Medway Local Plan 2041 Examination

Matter 12 - Minerals and Waste

Hearing Statement

Medway Council

Issues

- Whether the Plan and its relevant policies provide for a steady and adequate supply of minerals and is justified, effective and consistent with national policy.
- Whether the Plan seeks to maintain a sufficient, sustainable supply of locally and nationally important minerals and adequately safeguard mineral resources and minerals infrastructure.
- Whether the Plan's overall approach and policies in relation to waste that needs to be managed over the Plan period robust, justified, effective and consistent with national policy.

Introduction

1. This Hearing Statement has been prepared in response to the Inspectors' Matters, Issues and Questions for Phase 2 of the Examination of the Medway Local Plan 2041.
2. The Council's answers are set out under each question raised by the Inspectors. References are given to the submitted Plan, examination documents, evidence base documents and statements of common ground where relevant.
3. For ease of navigation, this Hearing Statement includes bookmarks and a linked table of contents.
4. Where the Council considers modifications necessary to improve effectiveness, clarity or consistency with national policy, these are identified in this Hearing Statement.

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Questions

Minerals General

Issues

- Whether the Plan and its relevant policies provide for a steady and adequate supply of minerals and is justified, effective and consistent with national policy.
- Whether the Plan seeks to maintain a sufficient, sustainable supply of locally and nationally important minerals and adequately safeguard mineral resources and minerals infrastructure.
- Whether the Plan's overall approach and policies in relation to waste that needs to be managed over the Plan period robust, justified, effective and consistent with national policy.

Introduction

1. This Hearing Statement has been prepared in response to the Inspectors' Matters, Issues and Questions for Phase 2 of the Examination of the Medway Local Plan 2041.
2. The Council's answers are set out under each question raised by the Inspectors. References are given to the submitted Plan, examination documents, evidence base documents and statements of common ground where relevant. Page references use printed numbers with PDF pages used only where none are printed.
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Questions

Minerals General

12.1 Given there appears to be some reliance on Kent for minerals, please explain the working arrangements for minerals with Kent County Council and if there are other (sub) regional groups?

Council's response

5. The reliance on Kent relates particularly to soft sand, for which Medway has no resources. Cross-boundary minerals supply is addressed through the Statement of Common Ground with Kent County Council (A12.4), alongside regional cooperation through the South East England Aggregates Working Party (SEEAWP).

Evidence base

- A12.4, Statement of Common Ground with Kent County Council - Waste Management and Minerals Supply (signed July 2024), pages 11-13, paragraphs 5.2-5.4, 6.2-6.5, 7.1 and 8.1-8.2.
- A11, Duty to Cooperate Statement, pages 31-33, sections 13.3-13.6.
- B20, Local Aggregates Assessment 2024 (December 2025), page 9, paragraphs 1.2-1.3; page 14, paragraph 2.12
- MLP/ED24A, Statement of Common Ground with Prescribed Bodies (September 2026), paragraph 2.15.1.

Explanation

6. The Statement of Common Ground with Kent County Council (A12.4) notes that Medway's soft sand demand is captured in Kent's 10-year average sales and has been taken into account in Kent's minerals planning. Supply also flows the other way: Kingsnorth Quarry may contribute to Kent's sharp sand and gravel needs, although Kent does not rely on it in planning its provision, and marine-won aggregate landed at wharves in both areas serves their shared markets.
7. Under the SoCG (A12.4), signed in July 2024, officers contribute to each other's draft minerals policies and annual Local Aggregates Assessments, liaise as required, and review the SoCG at least every 12 months. Both authorities are members of SEEAWP, to which both Councils submit their LAAs. Both are also party to the South East Mineral Planning Authorities' Soft Sand Position Statement (2023).
8. The September 2026 SoCG with Prescribed Bodies (MLP/ED24A), paragraph 2.15.1, refers to the separate agreed minerals and waste SoCG (A12.4) with Kent County Council. It does not add to the minerals arrangements in that agreement.
9. The published cooperation report also identifies liaison with East Sussex County Council, Brighton and Hove City Council, the South Downs National Park Authority

and other regional mineral planning authorities on aggregate supply and safeguarding (A11, section 13.3).

Conclusion

10. The Council considers that the published evidence demonstrates bilateral cooperation with Kent and participation in regional minerals planning arrangements. These provide the framework for continuing cross-boundary cooperation on supply and safeguarding.

Proposed Main/Minor Modification

Not applicable

Reason for proposed Main/Minor Modification

Not applicable

12.2 Is the supporting evidence for the Plan's approach to minerals sufficiently robust and up-to-date and is it proportionate?

Council's response

11. The evidence provides a proportionate overview of mineral resources, supply infrastructure and aggregate sales, with annual updates through the LAA. The incorporation and strengthening of monitoring arrangements for minerals in the Plan is proposed in response to Question 12.4.

Evidence base

- B20, Local Aggregates Assessment 2024 (December 2025), pages 3-8 (Executive Summary and summary tables), page 9, paragraphs 1.2-1.4; page 14, paragraph 2.11; pages 26-32, section 6 and paragraph 7.3.
- B22.11, Minerals and Waste Topic Paper (April 2025), paragraphs 1.2.6, 1.3.2, 1.6.1 to 1.6.4, 1.7.1 and 1.9.1 to 1.9.2, pages 9 to 17
- A12.4, Statement of Common Ground with Kent County Council - Waste Management and Minerals Supply (signed July 2024), pages 11-13, paragraphs 5.1-5.4, 6.1-6.5 and 7.1-8.2.
- MLP/ED24A, Statement of Common Ground with Prescribed Bodies (September 2026), paragraph 2.15.1.

Explanation

12. Medway's land-won extraction is limited, with one working sand and gravel quarry at Kingsnorth and one inactive site at Perry's Farm. Its wharves nevertheless have a strategically important role in regional aggregate supply. The LAA (2024 Data) (B20) updates sales and reserves to 2024 using operator surveys and other published data. The Topic Paper (B22.11) explains the resource and policy context. The

existence of a resource does not establish that it will be available and deliverable during the Plan period.

Conclusion

13. The Council considers that the evidence provides a sufficiently robust basis for the Plan's approach to minerals supply.

Proposed Main/Minor Modification

Not applicable

Reason for proposed Main/Minor Modification

Not applicable

12.3 What engagement has occurred with the minerals industry regarding future operations over the Plan period?

Council's response

14. Engagement is evidenced through annual operator surveys, SEEAWP and representations on the Plan.

Evidence base

- B20, Local Aggregates Assessment 2024, page 9, paragraphs 1.3-1.4; page 30, paragraph 6.20.
- A11, Duty to Cooperate Statement, pages 31-33, sections 13.3-13.6.
- A10.1, Consultation Statement (including appendices 1 to 5), PDF page 18, paragraph 3.44; Appendix 6, pages 112-113 (Policies T31-T33).
- B22.11, Minerals and Waste Topic Paper, page 14, paragraph 1.6.4.

Explanation

15. The annual Aggregate Monitoring Surveys receive returns from all the main aggregate producers in Medway resulting in sales data from quarries, wharves, rail depots and recycled and secondary aggregate sites. Surveys also seek information about site capacity. SEEAWP includes industry representatives. No sites were nominated for new mineral allocations and there are no firm operator commitments to further extraction in Medway.

Conclusion

16. The LAA (B20, paragraphs 1.3-1.4 and 6.20), the Duty to Cooperate Statement (A11) and the Consultation Statement (A10.1 and A10.2) evidence the engagement undertaken.

Proposed Main/Minor Modification

Not applicable

Reason for proposed Main/Minor Modification

Not applicable

12.4 As there is not a minerals monitoring policy, and it appears that monitoring is only mentioned to support Policy T31 (Paragraph 11.3.2 of the Plan), what are the monitoring arrangements that the Plan seeks to put in place for minerals?

Council's response

17. Minerals will be monitored through the annual LAA, the Authority Monitoring Report (AMR), planning application and compliance monitoring, and the submitted Monitoring Framework (A14). The arrangements therefore extend beyond monitoring quarries and infrastructure referred to in paragraphs 11.3.1 and 11.3.2 of the submitted Plan. The Council proposes an explicit monitoring of landbanks related to Policy T33, as set out below.

Evidence base and Plan references

- A14, Monitoring Framework, PDF pages 17-18 (Minerals Supply and Minerals Monitoring).
- A1, Submission Medway Local Plan 2041, page 205, paragraph 11.1.6, page 210, paragraph 11.3.2.
- B20, Local Aggregates Assessment 2024, page 9, paragraphs 1.2-1.3, and page 14, paragraph 2.11.
- MLP/ED6, Council's response to the Inspectors' initial questions, response 11, pages 5 to 6.

Explanation

18. A14 links indicators to Policies T30-T33. They cover resource sterilisation and mineral assessments, loss of safeguarded wharf and rail depot capacity, recycled and secondary aggregate sales, quarry applications and restoration. The LAA monitors sales, reserves, landbank and capacity annually. Paragraph 11.3.2 provides for the safeguarded infrastructure list and indicative boundaries to be maintained through the AMR. Paragraph 11.1.6 and A14 already refer to the annual LAA. However, the Policy T33 indicators in A14 do not expressly record the land-won sand and gravel landbank or the response to a shortfall. The modification below adds these and makes the link to the Plan explicit

Conclusion

19. The Council considers that A14 provides a monitoring framework for all four minerals policies. Its proposed incorporation into the Plan, together with the landbank indicator and supporting text clarification below, would make these arrangements explicit.

Proposed Main/Minor Modification

20. Main modification: incorporate the Monitoring Framework (A14) into the Plan, as proposed in response 11 of MLP/ED6. Add a paragraph following the minerals supply objectives: "The supply of, and demand for, aggregates will be monitored annually through the Local Aggregates Assessment. The delivery and effectiveness of Policies T30-T33 will be monitored through the Authority Monitoring Report using the indicators in the Monitoring Framework." In the Minerals Monitoring table in A14, add a Policy T33 indicator recording permitted land-won sand and gravel reserves (tonnes), the annual Aggregate Provision Rate (tonnes per annum) and the resulting landbank (years). Set a target of at least seven years, using the annual LAA as the data source and reporting annually through the AMR. Where the landbank falls, or is forecast to fall, below seven years, the LAA and AMR will identify the shortfall and the response, including engagement with operators and neighbouring mineral planning authorities on further provision and assessment of whether a review of the Plan is needed.

Reason for proposed Main/Minor Modification

21. To introduce the submitted monitoring arrangements into the Plan and provide a clear link to the LAA, AMR and Monitoring Framework. MLP/ED6 already identifies incorporation of A14 as a main modification. The additional Policy T33 indicator and response to a shortfall give effect to the monitoring proposal in Question 12.7 and support the objectives in NPPF paragraph 226(e) and (f).

12.5 Is there a reason why the vision for minerals is not included in the contents pages for the Plan?

Council's response

22. The Vision for Minerals Supply is included in the Plan (page 208) but is omitted as a separate entry from the contents. A minor modification to the contents is proposed to provide clarification.

Evidence base and Plan references

- A1, Submission Medway Local Plan 2041, page iv (contents); page 207, paragraph 11.1.17, and page 208 (Vision for Minerals Supply).

Explanation

23. The contents lists section 11.1 and the subsequent policy sections, while the vision is an unnumbered heading between sections 11.1 and 11.2. Adding an entry will improve navigation without altering the vision or any policy.

Conclusion

24. The Council considers that the vision is already part of the Plan. The contents correction will improve the document's accessibility and does not alter its planning approach.

Proposed Main/Minor Modification

25. Minor modification: add "Vision for Minerals Supply" to the contents, linking to the page on which the vision appears (printed page 208 in the submitted Plan).

Reason for proposed Main/Minor Modification

26. To allow readers to locate the minerals vision directly from the contents.

12.6 How has future demand for minerals been assessed?

Council's response

27. Future aggregate demand has been assessed through the LAA using historic sales, local housing and employment growth, infrastructure proposals and wider economic trends. The latest published LAA uses a provision rate of approximately 49,000 tonnes per annum for land-won sand and gravel, based on three-year average sales.

Evidence base and Plan references

- B20, Local Aggregates Assessment 2024, pages 9-10, paragraphs 1.2-1.5; page 13, paragraph 2.9; page 14, paragraph 2.11; pages 26-30, paragraphs 6.1-6.19; page 31, Table 6.
- A1, Submission Medway Local Plan 2041, pages 213-214, paragraphs 11.5.3 and 11.5.6-11.5.8.

Explanation

28. Paragraphs 6.1-6.10 of the LAA (B20), consider housing delivery and planned growth, including a need for 26,176 homes over 2025/26-2040/41 and approximately 240,000 square metres of employment floorspace. Paragraph 6.11 considers regional infrastructure projects, including the Lower Thames Crossing and HS2. Paragraphs 6.13-6.17 consider economic and construction-market forecasts and conclude that aggregate demand is likely to be maintained and may increase in the short to medium term. Paragraphs 6.20-6.23 and Table 6 assess the ability of existing facilities to respond, including spare wharf and recycling capacity.
29. The ten-year sand and gravel sales average is 66,349 tonnes and the three-year average is 49,154 tonnes (B20, paragraph 2.9). Paragraph 2.11 explains the use of the three-year average for the provision rate because extraction restarted at Kingsnorth in 2017 and the Council considers that it better represents the current supply position. The ten-year figure remains part of the assessment and is also used to show a sensitivity calculation of the landbank. This locally justified rate must be

kept under review alongside the forward-looking demand evidence; the three-year average does not replace the requirement to consider ten-year sales and other relevant information.

30. For chalk and brickearth, B22.11, paragraphs 1.2.2-1.2.3 and 1.6.6, describes the industrial context and anticipates continued supply from other plan areas. Policy T33 therefore relates any new extraction proposal to the requirements of the plant it would supply. The reserve requirements for industrial minerals are addressed under Question 12.38.

Conclusion

31. The Council considers that the LAA follows the approach in NPPF paragraph 226(a) and PPG paragraphs 062-064 by considering the ten-year sales baseline, recent trends, forward-looking local information and all supply options together. The justification for the aggregate provision rate is expressly stated in B20, paragraph 2.11 which should not be interpreted as evidence that overall construction demand will fall. The aggregate provision rate will be reassessed in the LAA on an annual basis.

Proposed Main/Minor Modification

Not applicable

Reason for proposed Main/Minor Modification

Not applicable

12.7 Does the Plan provide an adequate landbank for minerals throughout the Plan period?

Council's response

32. The latest published LAA reports a 7.46-year sand and gravel landbank at the end of 2024, but forecasts that it would fall below seven years by the end of 2025 if depletion continued at the same rate. The Plan recognises that it is unlikely that a seven-year landbank could be maintained throughout the Plan period.
33. However, the Plan seeks to give effect to paragraph 226 of the NPPF by planning for a steady and adequate supply of aggregates. In making that provision the Plan relies upon a range of supply sources.
34. The Plan supports a steady and adequate supply by:
    - Safeguarding existing mineral supply infrastructure (T31).
    - Indicating support for additional capacity for secondary and recycled aggregate production (T32); and
    - Identifying areas of search for the extraction of sand and gravel where proposals for extraction will be acceptable in principle (T33).
35. In the absence of deliverable mineral extraction sites being promoted by operators, the Council has determined that it is not appropriate to seek to allocate specific

sites for mineral extraction. Allocation of such sites would not meet the policy tests of being deliverable.

Evidence base and Plan references

- B20, Local Aggregates Assessment 2024, page 12, paragraph 2.5; page 14, paragraphs 2.11-2.12; page 30, paragraphs 6.18-6.21.
- A1, Submission Medway Local Plan 2041, page 213, paragraphs 11.5.2-11.5.5; page 215, Policy T33 and paragraphs 11.5.6-11.5.8.
- B22.11, Minerals and Waste Topic Paper (April 2025), paragraphs 1.1.8 and 1.6.4.
- A12.4, Statement of Common Ground with Kent County Council - Waste Management and Minerals Supply (signed July 2024), paragraphs 5.3-5.4 and 6.2, pages 11-12.
- National Planning Policy Framework (December 2024), paragraph 226(a)-(h)
- National and regional guidelines for aggregates provision in England 2005-2020 (29 June 2009);
- Planning Practice Guidance - Minerals, paragraphs 068 and 070.

Explanation

36. Paragraph 226 of the NPPF states that MPAs should plan for a steady supply of aggregates and sets out the means of achieving that objective (at paragraphs (a) to (h)). These are considered in turn as follows:

Criterion (a)

37. In accordance with criterion (a) a local aggregate assessment has been prepared - the latest version is at B20.

Criterion (b)

38. In accordance with criterion (b) the Council participates in the operation of an aggregate working party as referred to in paragraph 1.1.8 of B22.11.

Criterion (c)

39. In accordance with criterion (c) policy T33 of the Plan makes provision for land won aggregates by identifying areas of search and providing criteria against which proposals can be assessed.

Criterion (d)

40. With regard to criterion (d), the Plan is consistent on the basis that the latest national and regional aggregate guidelines were published on 29 June 2009 and cover the period 2005–2020 and that PPG notes that these provide context rather than rigid standards, allowing different provision where justified by robust LAA evidence. Given their age and elapsed forecast period, the Council places greater

weight on the more recent demand and supply evidence in its LAA to inform the Plan's approach to aggregate provision to 2041.

Criterion (e)

41. In accordance with criterion (e) landbanks of aggregate mineral reserves are used as an indicator. The modification proposed in response to Question 12.4 will add an explicit Policy T33 landbank indicator, a seven-year landbank target, annual reporting and a response to an actual or forecast shortfall to the Monitoring Framework

Criteria (f) to (h):

42. The Local Aggregates Assessment 2024 (B20) reports permitted reserves of 366,000 tonnes and a 7.46 year landbank at the end of 2024 based on the Aggregate Provision Rate (taken as the three year sales average) of approximately 49,000 tonnes per annum. The landbank based on the ten-year sales average is 5.5 years.
43. Paragraph 2.11 of B20 notes that if the depletion of reserves continued at the rate considered, the landbank would be less than seven years by the end of 2025.
44. The minerals industry has shown no interest in further working for some time, evidenced by the absence of nominations for mineral allocations and planning applications. This is stated in the Topic Paper (B22.11 paragraph 1.6.4) and reflected in paragraph 11.5.2 of the Submission Medway Local Plan (A1). The last planning application made for a new sand and gravel quarry in Medway was in 2005 (MC2005/0589 – Kingsnorth Quarry).
45. As noted in the Minerals and Waste Topic Paper (B22.11), the call for sites did not produce nominations for sand and gravel extraction allocations. Paragraph 11.5.7 of the Plan explains that no new sites with sufficient demonstrated deliverability were identified. In those circumstances, allocating an unpromoted site would not establish that the land was available, that investment would be made or that an application would follow.
46. Although the Council could seek to identify specific sites for mineral extraction, such an approach would only be sound if the evidence indicates that sites are deliverable. Given the absence of willing operators the Council is not able to identify specific deliverable sites.
47. While not allocating particular sites, the Plan provides opportunities for development of new sites. Policy T33 provides that extraction within the mapped Areas of Search will be acceptable in principle provided it can be demonstrated that there is a need. Although not encouraged, Policy T33 allows proposals outside those areas to be considered, subject to assessment of alternative sources and overcoming constraints.
48. Accordingly, the plan makes provision for suitable unallocated or 'windfall' sites to come forward if market conditions change.

49. Medway's wider aggregate supply is materially supported by its wharves. Table 6 of the LAA 2024 (B20 page 31) identifies aggregate sales through wharves of 2.93 million tonnes against combined handling capacity of 4.5 million tonnes per annum. The reported headroom offers a practical response to demand. These are figures for all aggregate types, and capacity also serves wider markets. While imports do not count to the landbank, they constitute relevant alternative supplies as envisaged by paragraph 226(e) of the NPPF.
50. The agreed SoCG with Kent (A12.4, paragraph 6.2) recognises increasing reliance on marine aggregate as land-won sources decline and commits both authorities to safeguarding their wharves. It also records Medway's proposed Areas of Search and continuing annual assessment (paragraphs 5.3–5.4). Kent has not relied on Kingsnorth Quarry in planning its own provision. Unlike soft sand, there is no assumption that land-won requirements for sharp sand and gravel can be met by quarries in Kent.
51. The approach taken in the plan of relying on a range of sources of supply ensures that a steady and adequate supply of aggregates can be maintained. Accordingly, the plan is consistent with the policy set out at paragraph 226 of the NPPF whether or not a landbank of seven years supply of (land won) sand and gravel can be maintained for the plan period.

Conclusion

52. The Council cannot confirm that a seven year land-won sand and gravel landbank will be maintained throughout the Plan period. However, The Council considers that the Plan makes positive and proportionate provision towards securing a steady and adequate aggregate supply. The combination of Areas of Search, consideration of suitable windfalls, resource and infrastructure safeguarding and established alternative supplies will ensure a steady and adequate supply. Lack of industry interest precludes the option of identifying specific sites. The landbank will be monitored and any actual or forecast shortfall addressed through the arrangements proposed in Question 12.4.

Proposed Main/Minor Modification

As set out in response to Question 12.4, modify the Monitoring Framework (A14) to confirm that landbanks of aggregate mineral reserves are used as an indicator, as set out under criterion (e) above.

Reason for proposed Main/Minor Modification

To make explicit the use of sand and gravel landbanks as a monitoring indicator in accordance with NPPF paragraph 226(e).

Policy T30: Safeguarding Mineral Resources

12.8 How have Mineral Safeguarding Areas been defined?

Council's response

53. The Mineral Safeguarding Areas identify the river terrace sand and gravel resource that the Plan seeks to protect from unnecessary sterilisation. Their extent takes account of known mineral deposits of economic importance, existing surface development and allocations for other development in the Plan (A1, paragraphs 11.2.1 and 11.2.2).

Evidence base and Plan references

- A1, Submission Medway Local Plan 2041, pages 208 to 209, paragraphs 11.2.1 to 11.2.4 and Policy T30;
- B20, Local Aggregates Assessment 2024, page 10, paragraph 2.1 and Figure 1;
- A2.1 to A2.5, Submission Policies Maps.

