agreed between Natural England and Kent County Council. Amongst other matters this SCG confirms the following:</i> <i>1. All the matters raised in the representation made by Natural England were intended to improve the clarity of the Plan and not raise matters of soundness; and,</i> <i>2. the Regulation 19 Kent Minerals and Waste Local Plan 2024-2039 is not unsound.</i> <i>3. In terms of impacts on biodiversity, geodiversity and landscapes, impacts that are unacceptable are determined via the application of Policies DM2 and DM3.</i>	No – by written reps
LP40	CSM 11: Prospecting for Carboniferous Limestone	Kent Wildlife Trust	The policy should include a clarifying statement which sets out that the granting of planning permission for drilling operations associated with the prospecting for underground limestone resources will be subject to the submission of ecological assessments and mitigation strategies to protect priority habitats and species.	No – by written reps
LP21	Policy CSM 12 Sustainable Transport of Minerals	Port of London Authority	Support amendments to policy CSM 12 (Sustainable Transport of Minerals) specifically the amendments in paragraph 5.12.1 for the increased recognition that minimising road transport where possible plays a significant role in promoting sustainable development, and that as part of achieving this it will be essential to encourage the sustainable transportation of minerals by rail and water wherever possible and to safeguard related infrastructure to enable this to take place.	No – by written reps (may wish to attend but not as active participant)
LP27	Policy CSM 12 Sustainable Transport of Minerals	Friends of Oaken Wood	5.12 'Sustainable transport of minerals' states that the council is 'aspiring to carbon neutrality and reducing harmful emissions'. Requests a change to ensure that the impact of transport should be calculated against the carbon impact specific to any new proposed site. Different habitats will have different levels of carbon sequestration. The removal of vegetation and trees and the disturbance of soil will have an immediate and long-term impact unique to the particular site. Any proposal to create a new quarry or extend an existing one on the grounds of not having to transport material in from outside Kent should have the proper carbon calculations made before a decision is reached. If this is already a part of the process the council should reference the relevant supporting document in the footnotes.	N/A
LP44	Policy CSM 12 Sustainable Transport of Minerals	Natural England	The wording of the policy is ambiguous and provides a lesser level of protection of biodiversity, habitats and the environment than that provided by the NPPF. Representation includes suggested changes to the text to address the issues raised. <i>N.B. Following receipt of the representation a Statement of Common Ground (SCG) has been agreed between Natural England and Kent County Council. Amongst other matters this SCG confirms the following:</i> <i>1. All the matters raised in the representation made by Natural England were intended to improve the clarity of the Plan and not raise matters of soundness; and,</i> <i>2. the Regulation 19 Kent Minerals and Waste Local Plan 2024-2039 is not unsound;</i> <i>3. In terms of impacts on biodiversity, geodiversity and landscapes, impacts that are unacceptable are determined via the application of Policies DM2 and DM3.</i>	No – by written reps
			6. Delivery Strategy for Waste	
LP18	6. Delivery Strategy for Waste	Environment Agency	The document stipulates the criteria for KCC to grant planning permissions for new and existing waste facilities. The requirement of obtaining the relevant environmental permits for such facilities, issued by the Environment Agency, is not mentioned. We recommend consideration is written into the document to consult the Environment Agency and other relevant bodies of proposed planning permissions for new and existing sites, as these sites will require the relevant environmental permits which may or may not be granted, dependant on the assessment of these applications.	N/A
LP17	6.2.4	Ebbsfleet Development Corporation Informal Officer Comments	6.2.4 'case by case' needs hyphens.	N/A

LP49	Policy CSW 1: Sustainable Development	Save Capel	Policy intention unclear as compliance with the NPPF is mandatory, so taking a 'positive approach' is meaningless.	Yes
LP48	Policy CSW 2: Waste Hierarchy	Waste Recycling Group (Central) Limited (Trading as FCC Environment UK Limited) and S W Attwood & Partners	<p>In order to make Policy CSW 9 sound an amendment to Policy CSW 2 and/ or to the reasoned justification preceding that policy is required to explain how the use of the term 'practicable' encompasses the principles of sustainability and recognises the need to balance the benefits of managing waste up the Waste Hierarchy against the disbenefits of hauling waste considerable distances.</p> <p>Without this amendment the Plan would be unsound as it would not be:</p> <ul style="list-style-type: none"> • Positively prepared (providing a strategy which, as a minimum, seeks to meet the areas needs); • 'Justified' (providing an appropriate strategy); or • 'Consistent with national policy' (not being in accordance with Paragraph 16 (d) of the NPPF which states that plans should contain policies that are clearly written and unambiguous, so it is evident how the decision should react to development proposals. 	Yes
LP51	Policy CSW 2: Waste Hierarchy and Policy CSW 3: Waste Reduction Paragraph 6.2.9	Ashford Borough Council	<p>The Council have previously expressed the view that new facilities to accommodate population growth and growing housing need should be planned for through the KM&W Local Plan process by the Waste Disposal Authority 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>KCC maintain that there is currently sufficient capacity for the management of waste in Kent and so there is insufficient justification to allocate any land for new waste management. KCC state that the need for delivering a new waste transfer facility is primarily associated with KCC's aspiration to improve transportation logistics. Although not related to capacity, KCC have nonetheless identified a need and the Council remain of the view that the KM&W Local Plan represents the opportunity to address this need.</p> <p>Addressing the identified need through the Local Plan would provide certainty to other plan makers that are required to take the issue of waste capacity into account and whom the plan suggests will be expected to contribute towards waste facilities, as stated in the Plan's supporting text (see para 6.2.9 of the pre-submission draft of the Local Plan). Paragraph 6.2.9 states that "financial contributions from applicants for development which will rely on the use of the Council's waste management service for the collection and management of waste (mainly that from households) will be sought to assist with the provision of related infrastructure".</p> <p>From the perspective of Ashford Borough Council, it remains difficult to see how it might seek to secure S106 payments for any future waste facility (assuming that funding towards waste infrastructure is justified, in principle) when the location, nature of the facility, phasing plan and cost assumptions for the infrastructure KCC say is needed are not set out at this point.</p>	N/A
LP17	CSW 3: Waste Reduction Paragraphs 6.3.1 and 6.3.2	Ebbsfleet Development Corporation Informal Officer Comments	Clarification and grammatical point relating to Policy CSW3 , 6.3.1 and 6.3.2.	N/A
LP47	Policy CSW 4: Strategy for Waste Management Capacity Net Self-sufficiency and Waste Movements	QUOD on behalf of Otterpool Park LLP	<p>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.</p> <p>Page 91 of the Consultation Statement published at the same time as the Regulation 19 consultation, states that KCC consider there is sufficient capacity through consented facilities to meet current and future waste arisings. Paragraph 6.3.6 of the draft KMWLP, however states "...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. Over the plan period it is possible that significant development elsewhere in Kent may require the provision of additional waste management facilities."</p> <p>Therefore, 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).</p>	N/A

			<p>KCC should not rely on waste facilities providing capacity if they have not been delivered within five years of being granted consent. 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> <p>Page 91 of the Consultation Statement published at the same time as the Regulation 19 consultation states that KCC is concerned that if consented waste management capacity that has been lawfully implemented is not considered as part of the Council's waste treatment capacity, it could be subject to legal challenge. Amendments to make clear the specific circumstances whereby sites with planning permission that are not operational within 5 years of planning consent should no longer be factored into the KCC's waste capacity would address this.</p> <p>The Plan's reliance on the capacity of sites which are no longer coming forward would render it unsound.</p>	
LP49	Policy CSW 4: Strategy for Waste Management Capacity Net Self-sufficiency and Waste Movements	Save Capel	See comments on Waste Strategy above. This Policy includes a flat level of 2% for landfill which appears inconsistent with the strategy.	Yes
LP57	Policy CSW 4: Strategy for Waste Management Capacity Net Self-sufficiency and Waste Movements	Resident	<p>Legally compliant, not sound due to not being consistent with national policy.</p> <p><u>Waste from reed beds and other sites created to mitigate nutrient neutrality in the Stour catchment area.</u> There are a number of schemes in the Stour catchment area which are intended to mitigate nutrient neutrality in the River Stour and Stodmarsh nature reserve. These include large reed beds which filter water pumped from the river. However, these schemes will generate two new waste streams:</p> <ol style="list-style-type: none"> The reeds will need to be cut periodically and removed from site. These cannot be composted and returned to a site within the Stour catchment area as this adds to the nutrient load. The sediment which will build up in the reed beds will contain various pollutants such as metals, microplastics, and other chemicals precipitated out of the water. The sediment will need to be dredged and removed from site periodically. This waste will therefore need to be transported to a suitable landfill site. <p>To be sound the Plan should include in Policy CSW 4 and elsewhere as required assessment of the volumes of waste arising from nutrient neutrality mitigation schemes and assessment of how this waste should be disposed of.</p>	No – by written reps
LP26	Policy CSW 4: Strategy for Waste Management Capacity Net Self-sufficiency and Waste Movements Paragraph 6.3.5	Bean Residents Association	The Plan should be specific about the provision of additional household waste recycling centre(s) needed to manage household waste arising from new housing development at Ebbsfleet Garden City.	No – by written reps
LP48	Policy CSW 5: Strategic Site for Waste Management	Waste Recycling Group (Central) Limited (Trading as FCC Environment UK Limited) and S W Attwood & Partners	<p>The deletion of Policy CSW 5 Strategic Site for Waste Management and the associated deallocation of Norwood Quarry and Landfill ('the Site'), planning applications for the management of hazardous waste can no longer rely on the support of a site allocation and instead would be determined principally against policies CSW 9 and CSW 12 (CSW 2 is referenced within CSW 9 and is also relevant). This renders the Plan unsound.</p> <p>The principal objectives of Government policy on sustainable waste management are to movement of waste up the 'Waste Hierarchy', in that the Waste Hierarchy ranks waste management options. The Waste Hierarchy has five levels, regardless of the proportions of waste managed within each level, and landfill forms an integral part of it. It is embodied in waste policy and</p>	Yes

