Kent Minerals and Waste Local Plan

Planning for the future of minerals and waste in Kent

Kent Minerals and Waste Local Plan 2013-30

Adopted July 2016

Kent County Council
kent.gov.uk

6 Delivery Strategy for Waste

6.0.1 The following policies give the delivery strategy for waste management development in Kent up to the end of 2030.

6.1 Policy CSW 1: Sustainable Development

6.1.1 As stated in paragraph 5.1.1, the purpose of the planning system is to contribute to the achievement of sustainable development.[73] At the heart of the NPPF is a presumption in favour of sustainable development. The NPPF requires that policies in local plans should follow the approach of this presumption. The Kent MWLP is therefore based on the principle of sustainable development. This is demonstrated in the Spatial Vision, the Strategic Objectives and the policies that seek sustainable solutions.

6.1.2 Planning law requires planning decisions to be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF states that it does not change the statutory status of the development plan as the starting point for decision making. Policy CSW 1 ensures the presumption in favour of sustainable development is taken into account in KCC's approach to waste development.

Policy CSW 1

Sustainable Development

When considering waste development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework, National Planning Policy for Waste and the Waste Management Plan for England.

Waste development that accords with the development plan should be approved without delay, unless material considerations indicate otherwise.

Where there are no policies relevant to the application, or relevant policies are out of date at the time of decision making, the Council will grant permission unless material considerations indicate otherwise, taking into account where either:

1. any unacceptable adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole, or

2. specific policies in that Framework[74] indicate that development should be restricted.

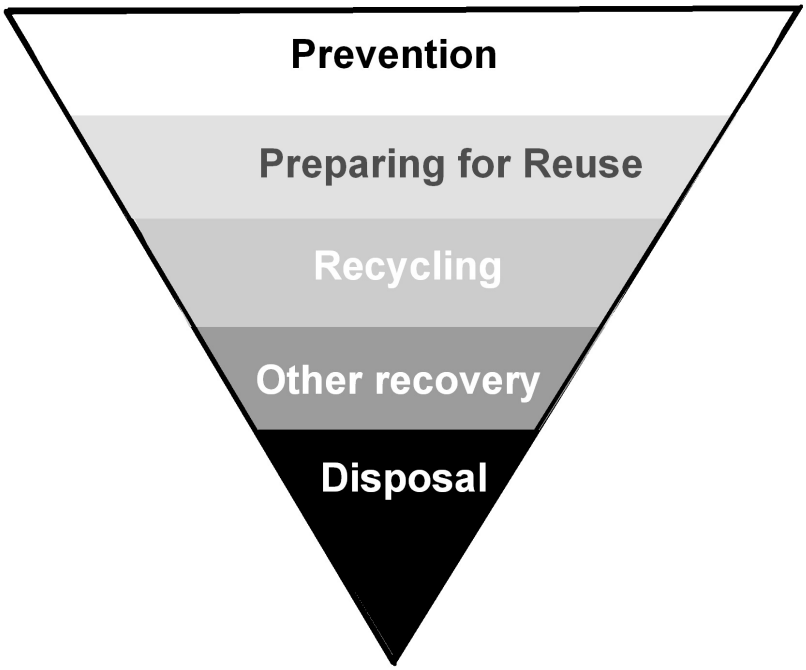
73 DCLG (March 2012) National Planning Policy Framework: Ministerial Foreword.

74 For example, those policies relating to land within an Area of Outstanding Natural Beauty, Green Belt, sites protected under the Birds and Habitats Directives and/or as Sites of Special Scientific Interest, designated heritage assets, and locations at risk of flooding.

6.2 Policy CSW 2: Waste Hierarchy and Policy CSW 3: Waste Reduction

6.2.1 It is Government policy to break the link between economic growth and the environmental impact of waste by moving the management of waste up the Waste Hierarchy, as shown in Figure 18.[75]

Figure 18 Waste Hierarchy



6.2.2 The Kent MWLP mainly implements this policy through influence over waste and minerals developments. However, the Plan also includes a policy (Policy CSW 3) seeking to influence/reduce waste arising from all forms of development. The Kent MWLP forms part of the development plan, along with the district local plans, and is therefore relevant to the determination of planning applications for all forms of development in Kent.

6.2.3 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 *Needs Assessment* for waste[76] shows that Kent's current recycling and processing facilities have sufficient capacity for the anticipated rate of usage with the exception of facilities for green and kitchen wastes. It should be appreciated that these calculations are based upon a rate of use that should only be regarded as a minimum, as the aspiration is to encourage more waste to be managed through this method of waste management.

6.2.4 Encouraging more waste to be managed via re-use or recycling will be achieved by enabling policies for the development of waste management facilities for recycling and processing through the following measures:

75 The Waste Hierarchy diagram is a copy of the version in Appendix A of DCLG National Planning Policy for Waste.

76 Jacobs (January 2012) Addendum to the Needs Assessment Modelling Technical Report - Needs Assessment 2011 Update.

- the identification in the Waste Sites Plan of all of the deliverable, sustainable sites for these forms of waste management that have been promoted for inclusion by landowners or the waste industry

- a policy to grant planning permission for redevelopment or extensions to existing waste facilities to enable more waste to be recycled or processed for re-use if the facility's capacity for the maximum annual tonnage of waste is not increased

6.2.5 The application of the Waste Hierarchy is most appropriate to producers of waste when assessing how to manage waste. The Kent MWLP has to plan for all forms of waste management in the Waste Hierarchy to make this possible. While it is anticipated that there will be a transition over time to forms of waste management at the higher end of the Waste Hierarchy, there will still be a need for disposal at the end of the plan period for difficult to treat wastes, or wastes such as asbestos for which there is no present alternative. The Kent MWLP addresses this transition by seeking to rapidly provide a more sustainable option for the mixed non-hazardous waste that is going to landfill by identifying sites for energy recovery. Due to other recovery being at the lower end of the Waste Hierarchy, the total amount of new energy recovery capacity to be permitted will be capped. It is envisaged that this method of waste management will become displaced as recycling and waste processing become more economically viable.

Policy CSW 2

Waste Hierarchy

To deliver sustainable waste management solutions for Kent, proposals for waste management must demonstrate how the proposal will help drive waste to ascend the Waste Hierarchy whenever possible.

6.3 Policy CSW 4: Strategy for Waste Management Capacity

Net Self-sufficiency and Waste Movements

6.3.1 Kent currently achieves net self-sufficiency in waste management facilities for all waste streams. I.e. the annual capacity of the waste management facilities (excluding transfer) in Kent is sufficient to manage the waste arising in Kent. The continued achievement of the principle of net self-sufficiency and managing waste close to its source is a key Strategic Objective of the Kent MWLP, because it shows that Kent is not placing any unnecessary burden on other WPAs to manage its waste. Net self-sufficiency can be monitored on an annual basis and will provide an indicator as to whether the policies in the Plan need to be reviewed.

6.3.2 In reality, different types of waste are managed at different types of facilities. To assess the future needs for waste facilities in Kent, net self-sufficiency has been studied for the individual waste streams of inert, non-inert (also called non-hazardous) and hazardous wastes. While Kent currently achieves net self-sufficiency for each of these wastes separately, new facilities will need to be developed for each of these waste streams if it is to remain net self-sufficient throughout the plan period.

6.3.3 The *Kent AMR 11/12* [77] shows that there was a considerable movement of waste both into and out of Kent for management. In 2010, just over 1,000,000 tonnes of waste originating in Kent was managed outside Kent and facilities in Kent managed approximately 750,000 tonnes of waste that did not originate in Kent. The purpose in adopting the principle of net self-sufficiency is not to restrict the movement of waste as restriction of waste catchment areas could have an adverse effect upon the viability of the development of new waste facilities needed to provide additional capacity for Kent's waste arisings.