Explanation

54. The geological context is illustrated in the Local Aggregates Assessment (B20, Figure 1) which is based on a BGS map of economic geology[1]. Policy T30 of the Plan safeguards the river terrace sand and gravel deposits but excludes buried channel deposits because their economic viability is unknown and the impacts of extraction could be substantial (A1, paragraph 11.2.2). The Mineral Consultation Area includes the safeguarded area and extends 250 metres beyond it. The maps therefore distinguish the resource to be safeguarded from the wider area in which nearby development may affect access to it. The associated MSA boundaries are shown on the submitted Policies Maps (A2.1-A2.5).

Conclusion

55. The basis for defining the Mineral Safeguarding Areas is set out in the Plan.

Proposed Main/Minor Modification

Not applicable

Reason for proposed Main/Minor Modification

Not applicable

[1] BGS Minerals Resources Map for Kent including Medway, 2002

12.9 What evidence supports the proposed boundaries and are they up-to-date?

Council's response

56. The boundaries are shown on the submitted Policies Maps (A2.1 to A2.5) and relate to the mapped river terrace sand and gravel resource. This is based on the BGS resource maps of minerals of economic importance.

Evidence base and Plan references

- A1, Submission Medway Local Plan 2041, page 208 to 209, paragraphs 11.2.1 to 11.2.4;
- B20, Local Aggregates Assessment 2024, page 10, paragraph 2.1 and Figure 1;
- B22.11, Minerals and Waste Topic Paper (April 2025), pages 15 to 16, paragraphs 1.7.2 to 1.7.6;
- A2.1 to A2.5, Submission Policies Maps.

Explanation

57. The Plan explains that the MSA boundaries take account of existing sterilisation and allocations for other development. The fact that land is allocated does not, by itself, establish that any mineral beneath it should be sterilised: opportunities for prior extraction also need to be considered.

Conclusion

58. The broad geological basis of the MSA boundaries is explained.

Proposed Main/Minor Modification

Not applicable

Reason for proposed Main/Minor Modification

Not applicable

12.10 Does Policy T30 apply only to Minerals Safeguarding Areas (MSA), or also to Minerals Consultation Areas (MCA)?

Council's response

59. Policy T30 expressly covers development within Mineral Safeguarding Areas and development in a location elsewhere that might hinder access to the mineral resource. Paragraphs 11.2.3 and 11.2.8 explain that the Mineral Consultation Area includes the MSA and land 250 metres beyond it which is the wider area in which the potential sterilisation of minerals resources needs to be considered via the preparation of a Mineral Assessment.

Evidence base and Plan references

- A1, Submission Medway Local Plan 2041, pages 208 to 209, Policy T30 and paragraphs 11.2.3, 11.2.4 and 11.2.8.
- A2.1 to A2.5 - Submission Policies Maps
- National Planning Policy Framework (December 2024), paragraph 223(c), footnote 77 and Annex 2 (Glossary).

Explanation

60. The Mineral Consultation Area includes the Mineral Safeguarding Area and extends 250 metres beyond its boundary. Non-exempt applications within it require a Mineral Assessment (A1, paragraph 11.2.3). For land outside the MSA, the issue is whether the proposal could hinder access to, or the practicable working of, the safeguarded resource. Development outside the resource area can affect whether the mineral remains accessible, which is why Policy T30 also addresses development nearby. This is the function of the locally defined consultation area which acts as an assessment trigger. The NPPF's consultation terminology primarily concerns two-tier areas; Medway is itself the mineral planning authority, so its use of an MCA does not imply a separate district-to-county referral process.

Conclusion

61. Policy T30, applies to development in the Mineral Consultation Area where it might hinder access to the safeguarded resource.

Proposed Main/Minor Modification

Not applicable

Reason for proposed Main/Minor Modification

Not applicable

12.11 If Policy T30 does not apply to MCAs, how does the Plan seek to deal with development proposed in these areas, but outside of MSAs?

Council's response

62. Policy T30 also applies outside Mineral Safeguarding Areas where development might hinder access to the mineral resource. Non-exempt proposals within the wider Mineral Consultation Area require a Mineral Assessment and are assessed against the policy's criteria, as explained in the response to Question 12.10.

Evidence base and Plan references

- A1, Submission Medway Local Plan 2041, pages 208 to 209, Policy T30 and paragraphs 11.2.3 and 11.2.8.

Proposed Main/Minor Modification

Not applicable

Reason for proposed Main/Minor Modification

Not applicable

12.12 Which minerals are the subject of Policy T30 and shown on the Policies Maps?

Council's response

63. The mineral resources safeguarded by Policy T30 and shown as Mineral Safeguarding Areas on the Policies Maps are river terrace sand and gravel deposits. Buried channel sand and gravel, chalk and brickearth are not included.

Evidence base and Plan references

- A1 Submission Medway Local Plan, 2041, paragraph 11.2.2, page 208
- B22.11 Minerals and Waste Topic Paper, 2025, page 15, paragraph 1.7.4
- B20, Local Aggregates Assessment 2024, page 11, paragraph 2.3.

Explanation

64. Buried channel sand and gravel deposits are excluded because their economic viability is unknown and extraction could have substantial impacts (A1, paragraph 11.2.2). The Minerals and Waste Topic Paper states that chalk and brickearth have not been safeguarded because working them is unlikely ever to be viable (B22.11, paragraph 1.7.4).

Conclusion

65. The scope of Policy T30 is clearly explained in the Submission Medway Local Plan (A1).

Proposed Main/Minor Modification

Not applicable

Reason for proposed Main/Minor Modification

Not applicable

12.13 Are safeguarding requirements proportionate?

Council's response

66. The application requirements are targeted and include exemptions and exceptions, so they do not impose a blanket restriction on non-mineral development. The justification for the geographical extent of safeguarding is explained in the responses to Questions 12.9 and 12.12.

Evidence base and Plan references

- A1, Submission Medway Local Plan 2041, pages 208 to 209, paragraphs 11.2.2, 11.2.3, 11.2.7 and 11.2.8 and Policy T30.
- A2.1 Submission Policies Map - Urban Core
- A2.2 Submission Policies Map - North West
- A2.3 Submission Policies Map - North East
- A2.4 Submission Policies Map - South West
- A2.5 Submission Policies Map - South East
- NPPF December 2024, paragraph 223(c) and (d)

Explanation

67. Policy T30 exempts householder applications and the other forms of development listed in criterion (f). For other proposals, the policy allows development where the mineral does not exist or has no economic value, extraction would not be viable or practicable, suitable prior extraction can occur, the development is temporary, or overriding material considerations associated with the non-mineral development, justify sterilisation. Paragraph 11.2.3 specifies the matters that a Mineral Assessment should address. Prior extraction under criterion (c) must not cause unacceptable impacts or adversely affect the viability or deliverability of the non-mineral development. These provisions allow the assessment and response to reflect the circumstances of the proposal.

Conclusion

68. The application requirements and exceptions provide a proportionate development management approach to safeguarding minerals.

Proposed Main/Minor Modification

Not applicable

Reason for proposed Main/Minor Modification

Not applicable

12.14 How will prior extraction opportunities be considered and addressed?

Council's response

69. Prior extraction is considered through the Mineral Assessment required for non-exempt applications within the Mineral Consultation Area and through criteria (c) and (e) of Policy T30. The policy allows prior extraction where this can be undertaken satisfactorily before the non-mineral development and requires opportunities to be explored where overriding considerations are relied upon to justify sterilisation.

Evidence base and Plan references

- A1, Submission Medway Local Plan 2041, pages 208 to 209, paragraph 11.2.3 and Policy T30 criteria (c) and (e);
- National Planning Policy Framework (December 2024), paragraph 223(d);
- Planning Practice Guidance, Minerals, paragraph 003, Reference ID 27-003-20140306.

Explanation

70. The Mineral Assessment must address the potential extent of sterilisation, survey information, site-specific considerations, prior extraction options and economic viability, including local market interest. Criterion (c) requires extraction to take place for a temporary period before the non-mineral development, with no unacceptable impacts on the environment or communities and no adverse effect on the viability or deliverability of the later development. Criterion (e) requires the exploration of prior extraction opportunities before sterilisation can be justified by overriding material considerations. Prior extraction is therefore an option to be assessed against the evidence for the particular scheme, rather than an automatic requirement in every case. Policy T30 does not itself authorise mineral working; any extraction proposal would also need to be considered under Policy T33.

Conclusion

71. Policy T30 provides a mechanism for identifying and assessing prior extraction opportunities, consistent with paragraph 223(d) of the NPPF. The separate question of how opportunities have been assessed on allocated sites is addressed in the response to Question 12.9.

Proposed Main/Minor Modification

Not applicable

Reason for proposed Main/Minor Modification

Not applicable

12.15 Are consultation arrangements with neighbouring authorities appropriate and effective?

Council's response

72. The published Statement of Common Ground with Kent County Council provides a framework for cooperation on minerals policy and monitoring though it does not set out specific cross-boundary referral arrangements for applications affecting safeguarded mineral resources.

Evidence base and Plan references

- A12.4, Statement of Common Ground with Kent County Council concerning Strategic Waste Management and Minerals Supply Matters (signed July 2024), page 13, paragraphs 7.1, 8.1 and 8.2;
- A1, Submission Medway Local Plan 2041, pages 208 to 209, paragraphs 11.2.3 and 11.2.8.

Explanation

73. The Statement reports input into each authority's minerals policies and annual Local Aggregates Assessment, participation in the South East England Aggregates Working Party, continuing officer liaison and review of the Statement at least every 12 months. These are relevant arrangements for strategic cooperation. Medway is a unitary mineral planning authority, so the local MCA requirement operates within the same authority rather than through the district-to-county referral process used in two-tier areas.

Conclusion

74. There is a documented framework for strategic minerals cooperation with Kent County Council.

Proposed Main/Minor Modification

Not applicable

Reason for proposed Main/Minor Modification

Not applicable

12.16 Is Policy T30 consistent with national policy?

Council's response

75. Yes. Policy T30's development management approach gives local effect to paragraphs 223(c), 223(d) and 225 of the National Planning Policy Framework (December 2024).

Evidence base and Plan references

- A1, Submission Medway Local Plan 2041, pages 208 to 209, paragraphs 11.2.1 to 11.2.8 and Policy T30.
- A2.1 Submission Policies Map - Urban Core
- A2.2 Submission Policies Map - North West
- A2.3 Submission Policies Map - North East
- A2.4 Submission Policies Map - South West
- A2.5 Submission Policies Map - South East
- NPPF December 2024, paragraph 223(c) and (d) and paragraph 225
- Guidance on the planning for mineral extraction in plan making and the application process, MHCLG (2014), Paragraph: 003 Reference ID: 27-003-20140306

Explanation

76. In line with paragraph 223(c), the Plan defines Mineral Safeguarding Areas and wider Mineral Consultation Areas and seeks to avoid unnecessary sterilisation. Safeguarding does not create a presumption that the resource will be worked: any proposal for extraction would be considered separately under Policy T33. Consistent with paragraph 225, Policy T30 sets out the circumstances in which development incompatible with mineral safeguarding may be permitted. Criteria (c) and (e) address prior extraction, reflecting paragraph 223(d). Paragraph 11.2.3 sets out the Mineral Assessment requirements. The resource boundaries are based on BGS maps of economic geology.

Conclusion

77. The development management provisions of Policy T30 are consistent with national policy. The mapped boundaries are based on the geology of the area.

Proposed Main/Minor Modification

Not applicable

Reason for proposed Main/Minor Modification

Not applicable

Policy T31: Safeguarding Existing Mineral Supply Infrastructure

12.17 How were safeguarded wharves, railheads and associated facilities identified?

Council's response

78. The safeguarded facilities were identified through aggregate monitoring and the preparation of the Plan's minerals evidence. The Local Aggregates Assessment 2024 (B20) reports operational aggregate facilities.

Evidence base and Plan references

- B20, Local Aggregates Assessment 2024, page 9, paragraph 1.3; page 18, paragraph 4.1 and Figure 6; pages 15-16, paragraphs 3.3-3.5; page 31 to 32, paragraphs 6.20 to 6.23
- A1 - Submission Medway Local Plan 2041, pages 210 to 211, paragraphs 11.3.1 to 11.3.5 and Policy T31

Explanation

79. Each year the Council surveys active quarries, wharves, rail depots and recycled and secondary aggregate sites on behalf of the South East England Aggregates Working Party. Its list is updated with information about newly permitted sites. Returns for 2024 were received from all the main producers (The LAA (2024 Data) (B20), paragraph 1.3). The LAA (2024 data) identifies four operational wharves, at Grain Terminal, North Sea Terminal, Euro Wharf and London Thamesport, and associated rail depots at Grain and Cliffe (paragraph 4.1 and Figure 6). The Cliffe rail depot lies outside Medway in Gravesham and is safeguarded by Kent County Council (B22.11, paragraph 1.3.3). Recycled aggregate sites were identified using operator returns and the Environment Agency's Waste Data Interrogator (The LAA (2024 data) (B20), paragraphs 3.3 to 3.5). Appendix 1 of B22.11 also lists the Cliffe Trupak bagging plant and the Kingsnorth aggregate processing plant. The published list includes temporary infrastructure, whereas paragraph 11.3.2 refers to permanent planning permission.

Conclusion

80. The Council considers that the published evidence supports safeguarding mineral supply infrastructure under Policy T31. As explained in paragraph 11.3.2 and footnote 12, an updated list of mineral supply infrastructure that is safeguarded will be maintained in the AMR.

Proposed Main/Minor Modification

Not applicable

Reason for proposed Main/Minor Modification

Not applicable

12.18 Are the safeguards proportionate and justified?

Council's response

81. Yes. National policy requires mineral supply infrastructure to be safeguarded (NPPF December 2024, paragraph 223(e)). Medway's wharves are of regional and national significance with approximately 2.93 million tonnes of aggregate sold in 2024 and receipt of 28% of the marine-won sand and gravel landed in the South East in 2023 (The LAA (2024 data) (B20), Table 6 and paragraph 4.6).

Evidence base and Plan references

- National Planning Policy Framework (December 2024), paragraph 223(e)
- B20 - Local Aggregates Assessment 2024, pages 18 to 20 and 31, paragraphs 4.1 to 4.6 and Table 6;
- A1 - Submission Medway Local Plan 2041, pages 210 to 211, paragraphs 11.3.2 to 11.3.4 and 11.3.9 to 11.3.10, and Policy T31
- A12.4 - Statement of Common Ground with Kent County Council - Waste Management and Minerals Supply (July 2024), page 12, paragraphs 6.1 to 6.3

Explanation

82. Medway has no indigenous crushed rock resource, and its land-won sand and gravel reserves are limited, so supply relies heavily on imports. The Council and Kent County Council have agreed to safeguard their wharves and railheads and to consider the contribution affected capacity makes to other areas (A12.4, paragraphs 6.1 to 6.3). Paragraph 11.3.2 defines the safeguarded site by its planning permission boundary. The 250m consultation area is a trigger for considering effects on operations. Policy T31 permits exceptions only where its stated tests are met, including that the facility is no longer required or equivalent alternative provision can be made elsewhere in Medway. Paragraph 11.3.4 requires replacement capacity to be comparable in tonnage, accessibility, market location and operational characteristics, including berth and tidal conditions for wharves.

Conclusion

83. The Council considers that safeguarding mineral supply infrastructure is justified and that Policy T31 provides a proportionate basis for assessing proposals. The schedule and mapping matters identified in responses 12.17 and 12.23 require clarification.

Proposed Main/Minor Modification

Not applicable

Reason for proposed Main/Minor Modification

Not applicable

12.19 What evidence demonstrates continued need for the safeguarded infrastructure?

Council's response

84. The Local Aggregates Assessment 2024 (B20) demonstrates substantial continuing use of the wharves and their role in serving Medway, London and the wider South East. Its capacity assessment identifies headroom for additional demand, rather than demonstrating that particular facilities are surplus to requirements.

Evidence base

- B20 - Local Aggregates Assessment 2024, pages 11 to 14, 18 to 23, 26, 28 and 30 to 32, paragraphs 2.4 to 2.5, 2.11 to 2.12, 4.1 to 4.15, 6.1, 6.11, 6.17 and 6.20 to 6.23, and Tables 4 to 6

Explanation

85. At the end of 2024 permitted sand and gravel reserves were 0.366 million tonnes; permission for extraction at the only active quarry expires on 1 May 2027; and Medway has no indigenous crushed rock or soft sand resource (B20, paragraphs 2.4, 2.5, 2.11 and 2.12). Table 6 reports wharf sales of 2.93 million tonnes in 2024 against capacity of about 4.5 million tonnes a year. Ten-year average sales of marine-won sand and gravel increased from 1.264 million tonnes in 2014 to 1.672 million tonnes in 2024, while those of crushed rock through wharves increased from 0.901 million tonnes in 2017 to 1.263 million tonnes in 2024 (Tables 4 and 5). The LAA (2024 data) (B20) anticipates demand being maintained or increasing in the short to medium term, taking account of housing, employment and infrastructure requirements (paragraphs 6.1 to 6.17). The Cliffe rail depot is used to distribute aggregate landed at its associated wharf and has evidenced export capacity of at least 550,000 tonnes a year (paragraph 6.23). These findings support retention of handling and distribution capacity; any claim that a particular facility is no longer required would need separate evidence.

Conclusion

86. The Council considers that the LAA (2024 data) (B20) demonstrates a continuing strategic need for the safeguarded wharf and associated distribution infrastructure. Available headroom helps provide resilience and capacity to respond to demand.

Proposed Main/Minor Modification

Not applicable

Reason for proposed Main/Minor Modification

Not applicable

12.20 Are consultation areas justified?

Council's response

87. Yes, as areas that trigger assessment of potential impacts rather than impose a stand-off distance. Mineral resource consultation areas implement NPPF paragraph 223(c); consultation around mineral supply infrastructure helps give effect to the separate safeguarding requirement in paragraph 223(e).

Evidence base and Plan references

- National Planning Policy Framework (December 2024), paragraphs 223(c) and 223(e), and Annex 2 (Glossary)

- A1 - Submission Medway Local Plan 2041, pages 208 and 210 to 211, paragraphs 11.2.3, 11.3.3 and 11.3.10
- B22.11 - Minerals and Waste Topic Paper (April 2025), pages 15 to 16, paragraphs 1.7.5 to 1.7.7 and 1.8.1 to 1.8.4

Explanation

88. The Plan applies consultation areas extending 250m around safeguarded sand and gravel resources and around identified mineral supply infrastructure (A1, paragraphs 11.2.3 and 11.3.3). For infrastructure, B22.11 paragraph 1.8.2 explains that assessment should address the facility's operations, effects in both directions, access, hours, capacity and mitigation. The distance therefore serves as an initial screening area: it does not establish that every proposal within it is harmful or that effects beyond it can be disregarded. Potential effects must be assessed on the facts of each proposal.

Conclusion

89. The Council considers that consultation areas provide a proportionate means of identifying proposals requiring assessment. The Policies Map should clearly identify their extent, and decisions should address the actual effects on the resource or facility.

Proposed Main/Minor Modification

Not applicable

Reason for proposed Main/Minor Modification

Not applicable

12.21 Could alternative facilities realistically perform the same role?

Council's response

90. An alternative facility could perform the same role if its capacity, location and operational characteristics were equivalent and it was available to serve the relevant market. Policy T31 expressly allows for equivalent replacement provision elsewhere in Medway under criterion (c), subject to the policy's other applicable requirements. Any alternative facility would need to be assessed against Policy T31 and paragraph 11.3.4.

Evidence base and Plan references

- B20 - Local Aggregates Assessment 2024, page 32, paragraph 7.1;
- B22.11 - Minerals and Waste Topic Paper (April 2025), pages 11 to 12 and 14, paragraphs 1.3.3, 1.6.4 and 1.6.5;
- A1 - Submission Medway Local Plan 2041, pages 210 to 211, paragraph 11.3.4 and Policy T31;

- A12.4 - Statement of Common Ground with Kent County Council - Waste Management and Minerals Supply (July 2024), pages 6 to 7, paragraph 3.8.

Explanation

91. Medway's wharves are among the largest in Kent and Medway and two have associated rail depots (B22.11, paragraph 1.3.3). Paragraph 7.1 of the LAA (B20), identifies Medway's ability to handle large vessels and its proximity to London and South East markets. Paragraph 3.8 of the Statement of Common Ground with Kent County Council (A12.4) recognises headroom capacity across Kent and Medway but explains that Kent's wharves serve different market areas and that unused capacity is not necessarily matched to north Kent demand. Under criterion (c) of Policy T31, either the facility must be demonstrated to be no longer required, or equivalent compensatory provision must be available elsewhere in Medway. Paragraph 11.3.4 requires any compensatory provision to match tonnage, accessibility, market location, processing and stockpiling land and, for wharves, berth and tidal characteristics. B22.11 paragraphs 1.6.4 and 1.6.5 also explain why land-won resources cannot be expected due to the lack of promoted new quarries cannot be assumed to replace imported supply.

Conclusion

92. Equivalent substitution is possible in principle, and policy T31 provides for it. The acceptability of substitution relies on evidence to demonstrate a ready equivalent alternative to a particular facility; the acceptability of any proposed replacement must be demonstrated against the Plan's criteria - neither spare capacity elsewhere nor the existence of a different supply source establishes equivalence on its own.

Proposed Main/Minor Modification

Not applicable

Reason for proposed Main/Minor Modification

Not applicable

12.22 How does safeguarding support regional and national supply chains?

Council's response

93. Medway's wharves and associated rail infrastructure connect marine and overseas aggregate sources with markets in Medway, London and the wider South East. The LAA (2024 Data) (B20) reports that 28% of the marine-won sand and gravel landed in the South East in 2023 was landed in Medway, and that 58% of sand and gravel landed in Medway was used outside the South East (paragraphs 4.6 and 4.9).