			<p>strategy that appropriate provision needs be made for each of the levels, including safe and effective disposal for those wastes which cannot be managed higher up the Waste Hierarchy will have to remain at a lower level, and this includes landfill.</p> <p>In terms of hazardous wastes Norwood Site currently accepts approximately 10,000-15,000 tonnes of hazardous residues from the Allington EfW facility. Following the Permit variation, it is forecasted that an approximate additional 12,000tpa of hazardous BBA would be available to be accepted from the MVV facility. Roughly doubling the inputs to the site.</p> <p>The material from the MVV facility is currently hauled a considerable distance to be disposed of. Based on the current remaining void at the Norwood Site of circa 158,000m³ , and projected inputs of 22,000tpa (or 21,359m³ at 1.03t / m³), all remaining void would be filled within circa 7-8 years.</p> <p>This does not take into consideration other sources of waste which may be accepted at the site, such as when additional EfW capacity comes online and demand for outlets for hazardous waste residues increases. It is considered that by 2030/2031, there will be no hazardous landfill capacity (for EfW residues) remaining in Kent and, in the current Draft Plan, no specific provision made by the Council to deliver any. Accordingly, there would be 8-9 years of the Plan period (20124-39) with no permitted or allocated voidspace. The Council has not provided any evidence to refute FCC's position that there will be a continued need for hazardous waste landfill capacity over the Plan period.</p> <p>The National Planning Policy for Waste (NPPW) at Paragraph 3 states that:</p> <p><i>"...waste planning authorities should prepare Local Plans which identify sufficient opportunities to meet the identified needs of their area for the management of waste streams" and "consider the need for additional waste management capacity of more than local significance and reflect any requirement for waste management facilities identified nationally".</i></p> <p>At Paragraph 4 of the NPPW it is stated that:</p> <p><i>"Waste Planning Authorities should identify, in their Local Plans, sites and/or areas for new or enhanced waste management facilities in appropriate locations."</i></p> <p>Having established that there is a need for additional hazardous waste capacity during the Plan period, the current Regulation 19 Draft Plan, by not allocating sites and/ or areas, is inconsistent with the policies of the NPPW. Therefore, having regard to the test at Paragraph 35 (d) of the NPPF, the current Plan is unsound. Policy CSW 5 needs to be re-inserted in order for the Plan to be sound as the current deletion negates a full understanding of the NPPW policy to ensure that sustainable waste management as expressed by the waste hierarchy is fully respected.</p>	
LP49	Policy CSW 5: Strategic Site for Waste Management	Save Capel	Notes the proposed deletion of this policy but considers that the remaining polices should be re-numbered for the clarity and effectiveness of the Plan, as above for policy CSM 3.	Yes
LP21	Policy CSW 6: Location of Built Waste Management Facilities	Port of London Authority	With regard to policy CSW 6 (Location of Built Waste Management Facilities). Support the amendment in part C of the policy 6.5.7 that planning permission will be granted for proposals that, amongst other items are well located in relation to Kent's Key Arterial Routes, and/or railheads and wharves.	No – by written reps (may wish to attend but not as active participant)
LP28	Policy CSW 6; Location of Built Waste Management Facilities	National Highways	Section c of the policy should refer to ' strategic ' as well as local roads, in order to be consistent with the expectations of national policy (01/2022).	N/A
LP44	Policy CSW 6: Location of Built Waste Management	Natural England	<p>The wording of the policy is ambiguous and provides a lesser level of protection of biodiversity, habitats and the environment than that provided by the NPPF. Representation includes suggested changes to the text to address the issues raised.</p> <p><i>N.B. Following receipt of the representation a Statement of Common Ground (SCG) has been agreed between Natural England</i></p>	No – by written reps

	Facilities		<p>and Kent County Council. Amongst other matters this SCG confirms the following:</p> <ol style="list-style-type: none"> 1. All the matters raised in the representation made by Natural England were intended to improve the clarity of the Plan and not raise matters of soundness; and, 2. the Regulation 19 Kent Minerals and Waste Local Plan 2024-2039 is not unsound; 3. the term 'unacceptable', before 'adverse impact' is included, and should be retained, in Policies CSM8, CSM9, CSM10, CSW6, DM9, DM12, DM13 to acknowledge that in certain circumstances development may come forward where adverse impacts could occur. In terms of impacts on biodiversity, geodiversity and landscapes, impacts that are unacceptable are determined via the application of Policies DM2 and DM3. The term has been found sound in the examination of the adopted Kent Minerals and Waste Local Plan 2016 and its Early Partial Review in 2020. 	
LP17	CSW 6: Location of Built Waste Management Facilities 6.8.2, 6.8.3 & 6.8.4 & 6.8.5	Ebbsfleet Development Corporation Informal Officer Comments	Grammar suggestions to CSW6 and .8.2, 6.8.3 & 6.8.5	N/A
LP22	Policy CSW 8: Other Recovery Facilities for Non-hazardous Waste - Paragraphs 6.8.2 (e) and (f)	Ebbsfleet Development Corporation	<p>Sound and legally compliant.</p> <p>At paragraph 6.8.2 (e) and (f) require the provision of findings and records to 'the Council', but '<i>the Council</i>' is not within the definitions of the LP and it is queried whether references to 'the Council' intended to mean the LPA for the area. Relevant to this, EDC is an LPA but not a council.</p>	No - by written reps.
LP40	Policy CSW 8: Other Recovery Facilities for Non-hazardous Waste	Kent Wildlife Trust	The wording of the policy should be amended to refer to the need to avoid impacting on designated nature conservation sites.	No - by written reps.
LP20	6.6 Identifying Sites for Household Waste Recycling Centres	Maidstone Green Party	Consideration is needed of the accessibility of Household Waste Recycling Centres e.g. people without cars and the appropriate level provision of such sites.	N/A
LP17	CSW 8: Other Recovery Facilities for Non-hazardous Waste CSW 9: Non-inert Waste Landfill in Kent 6.9.1 & 7.7.1	Ebbsfleet Development Corporation Informal Officer Comments	Grammar suggestions and minor clarification for CSW8 b), CSW8 e, para 6.9.1, CSW9 and para 7.1.1.	N/A
LP40	Policy CSW 9: Non Inert Waste Landfill in Kent	Kent Wildlife Trust	The general wording should be strengthened to ensure that environmental impacts are avoided or fully mitigated, in line with the mitigation hierarchy, and that any proposals brought forward within the plan period deliver environmental benefits.	No – by written reps
LP48	Policy CSW 9: Non Inert Waste Landfill in Kent	Waste Recycling Group (Central) Limited (Trading as FCC Environment UK	<p>The current wording of Policy CSW 9, make the Plan unsound when considered against the tests in the NPPF.</p> <p>The reasoned justification for Policy CSW 9 (para. 6.9.3) explains the Council's position that additional landfill capacity will only be considered acceptable if it is demonstrated that suitable alternative management capacity is not available. The reasoning for</p>	Yes

		Limited) and S W Attwood & Partners	<p>this is to ensure that the availability of such capacity is kept to a minimum to discourage the management of waste at the bottom of the hierarchy.</p> <p>Policy CSW 9 stipulates that planning permission will only be granted for non-inert landfill (confirmed at the footnote that this includes hazardous waste landfill) where it can be demonstrated, in a waste hierarchy statement, that the waste stream cannot be managed in accordance with the objectives of Policy CSW 2 and no alternative suitable capacity for its management exists. Policy CSW 2 requires a demonstration that the waste will be managed at the highest level of Waste Hierarchy 'practicable'. If the reference in Policy CSW 2 to 'practicable' encompasses the principles of sustainability and recognises the need to balance the benefits of managing waste up the Waste Hierarchy against the disbenefits of hauling waste considerable distances, then there would be no in principle objection to the thrust of Policy CSW 9. An amendment to Policy CSW 2 and/ or to the reasoned justification preceding that policy will be required to explain this.</p> <p>Furthermore, the inclusion within criterion 1 of Policy CSW 9 to 'alternative suitable capacity for its management exists' is superfluous and potentially at odds with the reference to practicability (subject to the amendment proposed above) in Policy CSW 2 and should be deleted. Without this amendment the Plan would be unsound as it would not be:</p> <ul style="list-style-type: none"> • Positively prepared (providing a strategy which, as a minimum, seeks to meet the areas needs); • 'Justified' (providing an appropriate strategy); or • 'Consistent with national policy' (not being in accordance with Paragraph 16 (d) of the NPPF which states that plans should contain policies that are clearly written and unambiguous, so it is evident how the decision should react to development proposals. 	
LP49	Policy CSW 11: Permanent Deposit of Inert Waste	Save Capel	Concerned that this policy (a) opens the door for the importation of material to previously worked sites and wishes to see the inclusion of "where access does not impact the highway, traffic congestion, or residential amenity and is consistent with other policies in the Plan".	Yes
LP48	Policy CSW 12: Hazardous Waste Management	Waste Recycling Group (Central) Limited (Trading as FCC Environment UK Limited) and S W Attwood & Partners	<p>Paragraph 6.12.3 states that hazardous waste management capacity can be addressed through Policy CSW 12 should it be required. Paragraph 6.12.4 indicates that proposals for future provision for landfill capacity for hazardous residues from air pollution control will be considered against other policies of the Plan including CSW 9.</p> <p>Policy CSW 12 confirms that proposals for hazardous landfill sites will be considered against Policy CSW 9. This is ambiguous.</p>	Yes
LP21	Policy CSW 14: Disposal of Dredgings Paragraph 6.14.1	Port of London Authority	<p>Legally compliant, not sound due to not being effective.</p> <p>In order to ensure the Kent Minerals and Waste Plan is fully up to date at the time of adoption, it is considered that paragraph 6.14.1 is updated to reflect that the Port of London Authority (PLA) completed its review of its 'vision for the Tidal Thames (The Thames Vision)' in 2022.</p> <p>Proposed that paragraph 6.14.1 is updated to the following:</p> <p>"Retaining the navigable channels within the estuaries within Kent is the statutory duty of the Port of London Authority (PLA) and the Medway Ports Authority. When the dredged materials do not consist of aggregates or cannot be accommodated within projects to enhance the biodiversity of the estuaries, then landfill is the only option currently available. The PLA completed a review of its is reviewing its 'Vision for the Tidal Thames (The Thames Vision)' in 2022 2024 which sets out future priorities for the Tidal Thames around three themes 'Trading', 'Destination' and 'Natural' Thames. Any sites that would require planning permission for the disposal of dredged materials to land will be considered against the policies of the Plan as a whole. Specifically, Policy CSW 14 should ensure that such waste development would be the most sustainable option for the management of this material and that it affords increased opportunities for enhanced biodiversity in the Kent estuaries."</p> <p>It is then considered that a link to the updated Thames Vision is also to the Plan as an associated footnote. https://thamesvision.pla.co.uk/</p>	No – by written reps (may wish to attend but not as active participant)
LP18	Policy CSW 14:	Environment Agency	Section 6.14.1 of the document states " <i>When the dredged materials do not consist of aggregates or cannot be accommodated</i>	N/A