Provision for Waste From London

6.3.4 Specific provision in the calculations for new capacity required for non-hazardous waste going to landfill or EfW has been made for waste from London. The reason for this is twofold:

1. The evidence base prepared for the partially revoked SEP (the SEP and its evidence base are still relevant to the Plan and form part of its evidence base) shows a continuing need for the disposal of residual non-hazardous waste arising from London in the South East. The SEP quantified the amounts arising and apportioned the provision of capacity to be provided by each of the WPAs. In the absence of

77 KCC (December 2011) Kent Minerals and Waste Local Plan: Kent's 8th Annual Minerals and Waste Monitoring Report - 1st April 2011 to 31st March 2012.

any more recent quantification of the amount of residual non-hazardous waste arising in London that might come into Kent for management, the Plan uses a provision allowance based on the partially revoked SEP apportionment.

2. The major non-hazardous landfill site in Havering, east London,[78] which includes in its catchment area waste arising from the parts of London closest to Kent, is set to close by 2018 and could cause a potential influx of additional waste into Kent. If this is not taken into account, the increase in management of non-hazardous waste originating in London within waste facilities in Kent could have an adverse effect on the capacity of Kent's facilities to manage its own waste originating in the county.

6.3.5 The Plan's approach to non-hazardous waste originating in London differs from the approach set out in the partially revoked SEP as follows:

- The SEP's apportionment of London's waste was to be provided by the provision of non-hazardous landfill. The Plan is instead making provision for London's non-hazardous waste through EfW capacity. [79]

- The SEP required provision to be made in Kent for landfilling 158,880 tpa of London's non-hazardous waste for the period for 2006 to 2015. There is no evidence of this rate of London's waste being landfilled in Kent. The maximum quantity of London waste that has been deposited in Kent's landfills in recent years is 21,259 tpa. The Plan makes provision for 21,259 tpa to be disposed in either non-hazardous landfill or EfW in Kent.

- The SEP anticipated a dramatic decrease in the amount of London non-hazardous waste being exported into the South East by 2016, due to the expectation that the only non-hazardous waste exported would be EfW residues. The Plan anticipates an increase in the amount of waste coming into Kent for disposal in 2018 since the non-hazardous landfilll in Havering is expected to close by the end of 2017.

- For the period of 2017 to 2030, the Plan makes provision for 87,000 tpa of London non-hazardous waste being disposed in Kent at non-hazardous landfill and EfW facilities. This is the SEP figure for the period of 2016 to 2025 and is used in the Plan as there is no other up-to-date assessment of the amount of London's non-hazardous waste that might be exported to Kent for disposal.

6.3.6 For the plan period, an assessment has been made of the new types of facilities that will be required in terms of broad categories of waste facilities, such as landfill, recycling and composting, and other recovery, which roughly correspond to stages in the Waste Hierarchy. In this *Needs Assessment* for different categories of facilities has

78 The Veolia Rainham landfill in the Borough of Havering.

79 It is anticipated that London's non-hazardous waste might go to either Kent non-hazardous landfill or EfW, or both. No specific, additional provision is being made for new non-hazardous landfill as the provision of new EfW is expected to free up some capacity at existing landfill sites given that EfW is expected to be a more cost effective option.

been based on the targets for recycling and recovery (and by deduction for landfill) as set out in the Kent JMWMS[80] and its *Refreshed Objectives and Policies*,[81] and the revised WFD.[82]

Policy CSW 4

Strategy for Waste Management Capacity

The strategy for waste management capacity in Kent is to provide sufficient waste management capacity to manage at least the equivalent of the waste arising in Kent plus some residual non-hazardous waste from London. As a minimum it is to achieve the targets for recycling and composting, reuse and landfill diversion identified in the Kent Joint Municipal Waste Management Strategy (as amended).

80 Kent Waste Partnership (April 2007) Kent Joint Municipal Waste Management Strategy.
81 Kent Waste Partnership (February 2013) Kent JMWMS Refreshed Objectives and Policies.
82 EU Directive 2008/98/EC.
83 KCC (May 2011) TRW5: Hazardous Waste Management.

6.5 Policy CSW 6: Location of Built Waste Management Facilities

6.5.1 The preference identified in response to earlier consultations during the formulation of the Plan was for a mix of new small and large sites for waste management. This mix gives flexibility and assists in balancing the benefits of proximity to waste arisings while enabling developers of large facilities to exploit economies of scale. National policy recognises that new facilities will need to serve catchment areas large enough to secure the economic viability of the plant and this is particularly relevant when considering the possible sizing and location of facilities required to satisfy the strategic need identified in Policy CSW 7.

6.5.2 The location of waste sites in appropriate industrial estates was also the preference identified from the consultation. This has the benefit of using previously developed land and enabling waste uses to be located proximate to waste arisings. There is vacant employment land throughout Kent and its availability is monitored annually by KCC and the district and borough councils. [85] While vacancy rates of premises in industrial estates generally preclude identification of any particular unit, unless it is being promoted by an operator/landowner, whole industrial estates may be identified as suitable locations. It should be appreciated that all industrial estate locations may not be suitable for some types of waste uses, because of their limited size or close proximity to sensitive receptors or high land and rent costs.

6.5.3 There will still be a need for other locations for certain types of waste or waste facilities, such as Construction, Demolition and Excavation (CDE) recycling facilities that are often co-located on mineral sites for aggregates or landfills, which are usually found in rural areas. Also, in rural areas where either the non-processed waste arisings or the processed product can be of benefit to agricultural land (as is the case with compost and anaerobic digestion), the most proximate location for the waste facility will be within the rural area.

6.5.4 Specific identification of sites for EfW plants will be made regardless of whether the sites are within an appropriate industrial estate because large sites are needed. The protection afforded through policy will prevent these sites from either being developed or partially developed by other uses.

6.5.5 The development of waste management facilities on previously developed land will be given preference over the development of greenfield sites. In particular, the redevelopment of derelict or contaminated land may involve treatment of soil to facilitate the redevelopment. Also redundant agricultural or forestry buildings may be suitable for waste uses where such uses are to be located within the rural areas of the county. Waste management facilities located in the Green Belt are generally regarded as inappropriate development. Developers proposing a waste management facility within the Green Belt shall demonstrate the proposed use complies with Green Belt policy (See Policy DM4).

85 KCC (January 2013) Kent County Council & District Authorities Commercial Information Audit Summary Report for 2011/2012.

6.5.6 The development of built waste management facilities on greenfield sites is not precluded. This is because the goal of achieving sustainable development will lead to new development which may incorporate facilities to recycle or process the waste produced on the site, or to generate energy for use on the site.

6.5.7 Existing mineral and waste management sites may offer good locations for siting certain waste management facilities because of their infrastructure and location. In such cases, the developer will need to demonstrate the benefits of co-location such as connectivity with the existing use of the site. For example, the co-location of CDE recycling (i.e. aggregate recycling) at an aggregate quarry that can enable the blending of recycled and virgin aggregates to increase the marketability of the product.

6.5.8 In order to reinforce and maintain a network of facilities across the county (See Figure 16), the Waste Sites Plan will identify suitable development locations and give clear guidance on the type of facility that may be developed in such locations, based on this Plan's vision, strategic objectives and policies. The criteria in Policy CSW 6 will be taken into account when selecting and screening the suitability of sites for identification in the Waste Sites Plan.