Evidence base and Plan references

- B20 - Local Aggregates Assessment 2024, pages 20, 22, 28 and 32, paragraphs 4.6, 4.9, 4.12 to 4.14, 6.11 and 7.1;
- A1 - Submission Medway Local Plan 2041, page 211, paragraphs 11.3.7 to 11.3.8
- B22.11 - Minerals and Waste Topic Paper (2025), page 16, paragraph 1.8.1

Explanation

94. The LAA (2024 data) (B20) reports granite imports from Scotland and Norway and onward distribution of crushed rock by road and rail, including to London (paragraph 4.13). It also identifies the use of rock landed at Grain for HS2 and the flexibility provided by spare handling capacity (paragraph 7.1). Policy T31 protects this capacity from development that would prejudice or prevent its use, while paragraphs 11.3.7 and 11.3.8 recognise the role of associated rail depots in onward distribution. Safeguarding therefore supports continuity of supply and retains the ability to respond to demand, including the infrastructure requirements identified in the LAA (B20) paragraph 6.11.

Conclusion

95. The Council considers that safeguarding Medway's mineral supply infrastructure supports regional supply chains by retaining strategically important import, handling and distribution capacity.

Proposed Main/Minor Modification

Not applicable

Reason for proposed Main/Minor Modification

Not applicable

12.23 Are MCAs shown for all of the 'Minerals Supply Site' notation on the Policies Maps?

Council's response

96. The submitted Policies Maps identify minerals supply sites, but do not clearly delineate separate 250m consultation areas around all of them. The maps therefore need to be checked and corrected to give clear spatial effect to paragraph 11.3.3.

Evidence base and Plan references

- A2.1 to A2.5 - Submission Policies Maps;
- A1 - Submission Medway Local Plan 2041, page 210, paragraph 11.3.3;
- B22.11 - Minerals and Waste Topic Paper (April 2025), page 16, paragraph 1.8.2

Proposed Main/Minor Modification

97. Amend the Policies Maps to delineate clearly the Minerals Consultation Area extending 250m from the permitted boundary of each safeguarded mineral supply site, in accordance with paragraph 11.3.3.

Reason for proposed Main/Minor Modification

98. To ensure the Policies Map clearly implements the 250m infrastructure consultation areas specified in paragraph 11.3.3 and provides a reliable trigger for assessing effects on safeguarded facilities.

12.24 Would Policy T31 seek to safeguard new minerals supply infrastructure that may take place during the Plan Period as the policy title refers to 'Existing'?

Council's response

99. Yes. The intention is to safeguard new mineral supply infrastructure permitted during the Plan period. Paragraph 11.3.2 and footnote 12 allow the safeguarded list to be updated through the Authority Monitoring Report, but the title and policy wording should make that intention clearer.

Evidence base and Plan references

- A1 - Submission Medway Local Plan 2041, page 210, paragraph 11.3.2, and page 211, Policy T31 and footnote 12
- National Planning Policy Framework (December 2024), paragraph 223(e)
- B22.11 - Minerals and Waste Topic Paper (April 2025), pages 16 and 42, paragraphs 1.8.1 to 1.8.4 and Appendix 1

Explanation

100. Paragraph 11.3.2 of the Plan provides for maintaining and updating the infrastructure list through the Authority Monitoring Report; footnote 12 refers to identification in the Plan and subsequently in that report. B22.11 Appendix 1 also directs readers to the latest monitoring report for the current list. This provides a mechanism for reporting changes, but the title 'Existing' and the policy's reference to 'Identified' infrastructure leave uncertainty about protection immediately after a new permission. The proposed clarification below and, in response, 12.25 addresses that uncertainty. NPPF paragraph 223(e) supports safeguarding existing, planned and potential mineral supply sites. The LAA (2024 data) (B20) paragraph 6.21 also identifies scope for additional wharf facilities at London Thamesport, reinforcing the need for protection to accommodate changes during the Plan period.

Conclusion

101. The Council considers that clarification is needed to make the policy's application to newly permitted infrastructure effective and consistent with its intended purpose.

Proposed Main/Minor Modification

102. Remove 'Existing' from the Policy T31 title. Add to paragraph 11.3.2: "Mineral supply infrastructure granted permanent planning permission during the Plan period will also be safeguarded under Policy T31. The safeguarded list will be reviewed at least annually through the Authority Monitoring Report to report new permissions and other relevant changes."

Reason for proposed Main/Minor Modification

103. To make clear that safeguarding is not limited to the facilities existing when the Plan is adopted, and to keep the published list current. The related clarification to footnote 12 is set out in response Q12.25 below.

12.25 Would unidentified linear minerals supply infrastructure such as pipelines be protected by the Policy T31, if they are not identified either on the Policies Map or in a subsequent Annual Monitoring Report?

Council's response

104. Paragraph 11.3.1 describes mineral supply infrastructure broadly. Policy T31 and footnote 12 refer to identified infrastructure. No specific pipeline or other linear facility is specifically identified.

Evidence base and Plan references

- A1 - Submission Medway Local Plan 2041, page 210, paragraphs 11.3.1 to 11.3.3, and page 212, Policy T31 and footnote 12;
- National Planning Policy Framework (December 2024), paragraph 223(e)

Explanation

105. A pipeline or conveyor forming part of the bulk transport, handling or processing of minerals could be important to the operation of a safeguarded facility, even where it is not separately marked on the Policies Map. However, references to identification leave uncertainty about that position and about infrastructure permitted between monitoring reports. The Council proposes an explicit clarification, rather than relying on an assumption that every unlisted facility is already protected. This does not establish the existence or lawful extent of any particular pipeline or other linear facility which would require separate verification against planning permissions.

Conclusion

106. The Council considers that the proposed clarification would make the scope of Policy T31 more effective and avoid a gap in protection solely because monitoring or mapping has not yet recorded permitted infrastructure.

Proposed Main/Minor Modification

107. Add the following to paragraph 11.3.2, after the wording proposed in response 12.24:
"Safeguarding extends to associated linear supply infrastructure, including pipelines and conveyors, within the scope of permanent planning permission for mineral supply infrastructure. Such infrastructure is protected whether or not it is separately shown on the Policies Map or has yet been reported in the Authority Monitoring Report. Monitoring updates will report verified additions to the list."

108. Amend footnote 12 to read: "Identified in this document and subsequently in the Authority Monitoring Report, together with mineral supply infrastructure granted permanent planning permission during the Plan period, including associated linear supply infrastructure as set out in paragraph 11.3.2."

Reason for proposed Main/Minor Modification

109. To clarify the treatment of associated linear supply infrastructure and newly permitted facilities pending the next monitoring update. The change avoids relying on the timing of a monitoring update to establish whether infrastructure is safeguarded.

Policy T32: Supply of Recycled and Secondary Aggregates

12.26 What contribution do recycled and secondary aggregates currently make?

Council's response

110. Estimated recycled aggregate sales from Medway facilities were approximately 58,000 tonnes in 2024, and the three-year average of 57,000 tonnes has risen each year since 2021 (The LAA (2024 data) (B20), Table 2).

Evidence base

- B20, Local Aggregates Assessment 2024, paragraphs 3.3 to 3.10 and Tables 1, 2 and 6, pages 13 and 15 to 18 and 31 to 32.

Explanation

111. That is under 2% of aggregate sales from Medway facilities, though on three-year averages it now exceeds land-won sand and gravel (49,000 tonnes) (B20, Tables 1 and 2). The recycled aggregate estimate combines operator returns with Waste Data Interrogator estimates for non-responding sites; mobile plant on construction and

demolition sites may make an additional, unquantified contribution (paragraphs 3.3 to 3.7). Sites active in 2024 have capacity of about 154,000 tonnes a year (Table 6). Separately, approximately 1.4 million cubic metres of coal-derived fly ash remains at the former Kingsnorth Power Station, but the LAA (2024 data) (B20) reports no current plans to recover or use it (paragraph 3.10).

Conclusion

112. The Council considers that Policy T32's approach to recycled and secondary aggregates is justified by proportionate evidence, effective, positively prepared and consistent with national policy.

Proposed Main/Minor Modification

Not applicable

Reason for proposed Main/Minor Modification

Not applicable

12.27 What evidence supports forecast demand?

Council's response

113. The Local Aggregates Assessment 2024 (B20) assesses likely demand for aggregates as a whole. It provides context for Policy T32, but does not give a separate quantified forecast of demand for recycled and secondary aggregates.

Evidence base

- B20, Local Aggregates Assessment 2024, paragraphs 3.3 to 3.7 and 6.1 to 6.17, Table 2 and Table 5a, pages 15 to 17 and 26 to 30.

Explanation

114. The Local Aggregates Assessment 2024 (B20) is prepared annually in accordance with national policy. It considers past sales and local growth, including a housing need of 1,636 homes a year, at least 240,000 sqm of employment floorspace to 2041, regional infrastructure projects and economic forecasts (paragraphs 6.1 to 6.17). This supports its conclusion that overall aggregate demand is likely to be maintained and may increase in the short to medium term. Table 2 reports recent recycled aggregate sales, subject to the limitations explained in paragraphs 3.3 to 3.7. These data do not establish a separate future demand figure for recycled and secondary aggregates, or a quantified requirement for additional recycling capacity. A14 sets a target of more than 60,000 tonnes per annum of recycled and secondary aggregate sales by 2030, to be maintained or improved thereafter. This is a monitoring target, rather than a separate demand forecast.2

Conclusion

115. The Plan includes a positive policy for recycled and secondary aggregate production but does not include a quantified forecast of demand for these materials over the Plan period.

Proposed Main/Minor Modification

Not applicable

Reason for proposed Main/Minor Modification

Not applicable

12.28 How significant is the contribution from recycled aggregates?

Council's response

116. The reported contribution from recycled aggregates is relatively small compared with total aggregate sales from Medway facilities, but it provides a useful substitute for primary aggregates where suitable.

Evidence base

- B20, Local Aggregates Assessment 2024, Tables 1 and 2 and paragraphs 3.5, 3.7 and 5.4, pages 13, 16 to 17 and 25.

Explanation

117. Estimated recycled aggregate sales from Medway facilities were approximately 58,000 tonnes in 2024, and the three-year average of 57,000 tonnes has risen each year since 2021 (B20, Table 2). That is under 2% of aggregate sales from Medway facilities, though on three-year averages it now exceeds land-won sand and gravel at 49,000 tonnes (Table 1). The LAA (2024 data) (B20) describes recycled and secondary aggregates as making a steady but minor contribution to overall sales (paragraph 5.4). The reported data do not capture the additional, unquantified contribution of mobile plant at demolition and construction sites (paragraph 3.7) and should not be read as a measure of the proportion of aggregate consumed within Medway.

Conclusion

118. The Council considers that Policy T32's approach to recycled aggregates is justified by proportionate evidence, effective, positively prepared and consistent with national policy.

Proposed Main/Minor Modification

Not applicable

Reason for proposed Main/Minor Modification

Not applicable

12.29 Where Policy T32 states additional capacity for such production will 'generally' (first paragraph) be supported, is this effective?

Council's response

119. Policy T32 gives positive support to additional recycled and secondary aggregate capacity in the listed locations, subject to the other policies of the Plan. To make that support clearer, the Council proposes deleting "generally" from the opening sentence.

Plan references

- A1, Submission Medway Local Plan 2041, Policy T32 and paragraphs 11.4.2 to 11.4.6, page 212.

Explanation

120. The listed locations are those where recycling can be associated with existing industrial, mineral, waste or construction activity. Support does not remove the requirement to address the effects of an individual proposal against other policies of the Development Plan. Paragraph 11.4.4 expressly requires consistency with the other policies of the Plan, and paragraphs 11.4.3 and 11.4.6 address the duration of operations at temporary host sites and timely quarry restoration. These safeguards already qualify the policy support and so the additional word "generally" is unnecessary and could leave uncertainty about when that support applies.

Conclusion

121. Subject to this clarification, Policy T32 gives an effective and positive framework for considering additional recycled and secondary aggregate capacity.

Proposed Main/Minor Modification

122. Delete "generally" from the opening sentence of Policy T32.

Reason for proposed Main/Minor Modification

123. To make the policy support clear.

12.30 Are sufficient facilities available to meet anticipated demand?

Council's response

124. Data indicates headroom above recent reported sales at existing recycled aggregate facilities relative to recent sales. A separate, reliable forecast of demand for recycled and secondary aggregates to 2041 is not available. The LAA assesses construction demand across aggregate sources, while the share that can be met by recycled materials depends on suitable feedstock, product quality and the requirements of particular projects. The Plan therefore safeguards existing capacity and provides for additional capacity under Policy T32 as demand and opportunities arise.

Evidence base and Plan references

- B20, Local Aggregates Assessment 2024, paragraphs 3.5 to 3.9, 6.17 and 6.20 to 6.22, Tables 2 and 6, pages 16 to 17 and 30 to 32;
- A1, Submission Medway Local Plan 2041, Policy T32, page 212.

Explanation

125. The LAA (2024 data) (B20) reports recycled aggregate production capacity of about 154,000 tonnes a year. Table 6 compares this with three-year average sales and reports utilisation of about 38%; this indicates scope to accommodate increased output. The estimate is subject to the survey and Waste Data Interrogator limitations described in paragraphs 3.3 to 3.7. Mobile crushers may make an additional, unquantified contribution. Paragraph 3.2 explains that recycled materials substitute for primary aggregates where suited to the application. Policy T32 supports further capacity where proposals meet its requirements.

Conclusion

126. The Council considers that the reported capacity headroom, safeguarding under Policy T31 and support for further facilities under Policy T32 provide a proportionate and flexible response to anticipated demand. Annual LAA monitoring will track sales, capacity and changes in supply.

Proposed Main/Minor Modification

Not applicable

Reason for proposed Main/Minor Modification

Not applicable

12.31 How will additional capacity be delivered?

Council's response

127. Additional capacity will be delivered by the market, with Policy T32 supporting new and expanded recycling sites in suitable locations.

Evidence base and Plan references

- A1, Submission Medway Local Plan 2041, Policy T32 and paragraphs 11.4.1 to 11.4.6, pages 212 to 213 (printed pages 211 to 212); Policy T31 and paragraphs 11.3.5 and 11.3.11, pages 211 to 212 (printed pages 210 to 211).
- B20, Local Aggregates Assessment 2024, paragraphs 3.8 to 3.9 and 6.22, pages 17 and 31 to 32.

Explanation

128. Policy T32 supports new capacity, and the expansion of existing sites, on industrial estates, at mineral and waste sites (including wharves and rail depots), and on a temporary basis at construction and regeneration projects. Existing

recycling sites are safeguarded under Policy T31 (A1, paragraphs 11.3.5 and 11.3.11).

Conclusion

129. The Council considers that Policy T32's approach to delivering additional recycled aggregate capacity is justified by proportionate evidence, effective, positively prepared and consistent with national policy.

Proposed Main/Minor Modification

Not applicable

Reason for proposed Main/Minor Modification

Not applicable

12.32 How does Policy T32 support a circular economy approach?

Council's response

130. Policy T32 supports a circular economy by helping construction, demolition and dredging waste to be reused as aggregate which avoids extracting new material.

Evidence base and Plan references

- A1, Submission Medway Local Plan 2041, Policy T32 and paragraphs 11.4.1 to 11.4.3, pages 212 to 213 (printed pages 211 to 212).
- NPPF (December 2024), paragraph 223(b)

Explanation

131. Policy T32 supports recycling on construction, demolition and regeneration sites, so material can be reused where it arises. It also supports recycling at mineral and waste sites and on industrial estates, and the reworking of old inert landfill and dredging disposal sites (A1, paragraph 11.4.1). This puts into practice the NPPF December 2024, paragraph 223(b), which asks plans to take account of recycled materials before primary extraction.

Conclusion

132. Policy T32 support for a circular economy approach by allowing for development associated with the production of aggregate form material that would otherwise be wasted.

Proposed Main/Minor Modification

Not applicable

Reason for proposed Main/Minor Modification

Not applicable

12.33 Where Policy T32 criterion b. refers to other minerals operations, would this include minerals sites themselves, including quarries when operational?

Council's response

133. Yes. Operational quarries are included within "other mineral operations". Paragraph 11.4.6 expressly identifies operational quarries as potentially suitable locations for secondary and recycled aggregate production.

Evidence base and Plan references

- A1, Submission Medway Local Plan 2041, Policy T32 criterion b and paragraphs 11.4.2 to 11.4.6, page 212.

Explanation

134. Criterion b is not limited to wharves and rail depots; these are examples of mineral operations. Read with paragraph 11.4.6, it is clear that criterion b also encompasses operational quarries. Suitability remains subject to the effects of the proposal and the other policies of the Development Plan. Where the host quarry permission is temporary, paragraph 11.4.3 explains that permission for the associated recycling operation will usually be limited to the duration of the host permission. This avoids recycling operations unduly delaying restoration.

Conclusion

135. Policy T32 includes operational quarries. Its supporting text explains both that support and the need to safeguard timely restoration.

Proposed Main/Minor Modification

Not applicable

Reason for proposed Main/Minor Modification

Not applicable

12.34 Why is the paragraph which concerns location and transport after the list of criteria in Policy T32 not simply a further criterion?

Council's response

136. The paragraph provides a separate route for proposals outside the locations listed in criteria a to d. Its location and transport considerations apply to that alternative route.

Evidence base and Plan references

- A1, Submission Medway Local Plan 2041, Policy T32 and paragraphs 11.4.2, 11.4.4 and 11.4.5, page 212.

Explanation

137. The opening part of Policy T32 identifies types of location where additional capacity is supported. The following paragraph allows consideration of other locations where a proposal is well related to its input materials or markets and has good transport links. Treating that paragraph as a further criterion could blur the distinction between the listed location types and the separate assessment of other sites. The paragraph forms part of the policy and has the same status as the lettered clauses. It must also be read with the Plan's other policies, as paragraph 11.4.4 explains.

Conclusion

138. The separate paragraph enables suitable proposals in other locations to be considered. Its purpose is clear when the policy is read as a whole.

Proposed Main/Minor Modification

Not applicable

Reason for proposed Main/Minor Modification

Not applicable

12.35 Is it the case that when quarries have ceased operation (paragraph 11.4.6), they would not be supported as additional capacity for minerals production, under Policy T32?

Council's response

139. Once quarrying has permanently ceased, a site does not continue to qualify as an "other mineral operation" under criterion (b) merely because it was formerly a quarry. Paragraph 11.4.6 explains that quarries are less likely to be suitable for permanent recycled and secondary aggregate production once quarrying has ceased, because continued activity may delay restoration. However, there is no absolute exclusion of former quarries for the production of recycled aggregate as a proposal may be considered under the Policy's separate provision for other locations, or another listed category if the facts justify that classification.

Evidence base and Plan references

- A1, Submission Medway Local Plan 2041, Policy T32, including the paragraph concerning other locations, and paragraphs 11.4.3 to 11.4.6, page 212.

Explanation

140. Support under criterion b relates to mineral operations, including operational quarries. Paragraphs 11.4.3 and 11.4.6 seek to ensure that recycling associated with a temporary quarry does not continue at the expense of timely restoration. A proposal for permanent recycling at a former quarry would need to be assessed on

its own merits, including under the policy's provision for other locations where applicable. It would need to demonstrate suitable relationships to input materials or markets, good transport links, acceptable impacts and compatibility with the site's restoration requirements.

Conclusion

141. Permanent cessation of quarrying removes reliance on Policy T32 criterion (b) based solely on the former quarry use. However, Policy T32 does not impose a blanket prohibition of development associated with the production of recycled aggregate at former quarries. Its qualified approach recognises restoration and location constraints.

Proposed Main/Minor Modification

Not applicable

Reason for proposed Main/Minor Modification

Not applicable

Policy T33: Extraction of Land Won Minerals

12.36 How does the Plan, including Policy T33, provide for a steady and adequate supply of land won minerals?

Council's response

142. The Plan provides a framework for steady and adequate land-won minerals supply through Policies T30, T31 and T33. Policy T30 safeguards river terrace sand and gravel, Policy T31 protects supply infrastructure, and Policy T33 supports extraction in Areas of Search and, subject to its criteria, elsewhere.

Evidence base and Plan references

- A1, Submission Medway Local Plan 2041, Policies T30 to T33, pages 209 to 214; paragraph 11.2.3, page 208; Policy T33 and paragraph 11.5.4, pages 213 to 214
- B20, Local Aggregates Assessment 2024 (December 2025), pages 12 and 14, paragraphs 2.5, 2.6 and 2.11; page 30, paragraphs 6.18 to 6.21; page 32, paragraph 7.3.
- B22.11, Minerals and Waste Topic Paper (April 2025), pages 14 to 16, paragraphs 1.6.4 to 1.6.7 and 1.7.3 to 1.7.5.

Explanation

143. Policy T30 safeguards river terrace sand and gravel. Policy T33 supports extraction in Areas of Search and allows proposals outside them to be considered against alternative supply and site constraints. Policy T31 protects the wharves and other infrastructure that support the wider supply strategy. These measures support supply but do not establish that further land-won reserves will be delivered. The LAA

(2024 data) (B20) reports 366,000 tonnes of permitted reserves and a 7.46-year landbank at the end of 2024, using the three-year sales average. It also reports a 5.5-year landbank using the ten-year average and forecasts a landbank below seven years by the end of 2025 if depletion continues at the same rate (paragraph 2.11). A1, paragraph 11.5.3, already acknowledges the difficulty of maintaining a seven year landbank for sand and gravel throughout the Plan period and the response to Q12.7 explains the Plan's response to this issue including by allowing new reserves in certain circumstances.

Conclusion

144. The policies provide a framework for contributing to land won mineral supply, but the Council cannot confirm that land-won provision will remain sufficient throughout the Plan period. An updated assessment of reserves, deliverable extraction opportunities and alternative supply will be maintained in the LAA. The monitoring indicator, seven-year target and response to a shortfall proposed in Question 12.4, and referenced in Question 12.7, will make this annual review explicit in the Plan.

Proposed Main/Minor Modification

Not applicable

Reason for proposed Main/Minor Modification

Not applicable

12.37 Is Policy T33 consistent with national policy concerning the priority order for minerals supply?

Council's response

145. Yes. Policy T33 should be read with Policy T32 and paragraph 11.1.3, which recognise the contribution of substitute, secondary and recycled materials before primary extraction is considered. In locating primary extraction, national guidance gives priority to specific sites, then preferred areas and then Areas of Search. The Plan uses Areas of Search because no new deliverable extraction sites have been identified.