	Disposal of Dredgings Paragraph 6.14.1		<p><i>within projects to enhance the biodiversity of the estuaries, then landfill is the only option currently available.”</i></p> <p>The EA advises that dredging spoils consisting of soil and plant matter can be deposited and used under the conditions of the D1, U1, U10 and U11 waste exemptions. Please see guidance: D1 waste exemption: depositing waste from dredging inland waters - GOV.UK (www.gov.uk), U1 waste exemption: use of waste in construction - GOV.UK (www.gov.uk), U10 waste exemption: spreading waste to benefit agricultural land - creating a better place for people and wildlife.</p> <p>GOV.UK (www.gov.uk), U11 waste exemption: spreading waste on non-agricultural land - GOV.UK (www.gov.uk).</p>	
LP57	Policy CSW 15: Wastewater Development	Resident	<p>Legally compliant, not sound due to not being consistent with national policy.</p> <p>Several large housing developments are proposing to use “package” wastewater treatment plant, and not connect to the main sewerage network. Packaged treatment plants discharge treated wastewater into local watercourses. Although cleaned, the treated water includes residues such as phosphorous, and increases the chemical oxygen demand in the watercourse to which it is discharged. Further, the large volume of treated water discharged (estimate 100 tonnes per day from an estate of 300 houses) will have a physically destructive effect on the relatively small watercourses to which it is discharged.</p> <p>Both of these are in effect new waste streams which require proper regulation through policies.</p> <p>To be sound the Plan should include in Policy CSW 15 and elsewhere as required assessment of the nature of the waste streams generated by packaged wastewater treatment plants, including the residues contained in the treated wastewater and the environmental impact of significant volumes of treated wastewater being discharged into local water courses.</p>	No – by written reps
LP43	Policy CSW 15: Wastewater Development Paragraph 6.15.2	Kent County Council Lead Local Flood Authority	<p>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 in line 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).</p>	N/A
LP47	Policy CSW 16: Safeguarding of Existing Waste Management Facilities	QUOD on behalf of Otterpool Park LLP	<p>It is not appropriate for the Plan’s policy to prevent non-waste uses on sites in perpetuity where waste facilities have been granted permission (and not brought forward) 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> <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. Suggested amendment to state:</p> <p><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></p> <p>(a 10-year period is acceptable rather than 5 years if KCC considered that to be more appropriate).</p> <p>In order to maintain consistency footnote 114 of draft Policy CSW 16 should be amended to state:</p> <p><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></p> <p>(a 10-year period is acceptable rather than 5 years if KCC considered that to be more appropriate).</p>	N/A
LP50	Policy CSW 16: Safeguarding of Existing Waste Management Facilities	Folkestone and Hythe District Council	<p>Given the District’s comments regarding Otterpool (set out further in the summary table below) the district council considers that amendments should be made to policies CSW16 and DM8 to allow the Minerals Planning Authority to consider exceptions for cases where a consented and/or allocated site has not been brought forward. The district council suggests the following amendments (additional text underlined):</p> <p>Policy CSW 16 – Safeguarding of Existing Waste Management Facilities (first paragraph) “Capacity at sites with permanent planning permission for waste management is safeguarded from being developed for non-waste management uses, <u>where the Waste Planning Authority has evidence of active developer interest in developing the site for the consented waste management use(s) within the plan period.</u>”</p> <p>The district council considers that the emerging Kent Minerals and Waste Local Plan should not protect waste management facilities which cannot reasonably be relied on to come forward during the plan period and requests that the above amendments</p>	N/A

			are agreed through a Statement of Common Ground between the councils, so that the objectives of both the county and district council can be achieved.	
LP24	6.17 Radioactive Waste Management	Nuclear Decommissioning Authority (NDA) and Nuclear Restoration Services (NRS)	<p>This part of the draft Kent Minerals and Waste Local Plan 2024-39 is legally compliant with government guidance for the purposes of Section 19(2)(a) of the Planning and Compulsory Purchase Act (2004) in the preparation of local development plan documents: “2. <i>In preparing a local development document the local planning authority must have regard to— (a) national policies and advice contained in guidance issued by the Secretary of State.</i>”</p> <p>This includes being in alignment with the Government’s published Civil Nuclear Roadmap, that sets out the pathway to a UK resurgence in civil nuclear, covering both the long-term strategy and the near-term enabling policies the Government are pursuing. The Roadmap seeks to demonstrate how nuclear power can and will contribute to the government’s push to reach net zero by 2050 and, in so doing, to strengthen the UK’s energy security. The Roadmap includes a commitment to publish an updated UK wide policy framework for nuclear decommissioning and managing radioactive substances, including radioactive waste in Spring 2024.</p>	Yes
LP18	6.17 Radioactive Waste Management	Environment Agency	The radioactive waste document is much better than previously. Views provided on how Intermediate Level Radioactive Waste (ILW) will be managed - some ILW will be stored in another Intermediate Storage Facility once processed e.g. ILW pond skips. There has been no interest expressed by anybody for taking waste to a near surface on-site facility for disposal.	N/A
LP24	6.18 Radioactive Waste Management at the Dungeness Nuclear Licensed Sites	Nuclear Decommissioning Authority (NDA) and Nuclear Restoration Services (NRS)	This part of the draft Kent Minerals and Waste Local Plan 2024-39 is legally compliant with government guidance for the purposes of Section 19(2)(a) of the Planning and Compulsory Purchase Act (2004) in the preparation of local development plan documents: “2. <i>In preparing a local development document the local planning authority must have regard to— (a) national policies and advice contained in guidance issued by the Secretary of State.</i> ”	Yes
LP24	Policy CSW 17: Waste Management at the Dungeness Nuclear Licensed Sites	Nuclear Decommissioning Authority (NDA) and Nuclear Restoration Services (NRS)	<p>Supportive of the policy.</p> <p>The Radioactive Waste Topic Paper broadly supportive of subject to some minor amendments being made.</p>	Yes
LP37	Policy CSW17: Waste Management at the Dungeness Nuclear Licensed Sites	Campaign to Protect Rural England (CPRE)	<p>Welcome the amendments made to the policy text in recognition of our previously raised comments seeking confirmation that the Dungeness site is no longer being considered for a geological disposal facility.</p> <p>Our overriding concern however remains that Policy CSW 17 permits development of a low-level radioactive landfill anywhere within the Nuclear Estate, albeit subject to planning permission. As previously stated, the soils on the site are highly permeable. Climate change will increase tidal levels. Consequently, ground water levels will be 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 Dungeness, Romney Marsh and Rye Bay Ramsar site, Dungeness Special Area of Conservation (SAC), and Dungeness, Romney Marsh and Rye Bay Special Protection Area (SPA), which are protected by the Conservation of Habitats and Species Regulations 2017 (as amended).</p> <p>We recognise that 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; and has concluded that there will be no adverse effect. It is however notable that this was challenged by Natural England.</p> <p>It therefore remains our over-riding view that low-level radioactive landfill anywhere within the Nuclear Estate should be resisted. If, however, it is to be permitted, more detail is required on this at this plan making stage, including potential disposal locations within the estate. This should not be delegated to the planning application stage. Soundness Reason: This is to ensure the plan is positively prepared.</p>	Don’t know - CPRE will review KCCs response to comments & others within consultation statement & map wish to make further reps as part of examination process
7. Development Management Policies				
LP20	Policy DM 1: Sustainable	Maidstone Green Party	7.1 Sustainable design policies should: not just minimise greenhouse gases but should be carbon neutral; they should be considered within the overall carbon budget as defined by the Tyndall Research Centre; and they should demonstrate 20% BNG.	N/A

	Design			
LP22	Policy DM 1: Sustainable Design	Ebbsfleet Development Corporation	<p>Sound and legally compliant.</p> <p>1. EDC support inclusion of a requirement in Policy DM1 for development proposals to demonstrate how it will achieve a BREEAM 'Very Good' rating.</p> <p>2. Paragraph 7.1.4, states that '<i>Planning applications should therefore include details of how soil disturbance is to be minimised</i>' but this requirement does not translate across into the policy wording for DM1.</p>	No – by written reps
LP44	Policy DM 1: Sustainable Design	Natural England	<p>The wording of the policy provides a lesser level of protection of Best and Most Versatile Agricultural Land than that provided by the NPPF. Representation includes suggested changes to the text to address the issues raised.</p> <p><i>N.B. Following receipt of the representation a Statement of Common Ground (SCG) has been agreed between Natural England and Kent County Council. Amongst other matters this SCG confirms the following:</i></p> <p>1. All the matters raised in the representation made by Natural England were intended to improve the clarity of the Plan and not raise matters of soundness; and,</p> <p>2. the Regulation 19 Kent Minerals and Waste Local Plan 2024-2039 is not unsound.</p>	No – by written reps
LP49	Policy DM 1: Sustainable Design	Save Capel	Supports policy wording could be improved as term "best practice" is unclear.	Yes
LP07	Policy DM 2: Environmental and Landscape Sites of International, National and Local Importance	Tonbridge and Malling Borough Council	<p>Whole plan - legally complaint & sound.</p> <p>TMBC acknowledge the changes to the policies and supporting text in the draft Pre-Submission KMWLP and raise no objection to them. However, recommend the following informative points are addressed/included within the Plan prior to its submission for examination in public;</p> <p><u>National Landscapes</u></p> <p>Throughout the Plan, reference is made to Areas of Outstanding Natural Beauty [AONB's] especially within policy DM2. KCC are reminded that from November 2023 these were rebranded as National Landscapes which should be reflected within the policies and text.</p> <p>Following a change to the Levelling Up and Regeneration Act (2023), the duty placed on public bodies and statutory undertakers has now shifted to an active duty whereby a relevant authority must seek to further the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty. In this respect, it is unclear how the KMWLP seeks to achieve this new duty.</p> <p><u>Biodiversity Net Gain (BNG)</u></p> <p>TMBC is pleased to see policies targeting Biodiversity Net Gain (BNG). However, there does not appear to be any hierarchy for contributions where it is considered it would be helpful if the KMWLP policies set out a clear BNG hierarchy to follow with 'on site' being the priority.</p> <p>TMBC acknowledge the draft Pre-Submission KMWLP. It is considered that the Plan does not 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 and support the Plan as a whole but recommended that further consideration be given in light of the comments cited above.</p>	No – by written reps
LP20	Policy DM 2: Environmental and Landscape Sites of International, National and Local Importance	Maidstone Green Party	<p>Policy DM2 suggests that mineral sites will not be agreed on "ancient woodland and ancient or veteran trees will not be granted planning permission or identified in updates to the Minerals Sites Plan and any Waste Sites Plan unless the need for, and the benefits of the development in that location clearly outweigh any loss, justified by wholly exceptional reasons, and a suitable compensation strategy is in place."</p> <p>Given that ancient woodland takes 400 years to achieve, i.e. it is irreplaceable (as stated by the NPPF) it is difficult to understand why KCC think there is a potential for a "suitable compensation strategy". In particular soil relocation has been shown to be pointless and ineffective.</p>	N/A
LP55	Policy DM 2: Environmental	Kent Downs National Landscape Unit	On 22 November 2023, all AONBs in England were renamed National Landscapes, although for legal purposes they remain Areas of Outstanding Natural Beauty. In order to align with the rebranding, we would request that the recent name change of	N/A

