



**Kent Minerals and Waste Local Plan 2024-39 - Schedule of Proposed Main Modifications**

The modifications below are expressed in the conventional form of ~~strike through~~ for deletions and **bold underlining** for additions of text.

Please note that the page numbers and paragraph numbers referenced in the table below relate to the untracked version of the Pre-Submission Draft of the Kent Minerals and Waste Local Plan 2024-2039.

Please note that we have also produced a version of the Kent Minerals and Waste Local Plan 2024-39 which shows the Main Modifications as tracked changes for context which is available on the consultation portal <https://letstalk.kent.gov.uk/hub-page/mineralsandwaste>. As a consequence the page numbering has been updated.

**Main Modifications**

Ref Number	Page Number	Policy/ Paragraph	Main Modification
MM1	12	Paragraph 1.2.3	Amend second sentence of paragraph 1.2.3 as follows:  ‘The Plan is also relevant to the determination of non-minerals and waste applications which may be determined by the District and Borough Councils, <b>Ebbsfleet Development Corporation</b> , and the County Council (in terms of other County matters such as schools).’
MM2	13	Footnote 2 Paragraph 1.2.5	Amend footnote 2 as follows:  ‘The Town and Country Planning (Local Development) (England) Regulations 2004, The Town and Country Planning (Local Development) (England) (Amendment) Regulations 2008, The Town and Country Planning (Local Planning) (England) Regulations 2012 and the Localism Act (2011), Environmental Assessment of Plans and Programmes Regulations 2004 <b>and the Planning and Compulsory Purchase Act 2004.</b> ’
MM3	15	Paragraph 1.3	Create a new paragraph 1.3.10 as follows:  <b><u>‘The policy of the Secretary of State for Transport in relation to the Strategic Road Networks is Circular 01/2022: Strategic road network and the delivery of sustainable development. Particularly paragraph 4 of the Circular which states“...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 paragraph 28 which outlines “...The policies and allocations that result from plan-making must not compromise the SRN’s prime function to enable the long-distance movement of people and goods...”.’</u></b>
MM4	16	Paragraphs 1.3.15 and 1.3.16	Amend paragraphs 1.3.15 and 1.3.16 as follows:  ‘1.3.15 A-refreshed <b>The latest</b> Kent JMWMS <b>(2018/19 to 2020/21)</b> was agreed by the KRP in 2018 which sets out new objectives and policies being implemented across Kent. These included <b>a recycling rate of 50% and a landfill target of no more than 2% by 2020/21 and a year on year reduction in residual waste per household. <u>Up to date performance against these targets can be found in the AMR. The Kent JMWMS is due to be updated.</u></b>  1.3.16 The County Council as Waste Disposal Authority (WDA) is conducting a five-year review of its Waste Disposal Strategy <b>(2017-35)</b> originally adopted in July 2017.....’
MM5	19	Paragraph 1.5.1	Amend the second sentence of paragraph 1.5.1 as follows:  <b><u>‘In respect of pollution,</u></b> in arriving at its decision, the County Council and its partner planning authorities will:’