Evidence base and Plan references

- National Planning Policy Framework (December 2024), pages 63 to 65, paragraphs 223(b) and 226(c);
- A1, Submission Medway Local Plan 2041, page 204, paragraph 11.1.3, and pages 212 and 214, Policies T32 and T33 and paragraph 11.5.7.
- Planning Practice Guidance - Minerals, paragraph 008, Reference ID 27-008-20140306, and paragraph 009, Reference ID 27-009-20140306.

- B22.11, Minerals and Waste Topic Paper (April 2025), page 7, paragraph 1.1.10; page 14, paragraphs 1.6.4 and 1.6.7; page 17, paragraph 1.9.1.

Explanation

146. The Plan's material supply approach takes account of secondary and recycled materials before primary extraction, as explained in A1, paragraph 11.1.3, and supported by Policy T32.

147. The spatial approach in PPG paragraph 008 prioritises specific sites, preferred areas and Areas of Search. A1, paragraph 11.5.7, explains that no new sites likely to be deliverable within the Plan period have been identified and that allocation would require active promotion by a landowner or the mineral industry. B22.11, paragraph 1.6.4, notes the lack of industry nominations and applications for further working. The Areas of Search largely carry forward the Kent Minerals Local Plan: Construction Aggregates (1993) areas (B22.11, paragraphs 1.6.7 and 1.9.1).

Conclusion

148. The approach to minerals supply reflects the national priorities in principle, when Policy T33 is read alongside Policy T32. The Council cannot provide an unqualified conclusion on the spatial hierarchy without further information on the consideration of preferred areas and the deliverability of the Areas of Search.

Proposed Main/Minor Modification

Not applicable

Reason for proposed Main/Minor Modification

Not applicable

12.38 Does Policy T33 establish clearly what the needs are for minerals over the Plan period, by type of mineral?

Council's response

149. Policy T33 distinguishes sand and gravel, chalk and brickearth, but it does not quantify their requirements over the Plan period. For sand and gravel, the quantitative basis is the annually updated LAA provision rate and the requirement to achieve and maintain at least a seven-year landbank which is quantified in the LAA - this is consistent with paragraphs 226(c) and 226(f) of the NPPF.

150. For chalk and brickearth, need is related to the requirements and reserve stocks of the plant to be supplied consistent with paragraph 227.

Evidence base and Plan references

- A1, Submission Medway Local Plan 2041, Policy T33, page 214; paragraphs 11.5.1 to 11.5.3, page 213; paragraphs 11.5.6 to 11.5.8, page 214
- B20, Local Aggregates Assessment 2024 (December 2025), page 6, Summary table, and page 14, paragraph 2.11;

- National Planning Policy Framework (December 2024), page 65, paragraph 227(c) and (d) and footnote 81.
- B22.11, Minerals and Waste Topic Paper (April 2025), paragraphs 1.2.2-1.2.3 and 1.6.6.

Explanation

151. For sand and gravel, Policy T33 requires a contribution to local and regional requirements and to achieving and maintaining a seven-year landbank. The submitted Plan cites a nominal 48,000 tonnes per annum based on the earlier LAA (A1, paragraph 11.5.3). The LAA (2024 data) (B20) updates the Aggregate Provision Rate to approximately 49,000 tonnes per annum, using the three-year sales average. A1, paragraph 11.5.8, expressly states that Policy T33 does not prescribe a tonnage to be provided from Medway. For industrial minerals, the policy requires a demonstrated need to serve new or existing plant. NPPF paragraph 227(c) and footnote 81 distinguish at least 15 years for cement materials maintaining an existing plant from at least 25 years for a new kiln and require at least 25 years for brick clay. Paragraph 227(d) also addresses the need for clay from different sources to achieve suitable blends. The evidence does not support quantification of a specific Medway chalk or brickearth requirement over the Plan period; B22.11, paragraph 1.6.6, anticipates continued supply from other plan areas.

Conclusion

152. The Policy sets out a demand-led approach by mineral type, rather than a quantified requirement for the whole Plan period. The proposed clarification of industrial mineral reserve durations would improve consistency with national policy. Annual review of the sand and gravel provision rate and landbank will be reported under the monitoring arrangements proposed in Question 12.4.

Proposed Main/Minor Modification

153. Replace the final two sentences under "Industrial minerals" in Policy T33 with: "Chalk proposals serving cement manufacture must demonstrate how they contribute to a stock of permitted reserves sufficient for at least 15 years where an existing plant is maintained or improved, or at least 25 years where a new kiln is proposed. Brickearth proposals serving brick manufacture must demonstrate how they contribute to a permitted reserve stock sufficient for at least 25 years, with supplies from different sources where needed to provide suitable blends."

Reason for proposed Main/Minor Modification

154. To distinguish the reserve requirements for existing cement plant and a new kiln, and to state the brick clay reserve requirement and the relevance of blending sources, consistent with NPPF paragraph 227(c) and (d) and footnote 81.

12.39 How were extraction locations identified?

Council's response

155. The Areas of Search for sand and gravel largely carry forward those in the Kent Construction Aggregates Local Plan (1993), which were identified by mapping known resources against planning constraints.

Evidence base and Plan references

- B22.11, Minerals and Waste Topic Paper (April 2025), page 14, paragraph 1.6.7, and page 17, paragraphs 1.9.1 to 1.9.3.
- A1, Submission Medway Local Plan 2041, paragraph 11.5.7, page 214

Explanation

156. The 1993 Areas of Search were derived by screening potential resources against strategic planning constraints, including landscape and nature conservation designations, agricultural land, Green Belt, the water environment and environmental and amenity impacts. Secondary screening then excluded land already developed or committed, existing workings and deposits too small to justify separate working (B22.11, paragraphs 1.9.2 and 1.9.3). Most of those areas have been carried forward because the Council considers they continue to offer the best opportunities for future working (paragraph 1.6.7). These are broad resource areas rather than specific site allocations which are known to be deliverable. A1, paragraph 11.5.7, explains that no new deliverable sites have been identified. The Topic Paper explains the historical selection process. A specific site-by-site assessment of current availability, viability or constraints was not undertaken.

Conclusion

157. The evidence explains the origins of the Areas of Search. It does not establish the deliverability of individual extraction sites as none were promoted for suitability assessment against the current Plan and national policy.

Proposed Main/Minor Modification

Not applicable

Reason for proposed Main/Minor Modification

Not applicable

12.40 Noting Figure 8: Economic Geology of Medway, is any of the chalk reserve high quality and might give rise to future workings over the Plan period?

Council's response

158. The Topic Paper notes historically high-purity chalk is found around Cliffe and was, formerly worked for whiting used in paper and card production. Further chalk

working is considered unlikely during the Plan period but cannot be entirely ruled out.

Evidence base and Plan references

- B22.11 - Minerals and Waste Topic Paper (2025), pages 8 and 14, paragraphs 1.2.2 and 1.6.6
- A1 - Submission Medway Local Plan 2041 (submitted Plan), Figure 8, page 205, and Policy T33, page 214.

Explanation

159. B22.11, paragraph 1.2.2, notes the former cement works in the Medway Valley, the historical use of high-purity chalk at Cliffe and the removal of the Holborough cement works and quarry allocation from Kent's Minerals and Waste Local Plan in 2025. Paragraph 1.6.6 anticipates that chalk requirements for agricultural purposes will continue to be met from other plan areas. Figure 8 in A1 maps the economic geology but this does not constitute an assessment of quality or an identification of permitted chalk reserves and follows the BGS maps of economic geology. No chalk extraction proposals which might demonstrate that high-quality chalk will be worked during the Plan period have been promoted. If a proposal came forward, Policy T33 would require evidence of need to supply new or existing plant, together with compliance with the other relevant policies of the Plan.

Conclusion

160. There is evidence of a historically high-purity chalk resource, but insufficient published information to confirm a deliverable high-quality reserve or a future working proposal. Chalk extraction is considered unlikely over the Plan period.

Proposed Main/Minor Modification

Not applicable

Reason for proposed Main/Minor Modification

Not applicable

12.41 While no new sites have been promoted under Policy T33 (paragraph 11.5.7), has the expansion of existing sites been considered?

Council's response

161. Yes. Policy T33 does not exclude extensions to existing quarries. There has been no promotion of extensions at existing sites (Kingsnorth, Perry's Farm).

Evidence base and Plan references

- B20, Local Aggregates Assessment 2024 (December 2025), pages 3 and 8, Executive Summary and General Comments; pages 11 to 14, paragraphs 2.4 to 2.11.
- B22.11, Minerals and Waste Topic Paper, paragraphs 1.6.3 and 1.6.4, page 14
- A1, Submission Medway Local Plan 2041, Policy T33 and paragraph 11.5.4, pages 213 to 214

Explanation

162. The LAA (2024 data) (B20) records the remaining permitted reserves at Kingsnorth Quarry and Perry's Farm. Kingsnorth is the only operational quarry, and its current extraction permission expires on 1 May 2027 (paragraphs 2.4 and 2.5). Perry's Farm has been inactive for a number of years. B22.11, paragraph 1.6.3, identifies a Kingsnorth Area of Search with 401,185 tonnes of proven resource, but does not establish that this is an available, deliverable quarry extension. Paragraph 1.6.4 notes no industry interest in further working at Kingsnorth Quarry. A proposal for an extension could be considered under Policy T33, including its need, location and environmental criteria; however, the site is adjacent to designated habitat.

Conclusion

163. The Plan provides specific policy (T33) for considering extensions to mineral extraction sites, but no extensions have been promoted during the plan making process.

Proposed Main/Minor Modification

Not applicable

Reason for proposed Main/Minor Modification

Not applicable

12.42 Is it the intention that development management-based policies found elsewhere in the Plan would be used to consider the effects from such development?

Council's response

164. Yes. Policy T33 is to be applied with the other relevant policies of the Plan. Paragraph 11.5.4 expressly makes support for extraction subject to compliance with those policies. Areas of Search provide some support but do not remove the need to fully assess a proposal's effects.

Evidence base and Plan references

- A1, Submission Medway Local Plan 2041, pages 214 to 216, Policy T33 and paragraphs 11.5.4, 11.5.7 and 11.5.9; pages 32 to 33, Policy S2; page 36, Policy

S3; pages 39 to 40, Policy S4; pages 51 to 53, Policy DM1; page 57, Policy DM3; page 60, Policy DM4; pages 66 to 67, Policy T1; pages 75 to 78 and 81, Policies S8, DM9 and DM11; pages 179 to 180, Policy DM18.

Explanation

165. Policies considered relevant to any particular proposal would depend on its location and characteristics of the proposal. Particular policies include S2 and S3 on biodiversity and designated estuary and marsh sites; S4 on landscape; DM1 on flood risk and the water environment; DM3 on air quality, including dust; DM4 on noise and lighting; T1 on amenity; S8, DM9 and DM11 on heritage and archaeology; and DM18 where significant movement requires transport assessment. Paragraph 11.5.7 makes clear that Areas of Search indicate where permission may be more likely, rather than conferring permission. These requirements allow impacts to be assessed alongside the mineral supply case.

Conclusion

166. The Plan's general policies apply to mineral extraction proposals alongside Policy T33. The Council considers that these provide a basis for assessing the relevant environmental, community and transport effects.

Proposed Main/Minor Modification

Not applicable

Reason for proposed Main/Minor Modification

Not applicable

12.43 Is there a typographical error at the start of paragraph 11.5.9 (1.5.9)?

Council's response

167. Yes. The number "1.5.9" has been repeated in error after the paragraph number and should be deleted.

Evidence base and Plan references

- A1 - Submission Medway Local Plan 2041 (submitted Plan), paragraph 11.5.9, page 216.

Proposed Main/Minor Modification

168. Minor modification: in paragraph 11.5.9, delete "1.5.9"

Conclusion

169. Having regard to:

- The submitted Local Plan;

- the supporting evidence base;
- national planning policy;
- Statements of Common Ground; and
- the responses above,

the minerals responses identify support for the Plan's approach, as well as the need for a small number of modifications.

Positively prepared: Policies T30 to T33 support mineral supply through safeguarding, imports, recycling and opportunities for further extraction.

Justified: The Local Aggregates Assessment, Minerals and Waste Topic Paper and Statement of Common Ground with Kent County Council provide the principal evidence that justifies the approaches taken in the Plan.

Effective: The policies are considered to be effective subject to a few proposed modifications e.g. to address the application of safeguarding and the operation of other minerals policies. Updated monitoring, mapping and supply evidence are needed for the matters identified in the responses.

Consistent with national policy: The responses assess the approach against the December 2024 NPPF. A small number of proposed policy changes to ensure consistency have been identified.

Waste General

12.44 Should the current Municipal Waste Management Strategy (paragraph 12.1.12) be considered an up-to-date part of the evidence, as it dates from 2006?

Council's response

5. The 2006 Municipal Waste Management Strategy provides historical context; it should not be treated as an up-to-date forecast of future waste management needs.

Evidence base

- Medway Council, Municipal Waste Management Strategy 2005-2020 (January 2006), sections 1.4 and 7.1.
- B21.1, Waste Needs Assessment 2024 Update, Report 1 - Management Requirements for Local Authority Collected Waste in Medway to 2041 (June 2024), page 9, paragraph 3.10; pages 13-17, paragraphs 3.19-3.25 and Tables 5-7.
- B21.7, Waste Needs Assessment 2024 Update, Report 7 - Medway Management Requirements (June 2024), pages 17-22, section 5 and Tables 9-14.

- Planning Practice Guidance - Waste, paragraph 029, Reference ID 28-029-20141016.
- A1, Submission Medway Local Plan 2041, page 217, paragraph 12.1.12.

Explanation

6. The 2006 Medway MWMS is referenced as a starting point as required under PPG but has not been used as a determinant in assessing future LACW capacity needs. Its targets end in 2020. B21.1, page 9, paragraph 3.10, expressly explains why it is not used as the forecast for this Plan. The WNA 2024 Update, rather than the MWMS, provides the forecasts and capacity assessment used for plan-making. PPG (paragraph 28-029-20141016) requires the waste planning authority to take account of the municipal waste management strategy as a normal source of forecasts but does not expect reliance on an expired forecast.

Conclusion

7. The plan-making assessment relies on the WNA 2024 Update.

Proposed Main/Minor Modification

Not applicable

Reason for proposed Main/Minor Modification

Not applicable

12.45 How are the waste capacity requirement tables (4, 5a and 5b) reflected in the subsequent waste policies?

Council's response

8. The capacity tables inform the safeguarding of existing capacity and the policies for additional waste management capacity in Policies T34-T38.

Evidence base

- A1, Submission Medway Local Plan 2041, pages 223-224, 227, 233, 235, 237 and 239-242, Tables 4, 5a, 5b and 10; Policies T34-T38.

Explanation

9. Table 4 Waste Recycling and Composting Capacity Requirements shows a Plan area capacity surplus throughout the Plan period
10. Table 5a Residual Waste Management Capacity Requirements 'Energy Recovery' shows a Plan area capacity surplus throughout the Plan period.
11. Table 5b: Medway Residual Waste Management Capacity Requirements 'Non-Inert Landfill' shows a modest capacity shortfall.

Note Milestone Totals on Table 5b reflect cumulative capacity requirement, not annual requirements (as shown in Table 10).

12. The policies respond to these requirements as follows:
    - Policy T34 safeguards existing capacity subject to the policy's exceptions, helping to retain the capacity relied upon in the assessment.
    - Policy T35 allows for the development of additional capacity in appropriate circumstances, and Policy T36 guides such development towards particular types of land.
    - Policy T37 addresses proposals for 'other recovery', including fuel preparation and Energy from Waste. The assessed surplus relies on existing RDF preparation capacity; the consented Medway One energy centre was not included in the WNA capacity balance.
    - Policy T38 addresses provision of additional non-inert landfill capacity.

Conclusion

13. The policies safeguard the capacity relied upon, allow appropriate additional provision and address the identified non-inert landfill shortfall.

Proposed Main/Minor Modification

Not applicable

Reason for proposed Main/Minor Modification

Not applicable

12.46 How is green waste reflected in the waste policies of the Plan?

Council's response

14. Green waste is included within the waste streams addressed by the Plan, particularly through Policies T34, T35 and T36.

Evidence base and Plan references

- A1, Submission Medway Local Plan 2041, pages 218, 227, 235 and 237, paragraph 12.1.19; Policies T34, T35 and T36.

Explanation

15. As explained in A1, Submission Medway Local Plan 2041, page 218, paragraph 12.1.19, separately collected green waste forms part of LACW. Green waste also arises in the C&I waste stream through landscaping and forestry maintenance. Policies T34, T35 and T36 are therefore particularly applicable to the continued provision of management capacity for this waste stream.

Conclusion

16. The policies provide for the continued management of green waste as part of LACW and C&I waste.

Proposed Main/Minor Modification

Not applicable

Reason for proposed Main/Minor Modification

Not applicable

12.47 In the absence of a specific policy, what are the monitoring arrangements that the Plan seeks to put in place for waste?

Council's response

17. Waste monitoring is set out in the Monitoring Framework (A14) and supporting text, with reporting and updating through the Authority Monitoring Report. Incorporation of A14 into the Plan is proposed, with an additional indicator and response for reliance on non-inert landfill outside Medway.

Evidence base and Plan references

- A14, Monitoring Framework, PDF page 19, Waste Monitoring table (Policies DM23 and T34-T38).
- A1, Submission Medway Local Plan 2041, pages 225-227, 229-231, 233, 235, 237 and 239-242, Appendix D (Safeguarded Waste Sites, PDF pages 473-474); paragraphs 12.4.1 and 12.5.6; Tables 6-10; Policies DM23 and T34-T38.
- See also responses to Q12.84 and 12.107

Explanation

18. Monitoring is set out in the Monitoring Framework (A14) rather than in a policy. It includes waste indicators for Policies DM23 (waste per head; % of qualifying developments submitting a Circular Economy Statement), T34 (no net loss of safeguarded capacity), T35, T37 and T38 (recycling/landfill diversion against Tables 6-10); T35 (capacity equivalent to 100% of Medway arisings) and T36 (substantiated complaints/enforcement cases).
19. The Appendix D list of safeguarded sites is to be monitored and updated through the AMR (A1, page 226, paragraph 12.4.1), as is the capacity needed for LACW (paragraph 12.5.6). The data sources used in the WNA (WDI, HWI, WasteDataFlow, EA landfill void and exemption registers) are published annually, so the WNA can be updated to track arisings, capacity and exports. A14 already links recycling/landfill diversion to Policies T35, T37 and T38 and an additional indicator is proposed that would specifically monitor availability of landfill, which a diversion rate alone does not establish.

Conclusion

20. The Monitoring Framework (A14) and AMR provide the route for monitoring safeguarded sites, waste arisings and capacity. Annual publication of the WNA data sources enables the assessment to be updated. An additional indicator would ensure reliance on landfill beyond Medway is linked to an explicit monitoring and response mechanism.

Proposed Main/Minor Modification

21. Incorporate A14 into the Plan, as proposed in MLP/ED6, response 11. Add to its Waste Monitoring table: 'Policy T38 — Indicator: annual tonnes of Medway non-inert waste sent to landfill, by receiving facility and waste planning authority; remaining permitted void, relevant permission end dates and confirmation of continuing availability. Target: availability of sufficient suitable capacity for the remaining forecast requirement. Data sources: Environment Agency WDI and remaining landfill capacity data, planning records, operator information and engagement with receiving authorities. Frequency: annual, reported in the AMR. Trigger: No availability or forecast insufficiency of suitable capacity. Response: Update the waste needs assessment, engage receiving authorities and operators on alternative provision, and assess whether a Plan review or further provision under Policy T38 is required.'

Reason for proposed Main/Minor Modification

22. To incorporate monitoring into the Plan and define a response if external landfill provision cannot be confirmed. This complements the minerals monitoring modification in the separate response to Question 12.4.

12.48 How have future waste arisings been forecast?

Council's response

23. The WNA 2024 Update forecasts each principal waste stream from a 2022 baseline, following the approach set out in PPG.

Evidence base

- B21.1, Waste Needs Assessment 2024 Update, Report 1 - Management Requirements for Local Authority Collected Waste in Medway to 2041 (June 2024), pages 7-17, paragraphs 3.7-3.25 and Tables 3-7.
- B21.2, Waste Needs Assessment 2024 Update, Report 2 - Management Requirements for Commercial & Industrial Waste in Medway to 2041 (June 2024), pages 4-16, section 3; particularly pages 12-16, paragraphs 3.22-3.35 and Table 12.
  B21.3, Waste Needs Assessment 2024 Update, Report 3 - Management Requirements for Construction, Demolition & Excavation Waste in Medway to 2041 (June 2024), pages 14-16, paragraphs 3.1-3.9 and Tables 16-19.

- B21.4, Waste Needs Assessment 2024 Update, Report 4 - Management Requirements for Hazardous Waste Generated in Medway to 2041 (June 2024), pages 8-9, paragraphs 3.1-3.4 and Tables 3-4.
- B21.5, Waste Needs Assessment 2024 Update, Report 5 - Review of Management Requirements for Other Waste Generated in Medway (July 2024), pages 2-16, sections 2-4 (wastewater, agricultural and low-level radioactive waste).
- B21.7, Waste Needs Assessment 2024 Update, Report 7 - Medway Management Requirements (June 2024), pages 17-18, Tables 9 and 10.
- A1, Submission Medway Local Plan 2041, pages 223-224 and 233, Tables 4, 5a, 5b and 10.
- Planning Practice Guidance - Waste, paragraphs 028-034, Reference IDs 28-028-20141016 to 28-034-20141016.
- Defra, Future Waste Arisings (April 2021), as cited in B21.1, pages 6-7, paragraphs 3.4-3.7 and footnote 4, and B21.2, pages 13-15, paragraphs 3.26-3.29 and footnote 19.