6.5.9 Policy CSW 6 applies to all proposals for built waste management facilities. Sites identified for allocation in the Waste Sites Plan will be assessed for their suitability to accommodate certain types of waste management facility and therefore certain sites may only accommodate certain types of facility deemed appropriate to that location.

Policy CSW 6

Location of Built Waste Management Facilities

Planning permission will be granted for uses identified as appropriate to the sites allocated in the Waste Sites Plan to meet the need identified in Policy CSW 7 providing that such proposals:

a. do not give rise to significant adverse impacts upon national and international designated sites, including Areas of Outstanding Natural Beauty (AONB), Sites of Special Scientific Interest (SSSI), Special Areas of Conservation (SAC), Special Protection Areas (SPAs), Ramsar sites, Ancient Monuments and registered Historic Parks and Gardens. (See Figures 4, 5 & 6).

b. do not give rise to significant adverse impacts upon Local Wildlife Sites (LWS), Local Nature Reserves (LNR), Ancient Woodland, Air Quality Management Areas (AQMAs) and groundwater resources. (See Figures 7, 8, 10 & 15)

c. are well located in relation to Kent's Key Arterial Routes, avoiding proposals which would give rise to significant numbers of lorry movements through villages or on unacceptable stretches of road.

d. do not represent inappropriate development in the Green Belt.

e. avoid Groundwater Source Protection Zone 1 or Flood Risk Zone 3b.

f. avoid sites on or in proximity to land where alternative development exists/ has planning permission or is identified in an adopted Local Plan for alternate uses that may prove to be incompatible with the proposed waste management uses on the site.

g. for energy producing facilities - sites are in proximity to potential heat users.

h. for facilities that may involve prominent structures (including chimney stacks) - the ability of the landscape to accommodate the structure (including any associated emission plume) after mitigation.

i. for facilities involving operations that may give rise to bioaerosols (e.g. composting) to locate at least 250m away from any potentially sensitive receptors.

Where it is demonstrated that provision of capacity additional to that required by Policy CSW 7, or that waste will be dealt with further up the hierarchy, or it is replacing capacity lost at existing sites, facilities that satisfy the relevant criteria above on land in the following locations will be granted consent, providing there is no adverse impact on the environment and communities and where such uses are compatible with the development plan:

1. within or adjacent to an existing mineral development or waste management use

2. forming part of a new major development for B8 employment or mixed uses

3. within existing industrial estates

4. other previously developed, contaminated or derelict land not allocated for another use

5. redundant agricultural and forestry buildings and their curtilages

Proposals on a greenfield land other than in the circumstances of category 2 above will only be permitted if either:

A. it can be demonstrated that there are no suitable locations identifiable from categories 1 to 5 above within the intended catchment area of waste arisings, or

B. Particular regard will be given to whether if the nature of the proposed waste management activity requires an isolated location.

6.6 Identifying Sites for Household Waste Recycling Centres

6.6.1 The county has an existing well-established network of facilities for MSW for receiving household waste delivered by residents of Kent. These Household Waste Recycling Centres (HWRC) play an important role in meeting waste recovery and landfill diversion targets. The intention for the Plan period is to ensure facilities are provided to meet local population needs accounting for economic and projected housing growth. During the lifetime of the Plan, there is an intention to rationalise facilities. Proposals for Household Waste Recycling Centres will be considered against Policy CSW6: Location of Built Waste Management Facilities and relevant Development Management Policies.

6.7 Policy CSW 7: Waste Management for Non-hazardous Waste

6.7.1 Policy CSW 7 provides a strategy for the provision of new waste management capacity for non-hazardous waste. The policy will increase the provision of new waste management capacity for recovery while recognising the need to drive waste up the hierarchy

6.7.2 The term *non-hazardous waste* is regarded, for purposes of the Plan, as being synonymous with MSW[(86)] and C&I[(87)] waste.

6.7.3 The *Needs Assessment* for waste facilities[(88)] shows that there is no lack of capacity preparation of non-hazardous waste for reuse or recycling during the whole of the plan period. However, the *Needs Assessment* shows a capacity gap emerging in 2024 for treating green and kitchen wastes and Policy CSW 7 therefore seeks to address that gap in provision. The additional capacity required for composting is a minimum but the figure for EfW capacity is a maximum; this reflects the relative positions of these methods of waste management in the Waste Hierarchy. i .e. that it is preferable to process organic waste to produce compost to burning it to produce heat/power. The use of organic waste to produce a gas that may be used as a fuel via anaerobic digestion is also considered preferable to its direct combustion.

6.7.4 There is no intention to restrict the amount of new capacity for waste management for recycling or preparation of waste for reuse or recycling. Furthermore, there is also no intention to restrict provision of the additional capacity of green and/or kitchen waste treatment facilities to the later part of the plan period since the sooner it is delivered, the greater the impact will be on reducing organic waste going to landfill, the most significant source of methane production.

6.7.5 Implementing Policy CSW 7 will result in reducing the amount of Kent non-hazardous waste going for disposal to landfill to less than 76,000 tpa by the end of the plan period. It will also assist in retaining existing non-hazardous landfill capacity in Kent at the end of the plan period for any non-hazardous waste that cannot be reused, recycled, composted or recovered. The reliance being placed upon a major increase in additional future capacity through the recovery of waste is regarded as being deliverable due to the responses received to the call for sites for the Waste Sites Plan, which include sufficient EfW proposals to meet the required additional capacity.

86 MSW is Municipal Solid Waste.
87 C&I is Commercial and Industrial waste.
88 Jacobs (January 2012) Addendum to the Needs Assessment Modelling Technical Report - Needs Assessment 2011 Update.

Policy CSW 7

Waste Management for Non-hazardous Waste

In seeking to be as self-sufficient as possible in managing non-hazardous waste arisings in Kent, and for providing for limited amounts of non-hazardous waste from London, sufficient sites for waste management facilities will be identified in the Waste Sites Plan to meet identified needs as a minimum, including the following capacity.

Non-Hazardous

Year	Maximum Additional Recovery Capacity Required [1](tonnes per annum)	Indication of Number of New Facilities for Recovery Needed [2]	Minimum Additional Treatment Capacity for Green and Kitchen Wastes (tonnes per annum)	Indication of Number of New Facilities Needed for Treating Green and Kitchen Waste[3]
2011	0	0	0	0
2016	375,000	1-2	20,000	1
2021	125,000	1	0	0
2026	62,500	1	20,000	1
2031	0	0	24,000	1
Total	**562,500**	**3-4**	**64,000**	**3**

1. Calculation of capacity at any proposed sites may include recycling and composting in an integrated waste management facility providing the total capacity calculated results in no significant amount of residue having to go to non-hazardous landfill. These figures are based on the high growth forecasts.
2. The actual number of facilities required will depend on the throughput capacity of proposed facilities brought forward to meet the identified need. Facilities with a smaller capacity will result in more facilities than indicated being required.
3. Additional capacity required to achieve composting rates of 65% C&I waste and 60% MSW by 2025.

Waste management capacity for non-hazardous waste will be provided through sites for managing waste, including Energy from Waste, recycling, in-vessel (enclosed) composting facilities and anaerobic digestion.