	and Landscape Sites of International, National and Local Importance	(formerly AONB)	AONBs is reflected as appropriate within future iterations of the Plan. We note that in some circumstances it may be considered more appropriate by KCC to retain reference to AONB over National Landscape, given the current retention of this term in legislation and national policy, especially where this is a generic reference. We would request however that as a minimum, the new term is applied in any direct reference to either the High Weald National Landscape or Kent Downs National Landscape. References to AONBs are included at 2.2.1, Strategic Objectives 9 and 15 on page 56, 5.2.35 and 7.2.2.	
LP37	Policy DM 2: Environmental and Landscape Sites of International, National and Local Importance	Campaign to Protect Rural England (CPRE)	<p>Throughout the plan, there are mentions of Areas of Outstanding Natural Beauty (AONBs), particularly within policy DM2. It is noted that as of November 2023, these areas have been rebranded as National Landscapes. Hence, it is expected that this change should be reflected in the policies and text.</p> <p>With the recent amendment to the Levelling Up and Regeneration Act (2023), the obligation imposed on public bodies and statutory undertakers has transitioned to an active duty. Now, relevant authorities are required to actively pursue the conservation and enhancement of the natural beauty of these areas. However, it remains unclear how the plan intends to fulfil this new duty.</p> <p>Soundness Reason: This is to ensure the plan is positively prepared and consistent with national legislation.</p>	Don't know - CPRE will review KCCs response to comments & others within consultation statement & map wish to make further reps as part of examination process
LP40	Policy DM 2 Environmental and Landscape Sites of International, National and Local Importance	Kent Wildlife Trust	<p>Policy DM2: Should be amended to ensure that any minerals and/or waste proposals that would lead to the damage or loss of an irreplaceable habitat are either avoided or, if the need is judged to be overriding, then compensated for. There is no appropriate mitigation for the loss of irreplaceable habitats and reference to this should be made within the policy. 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 the loss of an irreplaceable habitat. Where ancient woodland is to be replaced by new woodland, the compensation measures should aim to create thirty hectares of new woodland for every hectare lost.</p> <p>Further wording within the Policy is sought to ensure suitable buffers where sites are close to ancient woodland. Sites adjacent to ancient woodland a minimum fifty metre buffer should be maintained, unless the applicant can demonstrate very clearly how a smaller buffer would suffice. A larger buffer may be required for some operations.</p> <p>The policy should be amended and strengthened as follows:</p> <p><i>After "Minerals and/or waste proposals located within or considered likely to have any unacceptable adverse impact on irreplaceable habitat such as Ancient Woodland and ancient or veteran trees will not be granted planning permission or identified in updates to the Minerals Sites Plan and any Waste Sites 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." 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, unless the applicant can demonstrate very clearly how a smaller buffer would suffice.</i></p>	No – by written reps.
LP44	Policy DM 2: Environmental and Landscape Sites of International, National and Local Importance	Natural England	<p>The wording of the policy is ambiguous and provides a lesser level of protection of biodiversity, habitats, landscapes and the environment than that provided by the NPPF. Representation includes suggested changes to the text to address the issues raised.</p> <p><i>N.B. Following receipt of the representation a Statement of Common Ground (SCG) has been agreed between Natural England and Kent County Council. Amongst other matters this SCG confirms the following:</i></p> <ol style="list-style-type: none"> <i>1. All the matters raised in the representation made by Natural England were intended to improve the clarity of the Plan and not raise matters of soundness; and,</i> <i>2. the Regulation 19 Kent Minerals and Waste Local Plan 2024-2039 is not unsound;</i> <i>3. regarding improvements to the clarity of Policy DM2 changes that could be proposed to the text are included in the SCG if these are considered necessary.</i> 	No – by written reps
LP35	Policy DM3: Ecological Impact Assessment	Gravesham Borough Council	The policy wording currently doesn't appear to align with the statutory approach of ensuring the delivery of measurable biodiversity gains using the statutory Biodiversity Metric or using the Biodiversity Gain Hierarchy to ensure biodiversity gains are directed on site in the first instance. In response to our earlier comment on the point of onsite BNG delivery (see consultation statement), amended wording stating that the delivery of gains on site had been included in the Local Plan, but this wording has subsequently been taken out in the latest version and it is unclear why.	N/A

			The Council accepts that the detailed approach to securing BNG could be addressed in separate guidance (paragraph 7.2.45) as appears to be the intention in the supporting text. However, the scope of the proposed guidance is unclear and there is no requirement for BNG to be delivered in accordance with the supplementary guidance (once adopted) in the policy wording and therefore the future status of this document is unknown.	
LP37	Policy DM3: Ecological Impact Assessment	Campaign to Protect Rural England (CPRE)	<p>It is extremely disappointing that policy DM3 only refers to the now mandatory minimum requirement of sites delivering 10% biodiversity net gain (BNG). It is our view that this plan should be supporting the KCC led (via the Kent Nature Partnership) promotion of a 20% BNG target across Kent. Notwithstanding the recent changes to Planning Policy Guidance, it remains that a higher than 10% BNG requirement can be imposed where local evidence justifies such an approach.</p> <p>KCC's own evidence provides such justification within the KNP topic paper "Justification for a Biodiversity Net Gain target of 20% in Kent1". It is also the case that KCC (with funding support from Natural England) has already commissioned this strategic viability assessment of BNG in Kent to assist the county's planning authorities to understand whether targeting a higher BNG than the statutory minimum of 10% is potentially viable in the county.</p> <p>LPA's across Kent have relied upon this evidence in seeking to justify higher than mandatory minimum BNG requirements. This approach now needs to be strongly supported at the County level if it is to survive the recent updates to the Planning Policy Guidance</p> <p>Soundness Reason: This is to ensure the plan is positively prepared and in general conformity with adopted District and Borough Local Plans.</p>	Don't know - CPRE will review KCCs response to comments & others within consultation statement & map wish to make further reps as part of examination process
LP44	Policy DM3: Ecological Impact Assessment	Natural England	<p>The wording of the policy is ambiguous and provides a lesser level of protection of biodiversity, habitats, and the environment than that provided by the NPPF. Representation includes suggested changes to the text to address the issues raised.</p> <p><i>N.B. Following receipt of the representation a Statement of Common Ground (SCG) has been agreed between Natural England and Kent County Council. Amongst other matters this SCG confirms the following:</i></p> <ol style="list-style-type: none"> <i>1. All the matters raised in the representation made by Natural England were intended to improve the clarity of the Plan and not raise matters of soundness; and,</i> <i>2. the Regulation 19 Kent Minerals and Waste Local Plan 2024-2039 is not unsound;</i> <i>3. regarding improvements to the clarity of Policy DM3 changes that could be proposed to the text are included in the SCG if these are considered necessary.</i> 	No – by written reps
LP49	Policy DM3: Ecological Impact Assessment	Save Capel	Welcomes the strengthening of policy, recognising that biodiversity net gain should be maximised for all developments, in line with the statutory target of at least 10% biodiversity net gain. Suggest policy be improved further in line with the Kent Nature Partnership Strategy of at least 20% to be achieved.	Yes
LP25	Policy DM 2: Environmental and Landscape Sites of International, National and Local Importance and Policy DM3: Ecological Impact Assessment	Keep Kent Green	<p>Encouraged and pleased to see that the draft Plan has considered further policies from its previous plan. Particularly the addition to Policy DM2, Policy DM 3 seeks to protect Kent's important biodiversity assets.</p> <p>Recognising Biodiversity net gain is maximised, while a statutory target of at least 10% biodiversity net gain for all development has been introduced, it is encouraging to note that the planner's ambitions are aligned with Kent Nature Partnership of at least 20% to be achieved.</p>	N/A
LP27	Policy DM 2: Environmental and Landscape Sites of International, National and Local	Friends of Oaken Wood	<p>7.2.5 The reason for including the statement 'Kent Nature Partnership expects at least 20% to be achieved' is unclear unless there is also confirmation that Kent County Council will be adopting this target as a requirement.</p> <p>7.2.5 'Separate guidance on the application of the biodiversity net gain requirements to minerals and waste developments as set out in Policy DM3 will be published.' No timescales are given. This risks a live plan being implemented without the means to soundly assess proposed sites.</p>	N/A

	Importance and Policy DM3: Ecological Impact Assessment		<p>Policy DM2 (P.118) states that mineral sites located in areas of 'ancient woodland and ancient or veteran trees will not be granted planning permission or identified in updates to the Minerals Sites Plan and any Waste Sites Plan unless the need for, and the benefits of the development in that location clearly outweigh any loss, justified by wholly exceptional reasons, and a suitable compensation strategy is in place.'</p> <p>The council must clearly define how it proposes to calculate the criteria for 'benefits', 'loss', 'wholly exceptional' and 'compensation' under this plan. Ancient woodland is defined as irreplaceable (as stated by the National Planning Policy Framework). Any possible 'compensation strategy' would therefore be inadequate. In particular, soil relocation has been documented to be ineffective. Restoration would be unachievable in the case of ancient woodland.</p>	
LP40	DM 3: Ecological Impact Assessment	Kent Wildlife Trust	<p>The wording of the policy should be amended so that there is a presumption against development within, or impacting on, statutory designated sites and irreplaceable habitats in a similar way to the wording of Policy DM 2. This amendment would bring the policy in line with NPPF which is clear that permission should only be granted in exceptional circumstances. Currently the wording of the policy implies that planning permission will be granted if any impacts to these sites and habitats are avoided, mitigated, or compensated for.</p> <p>It is advised that the policy is amended to provide the same level of comprehensive protection for priority habitats and Local Wildlife Sites that has been set out under Policy DM 2.</p> <p>The loss of irreplaceable habitats such as ancient woodland cannot be appropriately mitigated for under the Defra Biodiversity Net Gain Metric and instead bespoke compensation needs to be agreed with the planning authority. Where it is deemed that there is going to be unavoidable residual damage or loss to ancient woodland, the bespoke measures taken to compensate for this must be of a scale and quality commensurate with the 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. Consideration should also be given to in-combination or indirect impacts of a development. These types of impact, which can be significantly detrimental to habitats and species, are not addressed by the BNG Metric.</p> <p>The wording of the policy should be amended so that there is a presumption against development within, or impacting on, statutory designated sites and irreplaceable habitats. The policy should also be amended to provide the same level of comprehensive protection for priority habitats and Local Wildlife Sites that has been set out under Policy DM 2.</p> <p>The loss of irreplaceable habitats such as ancient woodland cannot be appropriately mitigated for under the Defra Biodiversity Net Gain Metric and instead bespoke compensation needs to be agreed with the planning authority. Where it is deemed that there is going to be unavoidable residual damage or loss to ancient woodland, the bespoke measures taken to compensate for this must be of a scale and quality commensurate with the 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>	No – by written reps.
LP22	Policy DM 4: Green Belt and Policy DM 5: Heritage Assets	Ebbsfleet Development Corporation	<p>Policy DM4 refers to 'as set out on national policy and the NPPF' but Policy DM5 is just 'as set out in national policy...' It is questioned whether these should be the same for consistency and noting that reference to 'national policy' incorporates the NPPF.</p>	No – by written reps.
LP49	Policy DM 4: Green Belt	Save Capel	<p>Policy intention unclear. Compliance with the NPPF is mandatory, so including 'considered in light of their potential impacts' is meaningless.</p>	Yes
LP17	7.1.3 DM4 DM9 DM14	Ebbsfleet Development Corporation Informal Officer Comments	<p>Presentational matters relating to paragraph 7.1.3, DM4, DM9 and DM14.</p>	N/A
LP22	Policy DM 7: Safeguarding Mineral Resources	Ebbsfleet Development Corporation	<p>It is noted that the consultation does not propose any changes 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, and support confirmation that KCC is committed to having a NPPF compliant approach to safeguarding.</p>	No – by written reps
LP30	Policy DM 7:	Mineral Products	<p>Legally compliant but not sound due to not being effective.</p>	Yes - speak at hearings