Explanation

24. LACW (B21.1, Waste Needs Assessment Report 1, B21.1, pages 8-14, paragraphs 3.7-3.23 and Tables 3-6): baseline 131,650 tonnes (2022/23). A 'cone of possibilities' was generated using PPG long- and short-term per head growth profiles, the DEFRA Future Waste Arisings (2021) central forecast, the historic Medway trend (+0.39% pa) and the Medway WDA forecast (+1% pa). The central scenario (+0.28% pa) was adopted, giving a projected arising of c138,750t at 2041/42 (B21.1, page 17, Table 7).
25. C&I Waste (Waste Needs Assessment Report 2, section 3): baseline c141,000t (2022) estimated by applying a 'point of management' approach using modified national methodology (Reconcile-based) based on the Environment Agency published WDI datasets. Growth rates of +0.41% pa (DEFRA national central forecast, weighted 70:30 commerce: industry) and +0.57% pa (short-term trend) were derived; +0.5% pa was applied, consistent with PPG's expectation that growth is assumed unless there is clear evidence otherwise. This gave a projected arising of c155,000t at 2041/42.
26. C,D & E Waste (Waste Needs Assessment Report 3, section 3): baseline value of c152,500t (2022) was derived using modified national methodology based on Environment Agency published WDI datasets and exemption register. A static (zero growth) forecast was retained from the WNA 2020 following PPG advice and given the variability of the data (+8.34% pa including the Covid year; -4.47% pa excluding it) and no identified major projects giving rise to additional needs.
27. Hazardous Waste (Waste Needs Assessment Report 4, section 3): baseline value of c41,500t (2022) from the Environment Agency published HWI and WDI datasets, forecast by waste type, giving a projected arising of c33,000t by 2041.

28. Management targets were then applied to the forecast tonnages to derive the management requirements set out in Tables 4, 5a, 5b and 10 of the Submission Medway Local Plan 2041 (A1) (Waste Needs Assessment Report 7, Tables 9 and 10). Wastewater, agricultural waste and LLW were scoped in Waste Needs Assessment Report 5 and did not require a quantitative forecast.

Conclusion

29. Management targets were applied to the forecasts to derive capacity requirements. Wastewater, agricultural waste and LLW were scoped separately and did not require quantitative forecasts.

Proposed Main/Minor Modification

Not applicable

Reason for proposed Main/Minor Modification

Not applicable

12.49 How does the Municipal Waste Management Strategy align with the Waste Hierarchy?

Council's response

30. The MWMS follows the waste hierarchy by prioritising waste reduction and reuse, then increased recycling and composting, with recovery and reduced reliance on landfill for the remaining waste. Its measures include education, home composting and reuse schemes (MWMS, sections 2.2.1 and 6.1).

Evidence base and Plan references

- Medway Council, Municipal Waste Management Strategy 2005-2020 (January 2006), page 4, section 2.2.1; page 51, section 6.1; page 82, section 7.1.
- A1, Submission Medway Local Plan 2041, pages 219 and 229, Tables 3 and 6.
- B21.1, Waste Needs Assessment 2024 Update, Report 1 - Management Requirements for Local Authority Collected Waste in Medway to 2041 (June 2024), page 9, paragraph 3.10; page 18, Table 8.

Explanation

31. B22.11, page 29, paragraphs 2.1.43-2.1.44, summarises the MWMS aimed to push LACW up the hierarchy (55% recycling and no more than 35% to landfill by 2020). B21.1, Waste Needs Assessment Report 1, page 18, Table 8, reports 46% recycling, 53% energy recovery and 1% landfill in 2022/23 (Plan Table 3; Table 8 pdf page 26), so the landfill aim has been exceeded but the recycling aim has still to be met. For plan-making the WNA does not rely on the MWMS (B21.1, Waste Needs Assessment Report 1, paragraph 3.10). Instead, it sets updated LACW targets derived from national municipal waste management targets (A1, Submission Medway Local Plan 2041, Table 6), which progressively seek to move LACW up the hierarchy.

Conclusion

32. The WNA uses updated LACW targets derived from national municipal waste management targets rather than relying on the MWMS.

Proposed Main/Minor Modification

Not applicable

Reason for proposed Main/Minor Modification

Not applicable

12.50 Does the Plan provide sufficient waste capacity throughout the Plan period?

Council's response

33. The assessed capacity is sufficient throughout the Plan period except for non-inert landfill, for which Medway relies on capacity outside its area.

Evidence base and Plan references

- Also see responses to Q12.84 and Q12.107.
- B21.7, Waste Needs Assessment 2024 Update, Report 7 - Medway Management Requirements (June 2024), page 14, paragraph 4.33; page 22, Table 14; pages 23-25, section 6.
- A1, Submission Medway Local Plan 2041, pages 232-233, Table 10 and paragraph 12.5.20.
- Environment Agency, 2022 Remaining Landfill Capacity - Version 2 (26 March 2024), worksheet "Landfill Capacity-England 2022".
- Also see responses to Q12.84 and Q12.107.

Explanation

34. Waste Needs Assessment Report 7 (B21.7, page 22, Table 14) shows a surplus throughout the Plan period for recycling/composting (+c361,000 to +c423,000 tpa), 'other recovery' (+c297,000 to +c311,000 tpa) and inert waste management (c2.26Mt remaining at 2041). Total hazardous waste management capacity (c52,500 tpa) exceeds total peak arisings (c41,500t in 2022, forecast to fall to c33,000t).
35. The recycling surplus does not depend on the continued availability of the site at Berth 6, Chatham Docks (c89,000 tpa, footnote 19) which may be affected by redevelopment at Chatham Docks. Without it, capacity is c495,700 tpa against a peak requirement of c224,250 tpa. 'Other recovery' capacity in Medway is provided by the Streetfuel RDF facility (footnote 28). Further capacity is available in close proximity to Medway in Kent (paragraph 12.5.20), and the consented Medway One energy centre (c200,000 tpa) has not been counted (Waste Needs Assessment Report 7, paragraph 4.33).

36. A cumulative requirement of c358,000t of non-inert landfill capacity has been assessed at 2041/42 (Table 10). Waste Needs Assessment Report 7 (section 6) found 6.04Mm^3 of permitted non-inert void in the sub-region (Kent, Essex, Thurrock) and 26.67Mm^3 including the wider catchment to the Plan area using the Environment Agency Remaining Landfill Void Dataset at end 2022. Given there is no non-inert landfill in Medway, the movement to sites located in Thurrock (Ockendon, c27,400t in 2022 (Waste Data Interrogator 2025 records that only 12.3 tonnes was delivered from Medway to Ockendon in 2025)) and LB Havering (Rainham c16,000t in 2022) demonstrate established cross-boundary arrangements. See also responses to Q12.84 and Q12.107.

Conclusion

37. The assessment identifies surpluses for recycling/composting, other recovery, inert waste management and aggregate hazardous waste capacity. Established cross-boundary movements are relevant to the non-inert landfill requirement, as addressed further in the responses to Q12.84 and Q12.107.

Proposed Main/Minor Modification

Not applicable

Reason for proposed Main/Minor Modification

Not applicable

12.51 Have cross-boundary movements of waste been appropriately considered?

Council's response

38. Yes. The WNA identifies strategically significant cross-boundary waste movements to inform engagement with the relevant host waste planning authorities.

Evidence base

- B21.3, Waste Needs Assessment 2024 Update, Report 3 - Management Requirements for Construction, Demolition & Excavation Waste in Medway to 2041 (June 2024), page 14, Table 16.
- A1, Submission Medway Local Plan 2041, pages 224-226, Policy DM23 and paragraphs 12.3.1-12.3.9.
- B22.11, Minerals and Waste Topic Paper (April 2025), pages 18-22, paragraphs 2.1.4-2.1.14.
- National Planning Policy for Waste (October 2014), pages 6-7, paragraph 8.
- National Planning Policy Framework (December 2024), paragraph 161.

- Kent and Medway Energy and Low Emissions Strategy: Meeting the Climate Change Challenge (June 2020), pages 10 and 18; also cited in A3.3, Sustainability Appraisal - Volume 3 of 3 - Appendices (June 2025).[2]

Explanation

39. Waste Needs Assessment Report 6 (B21.6, page 3, paragraph 2.9) identified strategically significant movements in 2022 using the regional (RTAB/SEWPAG) significance thresholds (5,000 tpa non-hazardous; 100 tpa hazardous; 10,000 tpa inert). It found 17 receiving sites across 14 WPAs, plus a further 5 WPAs receiving waste above the thresholds in 2020/21 (Waste Needs Assessment Report 6, (page 9, paragraphs 4.1-4.4). Waste Needs Assessment Report 4 (B21.4, pages 12-13, Tables 6 and 7) did the same for hazardous waste. Both recommended contact with each host WPA to confirm continued availability, and SoCGs where reliance is significant.
40. Waste Needs Assessment Report 6 (B21.6, page 4, Table 1) also shows that c646,500t of waste was imported into Medway for management as compared with exports c275,000t, demonstrating Medway's substantial role in the wider network and, in simple balance terms, how the Plan area is achieving net self-sufficiency.
41. Outcomes recorded to date include the agreed SoCG with Kent CC (A12.4, pages 9-10, paragraphs 4.1-4.8), which records the approach to net self-sufficiency and cross-boundary movements, and a draft, unsigned, SoCG prepared with Thurrock (see response to Q12.84).

Conclusion

42. The assessment establishes the scale and destinations of significant movements and Medway's wider network role.

Proposed Main/Minor Modification

Not applicable

Reason for proposed Main/Minor Modification

Not applicable

[2] https://www.kent.gov.uk/__data/assets/pdf_file/0009/112401/Kent-and-Medway-Energy-and-Low-Emissions-Strategy.pdf

Policy DM23: Waste Prevention

12.52 What evidence supports the need for Policy DM23 and demonstrates that additional local planning policy intervention is required to promote waste prevention in Medway?

Council's response

43. The WNA identifies construction, demolition and excavation waste as Medway's largest waste stream, and DM23 translates national waste prevention objectives into development requirements.

Evidence base and Plan references

- B21.3, Waste Needs Assessment Report 3, Table 16.
- A1, Submission Medway Local Plan 2041, Policy DM23 and paragraphs 12.3.1-12.3.9.
- B22.11, Minerals and Waste Topic Paper, paragraphs 2.1.4-2.1.14.
- National Planning Policy for Waste, paragraph 8.
- NPPF (2024), paragraph 161
- Kent and Medway Energy and Low Emissions Strategy[3], pages 10 and 18 (referenced in the Sustainability Appraisal (A3.3))

Explanation

44. The WNA estimates that c152,500 tonnes of construction, demolition and excavation waste arose in Medway in 2022 (B21.3, Waste Needs Assessment Report 3, Table 16). This is identified as Medway's largest waste stream, providing the local context for the policy.
45. NPPW paragraph 8 supports adequate waste provision and storage in non-waste development, and maximising reuse/recovery while minimising off-site disposal of construction and operational waste. Paragraph 161 of the NPPF encourages 'the reuse of existing resources, including the conversion of existing buildings'. Policy DM23 translates national waste prevention objectives into requirements concerning construction methods, material use and the design of development, with a Circular Economy Statement required for qualifying proposals. The requirements of the policy are intended to make prevention and resource efficiency demonstrable at application stage, bearing in mind the context of the large C,D&E waste stream (B21.3, page 14, Table 16) and B22.11, pages 18-22, paragraphs 2.1.4-2.1.14. These are matters which can be (and already are in many cases) addressed when development is planned. The policy rationale is explained in paragraphs 12.3.1 to

[3] https://www.kent.gov.uk/__data/assets/pdf_file/0009/112401/Kent-and-Medway-Energy-and-Low-Emissions-Strategy.pdf

12.3.9, and the Minerals and Waste Topic Paper (B22.11) at paragraphs 2.1.4 to 2.1.14.

46. Policy DM23 gives practical effect to the Kent and Medway Energy and Low Emissions Strategy's objectives for resource efficiency and the integration of climate considerations into planning policies (pages 10 and 18). Its inclusion is supported more directly by the Minerals and Waste Topic Paper (B22.11), particularly paragraphs 2.1.4, 2.1.7-2.1.9 and 2.1.14 (printed pages 18-20 and 22), which establish the rationale for preventing waste, retaining materials in use and applying circular economy principles to construction and development.
47. The requirements of Policy DM23 reflect those in Policy SI 7 of the adopted London Plan 2021 and Policy CSW3 of the Minerals and Waste Local Plan of neighbouring Kent County Council that was adopted in 2025.

Conclusion

48. National policy and local evidence support intervention on prevention, materials and operational waste related to development.

Proposed Main/Minor Modification

Not applicable

Reason for proposed Main/Minor Modification

Not applicable

12.53 Is the policy justified by proportionate evidence?

Council's response

49. The evidence, in particular the Waste Needs Assessment and Sustainability Appraisal, support the policy's general approach.

Evidence base

- A3.3, Sustainability Appraisal - Volume 3 of 3 - Appendices (June 2025), Appendix H: Policy Assessments, pages H127-H128 (PDF pages 417-418), paragraphs H.11.1.1-H.11.1.5.
- B5, Viability Assessment (June 2025), page 107, paragraphs 7.25-7.26; page 146, paragraph 8.138.
- Also see responses to Q12.52 and Q12.64.

Explanation

50. In addition to the WNA and national policy context identified in the response to Q 12.52, the Sustainability Appraisal identifies a major positive effect for waste and minor positive effects for natural resources and climate change mitigation (A3.3, Sustainability Appraisal Volume 3, Appendix H, paragraphs H.11.1.1 - H.11.1.5).
51. The Viability Assessment includes the cost of Circular Economy Statements within the professional fees allowance. The allowance is increased from 8% to 10% of build

costs to cover the range of assessments required by the Plan, including these statements (B5, Viability Assessment, paragraphs 7.25 - 7.26 and 8.138). This is an allowance for several assessments, rather than a separate costing of DM23.

Conclusion

52. The Sustainability Appraisal and Waste Needs Assessment support the general approach implemented by Policy DM23.

Proposed Main/Minor Modification

Not applicable

Reason for proposed Main/Minor Modification

Not applicable

12.54 How does Policy DM23 contribute to the delivery of the Waste Hierarchy and what outcomes are expected in terms of reducing waste arisings across the Plan period?

Council's response

53. DM23 addresses prevention, reuse and recycling through construction methods, resource use and development design, supported by Circular Economy Statements for qualifying proposals.

Evidence base and Plan references

- A1, Submission Medway Local Plan 2041, page 225, Policy DM23 and paragraphs 12.3.3-12.3.6.
- A14, Monitoring Framework, PDF page 19, Waste Monitoring table, Policy DM23 indicators.

Explanation

54. Policy DM23 criterion a. addresses prevention and the reuse/recycling of materials and structures during construction and demolition; criterion b. promotes efficient use of resources and the use of recycled and secondary materials; criterion c. requires development to be designed to facilitate management of operational waste in accordance with the Waste Hierarchy. The Circular Economy Statement allows qualifying proposals to demonstrate their approach across these stages (A1, Policy DM23 and paragraphs 12.3.3-12.3.6).
55. The expected outcomes are reductions in avoidable waste from development, greater reuse of materials and improved separation of unavoidable waste for recycling. Paragraph 12.3.4 expects statements to establish material efficiency targets and explain how achievement will be monitored and reported. The Monitoring Framework seeks an annual decrease in waste generated per person (A14, Monitoring Framework, Waste Monitoring, PDF page 19).

Conclusion

56. Expected outcomes are less avoidable waste, greater reuse and better separation of unavoidable waste for recycling. Statements establish material efficiency targets, while the Monitoring Framework seeks an annual decrease in waste generated per person.

Proposed Main/Minor Modification

Not applicable

Reason for proposed Main/Minor Modification

Not applicable

12.55 Does Policy DM23 only apply to 'qualifying development proposals' (last paragraph of the policy), as defined, or is any aspect of it intended to apply to all development proposals?

Council's response

57. No. Criteria a. to c. apply to all development proposals; only the additional Circular Economy Statement requirement is limited to qualifying proposals.

Evidence base and Plan references

- A1, Submission Medway Local Plan 2041, pages 224-225, Policy DM23, footnote 29 and paragraphs 12.3.2-12.3.5.

Explanation

58. No. The opening paragraph and criteria a. to c. apply to all development proposals, including waste management facilities. The reference to 'qualifying development proposals' applies only to the additional requirement in the final paragraph to submit a Circular Economy Statement.
59. Footnote 29 defines qualifying development as proposals with total floorspace greater than 1,000 square metres and/or comprising more than 10 housing units. Proposals below those thresholds remain subject to criteria a.to c. This distinction is supported by paragraphs 12.3.2 and 12.3.5, which refer to development generally, while paragraph 12.3.3 introduces statements for development of a particular scale.

Conclusion

60. Proposals below the statement thresholds remain subject to criteria a. to c. The distinction could be made more explicit in the policy.

Proposed Main/Minor Modification

61. For clarity, the opening paragraph could be modified to refer expressly to 'all development proposals', and the definition of qualifying development could be included in the policy.

Reason for proposed Main/Minor Modification

62. To clarify that criteria a. to c. apply to all development proposals, while the Circular Economy Statement requirement applies only to qualifying development.

12.56 Where reference is made to that it being essential that all proposals for residential development are designed to allow for separate storage of residual, recyclable and compostable materials (paragraph 12.3.9), is this approach effective as it is not stated in Policy DM23 itself?

Council's response

63. DM23 criterion c. and Policy DM5 provide a policy basis for separate waste storage, but an explicit requirement in DM23 would improve clarity and effectiveness.

Evidence base and Plan references

- A1, Submission Medway Local Plan 2041, pages 69 and 225-226, Policies DM23 and DM5; paragraphs 12.3.8-12.3.9.
-

Explanation

64. There is a policy basis for the approach - DM23 criterion c. requires design that facilitates the effective management of operational waste in accordance with the Waste Hierarchy. Policy DM5 also expressly requires all new accommodation to provide recycling and refuse storage to maximise recycling. Paragraphs 12.3.8 to 12.3.9 explain the requirement for separation and storage, including residual, recyclable and compostable materials in residential development.

Conclusion

65. The supporting text explains separate storage for residual, recyclable and compostable materials in residential development. An express policy requirement would clarify that this applies whether or not a Circular Economy Statement is required.

Proposed Main/Minor Modification

66. A modification could add to criterion c.: 'Residential development must provide adequate space for the separate storage of residual, recyclable and compostable waste.' This would reflect paragraph 12.3.9 and apply irrespective of whether a Circular Economy Statement is required.

Reason for proposed Main/Minor Modification

67. Making the separate storage requirement explicit in DM23 would improve clarity and effectiveness and reflect paragraph 12.3.9.

12.57 Is the policy consistent with national policy and waste management objectives?

Council's response

68. Yes. DM23 gives effect to national objectives for resource efficiency, appropriate waste storage, reuse and recovery, and minimising waste.

Evidence base and Plan references

- National Planning Policy for Waste (October 2014), page 3, paragraph 1; pages 6-7, paragraph 8.
- National Planning Policy Framework (December 2024), paragraph 8(c).
- B22.11, Minerals and Waste Topic Paper (April 2025), pages 18-22, paragraphs 2.1.4-2.1.14.
- Defra, Waste Prevention Programme for England: Maximising Resources, Minimising Waste (July 2023, updated August 2023), chapter 1 (Introduction) and chapter 5 (Construction).
- A1, Submission Medway Local Plan 2041, page 225, Policy DM23; responses to Q12.55 and Q12.56.

Explanation

69. Yes. NPPW paragraph 1 promotes resource efficiency and the integration of appropriate waste storage and segregation facilities into development. Paragraph 8 expects non-waste development to provide adequately for waste management, including storage at residential premises, and to maximise reuse/recovery of construction and operational waste while minimising off-site disposal. Policy DM23 addresses these matters through its construction, materials and design requirements.
70. The policy also supports the environmental objective in paragraph 8(c) of the December 2024 NPPF, including prudent use of natural resources and minimising waste. The Minerals and Waste Topic Paper (B22.11), paragraphs 2.1.4-2.1.14, explains the national Waste Hierarchy and circular economy context, including the Waste Prevention Programme for England 2023. Policy DM23 gives effect to the Plan's waste management objectives to minimise waste production and manage unavoidable waste in accordance with the hierarchy.

Conclusion

71. The policy supports the Plan's objectives to minimise waste production and manage unavoidable waste in accordance with the hierarchy. The clarifications identified in the responses to Q12.55 and Q12.56 would assist proportionate and effective application.

Proposed Main/Minor Modification

Not applicable

Reason for proposed Main/Minor Modification

Not applicable

12.58 How have future waste arisings been forecast and to what extent does Policy DM23 support the assumptions underpinning those forecasts?

Council's response

72. The forecasts are not based upon an assumption that DM23 will give rise to a specific reduction in arisings.

Evidence base and Plan references

- B21.1, Waste Needs Assessment 2024 Update, Report 1 - Management Requirements for Local Authority Collected Waste in Medway to 2041 (June 2024), page 14, Table 6.
- Planning Practice Guidance - Waste, paragraphs 028-030, Reference IDs 28-028-20141016 to 28-030-20141016.
- Also see response to Q12.48.

Explanation

73. See response to Q.12.48 for how arisings were forecast. The forecasts do not assume any specific reduction in arisings attributable to Policy DM23. The LACW central scenario implies broadly static waste per head (+0.5kg per person per year; Waste Needs Assessment Report 1 Table 6), C&I waste growth is +0.5% pa, and C,D & E waste, the largest single stream and the main target of DM23, is held static as per PPG advice.
74. The forecasts are therefore not dependent on DM23 delivering reductions. Any reduction it achieves would reduce the management requirement below that forecast, i.e. the forecasts err on the side of providing sufficient capacity regardless of the Policy's actual effect.

Conclusion

75. The forecasts are not dependent on DM23 delivering reductions. Any reduction would lower management requirements below those forecast, providing capacity regardless of the policy's actual effect.

Proposed Main/Minor Modification

Not applicable

Reason for proposed Main/Minor Modification

Not applicable

12.59 Is there a clear relationship between waste prevention measures and projected waste management capacity requirements?