Sites for anaerobic digestion, composting, Energy from Waste, mechanical biological treatment and other energy and value recovery technologies that assist Kent in meeting the capacity gap identified in this policy will be granted planning permission provided that:

1. pre-sorting of the waste is carried out unless proven not to be technically practicable for that particular waste stream

2. recovery of by-products and residues is maximised

3. energy recovery is maximised (utilising both heat and power)

4. any residues produced can be managed or disposed of in accordance with the objectives of Policy CSW 2

5. sites for the management of green waste and/or kitchen waste in excess of 100 tonnes per week are Animal By Product Regulation compliant (such as in-vessel composting or anaerobic digestion)

6. sites for small-scale open composting of green waste (facilities of less than 100 tonnes per week) that are located within a farm unit and the compost is used within that unit

6.8 Policy CSW 8: Recovery Facilities for Non-hazardous Waste

6.8.1 One of the fundamental aims of the Plan is to reduce the amount of MSW and C&I waste being sent to non-hazardous landfill. There will need to be a substantial increase in waste recovery capacity during the plan period if a rapid shift away from landfill is to occur.

6.8.2 To give sufficient flexibility for waste management in Kent up to 2030, high growth forecasts used to estimate the amount of additional recovery capacity indicate that 562,000 tpa will be required (as shown in the table in Policy CSW 7). Additional recovery capacity will need to be designed to operate as Waste Directive Framework compliant recovery processes harnessing the energy produced.

6.8.3 Such capacity might be developed in conjunction with waste processing facilities on the same site, or as standalone plants where the waste is processed to produce a fuel off-site. In order to avoid the risk of under provision by double counting both fuel preparation capacity and fuel use capacity, only one of the two facility contributions will be counted towards the requirement set out in Policy CSW 7. Where fuel preparation takes place as a stand-alone activity, e.g. Mechanical Biological Treatment, the recovery contribution will only be counted as the difference between the input quantity and the output quantity unless the output fuel has a proven market. Where that is the case, if the output fuel is to be used in a combustion plant beyond Kent, then this contribution will also be counted.[89]

Policy CSW 8

Recovery Facilities for Non-hazardous Waste

Sites for additional recovery facilities will be identified in the Waste Sites Plan to treat a capacity of 562,500 tonnes per annum.

Permission will be granted for a maximum of 437,500 tonnes in total capacity until such time that the results of annual monitoring indicate that this restriction would result in the loss of all non-hazardous landfill capacity in the county before the end of the plan period.

Facilities using waste as a fuel will only be permitted if they qualify as recovery operations as defined by the Revised Waste Framework Directive. [90]

When an application for a combined heat and power facility has no proposals for use of the heat when electricity production is commenced, the development will only be granted planning permission if:

1. the applicant and landowner enter into a planning agreement to market the heat and to produce an annual public report on the progress being made toward finding users for the heat.

89 For example, of 100 tonnes is fed into the plant: 20 tonnes are lost as moisture; 30 tonnes are diverted as recyclate; 50 tonnes of waste is converted into material that may be suited for use as a fuel. Unless that fuel has a proven market then the contribution counted will be 50 tonnes as the remaining material may end up going to landfill. If the 50 tonnes of fuel goes to a plant built within Kent the recovery contribution will be counted at the combustion plant rather than the fuel preparation plant. If the 50 tonnes of fuel is exported beyond the county then the recovery contribution will be counted at the fuel preparation plant.

90 Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives.

6.16 Policy CSW 16: Safeguarding of Existing Waste Management Facilities

6.16.1 The current stock of waste management facilities are important to maintaining net self-sufficiency. The loss of annual capacity at an existing permitted waste site could have an adverse effect upon delivering the waste strategy and so the protection of the existing stock of sites with permanent waste permission is as important to achieving the aims of the Plan as identifying new sites. Existing permitted sites with permanent permission for waste facilities can be protected through refusing permission for the redevelopment of these sites to non-waste uses. A list of waste sites is updated and published each year in the Kent MWLP AMR[(94)] Policy DM 8 identifies situations where development at, or in proximity to safeguarded waste management facilities would be acceptable.

Policy CSW 16

Safeguarding of Existing Waste Management Facilities

Sites that have permanent planning permission for waste management, or are allocated in the Waste Sites Plan are safeguarded from being developed for non waste management uses.

Where other development is proposed at, or within 250m of, safeguarded waste management facilities Local Planning Authorities will consult the Waste planning Authority and take account of its views before making a planning decision (in terms of both a planning application and an allocation in a local plan).

94 Available online from: www.kent.gov.uk/mwlp.

7 Development Management Policies

7.0.1 The DM policies in this chapter address a range of subjects relevant to minerals and waste developments in Kent. Together with the minerals and waste delivery strategy policies, and the Minerals and Waste Site Plans, the policies form a robust DM framework for the determination of minerals and waste applications. These policies should also be considered in the context of the relevant local plan for the district or borough where the proposal is situated.

7.0.2 The DM policies in the Plan avoid duplication with other regulatory functions, such as the environmental permitting regime carried out by the EA.

7.1 Policy DM 1: Sustainable Design

7.1.1 It is important that all minerals and waste developments are designed to minimise the impact upon the environment and Kent's communities. There is a need to reduce the amount of greenhouse gas emissions and other forms of emissions, minimise energy and water consumption, reduce waste production and reuse or recycle materials.

7.1.2 Sustainable design initiatives can be achieved by a variety of means such as the incorporation of renewable energy, energy management systems, grey water recycling systems, sustainable drainage systems, energy efficient appliances and the use of recycled and recyclable building materials. Policy DM 1 supports some of the key priorities in the County Council's environmental strategy.[106]

Policy DM 1

Sustainable Design

Proposals for minerals and waste development will be required to demonstrate that they have been designed to:

1. minimise greenhouse gas emissions and other emissions
2. minimise energy and water consumption and incorporate measures for water recycling and renewable energy technology and design in new facilities where possible
3. maximise the re-use or recycling of materials
4. utilise sustainable drainage systems wherever practicable
5. protect and enhance the character and quality of the site's setting and its biodiversity interests or mitigate and if necessary compensating for any predicted loss
6. minimise the loss of Best and Most Versatile Agricultural Land.

106 KCC (July 2011) Growing the Garden of England: A Strategy for Environment and Economy in Kent.

7.2 Policy DM 2: Environmental and Landscape Sites of International, National and Local Importance and Policy DM 3: Ecological Impact Assessment

7.2.1 Minerals and waste developments can have adverse impacts on sites of international, national and local importance. Kent has a wide range of landscapes and habitats that play an important role in supporting a variety of flora and fauna. The county also has an abundance of important heritage assets. Significant weight in planning terms is given to conserving landscape and scenic beauty of AONBs in which the conservation of wildlife and cultural heritage are important considerations.

7.2.2 Locally important sites are also designated in recognition of their significance at the local level but do not normally carry the same level of protection as international or nationally designated sites. These sites include LWSs, priority habitat identified in BAP, Local Geological Sites, Locally Listed Heritage Assets, LNRs, Country Parks, Ancient Woodland and aged or veteran trees, waterbodies and other green infrastructure features.

7.2.3 Policy DM 2 relates to these sites of international, national, and local environmental and landscape importance. The policy aims to ensure that there are no unacceptable adverse impacts on these important assets and sets out the circumstances where impacts upon them would be acceptable. In the case of a demonstrated overriding need for the development, any impacts would be required to be mitigated or compensated for in order to provide a net gain or improvement to their condition.

7.2.4 In addition to Policy DM 2, Policy DM 3 seeks to ensure that an adequate level of ecological assessment will be undertaken for Kent's biodiversity assets.

7.2.5 In terms of selecting and screening the suitability of sites for identification in the Minerals and Waste Sites Plans, the following criteria will be taken into account:

- the requirements set out in Policy CSM 2: Supply of Land-won Minerals, Policy CSW 6: Location of Built Waste Management Facilities and Policy CSW 7: Waste Management for Non-hazardous Waste
- all policies set out in Chapter 7: Development Management Policies
- relevant policies in district local plans
- strategic environmental information, including landscape assessment and HRA as appropriate

The scope of the above information to be considered will be appropriate for a Strategic Site selection process. More detailed information will be required for consideration at the planning applications stage.