	Safeguarding Mineral Resources	Association	<p>The 'or' between each criterion means that developers only need demonstrate compliance with one criterion.</p> <p>Criterion 5 provides for the need for the development overriding mineral safeguarding. The risk is that developers will rely on this criterion alone without demonstrating that the mineral is not of economic value and extraction, including prior to development, is not practicable or viable.</p> <p>In order to ensure that the value of the mineral is assessed and the potential for extraction is considered, there should be 'and' between criteria 4 and 5 (and subsequent criteria 6 and 7).</p>	(MPA represents the minerals industry)
LP49	Policy DM 7: Safeguarding Mineral Resources	Save Capel	Aware of the emerging local plan at Tonbridge & Malling and has consulted on the Tunbridge Wells local plan which is undergoing examination. It would be helpful if this policy provided specific mapping as this is an important factor when considering LPA development plans, noting that reference is being made to the policies maps.	Yes
LP51	Policy DM 7: Safeguarding Mineral Resources	Ashford Borough Council	<p>The Council have previously commented on the scope of the KM&W Local Plan in terms of its ability to clarify KCC's position regarding mineral exemptions.</p> <p>The Council previously raised concerns about mineral exemptions at the time the Early Partial Review was prepared. The Council's concerns largely sought clarity from KCC about how 'exempt' site allocations were determined i.e. the previous Minerals and Waste Plan regime exempted all site allocations in LPA produced Local Plans, on the basis that the balance of importance between mineral extraction and the need for new housing and employment sites had already been taken into account through the plan making process. However, the changes to the related policy, introduced as part of their Early Partial Review, meant that this was no longer the case. Instead, the matter was proposed to be dealt with, and clarified, through revisions to a KCC produced SPD (now adopted).</p> <p>The position is still not addressed in the adopted SPD, instead it is addressed within Appendix 4 of KCC Annual Monitoring Report (AMR), the most recent of which is dated December 2023. Although this addition to the AMR is welcome, given that AMR's are published annually there is no guarantee that this information will be repeated in future versions of the document. For this reason, the Council remain of the opinion that the revised KM&W Local Plan could and should be used to clarify the position with regard to mineral exemptions and that this would help all those concerned particularly LPA Plan Makers.</p>	N/A
LP47	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 land-won mineral extraction which has not yet come forward. This should be stated as a specific example of exemption in the policy wording. The delivery of housing to meet the trajectory envisaged in the recently adopted FHDC Core Strategy Review (2022) should be taken into account (by the policy). 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 (Otterpool Garden Town) as a new garden settlement.</p> <p>It is suggested that further additional wording could be inserted into Policy DM 7 (beneath the list of seven exemption 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>	N/A
LP47	Policy DM8 Safeguarding Minerals Management, Transportation, Production and 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 safeguarded waste site which has not yet come forward within 5 years of consent being granted.</p> <p>Although there are some exemption criteria already listed in the policy, this should be stated as a specific example of exemption in the policy wording. Suggested amendments to follow the exemption criteria of the policy should read:</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</i></p>	N/A

			<p><i>years of the date of the planning permission.”</i></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>	
LP30	Policy DM8 Safeguarding Minerals Management, Transportation, Production and Waste Management Facilities	Mineral Products Association	<p>Legally compliant but not sound due to not being effective.</p> <p>Criterion 1 includes ‘changes of use’ which should not be exempt, as change of use from industrial to residential use, for example, could increase the sensitivity of the development and pose a constraint on the operation of the facility.</p> <p>The ‘or’ between each criterion means only one needs to be satisfied. Applicants would be likely to only demonstrate compliance with Criterion 6 which provides for the need for the development to override safeguarding. Given the importance of safeguarding set out in the NPPF and PPG this criterion should be applied to all development following demonstration that one or more of the other criteria are met.</p> <p>To be sound criteria 6 should be the final criterion with ‘and’ between the preceding criterion.</p>	Yes - speak at hearings (MPA represents the minerals industry)
LP50	Policy DM 8 Safeguarding Minerals Management, Transportation, Production and Waste Management Facilities	Folkestone and Hythe District Council	<p>Given the District’s comments regarding Otterpool (set out further in the summary table below) the District Council considers that amendments should be made to policies CSW16 and DM8 to allow the Minerals Planning Authority to consider exceptions for cases where a consented and/or allocated site has not been brought forward. It suggests the following amendments (additional text underlined):</p> <p>Policy DM8 - Safeguarding Minerals Management, Transportation Production and Waste Management Facilities (first paragraph) <i>“Planning permission will only be granted for development that is incompatible with safeguarded minerals management, transportation or waste management facilities <u>where there is evidence of active developer interest in developing the site for the safeguarded use(s) within the plan period and</u> where it is demonstrated that either: ...”</i></p> <p>The District Council considers that the emerging Kent Minerals and Waste Local Plan should not protect waste management facilities which cannot reasonably be relied on to come forward during the plan period and requests that the above amendments are agreed through a Statement of Common Ground between the councils, so that the objectives of both the county and district council can be achieved.</p>	N/A
LP44	DM9: Prior Extraction	Natural England	<p>The wording of the policy is ambiguous and provides a lesser level of protection of biodiversity, habitats and the environment than that provided by the NPPF. Representation includes suggested changes to the text to address the issues raised.</p> <p><i>N.B. Following receipt of the representation a Statement of Common Ground (SCG) has been agreed between Natural England and Kent County Council. Amongst other matters this SCG confirms the following:</i></p> <p><i>1. All the matters raised in the representation made by Natural England were intended to improve the clarity of the Plan and not raise matters of soundness; and,</i></p> <p><i>2. the Regulation 19 Kent Minerals and Waste Local Plan 2024-2039 is not unsound;</i></p> <p><i>3. the term ‘unacceptable’, before ‘adverse impact’ is included, and should be retained, in Policies CSM8, CSM9, CSM10, CSW6, DM9, DM12, DM13 to acknowledge that in certain circumstances development may come forward where adverse impacts could occur. In terms of impacts on biodiversity, geodiversity and landscapes, impacts that are unacceptable are determined via the application of Policies DM2 and DM3. The term has been found sound in the examination of the adopted Kent Minerals and Waste Local Plan 2016 and its Early Partial Review in 2020.</i></p>	No – by written reps
LP18	Policy DM 10: Water Environment Paragraph 7.8.4	Environment Agency	<p>The following text should be amended as follows:</p> <p>“7.8.4 To ensure compliance with the Water FD113 minerals and waste developments must not cause any unacceptable adverse impact on local water bodies. Applications for minerals and waste proposals within Source Protection Zones (SPZ) and Groundwater Vulnerability and Aquifer Designation areas must be accompanied by a hydrogeological and/or hydrological assessment(s) that investigate the potential present and future risks of unacceptable adverse impacts on the water environment associated with the proposed development and how these will be adequately mitigated to prevent such impacts. Waste operations are not usually considered compatible within SPZ1.”</p>	N/A

LP18	Policy DM 10: Water Environment	Environment Agency	The following text should be amended as follows: Policy DM10 Water Environment “All minerals and waste proposals must include measures to ensure the achievement of both no deterioration and improved ecological status of all waterbodies within the site and/or hydrologically or hydrogeologically connected to the site. Hydrogeological and/or hydrological assessment(s) will be required to demonstrate the effects of the proposed development on the water environment and how these may be mitigated to an acceptable level.”	N/A
LP43	Policy DM 10: Water Environment	Kent County Council Lead Local Flood Authority	Section 7.8 which deals with the Water Environment, does not specifically address surface water. As a result, a number of concerns and considerations are made to address the risk of flooding. Changes to policy wording are proposed to replace in areas prone to flooding (as shown in Figure 15) and elsewhere” with “exacerbate flood risk, both now and in the future (taking account of climate change recommended uplifts).” In addition, proposes 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. This should 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.	N/A
LP49	Policy DM 10: Water Environment	Save Capel	Welcomes strengthened policy but concerned that the proposed allocations for aggregate (see comments on CSM 2) would cause additional harm to the aquifer at Hartlake (SPZ) and refers to research carried out by KeepKentGreen (listed in full in representation). Combination of water quality testing, identification of contaminant sources, declining groundwater quality, health issues in nearby communities, and impacts on aquatic ecosystems provide substantial evidence of pollution in this location. In addition, in 2019 the EA discovered at Hammer Dyke (which is adjacent to the Moat Farm site and proposed processing areas) high levels of Mercury and its compounds as well high levels of Polybrominated Diphenyl (PBDE), and there is evidence linked with land disturbance as well as landfill sites. (Note: Stonecastle Landfill is in breach of permit – excess leachate and gas emissions). Considers that potential further harm would result from the proposed Stonecastle extensions and at Moat Farm (see comments on CSM 2 above). It therefore follows that the current and proposed extensions to extraction at Stonecastle would not be consistent with draft policy DM 10. Save Capel would expect to provide further evidence on these matters if required by the Inspector.	Yes
LP05	Policy DM 10: Water Environment	Resident	Concern raised regarding flooding, (sea, tidal and groundwater), especially the areas of Sandwich, Pegwell Bay, Ebbsfleet, Minster Marshes and up to Reculver. Particularly concerned about flooding around Thanet. The science I have researched is internationally available and has not been properly researched by KCC or its advisors. Various documentation appended to the representation. Legally compliant (yes) Sound (No). Positively prepared (Yes).	No
LP44	DM 12: Cumulative Impact	Natural England	The wording of the policy is ambiguous and provides a lesser level of protection of biodiversity, habitats and the environment than that provided by the NPPF. Representation includes suggested changes to the text to address the issues raised. <i>N.B. Following receipt of the representation a Statement of Common Ground (SCG) has been agreed between Natural England and Kent County Council. Amongst other matters this SCG confirms the following:</i> <i>1. All the matters raised in the representation made by Natural England were intended to improve the clarity of the Plan and not raise matters of soundness; and,</i> <i>2. the Regulation 19 Kent Minerals and Waste Local Plan 2024-2039 is not unsound;</i> <i>3. the term ‘unacceptable’, before ‘adverse impact’ is included, and should be retained, in Policies CSM8, CSM9, CSM10, CSW6, DM9, DM12, DM13 to acknowledge that in certain circumstances development may come forward where adverse impacts could occur. In terms of impacts on biodiversity, geodiversity and landscapes, impacts that are unacceptable are determined via the application of Policies DM2 and DM3. The term has been found sound in the examination of the adopted Kent Minerals and Waste Local Plan 2016 and its Early Partial Review in 2020.</i>	No – by written reps
LP28	Policy DM 13: Transportation of	National Highways	Section 2 of the policy should state: “... safely accommodate the traffic flows...” that would be generated to be consistent with the expectations of national policy (01/2022).	N/A