Council's response

76. The relationship is indirect: forecast management requirements do not assume additional waste prevention measures.

Evidence base

- B21.7, Waste Needs Assessment 2024 Update, Report 7 - Medway Management Requirements (June 2024), pages 17-18, Tables 9 and 10.
- A14, Monitoring Framework, PDF page 19, Waste Monitoring table, Policy DM23 waste generated per person indicator.
- Also see response to Q12.58.

Explanation

77. The relationship is indirect. Capacity requirements are derived by applying management targets to the arisings forecast (Waste Needs Assessment Report 7, Tables 9 and 10), and those forecasts do not assume additional prevention measures (see 12.58). As the WNA shows a capacity surplus for recycling, other recovery and inert waste management, by depressing arisings successful prevention would increase the surplus (being the difference between management requirements based on projected arisings and assessed Plan area capacity) and potentially reduce the non-inert landfill requirement that relies on capacity outside Medway. It would not create a capacity shortfall.

Conclusion

78. Successful prevention would increase the identified capacity surpluses and could reduce the non-inert landfill requirement; it would not create a shortfall. Monitoring and WNA updates can identify changes in requirements.

Proposed Main/Minor Modification

Not applicable

Reason for proposed Main/Minor Modification

Not applicable

12.60 Are the requirements of Policy DM23 sufficiently clear, effective and enforceable through the development management process?

Council's response

79. The policy provides a basis for assessment, but submission of a Circular Economy Statement does not by itself secure implementation. A modification to improve the effectiveness of the policy is proposed.

Evidence base and Plan references

- A1, Submission Medway Local Plan 2041, page 225, Policy DM23 and paragraphs 12.3.3-12.3.4.
- Also see responses to Q12.55-Q12.56.

Explanation

80. The policy provides a basis for assessing proposals. Criteria a. to c. apply to development generally; qualifying proposals must also submit a Circular Economy Statement. Paragraphs 12.3.3 to 12.3.4 require an audit, material efficiency targets and arrangements for monitoring and reporting.
81. Submission of a statement does not, by itself, secure implementation. Where necessary, specific measures identified in an approved statement could be secured through planning conditions setting out what must be done, when, and how compliance will be demonstrated.

Conclusion

82. Where necessary, measures described with the planning application, including for certain types of development, in an approved Circular Economy Statement, could be secured by conditions specifying actions, timing and how compliance will be demonstrated. Including targets, implementation, monitoring and reporting in the policy could improve clarity.

Proposed Main/Minor Modification

83. A modification could be made to include the Circular Economy statement's requirements for targets, implementation, monitoring and reporting in Policy DM23 itself, alongside the clarifications identified under Q.12.55-12.56. Suggested modification would be to replace Policy DM23's final paragraph with:

    'Development proposals with total floorspace greater than 1,000 square metres and/or comprising more than 10 housing units must be supported by a Circular Economy Statement. The Circular Economy Statement must demonstrate compliance with criteria a.-c. and include:

    - A waste management audit;
    - assessment of retention and reuse opportunities before demolition;
    - measures for design, demolition, construction, subsequent occupation, refurbishment, adaptation and end-of-life deconstruction, as relevant;
    - material-efficiency targets; and,
    - arrangements for implementation, monitoring and reporting.

    The information and measures must be proportionate to the proposal's scale and nature. Where necessary to make development acceptable, identified measures will be secured through planning conditions meeting the national policy tests.'

Reason for proposed Main/Minor Modification

84. Submission of a statement does not, by itself, secure implementation. Paragraphs 12.3.3 to 12.3.4 require an audit, material efficiency targets and arrangements for monitoring and reporting.

12.61 What evidence is there to demonstrate that applicants and decision-makers will be able to apply the policy consistently?

Council's response

85. The policy criteria provide a basis for consistent assessment. The changes in responses 12.55, 12.56, 12.60 and 12.63 would assist consistent application of the policy. Definition of development requiring the production of Circular Economy Statements will ensure that such statements are consistently produced for development of a certain scale. Supporting text (paragraphs 12.3.3, to 12.3.6 and 12.3.8 also provides guidance on the information that is required.

Evidence base and Plan references

- A1, Submission Medway Local Plan 2041, page 225, Policy DM23, footnote 29 and paragraphs 12.3.3-12.3.6.
- A10.2, Consultation Statement - Appendix 6, page 114, section 13, Policy DM23: Waste Prevention.

Explanation

86. The criteria in DM23, definition of qualifying development in footnote 29, and the statement requirements in paragraphs 12.3.3 to 12.3.6 provide the basis for consistent assessment. The Consultation Statement also records support for the preparation of a Circular Economy Statement as a means of demonstrating policy compliance (A10.2, page 114).
87. A separate checklist could be provided covering the waste audit, options for retaining and reusing materials, proposed measures and targets, responsibilities, and monitoring.

Conclusion

88. The Consultation Statement records support for Circular Economy Statements as a means of demonstrating compliance. A separate checklist could assist consistent application.

Proposed Main/Minor Modification

Not applicable

Reason for proposed Main/Minor Modification

Not applicable

12.62 How does Policy DM23 address waste prevention during the design, construction, occupation and demolition phases of development?

Council's response

89. DM23 addresses waste prevention across design, construction, occupation and demolition through its criteria and supporting statement requirements.

Evidence base and Plan references

- A1, Submission Medway Local Plan 2041, pages 225-226, Policy DM23 and paragraphs 12.3.3-12.3.4, 12.3.6 and 12.3.8-12.3.9.

Explanation

90. At the design stage, criterion b. seeks efficient use of materials and the use of recycled and secondary resources. Paragraph 12.3.6 also promotes retention and reuse of buildings, adaptability, repair, refurbishment and eventual deconstruction into reusable components.
91. During construction, criterion a. seeks methods that minimise waste and facilitate reuse and recycling, while criterion b. addresses material selection. Paragraphs 12.3.3 to 12.3.4 state that for qualifying proposals, Circular Economy Statements must include a waste management audit and material efficiency targets, with arrangements for monitoring and reporting.
92. During occupation, criterion c. requires design that enables waste to be managed in accordance with the Waste Hierarchy. Paragraphs 12.3.6 and 12.3.8 to 12.3.9 explain provision for reuse, repair, separation and storage. This facilitates prevention and reuse, as well as recycling of unavoidable waste.
93. Demolition is expressly covered by criterion a. and the statement requirement. Paragraph 12.3.3 also covers refurbishment where applicable, and paragraph 12.3.6 addresses deconstruction at the end of a building's useful life.
94. At design stage, applicants would assess retention and reuse and submit plans/specifications demonstrating criterion b. Paragraph 12.3.6 promotes adaptability, repair, refurbishment and future deconstruction. For qualifying proposals, the Circular Economy Statement would explain options and measures, allowing compliance to be assessed before permission.
95. Before construction or demolition, any required method statement would identify materials for retention, reuse or segregation, handling of unavoidable waste and responsibility for delivery. Criteria a. and b. and the approved audit/targets would inform precise, proportionate conditions where necessary. Records and completion reports would demonstrate delivery of the measures secured.
96. Before occupation, approved plans and relevant conditions would secure storage, segregation and collection facilities under criterion c. and the amendment in 12.56.

Design can facilitate reuse, repair and recycling though Policy DM23 does not directly control every subsequent action of individual occupiers.

97. Refurbishment, adaptation or demolition forming part of an application would be assessed for recovery/reuse opportunities and methods. Design for future deconstruction can be secured through current specifications though future work would be subject to the controls applicable at that time. The response to Q 12.63 makes lifecycle coverage explicit.

Conclusion

98. Policy DM23 and the supporting text address waste prevention though material efficiency, retention and reuse, operational separation and storage, refurbishment where applicable and eventual deconstruction.

Proposed Main/Minor Modification

Not applicable

Reason for proposed Main/Minor Modification

Not applicable

12.63 Are all relevant stages of the development lifecycle adequately covered?

Council's response

99. Broadly, yes, when the policy and supporting text are read together.

Evidence base and Plan references

- A1, Submission Medway Local Plan 2041, page 225, Policy DM23 and paragraphs 12.3.3 and 12.3.6.

Explanation

100. They address design, demolition, construction and occupation, with the statement extending to waste management throughout the development's lifespan. Refurbishment, adaptation, repair and end-of-life deconstruction are explained in paragraphs 12.3.3 and 12.3.6.

Conclusion

101. Express policy references to refurbishment, adaptation and end-of-life deconstruction, and retention and reuse before demolition, could strengthen lifecycle coverage.

Proposed Main/Minor Modification

102. To strengthen coverage of the lifecycle, Policy DM23 could be modified to expressly include refurbishment, adaptation and end-of-life deconstruction, and

require statements to explain opportunities for retention and reuse before demolition. Suggested wording to replace DM23 criterion a. is as follows: 'a. opportunities to retain and reuse existing buildings, structures and materials have been assessed before demolition is proposed; and construction, demolition, refurbishment and adaptation methods, together with design for end-of-life deconstruction, will minimise waste generation and facilitate reuse and recycling of materials and structures, as far as practicable on site;'. Also see modification proposed in response to Q 12.60.

Reason for proposed Main/Minor Modification

103. To strengthen lifecycle coverage: refurbishment, adaptation, repair and end-of-life deconstruction are explained in supporting paragraphs 12.3.3 and 12.3.6.

12.64 Has the Council considered the viability and deliverability implications of the policy requirements and are they proportionate to the scale and nature of development proposed?

Council's response

104. Yes. The cost of preparing a Circular Economy Statement, is included within the Viability Assessment's professional fees allowance, which covers several Plan assessments collectively. Published evidence also demonstrates that circular economy measures can reduce construction costs and support delivery, although savings depend on the nature of the development and the measures adopted. The level of information required, and measures to be taken, to demonstrate compliance with the Policy is proportionate to the size of the development proposed.

Evidence base and Plan references

- B5, Viability Assessment (June 2025), page 107, paragraphs 7.25-7.26; page 146, paragraph 8.138.
- A1, Submission Medway Local Plan 2041, page 225, Policy DM23 and qualifying development thresholds.

Explanation

105. In relation to the cost of preparing a Circular Economy Statement, the Viability Assessment expressly includes that cost within its professional fees allowance (B5, paragraph 8.138). Paragraphs 7.25-7.26 increase the usual allowance from 8% to 10% of build costs across all typologies to cover the range of assessments required by the Plan. However, it should be noted that the additional two percentage points are not a separate cost attributed to DM23.

106. Circular economy measures can also produce savings through retaining existing structures, reusing components and reducing purchases of new materials. Published evidence from projects elsewhere demonstrates these benefits:

- 1 Triton Square, London[4]: Associated study reports that removing, refurbishing and reinstalling the existing façade achieved a 66% cost saving compared with a new façade. The refurbishment was completed 30% faster than a typical new build, illustrating how retaining buildings and components can support delivery as well as reduce expenditure. The 66% figure relates specifically to the façade, rather than the whole development.
- Bartlett School of Architecture, 22 Gordon Street, London[5]: Associated study reports a high-level estimated saving of £10 million compared with demolition and new construction. Retaining the existing concrete structure reduced material requirements while enabling the building to be refurbished and adapted.

107. These examples demonstrate the potential for circular economy measures to improve development economics more generally. Actual outcomes depend on the building, materials and construction process implemented. This reinforces the importance of considering practical opportunities and costs early in the design/planning process.

108. Policy DM23 is proportionate because it establishes resource-efficiency outcomes while allowing the means of achieving them to reflect the development concerned. It recognises the practicability of on-site reuse and recycling and encourages use of appropriate recycled and secondary materials, without prescribing a particular construction technology. Although its substantive requirements apply to all development, the additional requirement for a Circular Economy Statement is restricted to qualifying proposals (greater than 1,000 square metres of floorspace and/or more than 10 dwellings). This focusses attention on larger schemes, where the opportunities to prevent waste and secure material efficiencies are generally greater. Smaller proposals remain subject to criteria a. to c..

Conclusion

109. The allowance in the Viability Assessment (B5) covers several Plan assessments rather than a separate DM23 cost. Evidence from completed developments demonstrates that circular economy measures can reduce construction costs and support delivery, although savings depend on the scheme. The additional statement requirement is limited by development scale; smaller proposals remain subject to criteria a. to c. Together, these considerations support the Council's view that the policy requirements are proportionate and deliverable.

[4] https://www.arup.com/projects/1-triton-square/
[5] https://ukgbc.org/resources/bartlett-school-of-architecture

Proposed Main/Minor Modification

Not applicable

Reason for proposed Main/Minor Modification

Not applicable

12.65 What monitoring indicators and review mechanisms will be used to assess the effectiveness of Policy DM23 during the Plan period, and what action would be taken if waste reduction objectives are not being achieved?

Council's response

110. The Monitoring Framework measures waste generated per person and submission of Circular Economy Statements, supported by statement-level material efficiency targets and monitoring.

Evidence base and Plan references

- A14, Monitoring Framework, PDF page 19, Waste Monitoring table, Policy DM23 indicators.
- A1, Submission Medway Local Plan 2041, page 225, paragraph 12.3.4.

Explanation

111. The Monitoring Framework identifies two DM23 indicators: waste generated per person, covering all waste in kilograms per head, with a target of a year-on-year decrease; and submission of Circular Economy Statements for 100% of qualifying major developments.

112. Paragraph 12.3.4 requires statements to establish material efficiency targets and explain monitoring and reporting.

113. Results would be reported through the AMR, missing statements and poor performance would be investigated, and guidance or policy reviewed where necessary. Monitoring could also examine delivery of measures secured through permissions.

Conclusion

114. AMR reporting would identify missing statements and poor performance for investigation, with guidance or policy reviewed where necessary. Monitoring could also examine delivery of measures secured through permissions.

Proposed Main/Minor Modification

Not applicable

Reason for proposed Main/Minor Modification

Not applicable

Policy T34: Safeguarding of Existing Waste Management Facilities

12.66 Would Policy T34 seek to safeguard new waste management facility development that may take place during the Plan Period, as the policy title refers to 'Existing'?

Council's response

115. Yes. Criterion b. safeguards land with extant waste planning permission, including permissions granted during the Plan period.

Evidence base and Plan references

- A1, Submission Medway Local Plan 2041, pages 226-227, Policy T34, Appendix D (Safeguarded Waste Sites, PDF pages 473-474) and paragraph 12.4.1.

Explanation

116. Criterion b. safeguards 'land with extant planning permission for waste use', so a facility consented during the Plan period would be safeguarded from the date of grant of planning permission and once implemented would fall under criterion a. Appendix D already includes consented but not yet operational sites (Chalk Lake landfill, Medway One ERF, Veolia MRF George Summers Close). This list is to be monitored and updated through the AMR (paragraph 12.4.1). Safeguarding of a temporary permission applies for the duration of that permission.

117. 'Existing' in the title is intended to refer to sites in lawful use or with permission at the time a decision is taken, not at the date of adoption.

Conclusion

118. Safeguarding therefore extends to newly consented facilities, with temporary permissions safeguarded for their duration. Simplifying the title could avoid confusion.

Proposed Main/Minor Modification

119. An additional modification to the title so it simply reads 'Safeguarding of Waste Management Facilities' would help avoid confusion.

Reason for proposed Main/Minor Modification

120. 'Existing' refers to sites in lawful use or with permission at the time a decision is taken, not at the date of adoption; the title change would help avoid confusion.

12.67 Is Policy T34 formatted as intended as it repeats criteria notations around paragraphs in between?

Council's response

121. No. Repeated notation in the two lists makes cross-referencing ambiguous. A modification is proposed to ensure the policy is effective

Evidence base and Plan references

- A1, Submission Medway Local Plan 2041, page 227, Policy T34, first list and exceptions.

Explanation

122. The second list (the exceptions) repeats the notation a., b., c. used in the first list. This makes cross-references such as 'clause a) and/or clause b)' in c. ambiguous.

Conclusion

123. Distinct notation and corrected cross-references are proposed to clarify the two lists.

Proposed Main/Minor Modification

124. An additional modification to renumber the second list (e.g. i., ii.) and correct the cross-references is proposed. In addition, it is proposed to delete the second clause c) as this effectively repeats the second clauses a) and b).

Reason for proposed Main/Minor Modification

125. The second list repeats the notation a., b., c. used in the first list, making cross-referencing ambiguous.

12.68 How were safeguarded waste facilities selected?

Council's response

126. Appendix D derives from the capacity assessment in Waste Needs Assessment Report 7, with Policy T34 also safeguarding qualifying sites whether listed or not.

Evidence base and Plan references

- B21.7, Waste Needs Assessment 2024 Update, Report 7 - Medway Management Requirements (June 2024), pages 4-15, sections 3 and 4.
- A1, Submission Medway Local Plan 2041, page 227, Policy T34 criteria a. and b.; Appendix D (Safeguarded Waste Sites, PDF pages 473-474).
- Planning Practice Guidance - Waste, Annex 2: Annual capacity of waste management facilities, paragraph 056, Reference ID 28-056-20141016.

Explanation

127. Appendix D is derived from the capacity assessment in Waste Needs Assessment Report 7 (sections 3 and 4). That assessment covered permitted sites reporting inputs in the WDI 2018-2022 (sites with no inputs in the latest three years were excluded), HWRCs, inert landfills (EA remaining void data), and metal recycling sites identified from cross checking the Environment Agency exemption register with the Scrap Metal Dealers Licence register (also checked using aerial photography). It also included land subject to planning permission for a waste use that was still to

commence operation at the time of writing (consistent with the 'Planned capacity' column of the template at PPG Annex 2: Annual capacity of waste management facilities, Paragraph: 056 Reference ID: 28-056-20141016). Criteria a. and b. safeguard all sites in lawful waste use and those subject to extant consents whether listed or not, so Appendix D is simply the list of known qualifying sites at the time of submission.

Conclusion

128. Appendix D lists known qualifying sites at submission. The policy criteria extend protection to all lawful waste uses and extant consents, including permitted capacity yet to commence.

Proposed Main/Minor Modification

129. Update to Appendix D to reflect latest position with regard to safeguarded sites.

Reason for proposed Main/Minor Modification

130. To ensure only sites that lawfully provide existing waste management capacity are safeguarded.

12.69 What evidence demonstrates continued operational need?

Council's response

131. The WNA relies on existing capacity to meet Medway's projected waste management requirements, and the sites also serve the wider waste management network.

Evidence base and Plan references

- B21.7, Waste Needs Assessment 2024 Update, Report 7 - Medway Management Requirements (June 2024), pages 10-15, Tables 1-8; page 22, Table 14.
- B21.4, Waste Needs Assessment 2024 Update, Report 4 - Management Requirements for Hazardous Waste Generated in Medway to 2041 (June 2024), page 15, paragraph 6.2.
- B21.6, Waste Needs Assessment 2024 Update, Report 6 - Strategically Significant Cross Boundary Waste Movements (June 2024), page 4, Table 1.
- A1, Submission Medway Local Plan 2041, page 227, Policy T34, criterion a. of the exceptions.

Explanation

132. The WNA relies on the assessed capacity of existing sites to meet the projected management requirements for Medway's waste (Waste Needs Assessment Report 7, Tables 1-8 and 14). The recycling/composting, 'other recovery', inert and hazardous waste surpluses identified depend on certain sites being retained. For example, all assessed 'other recovery' capacity is at Berth 6, Chatham Docks (in the form of RDF production capacity) as capacity of the consented MedwayOne EfW

plant is yet to be counted, and LACW recyclate is bulked at the Veolia WTS. Waste Needs Assessment Report 4 (paragraph 6.2) recommends that the principal hazardous waste sites also be safeguarded.

133. The sites also form part of the wider network relied on by other WPAs: Medway sites managed c646,500t of waste from outside Medway in 2022 (Waste Needs Assessment Report 6, Table 1). Where a site is shown not to be needed, criterion a. of the exceptions in Policy T34 would allow its release.

134. B21.6, page 4, Table 1, records approximately 646,500 tonnes of imports in 2022, showing an existing role serving other areas. Continued need or justified release must be assessed using the facility's function, capacity, current use, relevant cross-boundary requirements and alternatives. The first T34 exception, proposed to become 'i.' in response 12.67, allows release where the capacity/site is not required for the Plan's objectives.

Conclusion

135. Safeguarding retains capacity relied upon for Medway and other areas. Where a site is demonstrated not to be needed, the policy's exceptions allow its release.

Proposed Main/Minor Modification

Not applicable

Reason for proposed Main/Minor Modification

Not applicable

12.70 Would Policy T34 permit the loss of a safeguarded site where it may no longer be fit for purpose as a waste management facility?

Council's response

136. A site being unfit for its current operation would not by itself justify release under Policy T34.

Evidence base and Plan references

- A1, Submission Medway Local Plan 2041, page 227, Policy T34, criteria a. and b. of the exceptions.
- Also see response to Q12.67.

Explanation

137. A site being unfit for its current operation would not by itself justify release. Loss is acceptable where the capacity/site is not required for the Plan's objectives to be met (criterion a. of the exceptions to Policy T34) or equivalent replacement capacity is provided in Medway (criterion b. of those exceptions). A test of whether the site remains 'fit for purpose' is not used, because the safeguarding relates to the land use and its capacity rather than a particular operation. Environmental permitting regulates the operation while planning assesses the suitability of the land use and

any proposed change. Mitigation to address issues which may make the site unfit may be implemented.

138. Note the above criterion cross references would change to i. and ii. respectively if proposed modification in response to Q12.67 were to be adopted.

Conclusion

139. Safeguarding relates to the land use and capacity rather than a particular operation. Release requires the capacity/site not to be needed for the Plan's objectives or equivalent replacement capacity in Medway.

Proposed Main/Minor Modification

Not applicable

Reason for proposed Main/Minor Modification

Not applicable

12.71 Under what circumstances would redevelopment be acceptable?

Council's response

140. Redevelopment would be acceptable where one of the exceptions in Policy T34 is demonstrated.

Evidence base and Plan references

- A1, Submission Medway Local Plan 2041, , pages 220, 223 and 226-227, Policy T34; paragraphs 12.4.2 and 12.4.4; footnotes 19 and 28.