MM6	21	Paragraph 2.1.4 and 2.1.5 Footnote 25 Footnote 26	<p>Amend paragraph 2.1.4 and 2.1.5 as follows:</p> <p><del>'2.1.4 Kent is a member of The South East Local Enterprise Partnership (SE LEP). This encompasses East Sussex, Essex, Kent, Medway, Southend and Thurrock. LEPs are voluntary partnerships between local authorities and businesses which were formed in 2011 by the former Department for Business, Innovation and Skills (BIS) to help determine local economic priorities and lead economic growth and job creation within the local areas. LEPs are responsible for some of the functions previously carried out by the regional development agencies which were abolished in March 2012. There were 38 LEPs in operation in October 2021.</del></p> <p><del>2.1.5 Figure 3 shows the extent of the SE LEP and the Thames Gateway area. The SE LEP area has 156,000 businesses and 3.9 million people. 1,526,000 people work within the LEP area, contributing £63bn Gross Value Added (GVA)<sup>25</sup>. This represents 5% of the national contribution<sup>26</sup>. The SE LEP's aim is to ensure the survival and stability of our economy in the short term and to drive sustainable economic renewal and growth in the medium to long term. The SE LEP has identified four strategic priorities which reflect the unique geography, assets and opportunities:</del></p> <ol style="list-style-type: none"> <li><del>1. business resilience and growth</del></li> <li><del>2. UK's global gateway</del></li> <li><del>3. communities for the future</del></li> <li><del>4. coastal catalyst.'</del></li> </ol> <p><del>Footnote 25 – GVA is explained in the Glossary in Appendix A. Footnote 26 – South East Local Enterprise Partnership Strategic Economic Plan</del></p> <p><b><u>'2.1.4 Kent is part of the Kent and Medway Economic Partnership (KMEP) which is responsible for producing the economic framework for the county. It brings together councils, businesses, educators, the health sector, and community groups to drive forward economic growth. It has produced the Kent and Medway Economic Framework which sets out 5 key ambitions and 21 action areas to develop the economy to be more productive, sustainable and inclusive. The 5 ambitions are, to:</u></b></p> <ul style="list-style-type: none"> <li>• <b><u>enable innovative, creative, and productive businesses</u></b></li> <li>• <b><u>widen opportunities and unlock talent</u></b></li> <li>• <b><u>secure resilient infrastructure for planned, sustainable growth</u></b></li> <li>• <b><u>place economic opportunity at the centre of community wellbeing and prosperity</u></b></li> <li>• <b><u>create diverse, distinctive and vibrant places.'</u></b></li> </ul>
MM7	23	Figure 3	Amend Figure 3 to remove reference to SELEP and replace with KMEP.
MM8	24	Paragraph 2.2.1	Amend the first bullet point under 'National Importance' as follows:  'almost a third of Kent is protected by two <b><u>National Landscapes (formerly known as</u></b> Areas of Outstanding Natural Beauty (AONB))': the Kent Downs AONB and High Weald AONB'
MM9	56	Strategic Objective 5	Amend bullet 5 as follows:  Seek to ensure the delivery of adequate and steady supplies of sand and gravel, chalk, brickearth, clay, building sand, silica sand, crushed rock, building stone and minerals for cement during the plan period, through identifying sufficient sites <b><u>by maintaining a stock of permitted reserves</u></b> and safeguarding mineral bearing land for future generations.
MM10	56	Strategic Objective 9	Amend the second sentence of strategic objective 9 as follows:  'Where possible, after-uses should conserve and improve local landscape character, and provide opportunities for improvements in biodiversity which meet and, where relevant, exceed targets outlined in the Kent Nature Partnership Biodiversity Strategy 2020 to 2045, the Biodiversity Opportunity Areas, <b><u>National Landscape (formerly known as</u></b> Areas of Outstanding Natural Beauty (AONB)) Management Plans and Local Nature Recovery Strategies to help maximise overall net-gain in biodiversity on restoration.'
MM11	57	Strategic Objective 15	Amend strategic objective 15 as follows:

			'15 Restore waste management sites at the earliest opportunity to the highest possible standard to sustainable after-uses that benefit the Kent community economically, socially <del>or</del> <b>and</b> environmentally. Where possible, after-uses should conserve and improve local landscape character and provide opportunities for biodiversity to meet and where relevant, exceed targets outlined in the Kent Nature Partnership Biodiversity Strategy 2020 to 2045, the Biodiversity Opportunity Areas, Greater Thames Nature Improvement Area, <b>National Landscape (formerly known as Area of Outstanding Natural Beauty)</b> Management Plans and Local Nature Recovery Strategies to maximise overall net-gain in biodiversity on restoration.'
MM12	61	Paragraph 5.2.10	Amend the first sentence of paragraph 5.2.10 as follows:  'The NPPF[43] requires Minerals Planning Authorities to plan for a steady and adequate supply of aggregates through preparing an annual Local Aggregates Assessment (LAA) from which future planned provision should be derived based on a rolling average of 10-years aggregates sales data <sup>44</sup> and an assessment of all supply options (including marine dredged, secondary and recycled sources), and other relevant local information <b>including the 3 year sales average.</b> '
MM13	62	New paragraph 5.2.17	Add a new paragraph 5.2.17 to Landwon Aggregate Supply Considerations section after paragraph 5.2.16 as follows:  <b><u>'A policy covering situations where non-identified land won mineral sites could be acceptable is included as Policy CSM 4. In considering proposals that create building stone from aggregate development, Policy CSM 9 shall also be considered.'</u></b>
MM14	63	Footnote 46 Paragraph 5.2.20	Amend footnote 46 as follows:  'KCC (January 2015) The 2 <sup>nd</sup> <del>See the</del> latest Local Aggregate Assessment for Kent, Table 3.'
MM15	63	Footnote 47 Paragraph 5.2.20	Amend footnote 47 as follows:  'This currently occurs at <del>two</del> <b>one</b> sites (Hermitage Quarry - rock and hassock & East Peckham – imported rock and extracted sandstone gravels).'
MM16	65	Paragraph 5.2.24	Add to the end of paragraph 5.2.24:  ...justify any allocation of additional sites: <b><u>in an updated Mineral Sites Plan. Any allocation would need to be acceptable in planning terms and subject to detailed examination.</u></b>
MM17	65	Paragraph 5.2.30	Amend the last sentence of paragraph 5.2.30 as follows:  ' <del>A policy covering situations where non-identified land won mineral sites could be acceptable is included as Policy CSM 4.</del> '
MM18	69	Policy CSM 2	Amend the first sentence point 3 of Policy CSM 2 as follows:  'In response to planning applications, the Mineral Planning Authority will seek to permit sites for silica sand production sufficient to provide a stock of permitted reserves of at least 10 years for individual sites <del>of 10 years</del> and 15 years for sites where significant new capital is required, to support the level of actual and proposed investment required for new or existing plant and the maintenance and improvement of existing plant and equipment.'
MM19	72	Paragraph 5.5.3	Amend paragraph 5.5.3 as follows:  'Land-won mineral safeguarding is carried out through the designation of Mineral Safeguarding Areas (MSAs) <del>and Mineral Consultation Areas (MCAs).</del> Further explanation is provided below.'
MM20	73	Paragraph 5.5.7	Delete this paragraph.
MM21	74	Policy CSM 5	Delete bullet point two:  <del>Mineral Consultation Areas which cover the same area as the Minerals Safeguarding Areas.</del>
MM22	77	Section 5.8	Amend paragraphs 5.8.1 and 5.8.2 as follows:

		Paragraphs 5.8.1 and 5.8.2	<p><b>5.8.1</b> The use of secondary and recycled aggregates is generally more sustainable than extracting primary land-won aggregates. It is for this reason that national policy expects MPAs to, so far as practicable, take account of the contribution that secondary and recycled materials would make, before considering extraction of primary materials. As considered in Section 5.2, the replacement of primary aggregates with secondary and recycled supplies materials is becoming increasingly important as indigenous land-won primary supplies diminish. The County Council is therefore keen to see the quantities of secondary and recycled aggregates being produced within Kent increase. <b><u>Inert Construction, Demolition and Excavation waste (CDEW) is the main source of recycled aggregate and Policy CSW4 includes ambitious targets for the recycling of such waste. In addition, Policy CSW 3 expects CDEW arising from all types of new development to be recycled, as well as the use of recycled materials in construction.</u></b></p> <p><b>5.8.2</b> In 2016 the consented secondary and recycled aggregates processing capacity within Kent exceeded 2.7mtpa, 0.63 mtpa of which was identified as temporary capacity. <del>Inert Construction, Demolition and Excavation (CDE) waste is the main source of recycled aggregate and a</del> <b>Arising</b> of <b>CDEW</b> <del>this waste</del> in Kent were estimated to be 2.6 mtpa which indicates that some capacity may be utilised for imported materials. In addition, arisings of materials suitable for conversion into secondary aggregates such as furnace bottom ash will increase if more Energy from Waste capacity is developed during the plan period in line with Policy CSW 8: Recovery Facilities for Non-hazardous Waste.'</p>
MM23	78	Paragraph 5.9.1	<p>Add the following sentence to the end of paragraph 5.9.1:</p> <p><b><u>'This was recognised, for example, in the permission for extraction of Kentish Ragstone (Hythe Formation) at Hermitage Quarry in 2013 where the Secretary of State imposed two conditions regulating the supply of building stone from the quarry as part of the overall operations. Furthermore, this geological resource will be safeguarded as set out in Policy CSM 5.'</u></b></p>
MM24	79	Paragraph 5.10.2	<p>Amend paragraph 5.10.2 as follows:</p> <p>'Where possible reserves have been identified there is a need to establish, through exploratory drilling, whether or not there are sufficient recoverable quantities of <del>unconventional</del> hydrocarbons present to facilitate economically viable full scale production. There are three phases of onshore hydrocarbon extraction: exploration, testing (appraisal) and production.'</p>
MM25	79	Paragraph 5.10.3	<p>Amend paragraph 5.10.3 as follows:</p> <p>'In the case of appraisal wells, decisions will not take account of hypothetical future activities, since the further appraisal and production phases will be the subject of separate planning applications, <b>licences</b> and assessments.....'</p>
MM26	83	Footnote 63	<p>Change footnote as follows:</p> <p><del>'Advice will be sought from</del> <b>As designated by</b> the Environment Agency.'</p>
MM27	82	Paragraph 5.10.14	<p>Amend the second to last sentence of paragraph 5.10.14 as follows:</p> <p>'Section 3 of these Regulations define "other protected areas" in the following manner, as areas of land at a depth of less than 1,200 metres beneath a National Park, the Broads, <b>National Landscapes (formerly known as Areas of Outstanding Natural Beauty)</b> or a World Heritage site.'</p>
MM28	84	Paragraph 5.11.2	<p>Amend paragraph 5.11.2 as follows:</p> <p>'As any application may need to be accompanied by an Environmental Statement, details of the results of the survey <b>following prospecting</b>, and implications of such a development for the environment would need to be included in this Statement.'</p>
MM29	87	Paragraph 6.2.4	<p>Insert a new footnote into paragraph 6.2.4 as follows:</p> <p>6.2.4 In accordance with the Waste Hierarchy, the Plan gives priority to planning for waste management developments that prepare waste for re-use or recycling. The most recent assessment of waste management capacity requirements (<b>new footnote</b>) shows that, 68 HM Government (2020), The Waste (Circular Economy) (Amendment) Regulations 2020 69 Environment Act 2021 70 Department for Environment, Food and Rural Affairs (2023), Environmental Improvement Plan 2023 88 overall, Kent's current recycling and processing facilities have adequate capacity for the anticipated rate of usage.</p> <p><b><u>'BPP Consulting Waste Needs Assessment November 2022'</u></b></p>