	Minerals and Waste			
LP42	Policy DM 13: Transportation of Minerals and Waste	Swale Borough Council	<p>Supportive of Policy DM13, especially where it states that “minerals and waste development will be required to demonstrate that emissions associated with road transport movements are minimised as far as practicable and by preference being given to non-road modes of transport.”</p> <p>We are also supportive of point 3 of Policy DM13 where it states that emission control and reduction measures, such as deployment of low emission vehicles and environmentally sustainable vehicle technologies, installation of electric vehicle charging points (where appropriate) and vehicle scheduling to avoid movements in peak hours should be used and that “particular emphasis will be given to such measures where development is proposed within an AQMA or in a location where impacts on an AQMA will result.” This is a particularly pertinent issue for Swale as there have historically been brickearth extraction sites in both Teynham and Newington and both of these settlements also have AQMAs and the HGVs would potentially have to travel through other AQMAs to reach the strategic road network.</p>	N/A
LP44	Policy DM 13: Transportation of Minerals and Waste	Natural England	<p>The wording of the policy is ambiguous and provides a lesser level of protection of biodiversity, habitats and the environment than that provided by the NPPF. Representation includes suggested changes to the text to address the issues raised.</p> <p><i>N.B. Following receipt of the representation a Statement of Common Ground (SCG) has been agreed between Natural England and Kent County Council. Amongst other matters this SCG confirms the following:</i></p> <ol style="list-style-type: none"> <i>1. All the matters raised in the representation made by Natural England were intended to improve the clarity of the Plan and not raise matters of soundness; and,</i> <i>2. the Regulation 19 Kent Minerals and Waste Local Plan 2024-2039 is not unsound;</i> <i>3. the term ‘unacceptable’, before ‘adverse impact’ is included, and should be retained, in Policies CSM8, CSM9, CSM10, CSW6, DM9, DM12, DM13 to acknowledge that in certain circumstances development may come forward where adverse impacts could occur. In terms of impacts on biodiversity, geodiversity and landscapes, impacts that are unacceptable are determined via the application of Policies DM2 and DM3. The term has been found sound in the examination of the adopted Kent Minerals and Waste Local Plan 2016 and its Early Partial Review in 2020.</i> <i>4. the term ‘so far as is practicable’ and ‘practicable’ used in policy DM13 should be retained. Similarly, the term has been found sound in the examination of the adopted Kent Minerals and Waste Local Plan 2016 and its Early Partial Review in 2020.</i> 	No – by written reps
LP15	Policy DM 14 Public Rights of Way	KCC PROW and Access Service	<ul style="list-style-type: none"> • “Satisfactory prior provisions for....diversion or stopping up” - text should include <i>by means of relevant legal event</i> to ensure any modification to a PROW route is legally correct. • Reference to “alternative route at restoration” – this is not needed as a path would either have been legally and permanently diverted prior to any operation or would be reinstated on previous alignment following a temporary diversion during operation. • “Opportunities are taken wherever possible to secure appropriate, improved access into and within the countryside” text should include <i>in accordance with the Rights of Way Improvement Plan 2018-28</i>. <p>Comments are made in reference to the following planning policy:</p> <ul style="list-style-type: none"> • National Planning Policy Framework (Dec. 23) para. 104: Planning policies and decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails. • National Planning Policy Framework (Dec. 23) para. 124: Planning policies and decisions should: a) encourage multiple benefits from both urban and rural land, including through mixed use schemes and taking opportunities to achieve net environmental gains such as developments that would enable new habitat creation or improve public access to the countryside. 	N/A
LP22	Policy DM 16: Information Required in Support of an Application Paragraphs	Ebbsfleet Development Corporation	<p>Sound and legally compliant.</p> <p>At paragraphs 7.14.5 to 7.14.8 reference to ‘European Sites’ is deleted and replaced with ‘Habitat Sites’ and then brackets for examples of such sites ‘(including SPAs, Ramsar sites ,and SACs and SSSIs that are sensitive to air quality)’. There appears to be an inconsistent approach to the definition of Habitat Sites through the document, which should be consistent and aligned with the NPPF definition. (NPPF definition does not include SSSIs.)</p>	No – by written reps

	7.14.5 to 7.14.8			
LP31	Policy DM 16: Information Required in Support of an Application	Tunbridge Wells Borough Council	<p>Legally compliant but not sound due to not being consistent with national policy.</p> <p>Previous TWBC Comments to Regulation 18 consultations: TWBC queries 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.</p> <p>TWBC's previous comments remain and this approach (with reference to the TWBC Local Plan) was supported by verbal comments from the TWBC Planning Inspector at the recent Examination in Public hearings on the TWBC Submission Local Plan. TWBC therefore considers that it is likely this policy will have negative implications on the test of soundness for the KMWLP and that it should be removed.</p> <p>TWBC would advise that instead, KCC adopts a local validation list which would set out the requirements on what and whether any additional information is required upon submitting an application.</p>	No -by written reps
LP22	Policy DM 17: Planning Obligations	Ebbsfleet Development Corporation	<p>Sound and legally compliant.</p> <p>1. Policy DM 17 (point 7) should include the word 'habitat' between 'important' and 'sites'.</p> <p>2. It is also suggested that an additional point is added to Policy DM 17 to refer to the use of security bonds, to be consistent with Policy DM 19.</p>	No -by written reps
LP31	Policy DM 19: Restoration, Aftercare and After-use	Tunbridge Wells Borough Council	<p>Legally compliant but not sound due to not being consistent with national policy.</p> <p>Previous TWBC Comments to Regulation 18 consultations: 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. 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.</p> <p>It is noted that no changes are proposed to the aftercare period which is stated to be a minimum of 5 years and that KCC is satisfied that not imposing a 30-year blanket requirement will allow some flexibility on a case by case basis. However, TWBC still notes that PPG advice in relation to the new BNG legislative requirements states that 'The maintenance of a significant onsite habitat enhancement must be secured by either a planning condition, planning obligation or conservation covenant for at least 30 years after the completion of the development', which could be applicable in a significant number of restoration cases.</p> <p>It is considered this should be reflected in the policy wording/ supporting text. There could also be a stated range – minimum of 5 years and up to a minimum of 30 years where a significant onsite habitat enhancement is to be secured.</p> <p>It appears that under certain circumstances the site will be needed to deliver BNG where monitoring for 30 years should be considered. This could be highlighted in the policy text rather than needing to be a blanket requirement.</p>	No – by written reps
LP37	Policy DM 19: Restoration, Aftercare and After-use	Campaign to Protect Rural England (CPRE)	<p>In line with our comments above we consider this policy should be seeking a minimum of 20% BNG as KCC's own evidence justifies such an approach. We are also concerned that only a five-year "aftercare" period is being proposed. This is directly at odds with the now mandatory BNG requirements under Paragraph 9 of Schedule 7A of the Town and Country Planning Act 1990. This states that the maintenance of a significant onsite habitat enhancement must be secured by either a planning condition, planning obligation or conservation covenant for at least 30 years after the completion of the development.</p> <p>The policy text should be amended to reflect this statutory requirement.</p> <p>Soundness Reason: This is to ensure the plan is positively prepared and consistent with national legislation.</p>	Don't know - CPRE will review KCCs response to comments & others within consultation statement & map wish to make further reps as part of examination process
LP44	Policy DM 19: Restoration, Aftercare and After-use	Natural England	<p>The wording of the policy does not reflect the Levelling-up and Regeneration Act 2023) to "further the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty" and provides a lesser level of protection of designated areas than that provided by the NPPF. Representation includes suggested changes to the text to address the issues raised.</p> <p><i>N.B. Following receipt of the representation a Statement of Common Ground (SCG) has been agreed between Natural England and Kent County Council. Amongst other matters this SCG confirms the following:</i></p> <p><i>1. All the matters raised in the representation made by Natural England were intended to improve the clarity of the Plan and not raise matters of soundness; and,</i></p>	No – by written reps

			2. the Regulation 19 Kent Minerals and Waste Local Plan 2024-2039 is not unsound.	
LP49	Policy DM 19: Restoration, Aftercare and After-use	Save Capel	See comments on Spatial Vision for Minerals and Waste in Kent above in relation to "...deliver sustainable after uses that benefit the Kent community, economically, socially or environmentally" and reiterates earlier comment in relation to biodiversity net gain.	Yes
LP40	Para: 7.17.6 explanatory text to Policy DM 19: Restoration, Aftercare and After-use	Kent Wildlife Trust	<p>The supporting text refers to a 5-year period for the restoration of sites which may be extended when that restoration is to a particular wildlife habitat. This fails to discuss any requirement for a set maintenance and management period of the site once restored. It is considered that a minimum 30-year period required by the Environment Act 2021 for any habitats created or enhanced as a result of restoration providing BNG, this should be part of the Plan's BNG objective. Maintenance and management plans covering the 30-year period should be part of the Plan's BNG narrative, to be secured through a Landscape and Ecological Management Plan (LEMP) and should be phased in conjunction with an extraction plan. The supporting text needs to be reflective of this approach.</p> <p>The ecological restoration of a site after mineral extraction should be identified as an additional biodiversity gain due to the long period of time between the grant of planning permission and the subsequent delivery of that element. Where the restoration of sites following extraction includes habitats for biodiversity, there needs to be sufficient protection within the necessary legal agreements to ensure it is secured fulfilled and cannot be altered by subsequent planning applications. The supporting text needs to be reflective of this approach.</p>	No – by written reps
LP44	DM 20: Ancillary Development	Natural England	<p>The wording of the policy is ambiguous and provides a lesser level of protection of biodiversity, habitats and the environment than that provided by the NPPF. Representation includes suggested changes to the text to address the issues raised.</p> <p><i>N.B. Following receipt of the representation a Statement of Common Ground (SCG) has been agreed between Natural England and Kent County Council. Amongst other matters this SCG confirms the following:</i></p> <p><i>1. All the matters raised in the representation made by Natural England were intended to improve the clarity of the Plan and not raise matters of soundness; and,</i></p> <p><i>2. the Regulation 19 Kent Minerals and Waste Local Plan 2024-2039 is not unsound.</i></p>	No – by written reps
LP22	Policy DM 22: Enforcement	Ebbsfleet Development Corporation	<p>Legally complaint and sound.</p> <p>EDC acknowledge and welcome inclusion of references to EDC being a minerals and waste planning authority. Policy DM 22 should include reference to EDC as an enforcing authority.</p>	No – by written reps
LP31	Policy DM 22: Enforcement	Tunbridge Wells Borough Council	<p>Legally compliant but not sound due to not being consistent with national policy.</p> <p>Previous TWBC Comments to Regulation 18 consultations: 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. TWBC's previous comments remain.</p> <p>TWBC considers that this policy could have negative implications on the test of soundness for the Kent Minerals and Waste Local Plan 2024-39. It is therefore suggested that this policy be removed.</p>	No -by written reps
			8. Managing and Monitoring the Delivery of the Strategy	
LP26	Monitoring Schedule: Minerals and Waste Safeguarding Strategy Policy CSM 5	Bean Residents Association	Chapter 8 page 165 Monitoring CSM5 "The need to revise the boundaries of the MSAs has been reviewed at least once each year". KCC Responsibility, but no evidence of deletion of uneconomic or environmentally unacceptable remnants abutting Bean Village and Garden City boundary at Bean Triangle.	No – by written reps
LP27	Monitoring Schedule: Delivery Strategy for Minerals	Friends of Oaken Wood	'Monitoring Schedule: Delivery Strategy for Minerals' p. 151 makes no mention of 'building rock', which is mentioned elsewhere in the plan. 'Crushed rock' is included. The two are detailed throughout the plan as distinct materials. The reason for the omission is unclear and not explained.	N/A
			9. Adopted Policies Maps	
LP22	9. Adopted	Ebbsfleet	Sound and legally compliant.	No – by written reps