Policy DM 2

Environmental and Landscape Sites of International, National and Local Importance

Proposals for minerals and/or waste development will be required to ensure that there is no unacceptable adverse impact on the integrity, character, appearance and function, biodiversity interests, or geological interests of sites of international, national and local importance.

1. International Sites

Minerals and/or waste proposals located within or considered likely to have any unacceptable adverse impact on international designated sites, including Ramsar, Special Protection Areas and Special Areas of Conservation (European Sites), will need to be evaluated in combination with other projects and plans. Before any such proposal will be granted planning permission or identified in the Minerals and Waste Sites Plans, it will need to be demonstrated that:

a. there are no alternatives

b. there is a robust case established as to why there are imperative reasons of overriding public interest

c. there is sufficient provision for adequate timely compensation

2. National Sites

2.1 Designated Areas of Outstanding Natural Beauty (AONB)[(107)] have the highest status of protection in relation to landscape and scenic beauty. Regard must be had to the purpose of the designation when exercising or performing any functions in relation to, or so as to affect land, in an AONB. For the purposes of this policy, such functions include the determination of planning applications and the allocation of sites in a development plan.

Planning permission for major minerals and waste development in a designated AONB will be refused except in exceptional circumstances and where it can be demonstrated that it is in public interest. In relation to other minerals or waste proposals in an AONB, great weight will be given to conserving its landscape and scenic beauty. Proposals outside, but within the setting of an AONB will be considered having regard to the effect on the purpose of conserving and enhancing the natural beauty of the AONB.

Consideration of such applications will assess;

107 The purpose of an AONB is set out in Section 82(1) of the Countryside and Rights of Way Act 2000 states as follows: the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty.

a. the need for the development, including in terms of any national considerations and the impact of granting, or refusing, the proposal upon the local economy

b. the cost of, and scope for developing elsewhere outside the designated area, or meeting the need in some other way

c. any detrimental impact on the environment, the landscape and recreational opportunities, and the extent to which the impact could be moderated taking account of the relevant AONB Management Plan.

Sites put forward for allocation for minerals or waste development in the Minerals Site Plan or the Waste Sites Plan will be considered having regard to the above tests. Those that appear to the Minerals and Waste Planning Authority to be unlikely to meet the relevant test(s) will not be allocated.

2.2 Proposals for minerals and/or waste developments within or outside of designated Sites of Special Scientific Interest, that are considered likely to have any unacceptable adverse impact on a Site of Special Scientific Interest, will not be granted planning permission or identified in the Minerals and Waste Sites Plans except in exceptional circumstances where it can be demonstrated that:

a. the benefits of the development outweigh any impacts that it is likely to have on the features of the site that make it of special scientific interest

b. the benefits of the development outweigh any impacts that it is likely to have on the national network of Sites of Special Scientific Interest

2.3 Minerals and/or waste proposals located within or considered likely to have any unacceptable adverse impact on Ancient Woodland will not be granted planning permission, or identified in the Minerals and Sites Plans, unless the need for, and the benefits of the development in that location clearly outweigh any loss.

3. Local Sites

Minerals and/or waste proposals within the Local Sites listed below will not be granted planning permission, or identified in the Minerals and Sites Plans, unless it can be demonstrated that there is an overriding need for the development and any impacts can be mitigated or compensated for, such that there is a net planning benefit:

a. Local Wildlife Sites

b. Local Nature Reserves

c. Priority Habitats and Species

d. land that is of regional or local importance as a wildlife corridor or for the conservation of biodiversity

e. Local Geological Sites

f. irreplaceable habitat including aged and veteran trees

g. Country Parks, common land and village greens and other important areas of open space or green areas within built-up areas

Policy DM 3

Ecological Impact Assessment

Proposals for minerals and waste developments will be required to ensure that they result in no unacceptable adverse impacts on Kent's important biodiversity assets. These include internationally, nationally and locally designated sites, European and nationally protected species, and habitats and species of principal importance for the conservation of biodiversity / Biodiversity Action Plan habitats and species.

Proposals that are likely to have unacceptable adverse impacts upon important biodiversity assets will need to demonstrate that an adequate level of ecological assessment has been undertaken and will only be granted planning permission following:

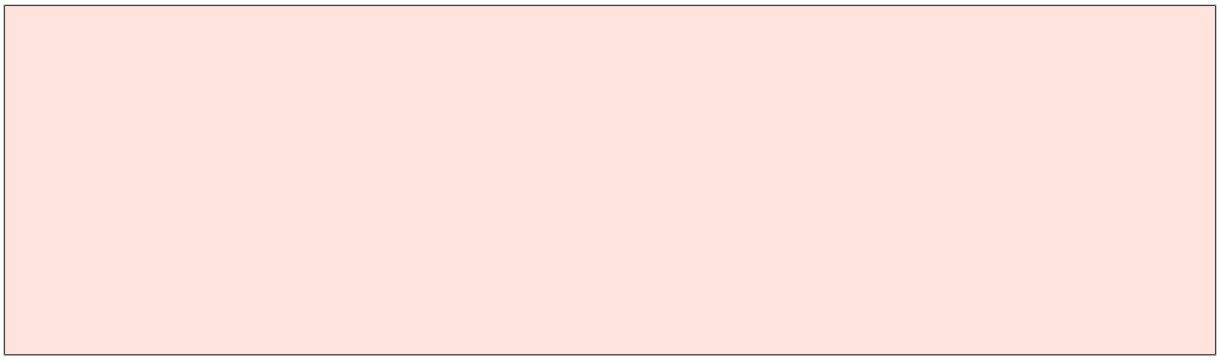
1. an ecological assessment of the site, including preliminary ecological appraisal and, where likely presence is identified, specific protected species surveys

2. consideration of the need for, and benefits of, the development and the reasons for locating the development in its proposed location

3. the identification and securing of measures to mitigate any adverse impacts (direct, indirect and cumulative)

4. the identification and securing of compensatory measures where adverse impacts cannot be avoided or mitigated for

5. the identification and securing of opportunities to make a positive contribution to the protection, enhancement, creation and management of biodiversity



7.4 Policy DM 5: Heritage Assets and Policy DM 6: Historic Environment Assessment

7.4.1 Kent's historic environment requires protection for the enjoyment and benefit of future generations. The historic environment covers all aspects of the environment resulting from the interaction between people and places through time, including all surviving physical remains of past human activity, whether visible, buried or submerged as well as landscaped and planted or managed flora.[108] The NPPF identifies the conservation of such heritage assets as one of the core land-use planning principles that underpin both plan-making and decision-taking; it states that heritage assets should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life by today's and future generations.[109]

108 As defined by DCLG (March 2012) National Planning Policy Framework, para. 52.
109 DCLG (March 2012) National Planning Policy Framework, para.17.

Policy DM 5

Heritage Assets

Proposals for minerals and waste developments will be required to ensure that Kent's heritage assets and their settings, including locally listed heritage assets, registered historic parks and gardens, Listed Buildings, conservation areas, World Heritage Sites, Scheduled Ancient Monuments, archaeological sites and features and defined heritage coastline,[(110)] are conserved in a manner appropriate to their significance.