Explanation

141. Compensatory capacity is to be equal in quantity and waste hierarchy position, based on the greater of the maximum design throughput or the peak input over the previous five years (paragraph 12.4.2), taking account of the matters in paragraph 12.4.4. The WNA highlighted Berth 6, Chatham Docks as a location where capacity may be lost through redevelopment (Plan footnotes 19 and 28).

Conclusion

142. The acceptability of redevelopment depends on demonstrating a Policy T34 exception and, where relevant, appropriate compensatory capacity.

Proposed Main/Minor Modification

Not applicable

Reason for proposed Main/Minor Modification

Not applicable

12.72 Is the 250-metre safeguarding area for waste management facilities (paragraph 12.4.5) shown on the Policies Map, with regard to whether the policy would be effective?

Council's response

143. All safeguarded sites are shown on the Policies Map (paragraph 12.4.1). The 250-metre buffer zone is specified in the supporting text (paragraph 12.4.5) but is not shown on the Policies Map.

Evidence base and Plan references

- A1, Submission Medway Local Plan 2041, pages 226-227, Policy T34; paragraphs 12.4.1 and 12.4.5.
- A2.1-A2.5, Submission Policies Map (Medway Local Plan 2041), safeguarded waste sites; read with A1, Appendix D, PDF pages 473-474.

Explanation

144. The 250-metre buffer zone is specified in the supporting text (paragraph 12.4.5) but is not shown on the Policies Map. The distance should not exclude assessment of development farther away where it could prejudice a facility's operation.

Conclusion

145. Clarification of the policy's reference to proximity and showing the buffer zones on the Policies Map could improve effectiveness.

Proposed Main/Minor Modification

146. To improve effectiveness, a modification could be made to refer to development '(at least within 250m of a safeguarded site)' in the second paragraph of Policy T34 to follow the text 'in proximity' and to show the 250m buffer zone around each site plotted on the Policies Map. The distance should not exclude assessment of development farther away where it could prejudice a facility's operation.

Reason for proposed Main/Minor Modification

147. The 250m buffer zone appears in supporting paragraph 12.4.5; explicit policy wording and mapped buffers would improve effectiveness.

12.73 Are the safeguarding provisions clear and effective?

Council's response

148. Yes, subject to the modifications suggested in response to questions 12.66, 12.67 and 12.72.

Evidence base and Plan references

- A1, Submission Medway Local Plan 2041, pages 226-227, Policy T34; paragraph 12.4.2.

- National Planning Policy for Waste (October 2014), page 6, paragraph 8.
- National Planning Policy Framework (December 2024), section 15 (Conserving and enhancing the natural environment).
- Also see responses to questions 12.66, 12.67 and 12.72.

Explanation

149. The policy identifies what land is safeguarded (a. and b.), applies the agent of change principle to proximate development consistent with NPPW and the NPPF, and sets out the exceptions. The supporting text gives a measurable basis for replacement capacity (paragraph 12.4.2).

Conclusion

150. The safeguarding provisions provide an identifiable scope, exceptions and a basis for assessing replacement capacity, subject to the clarifications identified in the cited responses.

Proposed Main/Minor Modification

Not applicable

Reason for proposed Main/Minor Modification

Not applicable

Policy T35: Provision of Additional Waste Management Capacity

12.74 Is it an effective approach to have a separate policy for the provision of Additional Waste Management Capacity, when the waste policies which follow Policy T35 also concern additional waste management capacity, whether by location or type of waste?

Council's response

151. Yes. Policy T35 establishes the strategic tests for all additional waste management capacity, while the subsequent policies address location and particular types of facility.

Evidence base and Plan references

- A1, Submission Medway Local Plan 2041, pages 235-244, Policies T35-T40.
- National Planning Policy for Waste (October 2014), pages 4-6, paragraphs 3-7; pages 9-10, Appendix B (Locational Criteria).

Explanation

152. Policy T35 sets the tests that apply to the provision of all additional capacity: contribution to the Plan's targets, the waste hierarchy and net self-sufficiency, as NPPW expects. Policy T36 then deals with location. Policies T37-T40 add requirements specific to types of facility that raise particular issues: other

recovery/EfW, non-inert landfill, inert deposit and wastewater. The policies are intended to be applied together as part of the Development Plan as a whole. Policy T36 already expressly excludes permanent deposit in its opening sentence.

Conclusion

153. The policies perform complementary roles and are intended to be applied together. An express cross-reference could clarify their relationship.

Proposed Main/Minor Modification

154. For clarity, a modification could add to Policy T35 that proposals are also subject to Policy T36 and, where relevant, Policies T37-T40. Policy T36 already expressly excludes permanent deposit in its opening sentence.

Reason for proposed Main/Minor Modification

155. Policy T35 sets strategic tests, T36 deals with location, and T37-T40 add facility-specific requirements; they are intended to be applied together.

12.75 Is there duplication between Policy T35 and the policies which follow, and if so does this impact on the effectiveness of these policies?

Council's response

156. The principal overlap is Policy T35's test of 'other recovery' need. It is proposed to move this text to Policy T37, as set out in response to Q.12.80. Policy T35 would retain the general additional capacity tests while the specific 'other recovery' requirements would be set out together in Policy T37.

Evidence base and Plan references

- A1, Submission Medway Local Plan 2041, page 235, Policy T35.
- A1, Submission Medway Local Plan 2041, pages 237-239, Policy T37 and paragraphs 12.7.1-12.7.10.
- Also see response to Q12.80.

Explanation

T35 applies to additional capacity generally, whereas T37 addresses other recovery. Moving the specific need test avoids requiring the reader to assemble those requirements from two policies. It retains the test and the relationship with T36 and other relevant policies.

Conclusion

157. The identified overlap concerns other recovery capacity and can be considered through the clarification discussed in response to question 12.80.

Proposed Main/Minor Modification

Move the other recovery need paragraph from T35 to T37 using the modification set out in response to Q12.80.

Reason for proposed Main/Minor Modification

To place the specific 'other recovery' tests together while retaining the general and locational requirements.

12.76 Why are the various targets related to types of waste management detailed in the supporting paragraphs not included in Policy T35 itself as strategic requirements, or another waste policy, as it appears that the Plan itself is setting these targets (paragraph 12.5.7)?

Council's response

158. Policy T35 criterion a. gives effect to the targets in Tables 6-9 by requiring proposals to contribute to the targets specified in the Plan.

Evidence base and Plan references

- A1, Submission Medway Local Plan 2041, pages 229-231 and 235, Policy T35 criterion a.; Tables 6-9.
- A14, Monitoring Framework, PDF page 19, Waste Monitoring table, Policy T35 recycling and landfill diversion indicator.

Explanation

159. The Monitoring Framework (A14) monitors Policy T35 against these targets.

Conclusion

160. The targets are linked to the strategic policy through criterion a.; identifying the tables expressly could improve clarity.

Proposed Main/Minor Modification

161. To improve clarity a modification could be made to identify Tables 6-9 in criterion a. (or move them to an appendix referenced in the policy).

162. A further minor modification is proposed to ensure percentages in A1. Tables 6 and 7 accurately reflect the data in the Waste Needs Assessment. Table 6 shows 8% LACW to landfill at 2023 (WNA: 5%) and 99% diversion at 2035 (WNA: 98%); Table 7 shows 10% C&I to landfill in 2035, whereas the tonnage in Tables 5b/10 (7,520t) is 5%.

Reason for proposed Main/Minor Modification

163. To improve clarity over the targets to which Policy T35 criterion a. refers.

12.77 Are these targets also consistent with national waste targets?

Council's response

164. Yes. The Plan's LACW recycling targets meet or exceed national municipal waste recycling targets, and its C,D&E recovery target exceeds the national C&D recovery target.

Evidence base

- A1, Submission Medway Local Plan 2041, page 229, Table 6.
- B21.1, Waste Needs Assessment 2024 Update, Report 1 - Management Requirements for Local Authority Collected Waste in Medway to 2041 (June 2024), page 18, paragraphs 4.5-4.7.
- B21.2, Waste Needs Assessment 2024 Update, Report 2 - Management Requirements for Commercial & Industrial Waste in Medway to 2041 (June 2024), pages 18-19, paragraphs 4.9-4.15.
- B21.3, Waste Needs Assessment 2024 Update, Report 3 - Management Requirements for Construction, Demolition & Excavation Waste in Medway to 2041 (June 2024), page 19, paragraph 3.15.

Explanation

165. For LACW, the Plan's recycling targets are 55%, 60%, 65% and 70% at 2023, 2028, 2035 and 2041. These meet or exceed the municipal waste recycling targets the Government has committed to: 55% by 2025; 60% by 2030; and 65% by 2035. The national targets apply to municipal waste, including household waste and similar waste from other sources; LACW accounts for the bulk of this waste. The LACW landfill limit of 1% by 2035 and less than 1% by 2041 (Table 6) is well within the 10% municipal waste ceiling. The 70% target in 2041 reflects the recycling rate of approximately 72% projected to be needed for the Environment Act residual waste reduction target for 2042 (Waste Needs Assessment Report 1, paragraphs 4.5-4.7).

166. C&I waste has no separate national targets in its own right. Because a large share of C&I waste falls within the definition of municipal waste, national municipal waste targets inform the C&I management profile (Waste Needs Assessment Report 2, paragraphs 4.9-4.15). For C,D&E waste, the Plan's target of at least 86% inert recovery exceeds the national 70% recovery target for C&D waste (Waste Needs Assessment Report 3, paragraph 3.15).

Conclusion

167. The targets reflect national municipal waste objectives and seek higher recovery of C,D&E waste than the national minimum.

Proposed Main/Minor Modification

Not applicable

Reason for proposed Main/Minor Modification

Not applicable

12.78 Have all waste streams been considered?

Council's response

168. Yes. The Waste Needs Assessment covers the waste streams that PPG expects to be planned for.

Evidence base

- B21.1-B21.6, Waste Needs Assessment 2024 Update (June-July 2024): Reports 1-3 (LACW, C&I and C,D&E waste), sections 3-5; Report 4 (Hazardous Waste), sections 3-6; Report 5 (Other Waste), sections 2-5; Report 6 (Strategically Significant Cross Boundary Waste Movements), sections 2-4.
- Planning Practice Guidance - Waste, paragraphs 028-034, Reference IDs 28-028-20141016 to 28-034-20141016 (forecasting waste arisings).

Explanation

169. The WNA covers LACW, C&I waste, C,D&E waste and hazardous waste (Reports 1-4); wastewater and sewage sludge, agricultural waste and low-level radioactive waste (Report 5); and cross-boundary flows (Report 6). Management requirements for specific waste types such as green waste, WEEE and ELVs are captured within those identified for the streams as a whole.

Conclusion

170. The assessment includes the principal streams and accounts for specific waste types within them.

Proposed Main/Minor Modification

Not applicable

Reason for proposed Main/Minor Modification

Not applicable

12.79 Is Policy T35 sufficiently flexible to respond to technological change?

Council's response

171. Yes. Policy T35 does not tie support for additional capacity to any specific technology.

Evidence base and Plan references

- A1, Submission Medway Local Plan 2041, pages 228, 235 and 239, Policies T35 and T37; paragraph 12.5.2.

Explanation

172. Policy T35 supports any capacity that contributes to the Plan's targets, the waste hierarchy and net self-sufficiency, and supports intensifying and improving existing facilities (paragraph 12.5.2). Policy T37 sets outcome-based requirements for energy from waste, covering heat use, use of residues and carbon capture, rather than specifying a particular combustion technology.

Conclusion

173. The policies' focus on outcomes allows proposals using different technologies to be assessed against the same objectives.

Proposed Main/Minor Modification

Not applicable

Reason for proposed Main/Minor Modification

Not applicable

12.80 Why is there a specific paragraph in Policy T35 (under the criteria) on other recovery facilities, as this is the subject of Policy T37?

Council's response

174. The paragraph in Policy T35 applies a quantitative need test to other recovery capacity, while Policy T37 applies different tests to the waste, however, to improve clarity, it is proposed to move it unchanged into T37, so the related requirements are read together.

Evidence base and Plan references

- A1, Submission Medway Local Plan 2041, pages 235 and 239, Policies T35 and T37.
- B21.7, Waste Needs Assessment 2024 Update, Report 7 - Medway Management Requirements (June 2024), page 20, Table 12.

Explanation

175. The quantitative need test is intended to ensure that additional other recovery capacity does not divert waste from recycling. This matters because the WNA shows a substantial existing surplus of other recovery capacity (Waste Needs Assessment Report 7, Table 12). Policy T37 requires the waste to be unavoidable residual waste and applies EfW-specific criteria.

Conclusion

176. The tests are complementary. Moving the Policy T35 paragraph into Policy T37 would place all requirements relating to other recovery in one policy.

Proposed Main/Minor Modification

177. While the two are complementary, moving the Policy T35 paragraph into Policy T37 would place all requirements relating to 'other recovery' in one policy.

178. Delete from Policy T35 the paragraph beginning 'Proposals for "other recovery" facilities will only be supported'. Insert in T37 after its opening paragraph and before its EfW criteria: 'Proposals for "other recovery" facilities will only be supported where a need for the capacity has been identified such that additional capacity would not cause waste to be diverted from management methods further up the waste hierarchy.'

Reason for proposed Main/Minor Modification

179. The two policies contain complementary tests; moving the paragraph would place all 'other recovery' requirements in one policy.

12.81 Where Policy T35 states the quantity of the waste must be equal to at least what is currently managed (second paragraph from the end of the policy itself), what is this intended to achieve as an effective approach?

Council's response

180. The requirement is intended to ensure that improvements or extensions do not reduce the capacity existing facilities have been assessed as providing, consistent with Policy T34 and net self-sufficiency.

Evidence base and Plan references

- A1, Submission Medway Local Plan 2041, pages 226-227 and 235, Policies T34 and T35; paragraph 12.4.2.

Explanation

181. A move to higher quality processing, such as appliance repair, may result in a reduction in site throughput. This is relevant to the possible clarification of the quantity comparator and circumstances in which a lower quantity could be justified.

Conclusion

182. Clarifying the comparator and allowing justified reductions associated with higher waste hierarchy performance or amenity benefits could improve the requirement's effectiveness.

Proposed Main/Minor Modification

183. To improve effectiveness, a modification could define the comparator on the same basis as paragraph 12.4.2 (design throughput or five-year peak input whichever is greater). It could also allow a lower quantity where justified by management of waste higher up the hierarchy or amenity benefits, since a move to

higher quality processing such as appliance repair may result in a reduction in site throughput.

Reason for proposed Main/Minor Modification

184. To improve effectiveness and use the same capacity comparator as paragraph 12.4.2, while recognising that higher-quality processing, such as appliance repair, may reduce throughput.

12.82 What does the reference to the management of Local Authority Collected Waste (LACW) biowaste subject to confirmation of acceptability (paragraph 12.5.11) mean, and would this have a bearing on the policy as regards construction and industrial waste recycling?

Council's response

185. The qualification concerns whether the Kingsnorth Works in-vessel composting plant could accept the assessed LACW and C&I biowaste. It has no bearing on recycling of construction or other waste types. A modification is proposed to clarify the meaning of the paragraph.

Evidence base and Plan references

- A1, Submission Medway Local Plan 2041, pages 220, 230, 235 and 237, Policies T35 and T36; paragraph 12.5.11 and footnote 18.
- B21.7, Waste Needs Assessment 2024 Update, Report 7 - Medway Management Requirements (June 2024), page 10, paragraph 4.19 and footnote 16.
- B21.1, Waste Needs Assessment 2024 Update, Report 1 - Management Requirements for Local Authority Collected Waste in Medway to 2041 (June 2024), page 2, paragraph 1.7.
- Animal By-Products Regulations.

Explanation

186. The organic waste treatment facility in Medway assessed in the WNA is the in-vessel composting (IVC) plant at Kingsnorth Works. It has consent to manage up to 75,000 tpa but currently operates as a specialist facility mainly managing sewage sludges and screenings, with approximately 32,000 tpa assessed capacity (Waste Needs Assessment Report 7, paragraph 4.19 and footnote 16; Plan footnote 18). Food waste must be treated in enclosed facilities meeting the Animal By-Products Regulations. Whether it could actually accept c35,000 tpa of LACW food waste alongside approximately 35,000 tpa of C&I biowaste therefore depends on the operator and its permit. Hence the inclusion of the qualifying terms "subject to confirmation of acceptability".

187. This relates to organic waste treatment only. If the IVC is not available, Policies T35 and T36 provide for additional capacity to manage organic waste in Medway,

noting that organic LACW is currently managed at IVC facilities in Cambridgeshire and LB Hillingdon (Waste Needs Assessment Report 1, paragraph 1.7).

Conclusion

188. Acceptance of LACW and C&I sourced biowaste at Kingsnorth Works IVC plant remains dependent on the operator and permit; the policies provide for additional organic treatment capacity if necessary.

Proposed Main/Minor Modification

189. Replace A1 paragraph 12.5.11 with: 'The forecast C&I biowaste requirement is approximately 35,000 tpa, alongside approximately 35,000 tpa of LACW biowaste. Kingsnorth Works' permitted IVC facility could contribute the management of this waste only to the extent that sufficient suitable capacity is confirmed by the operator and acceptance is consistent with its planning permission, environmental permit and applicable animal by-products requirements. Availability of capacity for the management of these waste streams is not assumed solely from permitted throughput. Proposals for additional suitable capacity would be considered under Policies T35 and T36.'

Reason for proposed Main/Minor Modification

190. To provide clarity by identifying the facility and distinguishing permitted throughput from suitable available capacity for the two biowaste streams.

12.83 What is the capacity of this facility over the entirety of the Plan period for Medway's non-hazardous landfill?

Council's response

191. B21.7 reports 0.73 million cubic metres of remaining permitted non-inert landfill void in Thurrock at the end of 2022. Medway has no non-inert waste landfill, and its cumulative requirement is approximately 358,000 tonnes.

Evidence base

- A1, Submission Medway Local Plan 2041, page 233, Table 10.
- B21.6, Waste Needs Assessment 2024 Update, Report 6 - Strategically Significant Cross Boundary Waste Movements (June 2024), page 8, Table 4.
- B21.7, Waste Needs Assessment 2024 Update, Report 7 - Medway Management Requirements (June 2024), page 24, Table 15.

Explanation

192. Over time, need for non-inert landfill is expected to fall from approximately 50,900 tonnes in 2023/24 to approximately 6,300 tonnes in 2041/42 (Table 10). In 2022, the non-inert waste landfill at Ockendon, Thurrock, received approximately 27,400 tonnes of Medway waste (Waste Needs Assessment Report 6, Table 4).

Permitted non-inert landfill void in Thurrock was reported to be 0.73 million cubic metres at the end of 2022 (Waste Needs Assessment Report 7, Table 15).

Proposed Main/Minor Modification

Not applicable

Reason for proposed Main/Minor Modification

Not applicable

12.84 Does the absence of an agreed Statement of Common Ground with Thurrock Council have a bearing on the soundness of the Plan as regards landfill waste capacity?

Council's response

193. No. The absence of an agreed Statement of Common Ground with Thurrock does not undermine the soundness of the Plan. The relevant consideration is the evidence supporting availability of landfill capacity across the wider network of facilities. An agreed SoCG would document the authorities' respective positions and cooperation, however there is no prohibition on the management of waste arising in Medway at landfills in Thurrock; it would not itself create or reserve capacity.

Evidence base

- B21.7, Waste Needs Assessment 2024 Update, Report 7 - Medway Management Requirements (June 2024), page 24, Table 15; page 25, paragraph 6.8.
- Environment Agency, 2025 Waste Data Interrogator
- MLP/ED6, Council's response to the Inspectors' initial questions (29 April 2026), main letter, page 1, response 3 (SoCG with Thurrock Council re Waste).
- MLP/ED24A, Statement of Common Ground with Prescribed Bodies (September 2026), pages 3 and 33 (Thurrock Council).
- A1, Submission Medway Local Plan 2041, pages 233 and 241-242, paragraph 12.5.23; Policy T38.
- Also see response to Q12.47

Explanation

194. Medway's requirement of approximately 358,000 tonnes in total, and under 20,000 tpa after 2028, is small relative to available non-inert landfill void in the sub-region (6.04 million cubic metres) and wider catchment (26.67 million cubic metres) (Waste Needs Assessment Report 7, Table 15). Medway waste has been landfilled at sites in Thurrock and LB Havering, with the WNA identifying approximately 40,000 tonnes having gone to East London in 2021 (Waste Needs Assessment Report 7, paragraph 6.8). WPAs within a two-hour travel time have previously confirmed in principle that Medway waste may be accepted (paragraph 12.5.23). The most recent dataset, WDI 2025, shows 9,741 tonnes of non-inert waste from Medway went to

four non-inert waste landfills: principally Shelford in Kent, Rainham in LB Havering and Masons in Suffolk, with a very small amount (12.3 tonnes) going to Ockendon in Thurrock in 2025.

195. As set out in the Council's letter to the Inspectors dated 29 April 2026 (MLP/ED6) (main letter page 1, response 3), Thurrock Council had not refused to enter into a SoCG. It felt unable to confirm its position pending completion of its own capacity and arisings assessment. MLP/ED24A, pages 3 and 33, records reissue of the proposed SoCG on 21 August 2026 and a further update request from Thurrock. The draft SoCG concludes that "Landfill capacity for non-hazardous waste, specifically C&D waste residues, is projected to remain more than adequate throughout the plan period. The available landfill void capacity far exceeds forecast demand, even in scenarios with lower recycling and recovery rates".

Conclusion

196. The approach considers the wider landfill network alongside continued cooperation with receiving authorities. The monitoring modification proposed in response to Q12.47 would support regular assessment of waste movements, remaining capacity and operational life, enabling timely action where circumstances change. This aligns with the monitoring arrangements proposed in the draft SoCG with Thurrock. Policy T38 provides a basis for considering applications to provide non-inert waste landfill capacity in Medway should a proposal come forward.