	Policies Maps Table of maps and plans in section 9.1	Development Corporation	For ease of use it would be helpful to add the location of the wharf onto all of the plan titles in section 9.1, and the related table, such as to more easily recognise that Site K (Red Lion Wharf) and Site G (Robins Wharf) are in Northfleet.	
LP08	MSA Maps	Platt Parrish Council	<p>1. Strongly support the retention of the Soft Sand Mineral Safeguarding area, which extends from Nepicar roundabout to the west. This boundary was specifically confirmed at KCC in 2016, and again in 2022. There is a severe shortage of building sand in this area, and these are strategic reserves.</p> <p>2. We strongly suggest that:</p> <p>a) the existing planning permission at Park Farm is not allowed to lapse, it is another permission to extract soft sand, but is not within the current safeguarded area.</p> <p>b) the open fields between BGSP and the M26 are neither permitted for extraction nor within the safeguarded area.</p>	N/A
LP26	MSA Maps and para 9.2.1	Bean Residents Association	<p>Include Ebbsfleet Development Corporation Mineral Safeguarding Areas is not included on the list in para 9.2.1 on page 181.</p> <p>Legally compliant – ‘don’t know’ Sound – ‘no’. Reason – ‘positively prepared’ and ‘justified’</p> <p>Change needed to make sound - Correct the Maps to exclude MSA on Village Boundary. For example you show small MSA beside Village back gardens that has recently had Woodland Planted as environmental compensation for Ancient Woodland removed as part of National Highways A2 Bean Improvements.</p>	No -by written reps
LP35	MSP Maps	Gravesham Borough Council	<p>In response to a previous consultation, we requested a copy of the shapefiles for any minerals and waste site safeguarding, constraints and policies. I assume this is data is covered by the Public Sector Geospatial Agreement.</p> <p>In respect of the Gravesham urban area and rural inset settlement boundaries, they have not changed since the 2014 Local Plan Core Strategy Policies Map, although there are likely to be some changes going forward as the emerging Local Plan progresses.</p>	N/A
			Other	
LP53	Policies relating to the safeguarding of mineral resources, minerals and waste management sites and infrastructure, in particular Policies CSM 5 & 7; Policy CSW 16; and Policies DM7 & 8.	Gallagher Aggregates Limited (GAL)	<p>GAL supports the safeguarding of finite, economic mineral resources in accordance with national planning policy. Minerals can only be worked where they are found; commercial hard rock production is confined to the Kentish Ragstone reserves which are unique to Kent and supplied from the only two hard rock quarries in the County and the wider South-East of England which are both operated by GAL. It is vital that not only the current reserves but also the viable potential future reserves are safeguarded from development that could compromise their future availability.</p> <p>Similarly, GAL supports the safeguarding of existing minerals and waste management sites and facilities in accordance with national policy. Alongside the production of premium rock and masonry stone at GAL's Hermitage Quarry, the co-location of facilities including inert landfill voidspace, processing plant, aggregates recycling, ready mix concrete batching, manufactured aggregates plant, masonry stone cutting sheds and saws and an HGV workshop enables GAL to reduce road miles and associated carbon emissions, harness opportunities for product innovation and recycle and blend construction products which would otherwise be diverted to landfill, to support the circular economy. It is vital that management sites and infrastructure are safeguarded to prevent any compromise to the delivery of ongoing benefits associated with such a multi-faceted minerals and waste hub and its contribution to facilitating the achievement of a more circular economy.</p> <p>Lastly, GAL notes and supports the Mineral Products Association response in suggesting amendments to the wording of policies relating to the supply of land won minerals in Kent and the safeguarding of mineral resources and minerals and waste sites and infrastructure to ensure that these policies are ‘sound’.</p>	N/A
LP09	Soft sand supply and CSM2 / Kent Minerals Sites Plan	South Downs National Park Authority (SDNPA)	Approach in the Plan, including in Policy CSM 2, to the provision of soft sand and sand and gravel is noted and supported.	N/A
LP21	Appendix A: Glossary Agent of Change description	Port of London Authority	<p>Legally compliant, not sound due to not being consistent with national policy.</p> <p>In order to ensure the Kent Minerals and Waste Plan is fully consistent with the National Planning Policy Framework it is considered that the description of the Agent of Change principle includes reference that this is in full accordance with paragraph 193 of the NPPF.</p> <p>Proposed that the description of the Agent of Change Principle in the Glossary is updated to the following:</p>	No – by written reps (may wish to attend but not as active participant)

			<p>“A developer proposing new development within an area that is of such a nature that it might be impacted by existing development or impact on that development (e.g. housing proposed within an industrial area). The ‘agent of change principle’ sets out a position that a person or business (i.e. the ‘agent of change’) introducing a new land use is responsible for managing the impact of that change, in accordance with the requirements of the NPPF (2023).”</p>	
LP55	Appendix A: Glossary	Kent Downs National Landscape Unit (formerly AONB)	<p>In order to reduce confusion as everyone becomes familiar with the name change, we would also request that both terms AONB and National Landscape are included in the Glossary at Appendix A to ensure the dual use of both terms is understood. It is suggested that the following wording could be used:</p> <p>Area of Outstanding Natural Beauty (AONB) - An area with statutory national landscape designation, the statutory purpose of which is to conserve and enhance natural beauty. Together with National Parks, AONB represent the nation’s finest landscapes and are afforded the same protection in national policy. On 22 November 2023, all designated Areas of Outstanding Beauty (AONBs) in England and Wales were renamed ‘National Landscapes’ (NLs).</p> <p>National Landscape – A designated landscape area formerly known as an Area of Outstanding Natural Beauty. On 22 November 2023, all designated Areas of Outstanding Beauty (AONBs) in England and Wales were renamed ‘National Landscapes’ (NLs). Their legal designation and policy status remain the same.</p>	N/A
LP27	Biodiversity Topic Paper	Friends of Oaken Wood	<p>7.3 ‘The Statutory Biodiversity Metric and associated Calculation Tool, Technical Supplement and User Guide⁵¹ should be used in demonstrating biodiversity gain and compliance with Policy DM 3.’</p> <p>Amend ‘should’ to ‘must’.</p> <p>7.5 The ‘overall gain to be delivered’ should also take into account the BNG level set by the planning authority (e.g. the borough council). For areas of high commercial value, such as Maidstone, this is set at 20%.</p> <p>7.7 The reason for including the statement that ‘Kent Nature Partnership expects at least 20% to be achieved’ is unclear unless it is followed by confirmation that Kent County Council will be adopting this target as a requirement.</p> <p>7.8 There are no timescales given for how soon following the adoption of the draft plan the Biodiversity Topic Paper will ‘be updated to provide guidance on how biodiversity net gain will be assessed... to ensure consistency with the adopted policy.’ This risks a live plan being implemented without the means to soundly assess proposed sites.</p>	N/A
LP18	Habitat Regulations Assessment	Environment Agency	<p>Request for clarification of wording with regard to the management of radioactive waste.</p> <p><i>N.B. Subsequent meeting with Environment Agency (24.04.24) concluded that the HRA did not need updating but it would be helpful for the supporting text to Policy CSW17 in the Plan to reference ‘Near-surface Disposal Facilities on Land for Solid Radioactive Wastes Guidance on Requirements for Authorisation February 2009 (Environment Agency)’.</i></p>	N/A
LP44	Habitat Regulations Assessment	Natural England	<p>The submitted appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the European sites considered within the Plan area. Having considered the assessment, Natural England advises that we concur with the assessment conclusions and that an adverse effect on integrity can be ruled out.</p>	No - by written reps
LP18	Sustainability Appraisal	Environment Agency	<p>The concept of ‘sustainable remediation’, which relates to the management of contaminated land and is considered by the ‘Sustainable Remediation Forum’, could perhaps be referenced in the Sustainability Appraisal.</p>	
LP44	Sustainability Appraisal	Natural England	<p>Having reviewed the submitted Sustainability Appraisal, Natural England can confirm that we have no comments to make on it.</p>	No - by written reps
LP07	Duty to Cooperate	Tonbridge and Malling Borough Council	<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.</p> <p>TMBC would like to be kept well-informed of your plan making progress. In particular, TMBC request to be kept informed with the progression of the Kent Minerals Sites Plan and the proposed hard rock site at Oaken Wood or any other site which could potentially impact upon the communities of Tonbridge and Malling and/or influence TMBC’s Plan making.</p>	No – by written reps
LP16	Duty to Cooperate	Essex County Council	<p>Essex County Council acting in its capacity as the Minerals and Waste Planning Authority has reviewed the draft Kent Minerals and Waste Local Plan 2024-39 and is satisfied that it provides a sound framework for minerals and waste planning in the administrative area.</p>	No – by written reps

			Essex County Council acting in its capacity as the Minerals and Waste Planning Authority is also satisfied that appropriate discussions have been held under the Duty to Co-operate and that there are no strategic matters without resolution between the two authorities.	
LP28	Duty to Cooperate	National Highways	We can confirm that during the preparation of the Plan, Kent County Council engaged constructively, actively and on an ongoing basis with National Highways. NH considers that the requirements of the Duty to Co-operate have been met.	N/A
LP31	Duty to Cooperate	Tunbridge Wells Borough Council	<p>Sound and legally compliant.</p> <p>TWBC notes that the Duty to Cooperate report refers to Statements of Common Ground (SoCG) and that that KCC has engaged with the Borough and District Councils on their emerging Local Plans and commented on planning applications that affect minerals and waste interests. Table 6 summarises the position in relation to SoCGs with Kent District and Borough Councils.</p> <p>In the case of TWBC there is an already an agreed SoCG which was prepared in February 2022 for the Tunbridge Wells Local Plan Examination. TWBC had already suggested (prior to the KMWLP Regulation 19 consultation) that it would be helpful to review this SoCG given the development strategy for the emerging TWBC Local Plan has recently been revised and is subject to public consultation. TWBC notes and welcomes that KCC confirms in the report that the SoCG will be reviewed prior to the submission of the KMWLP to the Planning Inspectorate for examination; and will accordingly work with KCC on this matter going forward.</p>	No – by written reps
LP32	Duty to Cooperate	Medway Council	<p>As noted in Appendix 7 of the Duty to Cooperate report, a Statement of Common Ground (SoCG) exists between Medway Council and Kent County Council on waste and minerals planning matters and this is to be updated. Medway Council is currently updating its waste needs assessment and will be in a position to update the SoCG as soon as this has been completed. It also confirms.</p> <p>Medway Council will be consulting on a revised Draft Medway Local Plan later this year and Kent County Council will be notified in due course.</p>	N/A
LP54	Duty to Cooperate	Sevenoaks District Council	<p>Previous position on Minerals and Waste is set out in our Statement of Common Ground with Kent County Council, which was signed on 19th September 2019, (attached to representation for reference).</p> <p>The SoCG helps to ensure that waste is managed, and minerals are supplied in Sevenoaks District in accordance with relevant local and national policy. Specifically, the SoCG looks at modifications to the KMWLP, including a focus on Policy DM 7 – Safeguarding of Mineral Resources.</p> <p>As well as this, the SoCG covers the proposal of sites within Mineral Safeguarding Areas (MSA) in the submitted Sevenoaks Local Plan, Safeguarding Minerals Management, Transportation and Waste Management Facilities and Minerals and Waste Safeguarding procedures. Sevenoaks District Council will continue to work closely with Kent County Council regarding Minerals and Waste issues.</p> <p>The SoCG is now somewhat out of date from our perspective, in that it refers to an old plan/examination from 2019 and we're now consulting on a new plan (Plan 2040) and does not reflect the recent planning permission for Tarmac (Sevenoaks Quarry). We look forward to working with you on an update and understand a draft for discussion is in preparation.</p>	N/A
LP09	Duty to Cooperate	South Downs National Park Authority (SDNPA)	A Statement of Common Ground (SoCG) on Soft Sand (SS) was signed in July 2022 by Brighton & Hove City Council (BHCC), East Sussex County Council (ESCC), Kent County Council (KCC), Maidstone Borough Council (MBC), Surrey County Council (SCC), West Sussex County Council (WSCC), and the South Downs National Park Authority (SDNPA). The Kent Duty to Cooperate Report 2024 refers to an earlier SoCG signed in June 2019 between the above MPAs (with the exceptions of MBC and SCC), but not this revised SoCG. The revised SoCG (July 2022) ¹ sets out the agreed position between the parties on planning for Soft Sand (SS).	N/A
			Miscellaneous	
LP01	All	Chemicals London	No comment made concerning the Plan.	
LP02	All	Resident	Note that household waste items are to be moved up the waste hierarchy but there is insufficient explanation of how this will be done. Witnessed many useful items being taken to the waste transfer stations that are perfectly useable or could be easily repaired. Will such items be removed from the waste and offered to residents or taken to a facility that will sell, upcycle or repair them e.g. a local charity?	N/A
LP03	All	Resident	Would be delighted to engage with these debates, BUT, as in any profession, you need to give a management summary of	N/A