Proposals should result in no unacceptable adverse impact on Kent's historic environment and, wherever possible, opportunities must be sought to maintain or enhance historic assets affected by the proposals. Minerals and/or waste proposals that would have an impact on a heritage asset will not be granted planning permission unless it can be demonstrated that there is an overriding need for development and any impacts can be mitigated or compensated for, such that there is a net planning benefit.

110 Two sites in Kent: (1.) South Foreland and (2.) Dover - Folkestone.

7.6 Policy DM 8: Safeguarding Minerals Management, Transportation, Production & Waste Management Facilities

7.6.1 It is essential to the delivery of this Plan's minerals and waste strategy that existing facilities[(113)] used for the management of minerals (including wharves and rail depots) and waste are safeguarded for the future, in order to enable them to continue to be used to produce and transport the minerals needed by society and manage its waste.

112 In this context 'mineral safeguarding' should be taken to mean safeguarding certain minerals identified within a Mineral Safeguarding Area shown in the policies maps in Chapter 9 and allocations in the Minerals Sites Plan.

113 'Existing facilities' are taken as those have permanent planning permission for minerals and waste uses.

7.6.2 Policy DM 8 sets out the circumstances when safeguarded minerals and waste development may be replaced by non waste and minerals uses. This includes ensuring that any replacement facility is at least equivalent to that which it is replacing and it specifies how this should be assessed.

7.6.3 In the case of mineral wharves the factors to be considered include the depths of water at the berth, accessibility of the wharf at various states of the tide, length of the berth, the size and suitability of adjacent land for processing plant, weighbridges and stockpiles, and existing, planned or proposed development that may constrain operations at the replacement site at the required capacity.

7.6.4 There also are circumstances when development proposals in the vicinity of safeguarded facilities will come forward. The need for such development will be weighed against the need to retain the facility and the objectives and policies of the development plan as a whole will need to be considered when determining proposals. Policy DM 8 sets out the circumstances when development may be acceptable in a location proximate to such facilities. The policy recognises that the aim of safeguarding is to avoid development which may impair the effectiveness and acceptability of the infrastructure.

7.6.5 Certain types of development which require a high quality amenity environment (e.g. residential) may not always be compatible with minerals production or waste management activities which are industrial in nature. Policy DM 8 therefore expects the presence of waste and minerals infrastructure to be taken into account in decisions on proposals for non waste and minerals development made in the vicinity of such infrastructure.

Policy DM 8

Safeguarding Minerals Management, Transportation Production & Waste Management Facilities

Planning permission will only be granted for development that is incompatible with safeguarded minerals management, transportation or waste management facilities, where it is demonstrated that either:

1. it constitutes development of the following nature: advertisement applications; reserved matters applications; minor extensions and changes of use and buildings; minor works; and non-material amendments to current planning permissions; or

2. it constitutes development on the site that has been allocated in the adopted development plan; or

3. replacement capacity, of the similar type, is available at a suitable alternative site, which is at least equivalent or better than to that offered by the facility that it is replacing; or

4. it is for a temporary period and will not compromise its potential in the future for minerals transportation; or

5. the facility is not viable or capable of being made viable; or

6. material considerations indicate that the need for development overrides the presumption for safeguarding; or

7. It has been demonstrated that the capacity of the facility to be lost is not required.

Replacement capacity must be at least equivalent in terms of tonnage, accessibility, location in relation to the market, suitability, availability of land for processing and stockpiling of waste and minerals, and:

- in the case of wharves, the size of the berth for dredgers, barges or ships

- in the case of waste facilities, replacement capacity must be at least at an equivalent level of the waste hierarchy and capacity may be less if the development is at a higher level of the hierarchy

There must also be no existing, planned or proposed developments that could constrain the operation of the replacement site at the required capacity.

Planning applications for development within 250m of safeguarded facilities need to demonstrate that impacts, e.g. noise, dust, light and air emissions, that may legitimately arise from the activities taking place at the safeguarded sites would not be experienced to an unacceptable level by occupants of the proposed development and that vehicle access to and from the facility would not be constrained by the development proposed.

Further guidance on the application of this policy will be included in a Supplementary Planning Document.

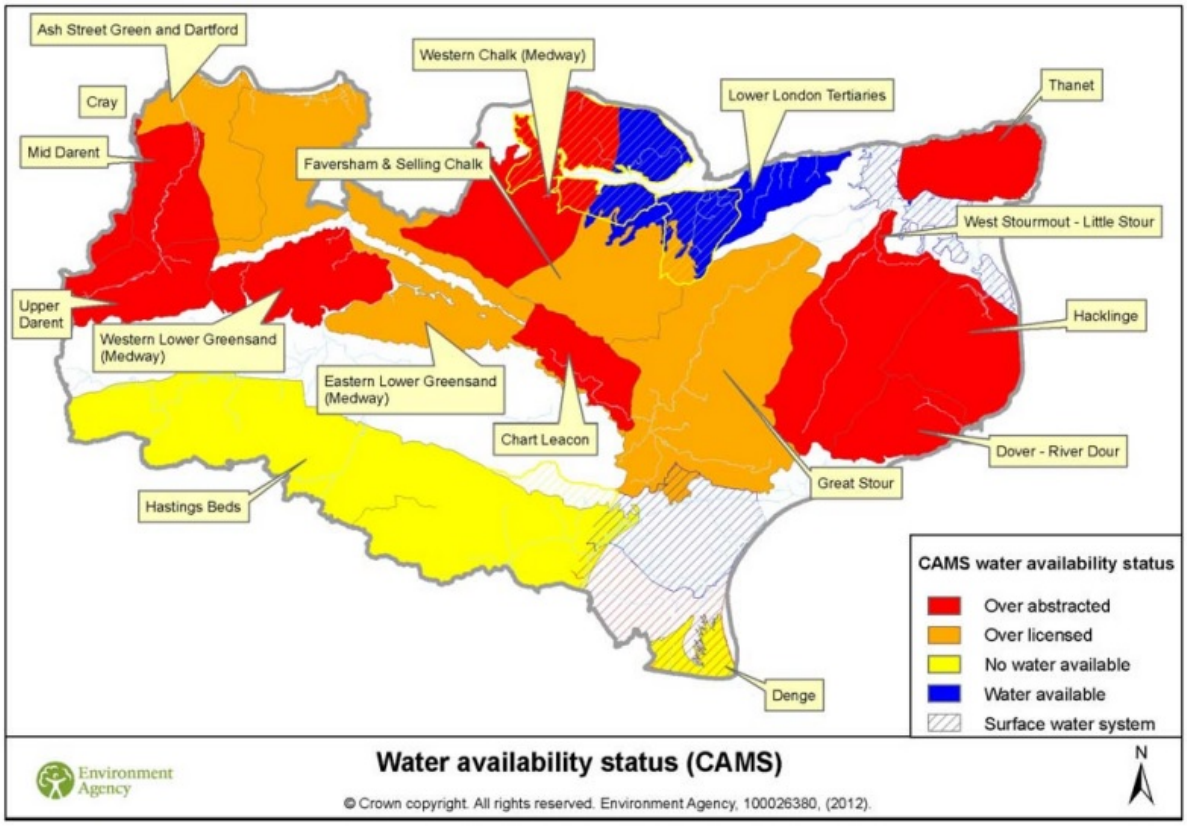
7.8 Policy DM 10: Water Environment

7.8.1 Minerals and waste development can have significant impacts on flooding and water quantity and water quality. In Kent there are many catchments where there is little or no water available for abstraction during dry periods. Pressures are particularly notable in Kent as it is one of the driest parts of England and Wales, coupled with high population density and household water use (see Figure 21). Areas of mineral excavation

can often provide opportunities for water storage at times of flood and therefore mitigate against the effects of flooding. There are five sources of flooding that are considered in the SFRA:[114]

- flooding from rivers
- flooding from the sea
- flooding from rainfall
- flooding from groundwater
- flooding from sewers

Figure 21 Water Availability Status (Source: Environment Agency, State of Water in Kent, 2012)



7.8.2 Flood zones are used to determine the probability of land experiencing flooding from a river or the sea. The aims of national flood policy is to steer development towards areas with the lowest probability of flooding. The EA has identified four flood zones:

- **Flood Zone 1:** Land within this zone has been assessed as having a low probability of experiencing flooding from the rivers and sea (less than a 1 in 1000 annual probability of river or sea flooding (<0.1%). Any land-use is appropriate in this zone. Flood Zone 1 is normally shown as unshaded on flood maps.