MM30	88	Paragraph 6.2.6	Add the following sentence to the end of paragraph 6.2.6:  <b><u>'Proposals for the management of residual waste by landfill or 'other recovery' will need to be accompanied by a waste hierarchy statement.'</u></b>
MM31	89	Policy CSW 3	Delete footnote 71  Amend second paragraph of Policy CSW 3 as follows:  <del>For major developments<sup>74</sup> the above should be demonstrated via the submission of a Circular Economy Statement.</del> <b><u>For development which has a total floor space of greater than 1000 square metres and / or comprises greater than 10no. units of housing and / or where the site is 1 hectare or more, the above principles (1 to 4) should be demonstrated via the submission of a Circular Economy Statement.</u></b>
MM32	90	Policy CSW 3	Amend Policy CSW 3 as follows:  <b><u>'All n</u></b> New development should include detailed consideration of waste arising from the occupation of the development including consideration of how waste will be stored, collected and managed.'
MM33	90	Paragraph 6.3.6	Add a new footnote after the last sentence of paragraph 6.3.6 as follows:  <b><u>'For further details please see the Waste Needs Assessments November 2022.'</u></b>
MM34	91	Paragraph 6.3.6 and footnote 72	Delete footnote 72: <del>The London Plan 2021 expects net self-sufficiency in the management of waste to be achieved by 2026. Actual progress towards meeting this target will be considered.</del>  Add new paragraph 6.3.7 before Policy CSW 4:  <b><u>'6.3.7 The London Plan 2021 expects net self-sufficiency in the management of waste to be achieved by 2026. Due to its proximity and constraints within London, it is reasonable to assume that some non-hazardous residual waste arising in London may be transported to Kent for management.'</u></b>
MM35	91	Policy CSW 4	Amend the last sentence of the first paragraph of Policy CSW 4 as follows:  'As a minimum it is to achieve the targets set out below for recycling and composting (minima) and landfill limits (maxima) with the difference managed by other forms of recovery <b><u>and with the management of waste proximate to where it is generated.</u></b> '  Insert a new footnote after 'generated' as follows:  <b><u>'It is recognised that different waste streams may have different catchments.'</u></b>
MM36	92	Policy CSW 4	Add a new footnote to define CDEW as follows:  <b><u>'Construction, Demolition and Excavation Waste.'</u></b>
MM37	93	Policy CSW 4	Amend the last paragraph of Policy CSW 4 as follows:  'It is assumed that 20% of the CDEW waste stream comprises non-inert materials The subsequent targets are proportions of the inert or non-inert elements of the CDEW waste-stream.'
MM38	95	Policy CSW 6	Amend points a, b and c of Policy CSW 6 as follows:  'Planning permission will be granted for proposals that:

			<p>a. Do not give rise to <b>unacceptable</b> significant adverse impacts upon national and international designated sites, including <b>National Landscapes (formerly known as</b> Areas of Outstanding Natural Beauty (AONB)), Sites of Special Scientific Interest (SSSI), Special Areas of Conservation (SAC), Special Protection Areas (SPAs), Ramsar sites, and heritage assets. (See Figures 4, 5 &amp; 6).</p> <p>b. do not give rise to <b>unacceptable</b> significant adverse impacts upon Local Wildlife Sites (LWS), Local Nature Reserves (LNR), Ancient Woodland, Air Quality Management Areas (AQMA) and groundwater resources. (See Figures 7, 8, 10 &amp; 15)</p> <p>c. are well located in relation to <b>the Strategic Road Network Kent's Key Arterial Routes</b>, and/or railheads and wharves avoiding proposals which would give rise to unacceptable adverse impacts on <b>strategic and</b> local roads and/or villages.'</p>
MM39	99	Footnote 81	<p>Amend footnote 81 as follows:</p> <p><del>Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives.</del> <b><u>As defined in the Waste (Circular Economy) (Amendment) Regulations 2020 or any subsequent amendment.</u></b></p>
MM40	100	Policy CSW 9	<p>Amend Policy CSW 9 as follows:</p> <p>'Non-Inert Waste Landfill in Kent  Planning permission will only be granted for non-inert waste landfill if:</p> <ol style="list-style-type: none"> <li>1. it can be demonstrated, in a <b>W</b>waste <b>H</b>ierarchy <b>S</b>tatement, that the waste stream that needs to be landfilled cannot be managed in accordance with the objectives of Policy CSW 2 and no alternative suitable capacity for its management exists; and</li> <li>2. environmental or other benefits will result from the development; <b>and</b></li> <li>3. the site and any associated land are to be restored to a high quality standard and an appropriate after-use that accords with the local landscape character as required by Policy DM 19; and</li> <li>4. at least 85% of any landfill gas produced will be captured and utilised using best practice techniques.' </li></ol>
MM41	104	Paragraph 6.14.1	<p>Insert new footnote at the end of the second sentence of paragraph 6.14.1 as follows:</p> <p><b><u>'Please note 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 GOV.UK (www.gov.uk), U11 waste exemption: spreading waste on non-agricultural land - GOV.UK (www.gov.uk).'</u></b></p>
MM42	104	Paragraph 6.14.1	<p>Amend paragraph 6.14.1 as follows:</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 <b>completed a review of</b> <del>is reviewing</del> its 'Vision for the Tidal Thames (The Thames Vision)' in 2024<b>2 which sets out future priorities for the Tidal Thames around three themes 'Trading', 'Destination' and 'Natural' Themes</b>. 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>
MM43	105	Supporting text 6.15.2	<p>Amend paragraph 6.15.2 as follows:</p> <p><b><u>6.15.2 The means of ensuring that development does not add to existing nutrient burdens and provides certainty that the whole of the scheme is deliverable in line with the requirements of the Conservation of Habitats and Species Regulations 2017 (as amended). Advice regarding nutrient neutrality is likely to change throughout the plan period. Up to date guidance is available from Natural England, who should be consulted in understanding the current approach to nutrient neutrality.</u></b> Such proposals may also need an Environmental Permit and developers are advised to contact the Environment Agency about this matter at the earliest opportunity. <del>Developers should also have regard to the need to address issues relating to nutrient neutrality as required.</del></p> <p>Amend Policy CSW 15 as follows:</p>