			objectives and action. I cannot dig into the minutiae.	
LP04	All	Transport for London	Confirm do not wish to comment on the pre-submission draft.	N/A
LP05	Flooding, sea and tidal, plus groundwater, especially the areas of Sandwich, Pegwell Bay, Ebbsfleet, Minster Marshes and up to Reculver	Resident	Concern raised regarding (flooding, sea, tidal and groundwater), especially the areas of Sandwich, Pegwell Bay, Ebbsfleet, Minster Marshes and up to Reculver. Particularly concerned about flooding around Thanet. The science I have researched is internationally available and has not been properly researched by KCC or its advisors. Various documentation appended to the representation. Related to flood risk management, sea level changes, climate change Legally compliant (yes) Sound (No). Positively prepared (Yes).	No
LP06	All	Resident	All - consider legally compliant & sound.	N/A
LP11	All	Barming Parish Council	Mindful that the Minerals Sites Plan and the nominated Oaken Wood site are not included in this Reg.19 draft KMWLP public consultation, Barming Parish Council does not wish to comment.	N/A
LP12	All	Lower Halstow Parish Council	The documents are so lengthy that as a small Parish Council, we do not have the resources to spare to understand and digest the content of all the documents involved, to allow us to make an educated comment.	N/A
LP13	All	New Romney Town Council	Does not wish to comment on the Plan but would like to be kept informed of the progress and outcome of the consultation.	N/A
LP17	All	Ebbsfleet Development Corporation Informal Officer Comments	Listing within policies is inconsistent. Some policies have bullets points as 1., 2., 3., etc, others as a), b), c). CSW19 uses I., II., III. DM 9 and DM 14 have no numbering for lists. The hierarchy between each policy numbering is not consistent where there is more than one list within a policy.	N/A
LP19	All	Southern Water	Have reviewed all documents and have no further comments to make at this time.	N/A
LP23	All	West Sussex County Council	WSSCC have worked jointly with the South Downs National Park Authority to produce the West Sussex Waste Local Plan (2014) and the West Sussex Joint Minerals Local Plan (2018, partial review March 2021). Both these plans recognise the strategic importance of planning for minerals and waste, and through the Duty to Cooperate, WSSCC and KCC are party to a number of minerals and waste position statements and statements of common ground covering matters including soft and supply and landfill of waste, amongst others, that are of regional importance. Upon review of the consultation documents, WSSCC have no comment to make at this time. We look forward to continuing to work with KCC on matters of strategic importance.	N/A
LP27	All	Friends of Oaken Wood	Requests that the council strengthens its wording on acknowledging and adhering to National Planning Policy Framework protections for ancient woodland. Clearly define environmental terminology (e.g. 'sustainable', 'safeguard' and 'conservation') in relation to mining practices.	N/A
LP29	All	Surrey County Council	The purpose of the public consultation is to invite comments on the Plan's 'legal compliance' and 'soundness' prior to submission to the Secretary of State. Upon review of the documentation the MWPA have no comments to make in this regard.	N/A
LP32	All	Medway Council	As a neighbouring authority, Medway Council has a close interest in Kent's mineral and waste planning policy. As a former part of the administrative county of Kent, Medway Council is still applying many of the policies contained in plans previously adopted by Kent County Council relating to the management of waste and supply of minerals, including the Kent Waste Local Plan 1998, these having been saved by the Secretary of State at the Medway Council's request. Following comments made on earlier drafts of the updates to the KMWLP, Medway does not wish to make any comments on the soundness or legality of the Proposed Submission Draft version of the Plan.	N/A
LP33	All	Resident	This plan covers the whole of Kent but affects a site close to where I live "Oaken Wood". This ancient wood has been here for a least 400 years (as shown on maps of the area) and is protected under the National Planning Policy Framework and this needs to be acknowledged in the plan. This area is irreplaceable and can never be restored if touched. The plan is flawed in many other ways for example Environmental terminology such as "sustainable" "conservation" "safeguard" have not be clearly defined.	N/A

			<p>The statement “aspiring to carbon neutrality and reducing harmful missions” has no real meaning. It appears to be an opt out clause with no real definition or understanding behind it when considering the extraction process, the movement of vehicles and the destruction of ancient wood and the vast amounts of carbon that it potentially holds.</p> <p>Kentish Ragstone is a finite stone and does not need to be used as aggregate as we have other sources for this in Kent.</p> <p>The need for crushed aggregate should not be defined by a private company, who after all is in this to make money.</p> <p>This plan needs to be re- written with real understanding of any environmental damaged that may be caused.</p>	
LP34	All	Historic England	<p>Comments are limited to matters relating to historic environment and heritage assets. In previous comments, HE focused on the NPPF objective to set out a positive strategy for the conservation and enjoyment of the historic environment (para 196) and contain policies to sustain and enhance the significance of the heritage assets (para 196 a).</p> <p>Our comments on the Regulation 18 stage draft Local Plan indicated that the draft Local Plan addressed matters that had little or no impacts on the historic environment or heritage assets. Consequently, the current proposed revisions to the Pre-submission version of the plan in our view will not be likely to affect the soundness of the Local Plan.</p> <p>We welcome the inclusion of policies for the historic environment in the local plan that meet the obligation for preparing the positive strategy required by the N PPF. The key test of the soundness of the plan and the achievement of sustainable development as defined in the NPPF in respect of the elements that relate to the historic environment (paragraph 196), in our view, have been met.</p>	N/A
LP36	All	Canterbury City Council	<p>Canterbury City Council welcomes the opportunity to review and comment on Kent County Council's latest iteration of the Minerals and Waste Local Plan. We have reviewed the plan and confirm that we have no comments to make on this document.</p>	N/A
LP38	All	Maidstone Borough Council	<p>MBC do not have additional comments to make beyond those that have been provided to the previous Regulation 18 consultations on the KMWLP.</p> <p>MBC will continue liaising with Kent County Council (KCC). Should further concerns be identified, MBC will work with KCC to resolve them via an update to the Statement of Common Ground.</p>	No – by written reps
LP39	All	South East Waste Planning Advisory Group (SEWPAG)	<p>Following our response to the draft Kent Minerals and Waste Local Plan 2024-39 Further Proposed Changes Consultation Document (Regulation 18), SEWPAG have no further comments to make regarding the Kent Minerals and Waste Local Plan 2024-39 Pre-Submission Draft (Regulation 19). Furthermore, SEWPAG are content that Kent provides a full contribution towards meeting waste management requirements within the region, and therefore raise no objection to the current consultation.</p>	N/A
LP43	All	Kent County Council Lead Local Flood Authority	<p>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 these 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?</p>	N/A
LP45	All	David Lock on behalf of Tarmac	<p>Tarmac are the operators of Sevenoaks Quarry, Greatness, which benefits from planning permission to extract mineral and other subsequent operations which was granted in 2010 (reference SE/08/675). These representations relate only to Tarmac's interests at Sevenoaks. This site features within the landbank calculations for soft sand, which support Policy CS2 of the draft plan.</p> <p>Tarmac submitted an outline planning application (OPA) to Sevenoaks District Council in 2022 for the redevelopment of Sevenoaks Quarry for a variety of uses including 800 homes, 150 dwellings for older people, a primary school, a mixed-use local centre, water sports facilities and supporting community, transport, green and blue infrastructure. This planning application received resolution to grant planning permission by Sevenoaks Planning Committee in June 2023, subject to the signing of the S106 Legal Agreement, which is due to be signed imminently.</p> <p>As part of this outline planning application, Kent County Council were consulted as the Minerals and Waste Planning Authority and undertook dialogue with Tarmac regarding the proposed redevelopment of the Quarry. Following this dialogue, and updated information submitted throughout the application determination process, KCC raised no objection to the development proposed.</p>	N/A

			In doing so, Tarmac noted the need to regularise the mineral planning permission which the site currently utilises for extraction, to ensure that this site can continue to operate alongside the redevelopment of the site, as proposed in the OPA. Tarmac will shortly be seeking preapplication dialogue with KCC to enable this process to begin, and this material to be prepared for submission. Tarmac have no comments to make on the draft plan itself, beyond highlighting the need to begin this regularisation process at Sevenoaks Quarry as soon as possible.	
LP49	All	Save Capel	<p>Welcome the review of the Plan which seeks to meet the NPPF requirement for a minimum of 15 years. However, it is unclear whether the period being “2039” relates to the calendar or fiscal year, where clearly the adoption of the Plan would be in at least 2024/25, and this should be clarified as to whether a plan period to 2040 is required.</p> <p>Encouraged and pleased to see further policies being added, in particular those that promote sustainability and seek to protect Kent’s important biodiversity assets.</p> <p><u>Conclusion</u></p> <p>Save Capel considers that the plan can be made sound by deleting the inclusion of ‘available reserves’ at Stonecastle and the proposed allocation sites at Stonecastle Quarry in the Plan’s strategy for aggregates, the re-assessment of other sources (and their policies) to provide the requirements for their supply, and by amending the Plan with the improvements to the wording of policies suggested in their representation.</p> <p>Save Capel seeks modifications to the Plan.</p>	Yes
LP50	All	Folkestone and Hythe District Council	<p>Highlights the comments previously made in the district council’s letter of 12 December 2022 in relation to the development of the new garden settlement within the district and the Otterpool Quarry site (within the development site).</p> <p>The development of the new garden settlement remains of the highest priority to the district council. Proposals for the new garden settlement were developed through the District Council’s Core Strategy Review which was adopted in March 2022. Policies SS6-SS9 within the Core Strategy Review set out parameters for the development of the new garden settlement, known as Otterpool Park.</p> <p>In April 2023, the district council’s Planning Committee 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). Work is currently progressing to agree the associated Section 106 legal agreement.</p> <p>Aspects of the Kent Minerals and Waste Local Plan Regulation 19 Consultation document relating to the Otterpool Quarry, Ashford Road, remain of concern to the district council.</p> <p>The site at Otterpool Quarry, Ashford Road was granted planning permission in 2011 by Kent County Council (SH/08/124) for a materials recycling facility, anaerobic digestion plant and associated office and parking. While we understand that the application may have been implemented (some minimal highway works have been undertaken), no further work has been undertaken to instigate the use.</p> <p>Given that this site has not come forward for waste development in the last twelve years, the district council questions whether it should be considered as contributing towards the future waste requirement and we request that the county council reconsiders this site in its supply assumptions.</p> <p>We note the County Council’s response to our previous comments which stated that: <i>“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 planning proposal submitted to the determining planning authority, this being Folkestone and Hythe District Council.”</i></p> <p>Nevertheless, we consider that relying on capacity from a site which has not come forward for this length of time risks undermining the Minerals and Waste Local Plan’s waste management strategy; the district council, for example, would expect to be robustly challenged at examination if it relied on a housing site of similar uncertain status in meeting the housing land requirements of its local plan.</p>	N/A

			(See comments on CSW 16 and DM 8 in the summary table above) The district council considers that the emerging Kent Minerals and Waste Local Plan should not protect waste management facilities which cannot reasonably be relied on to come forward during the plan period and requests that the above amendments are agreed through a Statement of Common Ground between the councils, so that the objectives of both the county and district council can be achieved.	
LP58	All	Plaxtol Parish Council	No objection to the proposed changes to the KMWLP.	N/A