114 Barton Willmore (June 2013) Mineral and Waste Plan 2013-2030 Strategic Flood Risk Assessment (on Behalf of KCC).

- **Flood Zone 2:** Land within this flood zone has been assessed as having a medium probability of experiencing flooding from rivers and the sea (i.e. having between a 1 in 100 and 1 in 1000 annual probability of river flooding (1%-0.1%), or between a 1 in 200 and 1 in 1,000 annual probability of sea flooding (0.5%-0.1%) in any year). Sand and gravel workings, wharves, mineral workings and processing, waste treatment and landfill sites are appropriate developments for land within this flood zone.

- **Flood Zone 3:** Land within this zone has been assessed as having a high probability of experiencing flooding from rivers and the sea (between a 1 in 100 or greater annual probability of river flooding (>1%), or between a 1 in 200 or greater annual probability of sea flooding (>0.5%) in any year). Development within this flood zone should seek opportunities to reduce the overall level of flood risk through layout and form and appropriate use of sustainable drainage systems, relocating existing development to land in zones with lower risks of flooding and creating space for flooding to occur by restoring functional floodplain and flood flow pathways and by identifying and safeguarding open space for flood storage. Sand and gravel workings, wharves, mineral workings and the processing and treatment of waste (except landfill and hazardous waste facilities) are considered suitable for land-use in this zone.

- **Flood Zone 3b (The Functional Floodplain):** Land within this zone has been assessed as land where water has to flow or be stored in times of flood. Development within this zone should seek opportunities to reduce the overall level of flood risk in the area through the layout and form of the development and the appropriate application of sustainable drainage systems, or to relocate existing development to land with a lower probability of flooding. Sand and gravel workings and wharves are considered appropriate land-uses within this zone.

7.8.3 Both flood water and groundwater may become contaminated if it comes into contact with certain types of wastes. It is therefore necessary for waste sites to be managed to ensure that the risk of water contamination from waste is minimised. Planning applications for sites located in areas prone to flooding must be accompanied by a suitable Flood Risk Assessment.

7.8.4 Groundwater Source Protection Zones (SPZ) for Kent are set out in Figure 15. Groundwater accounts for over 70% of public water supply in Kent. This reliance on groundwater resources makes it important that mineral and waste developments do not adversely affect groundwater supplies in any way.

- **SPZ 1** is the inner zone which is within the 50-day travel time from any point below the water table to the source. This zone around the groundwater supply abstraction point has a minimum radius of 50 metres.

- **SPZ 2** is the outer protection zone and refers to the 400-day travel time from a point below the water table.

- **SPZ 3** is the Source Protection Catchment Zone and refers to the area around a source within which all groundwater recharge is presumed to be discharged at the source.
- **SPZ4** is a surface water catchment which drains into the aquifer feeding groundwater supply.

7.8.5 To ensure compliance with the Water FD,[115] minerals and waste developments must not cause any unacceptable adverse impact on local water bodies. Applications for minerals and waste proposals within SPZs should be accompanied by a hydrogeological assessment. Waste operations are not usually considered compatible within SPZ1.

7.8.6 Policy DM 10 embraces issues of flood, groundwater, SPZs and the protection of waterbodies.

Policy DM 10

Water Environment

Planning permission will be granted for minerals or waste development where it does not:

1. result in the deterioration of physical state, water quality or ecological status of any water resource and waterbody, including rivers, streams, lakes and ponds
2. have an unacceptable impact on groundwater Source Protection Zones (as shown in Figure 15)
3. exacerbate flood risk in areas prone to flooding (as shown in Figure 15) and elsewhere, both now and in the future

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 connected to the site. A hydrogeological assessment 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.

7.9 Policy DM 11: Health and Amenity

7.9.1 Minerals and waste development can have unacceptable adverse impacts on the environment and local communities. The use of machinery and lighting can result in noise, light and air pollution and also affect the amenity of nearby communities and businesses and other land uses such as sport, recreation or tourism. It is important that

115 EU Water Framework Directive 2000/60/EC.

the minerals and waste industry in Kent does not adversely impact upon the health and amenity of surrounding environment and communities, and appropriate suitable mitigation measures are used to reduce the risk of unacceptable adverse impacts occurring.

Policy DM 11

Health and Amenity

Minerals and waste development will be permitted if it can be demonstrated that they are unlikely to generate unacceptable adverse impacts from noise, dust, vibration, odour, emissions, bioaerosols, illumination, visual intrusion, traffic or exposure to health risks and associated damage to the qualities of life and wellbeing to communities and the environment. This may include production of an air quality assessment of the impact of the proposed development and its associated traffic movements and necessary mitigation measures required through planning condition and/or planning obligation. This will be a particular requirement where a proposal might adversely affect the air quality in an AQMA. (See Figure 15)

Proposals for minerals and waste development will also be required to ensure that there is no unacceptable adverse impact on the use of other land for other purposes.

7.10 Policy DM 12: Cumulative Impact

7.10.1 Impacts from one development in any particular area may give rise to impacts that, when controlled by mitigation are acceptable and do not give rise to any unacceptable adverse impacts. However, two or more developments of a similar nature within close proximity to each other may act together to cause impacts that are not acceptable, even with mitigation incorporated into the design for each development.

7.10.2 Proposals likely to have a significant effect on internationally important interest features of internationally important wildlife sites, will need to be assessed through consideration of the possible effects of any other plans and projects, as well as the minerals and/or waste development proposed.

7.10.3 The following policy requires cumulative impacts to be considered when two or more developments are potentially capable of causing significant effects on the environment (including climate change), biodiversity interests or on the amenity of the local community. It is also relevant where a new development may affect communities or the environment cumulatively with existing developments.

Policy DM 12

Cumulative Impact

Planning permission will be granted for minerals and waste development where it does not result in an unacceptable adverse, cumulative impact on the environment or communities. This is in relation to the collective effect of different impacts of an individual proposal, or in relation to the effects of a number of developments occurring concurrently and/or successively.

7.11 Policy DM 13: Transportation of Minerals and Waste

7.11.1 One of the roles of the Kent MWLP is to encourage the use of sustainable transportation methods including rail and water. However, in view of the limited opportunities that are available within the county to increase the use of sustainable transportation methods, it is acknowledged that most minerals and waste movements across Kent will continue to be made by road.

7.11.2 Any minerals or waste developments that are likely to result in an increase of more than 200 Heavy Duty Vehicles (HDVs)/day[(116)] on any road that lies within 200m of a designated European Site will need to be subject to HRA screening to evaluate air quality impacts. It will be necessary for the applicant to demonstrate that either:

- the increased traffic will not lead to an increase in nitrogen deposition within all European Sites that lie within 200m that constitutes more than 1% of the critical load for the most sensitive habitat within the site, or
- If the increase in deposition will be greater than 1% of the critical load it will nonetheless be sufficiently small that no adverse effect on the interest features and integrity of the European Site will result.