		Policy CSW 15	<p>Wastewater treatment works and sewage sludge treatment facilities (including extensions) will be granted planning permission, subject to:</p> <ol style="list-style-type: none"> <li>1. there being a proven need for the proposed facility; and</li> <li>2. biogas resulting from any anaerobic digestion of sewage sludge, being recovered effectively for use as an energy source using best practice techniques<sup>83</sup>.</li> <li>3. <b><u>Works undertaken in water catchment areas</u></b> <sup>insert footnote</sup> <b><u>that are sensitive to nitrite and phosphate concentration will be required to demonstrate at least nutrient neutrality.</u></b></li> </ol> <p>Add footnote:</p> <p><b><u>The DEFRA Magic map service demarks the areas required to demonstrate nutrient neutrality.</u></b></p>
MM44	109	Footnote 95	<p>Add the following to the end of footnote 95:</p> <p><b><u>'See also 'Near-Surface Disposal Facilities on Land for Solid Radioactive Waste Guidance on Requirements for Authorisation', February 2009 and 'UK Policy Framework for Managing Radioactive Substances and Nuclear De-Commissioning', May 2024.'</u></b></p>
MM45	109	Paragraph 6.18.7	<p>The Government <b><u>has published UK Policy Framework for Managing Radioactive Substances and Nuclear De-Commissioning (May 2024) and</u></b> is currently preparing Planning Guidance for on-site disposal of suitable 'low level' and 'very low level' radioactive waste on nuclear and decommissioned sites.</p>
MM46	114	Paragraph 7.1.4	<p>Amend the last sentence of paragraph 7.1.4 as follows:</p> <p>'Planning applications should therefore include details of how soil disturbance is to be minimised. Best practice examples are set out in the Defra publication 'Construction Code of Practice for the Sustainable Use of Soils on Construction Sites' <b><u>2009.</u></b>'</p>
MM47	116	Paragraph 7.2.4	<p>Add a new footnote after 'buffers' in the last sentence of paragraph 7.2.4 as follows:</p> <p><b><u>'A buffer is a piece of land that separates or manages incompatible land uses.'</u></b></p>
MM48	117	Policy DM 2	<p>Amend Policy DM 2 as follows:</p> <p><b><u>'Policy DM 2  Environmental and Landscape Sites of International, National and Local Importance</u></b></p> <p>Proposals for minerals and/or waste development will be required to ensure that <del>there is no unacceptable adverse impact on</del> <b><u>they are not likely to cause significant harm to</u></b> the integrity, character, appearance and function, biodiversity and geodiversity interests of sites of international, national and local importance, such that these proposals accord with the avoid, mitigate, compensate hierarchy. <b><u>Proposals in coastal locations that are considered likely to cause significant harm to Marine Conservation Zones should also accord with the avoid, mitigate and compensate hierarchy.</u></b></p> <p><b><u>1. International Sites</u></b></p> <p>Minerals and/or waste proposals <b><u>(for planning permission, or allocation within the Minerals Sites Plan and any Waste Sites Plan),</u></b> <del>located within or</del> <b><u>that are</u></b> considered <b><u>to have a 'likely significant effect'</u></b> <del>to have any unacceptable adverse impact</del> <b><u>(either alone or in combination with other plans or projects)</u></b> on international designated sites, including Ramsar <b><u>sites</u></b>, Special Protection Areas and Special Areas of Conservation ('National Site Network' as defined by the Changes to the Habitats and Species Regulations 2017 and 'Habitat Sites' as defined by the NPPF), will need to be evaluated <b><u>as part of an 'appropriate assessment'</u></b> <del>in combination with other projects and plans</del> and be in accordance with established management objectives for the national sites network ('network objectives'). <b><u>Where an 'adverse effect on integrity' of an international designated site cannot be ruled out as a result of a proposal</u></b> <del>Before any such proposal will be granted planning permission or identified in the Minerals and Waste Sites Plan,</del> it will need to be demonstrated that:</p> <ol style="list-style-type: none"> <li>a. there are no alternatives;</li> <li>b. there is a robust case established as to why there are imperative reasons of overriding public interest; and</li> <li>c. there is sufficient provision for adequate timely compensation <b><u>before permission can be granted, or the allocation can be included within the Minerals Sites Plan and any Waste Sites Plan.</u></b></li> </ol>