7.11.3 The aim of the Policy DM 13 is to minimise road miles in relation to the transportation of minerals and waste across Kent.

116 Department for Transport (May 2007) The design manual for Roads and Bridges, Volume 11, Section 3, Part 1; regarding air quality Environmental Impact Assessment from roads indicates that if the increase in traffic will amount to less than 200 HDVs per day the development can be scoped out of further assessment. A Heavy Goods Vehicles is a vehicle with over 3.5 tonnes maximum permissible gross weight (mgw).

Policy DM 13

Transportation of Minerals and Waste

Minerals and waste development will be required to demonstrate that emissions associated with road transport movements are minimised as far as practicable and by preference being given to non-road modes of transport. Where development requires road transport, proposals will be required to demonstrate that:

1. the proposed access arrangements are safe and appropriate to the scale and nature of movements associated with the proposed development such that the impact of traffic generated is not detrimental to road safety

2. the highway network is able to accommodate the traffic flows that would be generated, as demonstrated through a transport assessment, and the impact of traffic generated does not have an unacceptable adverse impact on the environment or local community.

3. emission control and reduction measures, such as deployment of low emission vehicles and vehicle scheduling to avoid movements in peak hours. Particular emphasis will be given to such measures where development is proposed within an AQMA. (Figure 15)

7.12 Policy DM 14: Public Rights of Way

7.12.1 Public Rights of Way (PROW) play an important role in enabling access to the countryside. Minerals and waste sites can often be located close to a PROW or a PROW may cross an area of mineral bearing land. It is important that PROWs remain accessible to users throughout the lifetime of the minerals and waste operations and that users' safety is not compromised by any activity on site. New sites or extended sites should not have an adverse impact on the network of PROWs. In some circumstances it will be necessary for a PROW to be diverted during operations. Temporary diversions will only be acceptable if the restoration scheme provides routes to the same standard of surface level as the original PROW. If this is not possible, it may be preferable to divert the route permanently.

Policy DM 14

Public Rights of Way

Planning permission will only be granted for minerals and waste development that adversely affect a Public Right of Way, if:

1. satisfactory prior provisions for its diversion are made which are both convenient and safe for users of the Public Rights of Way
2. provision is created for an acceptable alternative route both during operations and following restoration of the site
3. opportunities are taken wherever possible to secure appropriate, improved access into the countryside

7.13 Policy DM 15: Safeguarding of Transportation Infrastructure

7.13.1 Non-hazardous landfill and water-filled mineral operations attract birds which may give rise to the possibility of increased hazard to air traffic due to bird strike. EfW plants can cause air turbulence in the vicinity of the site which together with the physical structures necessary for these operations can cause obstruction to air safety, in particular to light aircraft. Local planning authorities are required to consult local aerodromes before granting planning permission for development that might endanger the safety of aircraft. Such developments include buildings and structures that exceed certain heights and development that is likely to attract birds within the relevant radius of aerodromes as identified on safeguarding maps provided by the Civil Aviation Authority or Ministry of Defence.

7.13.2 The Port of London Authority has a network of navigational equipment that needs to be maintained to ensure the continued safety of vessels navigating on the River Thames, in addition to the existing, varied operations that currently take place. It is important that this network of equipment is not compromised by other developments.

7.13.3 If, following consultation with relevant organisations, the nature of the mineral extraction or waste management development is considered to give rise to new or increased risks to aerodromes and their associated uses, or increased hazards to rail, river, sea, waterways or road transport then planning permission will not be granted.

Policy DM 15

Safeguarding of Transport Infrastructure

Minerals and waste proposals will be granted planning permission where development would not give rise to unacceptable impacts on aviation, rail, river, sea, other waterways or road transport or where these impacts are mitigated.

7.14 Policy DM 16: Information Required in Support of an Application

7.14.1 The minerals and waste planning authority is entitled to request appropriate information from applicants when the required information is a material consideration in the determination of the planning application. If the additional information is not supplied, the application may be refused planning permission on the grounds of insufficient information.

7.14.2 The planning authority carefully considers all aspects of a planning application to establish whether planning permission should be granted. It involves using the available information to consider the merits of proposals against any potential impacts; a judgement is made regarding the need for the development weighed against any residual impacts after mitigation is taken into consideration. A system of planning controls can be established through the imposition of conditions or planning obligations to further ensure that the development proposals do not have an unacceptable adverse impact on local communities or the environment.

7.14.3 The details of the information required within a planning application can be determined through pre-application discussions and meetings with the Minerals and Waste Planning Authority, which applicants are strongly encouraged to undertake. Applications that are not supported by suitable, sufficient material information will invariably take longer to determine and are at risk of being refused.

7.14.4 Certain types of minerals and waste developments may require an Environmental Statement (ES) to accompany the planning application.[(117)] The information contained within the ES will be taken into account in determining the application. If applicants consider that their proposals are likely to require an ES, they should seek guidance at an early stage on the need for and scope of the ES. All submitted applications will be screened and applicants advised if an ES is required, if one has not already been submitted.

7.14.5 European Sites (including SPAs, Ramsar sites and SACs) are protected by European legislation. HRAs are required to be carried out where proposals may have a significant impact upon the European Site. To assess whether a proposal will have likely significant effects upon a designated site, the criteria in the following paragraphs 7.14.6 - 7.14.8 are used to determine when a HRA will be required for a development project.

7.14.6 Any proposal for an EfW facility should undertake HRA screening with regard to all European Sites within 10 km. It will be necessary for the applicant to demonstrate that either:

- increases in nitrogen deposition within all European Sites that lie within 10 km constitute less than 1% of the critical load for the most sensitive habitat within the site or

- if the increase in nitrogen deposition will be greater than 1% of the critical load, it will nonetheless be sufficiently small that no adverse effect on the interest features and integrity of the European Site will result.

117 Required under the *Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011 (as amended)*.

7.14.7 Any minerals or waste development that is likely to result in an increase of HDVs on any road that lies within 200 m of a European Site should also be subject to HRA screening in order to evaluate air quality impacts within the context of the critical load, or critical level, and the 1% criterion cited above.

Table 1 Indicative screening distances for considering whether a Habitat Regulations Assessment is required for a development.

Pathway	Screening Distance from a European Site(1)
Air Quality - Energy from Waste	10 km
Air Quality - Landfill Gas Flares	1 km
Air Quality - Biopathogens	1 km
Air Quality - Dust	500 m
Air Quality - Vehicle Exhaust Emissions	200 m
Water Quality and Flow	No standard distance (use source/pathway/receptor approach)
Disturbance (noise/visual)	1 km from a European Site supporting disturbance sensitive species/populations
Gull/Corvid (rooks and crows) predation	5 km from a European site supporting sensitive ground nesting breeding species
Coastal Squeeze	No standard distance - evaluate on a case-by-case basis

1. International Designated Sites, Special Areas of Conservation, Special Protection Areas and Ramsar sites.

7.14.8 Table 1 identifies the screening distances from European Sites associated with particular impact pathways. Development projects that will lead to the pathways and fall within these zones will require HRA. The table does not preclude HRA being required in other circumstances.

Policy DM 16

Information Required In Support of an Application

Planning applications for minerals or waste management development must be supported by sufficient, relevant drawings, plans and information, including the information specified in the County Council's guidance notes for minerals and waste applications.[118]

118 Applicants should refer to the following website for the most recent guidance on local information requirements and validation of applications: http://www.kent.gov.uk/planningapplications. Guidance will be reviewed and updated periodically.