			<p><b>2. National Sites</b></p> <p>Designated National Landscapes have the highest status of protection in relation to landscape and scenic beauty. <b><u>When exercising or performing any functions in relation to, or so as to affect land, in a National Landscape, relevant authorities must seek to further the purpose of conserving and enhancing the natural beauty of the National Landscape.</u></b> <del>Regard must be had to the purpose of the designation when exercising or performing any functions in relation to, or so as to affect land, in an AONB.</del> For the purposes of this policy, such functions include the determination of planning applications and the allocation of sites in a development plan.</p> <p>Planning permission for major minerals and waste development in a designated National Landscape will be refused except in exceptional circumstances and where it can be demonstrated that it is in the public interest. In relation to other minerals or waste proposals in a National Landscape, great weight will be given to conserving and enhancing its landscape and scenic beauty. Proposals within the setting of a National Landscape should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.</p> <p>Consideration of such applications will assess;</p> <ol style="list-style-type: none"> <li>a. the need for the development, including in terms of any national considerations and the impact of granting, or refusing, the proposal upon the local economy;</li> <li>b. the cost of, and scope for developing elsewhere outside the designated area, or meeting the need in some other way; and</li> <li>c. any detrimental impact on the environment, the landscape and recreational opportunities, and the extent to which the impact could be moderated taking account of the relevant AONB Management Plan.</li> </ol> <p>Sites put forward for allocation for minerals or waste development in updates to the Minerals Sites Plan or any Waste Sites Plan will be considered having regard to the above tests. Those that the Minerals and Waste Planning Authority considers unlikely to meet the relevant test(s) will not be allocated.</p> <p>Proposals for minerals and/or waste developments within or outside of designated Sites of Special Scientific Interest or National Nature Reserves, that are considered likely to have any <del>unacceptable</del> adverse impact on a Site of Special Scientific Interest or National Nature Reserve, will not be granted planning permission or identified in updates to the Minerals Sites Plan and any Waste Sites Plan except in exceptional circumstances where it can be demonstrated that <b><u>impacts cannot be avoided in the first instance (through locating on an alternative site with less harmful impacts), or adequately mitigated, unless</u></b> there is an overriding need for the development and any impacts can be <del>mitigated or</del> compensated for, and:</p> <ol style="list-style-type: none"> <li>a. the benefits of the development <b><u>in the location proposed clearly</u></b> outweigh any impacts that it is likely to have on the features of the site that make it of special scientific interest; and</li> <li>b. the benefits of the development outweigh any impacts that it is likely to have on the national network of Sites of Special Scientific Interest.</li> </ol> <p>Minerals and/or waste proposals located within or considered likely to <b><u>cause loss or deterioration of</u></b> <del>have any unacceptable adverse impact on</del> irreplaceable habitat such as Ancient Woodland and ancient or veteran trees will not be granted planning permission or identified in updates to the Minerals Sites Plan and any Waste Sites Plan unless the need for, and the benefits of the development in that location clearly outweigh any loss, justified by wholly exceptional reasons, and a suitable compensation strategy is in place.</p> <p><b>3. Local Sites</b></p> <p>Minerals and/or waste proposals within, or likely to have an unacceptable adverse impact on, the Local Sites listed below will not be granted planning permission, or identified in updates to the Minerals Sites Plan and any Waste Sites Plan, unless it can be demonstrated that there is an overriding need for the development and any impacts can be mitigated or compensated for, such that there is a net planning benefit:</p> <ol style="list-style-type: none"> <li>a. Local Wildlife Sites;</li> <li>b. Local Nature Reserves;</li> <li>c. Priority Habitats and Species;</li> </ol>
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			<p>d. land that is of regional or local importance as a wildlife corridor or for the conservation and enhancement of geodiversity and biodiversity;</p> <p>e. <b>habitats and species identified in the Kent Nature Partnership Biodiversity Strategy 2020 to 2045</b></p> <p>ef. Local Geological Sites;</p> <p><del>fg. irreplaceable habitat including aged and veteran trees;</del></p> <p>gh. Country Parks, common land and village greens and other important areas of open space or green areas within built-up areas.</p> <p><del>h. Marine Conservation Zones'</del></p>
MM49	117	Footnote 101	Delete footnote 101.
MM50	117	Footnote 102	<p>Amend footnote 102 as follows:</p> <p><del>Changes to the Conservation of Habitats and Species Regulations 2017 – <a href="https://www.gov.uk/government/publications/changes-to-the-habitats-regulations-2017">https://www.gov.uk/government/publications/changes-to-the-habitats-regulations-2017</a>. <b>As defined in the Conservation of Habitats and Species Regulations 2017 (as amended).</b></del></p>
MM51	117	Footnote 103	Delete footnote 103.
MM52	119	Policy DM 3	<p>Amend Policy DM 3 as follows:</p> <p><b>'Policy DM 3  Ecological Impact Assessment</b></p> <p><del>Proposals for minerals and waste developments will be required to ensure that they result in no unacceptable adverse impacts on Kent's important biodiversity assets. These include internationally, nationally and locally designated sites, internationally and nationally protected species, and habitats and species of principal importance for the conservation, protection and enhancement of biodiversity, geodiversity and habitats and species identified in the Kent Nature Partnership Biodiversity Strategy 2020 to 2045.</del></p> <p>Proposals that are likely to have unacceptable adverse impacts upon important geodiversity and biodiversity assets (<b>as defined in Policy DM2</b>) will need to demonstrate that an adequate level of ecological assessment has been undertaken and should provide a positive contribution to the protection, enhancement, creation and management of biodiversity. Such proposals will only be granted planning permission following:</p> <ol style="list-style-type: none"> <li>1. an ecological assessment of the site, including preliminary ecological appraisal and, where likely presence is identified, specific protected species surveys;</li> <li>2. consideration of the <b>exceptional circumstances that clearly demonstrate the</b> need for, and benefits of, the development and the reasons for locating the development in its proposed location, <b>that clearly outweigh its impacts</b>;</li> <li>3. <b>Where impacts cannot be avoided</b>, the <del>identification and securing of</del> measures <b>required</b> to mitigate any adverse impacts (direct, indirect and cumulative) <b>should be identified and appropriately secured</b>; and,</li> <li>4. <b>finally, only as a last resort</b>, the <del>identification and securing of compensatory measures where adverse impacts cannot be avoided or mitigated for,</del> <b>then compensatory measures should be identified and secured.</b>'</li> </ol> <p>All development<sup>104</sup> shall achieve a net gain in biodiversity value in accordance with the requirements of the NPPF. All major development shall deliver at least a 10% net gain in biodiversity value with an expectation that the maximum practicable net gain is achieved. All planning applications <del>must</del> <b>should</b> be supported by a <b>draft</b> Biodiversity Net-Gain Plan and relevant supporting reports that demonstrate net gain <del>will</del> <b>can</b> be achieved, implemented, managed and maintained.</p> <p>Remainder of Policy text remains as drafted in the Regulation 19 Kent Minerals and Waste Local Plan 2024-39.</p>
MM53	120	Footnote 104	Amend footnote 104 as follows:

			<p><del>Please note an application to vary a condition of a planning permission under section 73 which is made after the commencement of the statutory framework for Biodiversity Net Gain on [January xx 2024 subject to parliamentary timetabling] is not in scope if the original permission to which the section 73 application relates was either granted before [January xx 2024 subject to parliamentary timetabling] or the application for the original permission was made before [January xx 2024 subject to parliamentary timetabling].</del> <b><u>An application to vary a condition of a planning permission pursuant to section 73 of the Town and Country Planning Act is exempt from BNG requirements where the original permission which the section 73 application relates to was either granted before 12 February 2024 or the application for the original permission was made before 12 February 2024</u></b></p>
MM54	121	Policy DM 4	<p>Amend Policy DM 4 as follows:</p> <p><del>‘Proposals for minerals and waste development within the Green Belt will be considered in light of their potential impacts, and shall comply with national policy and the NPPF.’</del></p>
MM55	122	Footnote 107	<p>Amend footnote 107 as follows:</p> <p><b><u>Currently t</u></b>Two sites in Kent: (1.) South Foreland and (2.) Dover – Folkestone.</p>
MM56	125	Footnote 110	Delete footnote 110
MM57	125	Policy DM 7	<p>Amend the last sentence of Policy DM 7 as follows:</p> <p><del>‘Further guidance on the application of this policy is included in a</del> <b><u>the Kent Minerals and Waste Local Plan Safeguarding</u></b> Supplementary Planning Document <b><u>(March 2021)</u></b>.’</p>
MM58	130	Paragraph 7.8.2	<p>Amend the last sentence of paragraph 7.8.2 as follows:</p> <p><del>‘Planning applications for sites located in areas prone to flooding must be accompanied by a suitable Flood Risk Assessment</del> <b><u>which demonstrates the flood risk of the site can be safely managed without increasing flood risk elsewhere.</u></b>’</p>
MM59	131	Paragraph 7.8.4	<p>Amend paragraph 7.8.4 as follows:</p> <p><del>‘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 should 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.’</del></p>
MM60	131	Policy DM 10	<p>Change to text of Policy DM 10 as follows:</p> <p><del>‘exacerbate flood risk in areas prone to flooding (as shown in Figure 15) and elsewhere, both now and in the future</del> <b><u>(taking account of climate change recommended uplifts)</u></b>. Measures to reduce flood risk where possible are encouraged.’</p> <p><del>‘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. 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. In all other cases, Hhydrogeological 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.</del></p> <p><b><u>For sites within areas at risk of flooding, a Flood Risk Assessment will be required to demonstrate flood risks to the site can be safely managed, without increasing flood risk elsewhere.</u></b>’</p>
MM61	134	Policy DM 13	Amend the first sentence of Policy DM 13 as follows:

			'Minerals and waste development will be required to demonstrate that emissions <b>(including carbon)</b> associated with road transport movements are minimised as far as practicable and by preference being given to non-road modes of transport.'
MM62	135	Policy DM 13	Amend section 2 of Policy DM 13 as follows:  'the highway network is able to <b>safely</b> accommodate the traffic flows that would be generated, as demonstrated through a transport assessment, and the impact of traffic generated does not have an unacceptable adverse impact on the environment or local community; and'
MM63	135	Policy DM 14	Amend Policy DM 14 as follows:  'Planning permission will only be granted for minerals and waste development that adversely affect a Public Right of Way, if: <ul style="list-style-type: none"> <li>• satisfactory prior provisions, <b>by means of relevant legal event</b>, for its diversion or stopping up are made which are both convenient and safe for users of the Public Rights of Way</li> <li>• provision is created for an acceptable alternative route both during operations and following restoration of the site.</li> <li>• opportunities are taken wherever possible to secure appropriate, improved access into and within the countryside <b>in accordance with the Rights of Way Improvement Plan 2018-28.</b></li> </ul>
MM64	139	Footnote 119	Amend footnote 119 as follows:  Applicants should refer to the following website for the most recent guidance on local information requirements and validation of applications: <a href="http://www.kent.gov.uk/planningapplications">http://www.kent.gov.uk/planningapplications</a> . Guidance will be reviewed and updated periodically <b>Kent County Council's website for the most recent guidance on local information requirements for validation of applications.</b>
MM65	139	Policy DM 17	Amend bullet number 18 as follows:  codes of construction practice for large <sup>120</sup> waste developments <b>with a capacity of over 100,000 tpa</b> that incorporate the requirement for the majority of the construction workforce to be recruited locally. Opportunities for modern apprenticeships to be made available for a proportion of the construction workforce.
MM66	139	Policy DM 17	On further reflection, the Council does not consider it appropriate to modify the Plan as indicated in its response to MIQ 61.
MM67	140	Footnote 120	Footnote to be deleted
MM68	145	Policy DM 19	Amend point 17 of Policy DM 19 as follows:  '17. proposals for meeting and where relevant exceeding, biodiversity net gain targets, including those outlined in the Kent Nature Partnership Biodiversity Strategy 2020-45, Biodiversity Opportunity Areas, <b>National Landscapes (formerly known as Areas of Outstanding Natural Beauty)</b> Management Plans and the Local Nature Recovery Strategy;'
MM69	145	Policy DM 19	Amend the final paragraph of Policy DM 19:  'Aftercare schemes <b>concerned with Biodiversity Net Gain should be for at least 30 years. Schemes related to other forms of aftercare</b> should incorporate an aftercare period of at least five years. Where appropriate, voluntary longer periods for certain uses will be sought through agreement between the applicant and minerals planning authority.'
MM70	146	Footnote 123	Amend footnote 104 as follows:  <b>As defined in s. 90 of the Town and Country Planning Act 1990. In relation to minerals and waste developments</b> "Ancillary Development" is defined in the Town and Country Planning Act S90. In relation to minerals and waste developments "ancillary development" only includes development that is directly related to the minerals or waste development proposed.
MM71	147	Paragraph 7.20.1	Amend the last sentence of paragraph 7.20.1 as follows:  'To fully meet such challenges requires the actions of a local control and management regime and the support of a recognised policy base <b>and working with other stakeholders including the Environment Agency.</b> '
MM72	160	Monitoring Schedule Policy CSM 8	Amend trigger for Policy CSW 8 as follows:

			'Within 10% of the target maximum for the <del>household waste</del> <b>Local Authority Collected Waste</b> landfill diversion target at or beyond the dates stated in Policy CSW4.'
MM73	181	Paragraph 9.2.1	Amend paragraph 9.2.1 as follows:  'The following Policies Maps display the Mineral Safeguarding Areas (MSAs) in Kent. <b><u>The MSAs within Kent cover the same areas as the Mineral Consultation Areas (MCAs).</u></b> The maps cover the following authority's areas in Kent.'
MM74	195	Glossary	Amend the definition for the 'Agent of Change Principle' in the glossary as follows:  '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, <b><u>in accordance with the requirements of the NPPF.</u></b>
MM75	196	Glossary	Insert definition of 'Ancient Woodland' into the glossary as follows:  ' <b><u>Ancient Woodland - An area that has been wooded continuously since at least 1600 AD. It includes ancient semi-natural woodland and plantations on ancient woodland sites (PAWS).</u></b>