Proposed Main/Minor Modification

197. Modification to monitoring framework to monitor availability of landfill beyond Medway as proposed in.

Reason for proposed Main/Minor Modification

198. To monitor external provision of landfill and respond to reduction in availability.

12.85 Where it is stated that hazardous waste (paragraph 12.5.27) is treated outside of Medway, is this consistent with earlier in the Chapter where it states that Medway has sufficient capacity to manage hazardous waste (paragraph 12.1.32)?

Council's response

199. Yes. Paragraph 12.1.32 compares aggregate hazardous waste capacity with arisings, while paragraph 12.5.27 recognises the need for specialist treatment of particular waste types outside Medway.

Evidence base

- A1, Submission Medway Local Plan 2041, pages 217, 221 and 234, paragraphs 12.1.11, 12.1.32 and 12.5.27.

- B21.4, Waste Needs Assessment 2024 Update, Report 4 - Management Requirements for Hazardous Waste Generated in Medway to 2041 (June 2024), pages 12-13, Tables 6 and 7.
- SEWPAG, Statement of Common Ground between Waste Planning Authority members of the South East Waste Planning Advisory Group Concerning Strategic Policies for Waste Management (March 2020), paragraphs 2.2 and 2.5 (PDF pages 4-5).

Explanation

200. Paragraph 12.1.32 compares total hazardous waste management capacity in Medway, approximately 52,500 tpa, with total arisings: a theoretical equivalence. By type, much of Medway's hazardous waste is managed at specialist facilities elsewhere, for example waste oils at Hollywell, Suffolk (approximately 10,350 tonnes), and contaminated soils in Cambridgeshire, Surrey and Wolverhampton (Waste Needs Assessment Report 4, Tables 6 and 7). At the same time, Medway's specialist facilities, including Kingsnorth oil treatment and Rochester clinical waste, manage hazardous waste from elsewhere.

201. Both statements are correct. Net self-sufficiency is not applied to hazardous waste (paragraph 12.1.11; SEWPAG SoCG, paragraphs 2.2 and 2.5).

202. Note that A1 paragraph 12.1.31 attributes approximately 33,000 tonnes of hazardous waste arising to 2022 whereas B21.4, pages 8-9, Tables 3-4, identifies approximately 41,500 tonnes in 2022 and approximately 33,000 tonnes forecast for 2041, consistent with A1 paragraph 12.5.25. A minor modification to correct this matter is proposed.

Conclusion

203. Total hazardous waste capacity equivalence does not mean every hazardous waste type can or should be managed within Medway.

Proposed Main/Minor Modification

204. In A1 paragraph 12.1.31 (pages 220-221), replace approximately 33,000 tonnes of arisings in 2022 with approximately 41,500 tonnes, and identify approximately 33,000 tonnes as the 2041 forecast, consistent with paragraph 12.5.25 and B21.4, Tables 3-4.

Reason for proposed Main/Minor Modification

205. To ensure the correct value for baseline hazardous waste arisings is included in the Plan.

12.86 How does dealing with non-hazardous waste landfill (paragraph 12.5.21) and hazardous waste (paragraph 12.5.27) outside of Medway accord with national policy through the waste sustainability principle?

Council's response

206. Export of waste is not fundamentally contrary to national waste policy sustainability principles, which recognise the wider catchments needed by certain facilities and the role of specialist provision.

Evidence base

- National Planning Policy for Waste (October 2014), page 5, paragraph 4.
- Planning Practice Guidance - Waste, paragraph 007, Reference ID 28-007-20141016.
- A1, Submission Medway Local Plan 2041, pages 217, 222 and 240, paragraphs 12.1.6, 12.1.11, 12.1.40 and 12.8.3.
- B21.6, Waste Needs Assessment 2024 Update, Report 6 - Strategically Significant Cross Boundary Waste Movements (June 2024), page 8, Table 4.
- SEWPAG, Statement of Common Ground between Waste Planning Authority members of the South East Waste Planning Advisory Group Concerning Strategic Policies for Waste Management (March 2020), paragraphs 2.2, 2.5, 2.8-2.13 and 2.30-2.32 (specialist wastes, cross-boundary movements and non-hazardous landfill).
- A12.4, Statement of Common Ground with Kent County Council - Waste Management and Minerals Supply (signed July 2024), page 1, paragraph 1.5; page 10, paragraph 4.8; page 14, Appendix 1, Table A1 (Kemsley Generating Station).

Explanation

207. The proximity principle, as set out in NPPW paragraph 4, second indent, applies to the recovery of mixed municipal waste collected from private households, including similar waste collected with it, and disposal more generally, while recognising that facilities need catchments large enough to be viable. PPG Waste, paragraph 007 (28-007-20141016), explains that each authority need not manage all its waste within its own area. Waste may therefore travel from one Plan area to another for management.

208. Mixed municipal residual waste from Medway is mainly sent for energy recovery in Kent, an immediate neighbouring authority. The SoCG (A12.4) records 50,056 tonnes of non-hazardous waste exported from Medway to Kemsley Generating Station in 2022. Waste currently landfilled is mainly residues from treatment, including fluff light fraction and process residues (Waste Needs Assessment Report 6, Table 4), and goes to the nearest available sites in Kent, LB Havering and Suffolk.

209. Medway has no existing suitable geological void for non-inert landfill (paragraph 12.8.3) and too little demand for a viable non-inert landfill (paragraph 12.1.40), so use of nearby capacity accords with the principle. Specialist hazardous waste management facilities serve regional or national catchments, as NPPW and the SEWPAG SoCG recognise (A1, Submission Medway Local Plan 2041, paragraph 12.1.11).

Conclusion

210. The approach reflects the available nearby disposal network and the wider catchments required for specialist hazardous waste treatment.

Proposed Main/Minor Modification

Not applicable

Reason for proposed Main/Minor Modification

Not applicable

12.87 As the principal contract for LACW will expire during the Plan period (paragraph 12.1.24), how is this reflected in the waste policies of the Plan as regards additional waste management capacity?

Council's response

211. The policies are not tied to particular contracts and allow additional capacity to come forward if re-procurement results in a Medway-based solution.

Evidence base and Plan references

- A1, Submission Medway Local Plan 2041, pages 219, 223-224, 227, 235 and 237, Policies T34, T35 and T36; Tables 4, 5a and 5b; paragraphs 12.1.23 and 12.1.24.
- B21.1, Waste Needs Assessment 2024 Update, Report 1 - Management Requirements for Local Authority Collected Waste in Medway to 2041 (June 2024), page 2, paragraph 1.6.

Explanation

212. The WNA assessed LACW requirements regardless of contract arrangements (Tables 4, 5a and 5b) and found sufficient recycling and other recovery capacity consented in Medway. The residual waste contract with Veolia runs to 2035 with a five-year extension option (Waste Needs Assessment Report 1, paragraph 1.6).

213. Policy T34 safeguards the facilities currently used, including the Veolia WTS and HWRCs. Policies T35 and T36 provide for additional capacity should re-procurement result in a Medway-based solution, including the option of a single purpose-built facility (paragraph 12.1.23). Paragraph 12.1.24 confirms that such proposals would be considered against the Plan's policies.

Conclusion

214. The policy framework accommodates changes in service contracts without depending on a particular procurement outcome.

Proposed Main/Minor Modification

Not applicable

Reason for proposed Main/Minor Modification

Not applicable

12.88 Is it still the case there is sufficient wastewater treatment capacity to meet current and future growth (paragraph 12.5.30), or are wastewater treatment works now approaching capacity, having regard to the views of all relevant statutory bodies?

Council's response

215. The more recent Southern Water Statement of Common Ground records local network capacity constraints, while indicating that these can be addressed through phasing and reinforcement.

Evidence base and Plan references

- B21.5, Waste Needs Assessment 2024 Update, Report 5 - Review of Management Requirements for Other Waste Generated in Medway (July 2024), pages 2-5, section 2.
- MLP/ED21, Statement of Common Ground between Medway Council and Southern Water (signed August 2026), pages 2-4.
- A1, Submission Medway Local Plan 2041, page 234, paragraph 12.5.30.

Explanation

216. Waste Needs Assessment Report 5 (B21.5), page 2, paragraphs 2.5-2.8, records the 2024 position, based on engagement with Southern Water in 2024, recorded planned capacity increases at Stoke and Whitewall Creek (AMP8) and Motney Hill (AMP9), with no capacity issue at Grain, Harvel, Luddesdown and St Mary Hoo. The SoCG with Southern Water (MLP/ED21, August 2026) records that multiple housing allocations face limited local network capacity. It also records that this is not a fundamental barrier and can be addressed through phasing and reinforcement, with engagement on AMP9 through the Drainage and Wastewater Management Plan.

Conclusion

217. Paragraph 12.5.30 of the Medway Local Plan 2041, could be updated to reflect the planned investment intended to provide sufficient capacity, taking account of the more recent evidence of local network constraints.

Proposed Main/Minor Modification

218. Paragraph 12.5.30 could therefore be modified to reflect that Southern Water intends to ensure sufficient capacity is provided through planned investment, rather than that "currently sufficient wastewater treatment capacity exists".

Reason for proposed Main/Minor Modification

219. The Southern Water SoCG (MLP/ED21, August 2026) records limited local network capacity at multiple housing allocations, to be addressed through phasing and reinforcement.

12.89 How does Policy T35 seek to address capacity issues with sewage sludge treatment capacity (paragraph 12.5.31)?

Council's response

220. Proposals for sewage sludge treatment capacity would be assessed under Policy T40 as well as Policy T35, while Policy T34 safeguards existing works.

Evidence base and Plan references

- A1, Submission Medway Local Plan 2041, pages 227, 234-235 and 244, Policies T34, T35 and T40; paragraphs 12.5.31 and 12.5.32.
- Southern Water, TA.12.BR01 Bioresources Treatment and Growth Business Case (September 2018, version 1.0), as cited in B21.5, page 3, paragraph 2.13 and footnote 5.
- B21.5, Waste Needs Assessment 2024 Update, Report 5 - Review of Management Requirements for Other Waste Generated in Medway (July 2024), page 3, paragraphs 2.12-2.13.

Explanation

221. Policy T40 supports new or extended facilities required to meet standards or improve operational efficiency. Policy T34 safeguards existing wastewater and sludge treatment works, including Motney Hill. Paragraph 12.5.31 reflects Southern Water's 2018 Bioresources strategy. WNA Report 5 notes a planned AMP8 approach consolidating Kent sludge treatment at Ashford and Ham Hill (paragraphs 2.12-2.13).

Conclusion

222. The policies allow additional sludge treatment capacity to be considered alongside safeguarding existing works; paragraph 12.5.31 could be updated to reflect the more recent approach.

Proposed Main/Minor Modification

223. A modification updating para 12.5.31 is proposed as follows:

Replace A1 paragraph 12.5.31 with: 'Southern Water's sludge treatment strategy envisages consolidation in Kent, including advanced anaerobic digestion at Ashford and Ham Hill. The Council will work with Southern Water to confirm the capacity, timing and implications for Medway of current and subsequent investment programmes and identify any further sludge treatment provision needed for planned growth.'

Reason for proposed Main/Minor Modification

224. Paragraph 12.5.31 reflects Southern Water's 2018 Bioresources strategy. Report 5, paragraphs 2.12-2.13, notes a planned AMP8 approach consolidating Kent sludge treatment at Ashford and Ham Hill.

Policy T36: Location of Waste Management Facilities

12.90 How does Policy T36 ensure that impacts on amenity, highways and the environment are addressed?

Council's response

225. Policy T36 requires no unacceptable impact on designated sites, amenity, the local environment and transport networks. As formatted, however, they appear subordinate to the fourth locational bullet alone whereas the intention is that they apply to all locations, with the cumulative-effects clarification in response to Q12.92.

Evidence base and Plan references

- A1, Submission Medway Local Plan 2041, pages 216 and 236-237, Policy T36; paragraphs 12.6.5-12.6.6 and 12.1.3-12.1.4.
- National Planning Policy for Waste (October 2014), pages 5-6, paragraphs 4-7; pages 9-10, Appendix B (Locational Criteria).

Explanation

226. Proposals will also be assessed against the Plan's other policies (paragraphs 12.6.5-12.6.6). Emissions are controlled through environmental permitting, which planning should not duplicate (paragraphs 12.1.3-12.1.4; NPPW).

Conclusion

227. Assessment under Policy T36 and the Plan's other policies operates alongside environmental permitting to address the relevant effects.

Proposed Main/Minor Modification

228. End Policy T36's fourth locational bullet after 'Land that is otherwise suitable for waste development.' Follow the locational list with: 'Proposals in all of the above locations must comply with the other policies of the Plan and satisfy the following

considerations.' Retain the considerations as a separate list, subject to responses 12.92, 12.95 and 12.96.

Reason for proposed Main/Minor Modification

229. To apply the safeguards to all supported locations, not only the fourth category.

12.91 Are the locational criteria sufficiently clear and effective and how do they relate to the waste hierarchy?

Council's response

230. Policy T36 identifies the types of location where capacity will be supported and gives preference to suitable previously developed land over greenfield land. The waste hierarchy is applied through Policies T35, T37 and T38.

Evidence base and Plan references

- A1, Submission Medway Local Plan 2041, pages 235-237 and 239-242, Policy T36; paragraph 12.6.4; Policies T35 criterion a., T37 and T38; paragraph 12.6.2.
- National Planning Policy for Waste (October 2014), pages 4-6, paragraphs 3-7.

Explanation

231. The policy identifies established industrial estates; land identified for employment, industrial or storage uses; previously developed land and redundant agricultural buildings and their curtilages, which NPPW identifies as suitable; and other land suitable when assessed against the listed considerations. The only preference is that proposals on greenfield land will be permitted only where no suitable previously developed land can be identified (paragraph 12.6.4 and the final sub-bullet point of Policy T36).

232. Location does not affect a facility's position in the waste hierarchy; the hierarchy is applied through Policies T35 a., T37 and T38. Guiding capacity to existing clusters close to where waste arises, such as Medway City Estate and Kingsnorth (paragraph 12.6.2), maximises opportunities for beneficial co-location to be exploited.

Conclusion

233. The locational policy and waste hierarchy tests address distinct considerations and are intended to work together.

Proposed Main/Minor Modification

Not applicable

Reason for proposed Main/Minor Modification

Not applicable

12.92 How will cumulative impacts be assessed?

Council's response

234. Policy T36 does not refer expressly to cumulative impacts. NPPW expects cumulative effects of existing and proposed facilities on the well-being of the local community to be considered.

Evidence base and Plan references

- A1, Submission Medway Local Plan 2041, page 237, Policy T36.
- National Planning Policy for Waste (October 2014), page 5, paragraph 4.

Explanation

235. Clustering of facilities on industrial estates makes consideration of cumulative effects relevant.

Conclusion

236. An express reference to individual and cumulative impacts could clarify the assessment required under Policy T36.

Proposed Main/Minor Modification

237. Expand the separate paragraph in response to Q12.90 to read: 'Proposals in all of the above locations must comply with the other policies of the Plan and satisfy the following considerations. Impacts must be assessed both individually and cumulatively with existing development and other permitted or proposed development where relevant to the assessment.' Retain the criteria, as amended in response to Qs 12.95-12.96.

Reason for proposed Main/Minor Modification

238. Policy T36 does not expressly refer to cumulative impacts. NPPW expects cumulative effects on local community well-being to be considered, particularly where facilities cluster on industrial estates.

12.93 Are environmental safeguards adequate?

Council's response

239. Yes, subject to the modifications proposed in response to questions 12.90 and 12.92.

Evidence base and Plan references

- A1, Submission Medway Local Plan 2041, page 237, Policy T36.
- National Planning Policy for Waste (October 2014), page 5, paragraph 4; pages 9-10, Appendix B (Locational Criteria).
- Also see responses to questions 12.90 and 12.92.

Explanation

240. Policy T36 considerations, the Plan's other policies on biodiversity, heritage, air quality, flood risk and highways, and environmental permitting together address the effects of waste development. This is consistent with NPPW's division between land-use planning and pollution control.

Conclusion

241. The adequacy of safeguards is explained by the combined policy and permitting framework, subject to the clarifications identified in responses to questions 12.90 and 12.92.

Proposed Main/Minor Modification

Not applicable

Reason for proposed Main/Minor Modification

Not applicable

12.94 Is it the intention Policy T36 would be the development management policy that waste management development would be considered against, in terms of the policy's purpose and effectiveness?

Council's response

242. Yes. Policy T36 is the main development management policy guiding the location of waste management development, excluding permanent deposit.

Evidence base and Plan references

- A1, Submission Medway Local Plan 2041, pages 235-244, Policies T35-T40; paragraphs 12.6.6 and 12.6.7.
- Also see response to question 12.74.

Explanation

243. Permanent deposit falls under Policies T38 and T39 (paragraph 12.6.7). Policy T36 applies alongside Policy T35 and, where relevant, Policies T37-T40 and the Plan's other policies (paragraph 12.6.6). The modifications discussed in response to question 12.74 would make this relationship more explicit in policy.

Conclusion

244. Policy T36 guides location within the wider policy framework; it is intended to be applied with the other relevant policies.

Proposed Main/Minor Modification

Not applicable

Reason for proposed Main/Minor Modification

Not applicable

12.95 What does 'located in an area which can accommodate the proposed development' mean in the last but one sub-bulleted criteria of Policy T36?

Council's response

245. The wording means that the site context can accommodate the scale and nature of the proposed use.

Evidence base and Plan references

- A1, Submission Medway Local Plan 2041, pages 235 and 237, Policy T36; paragraph 12.6.1.

Explanation

246. This covers compatibility with neighbouring uses, adequate site area for operational and external areas (paragraph 12.6.1), and suitable access.

Conclusion

247. The assessment concerns whether the site and its surroundings can accommodate the scale and nature of the development; clearer wording could express this directly.

Proposed Main/Minor Modification

248. Replace T36's penultimate sub-bullet with: 'The application demonstrates, through a site layout and proportionate impact assessments, sufficient space for processing, storage, vehicle access, turning, loading and mitigation; safe and suitable access to the transport network; and no unacceptable adverse effects on neighbouring uses, amenity or the local environment, including from noise, dust, odour, other emissions and traffic.'

Reason for proposed Main/Minor Modification

249. To improve effectiveness by replacing a general expression with assessable requirements for space, access and impacts, supported by proportionate evidence.

12.96 How has the definition of 'greenfield' for the purpose of Policy T36 under footnote 42 been derived?

Council's response

250. Footnote 42 broadly describes greenfield land as the converse of previously developed land as defined in the NPPF glossary and distinguishes it from Green Belt but its reference to land previously in agriculture can conflict with T36's support for redundant agricultural buildings and their curtilages. The Council proposes to resolve that inconsistency.

Evidence base and Plan references

- A1, Submission Medway Local Plan 2041, page 237, Policy T36 and footnotes 41-42.
- National Planning Policy Framework (December 2024), Annex 2: Glossary,

Explanation

251. There is no statutory or NPPF definition of greenfield land. The NPPF definition of previously developed land excludes agricultural buildings. T36 nevertheless supports redundant agricultural buildings and their curtilages, consistent with NPPW paragraph 4. The footnote should expressly distinguish that category from less-preferred greenfield locations

Conclusion

252. The definition has been derived by reference to the NPPF definition of previously developed land. A definition linked to previously developed land, with the agricultural-building exception, would make the policy internally consistent while retaining the separate meaning of Green Belt

Proposed Main/Minor Modification

253. Replace footnote 42 with: 'For this policy, "greenfield" means land that is not previously developed land as defined in the NPPF, other than redundant agricultural buildings and their curtilages expressly identified in the third locational bullet. Greenfield land is distinct from Green Belt.'

Reason for proposed Main/Minor Modification

254. To remove the conflict between the footnote and the supported agricultural-building category without changing Green Belt policy

12.97 While waste electrical and electronic equipment is referred to in the supporting text to Policy T36 (paragraph 12.6.1), it does not in itself appear to be the subject of a policy in the Plan. Why is this?

Council's response

255. WEEE arises within the LACW, C&I and hazardous waste streams rather than as a separate stream requiring specific provision. No specific capacity need was identified.

Evidence base and Plan references

- B21.1, Waste Needs Assessment 2024 Update, Report 1 - Management Requirements for Local Authority Collected Waste in Medway to 2041 (June 2024), page 2, paragraph 1.7.

- B21.4, Waste Needs Assessment 2024 Update, Report 4 - Management Requirements for Hazardous Waste Generated in Medway to 2041 (June 2024), pages 8-9, Tables 3 and 4.
- A1, Submission Medway Local Plan 2041, pages 235 and 237, Policies T35 and T36, and paragraph 12.6.1.

Explanation

256. Medway LACW WEEE goes to Sweeep Kuusakoski, Sittingbourne, located in Kent (Waste Needs Assessment Report 1, paragraph 1.7). Hazardous WEEE arisings were only reported as being c650t in 2022, forecast to fall to c160t by 2041 (Waste Needs Assessment Report 4, Tables 3 and 4).

257. WEEE management facilities are typically operations that can be accommodated within industrial units (paragraph 12.6.1), which Policies T35 and T36 provide for.

Conclusion

258. The general waste policies provide for WEEE management facilities without a separate WEEE policy.

Proposed Main/Minor Modification

Not applicable

Reason for proposed Main/Minor Modification

Not applicable

Policy T37: Other Recovery

12.98 Is Policy T37 intended to apply to extensions and improvements to existing Energy from Waste facilities, and if so would it have to comply with the criteria under the policy as an existing facility?

Council's response

259. Yes. Policy T37 applies to all proposals for EfW facilities, including extensions.

Evidence base and Plan references

- A1, Submission Medway Local Plan 2041, pages 235 and 239, Policies T35 and T37.

Explanation

260. Policy T35 expressly covers improvements and extensions. Its other recovery need test would move to Policy T37 in accordance with the response to Q12.80, remaining applicable alongside Policy T35's general tests. B21.7, page 14, paragraph 4.33, records no operational EfW in Medway; the Medway One ERF is consented but has yet to be built out.

261. For an extension, the criteria would apply to the development proposed. The criteria could apply proportionately to the scale and effects of the development proposed, while meeting any applicable statutory requirements. It may be unreasonable to impose all requirements on, for example, an application to increase throughput alone.

Conclusion

262. Extensions are within the intended scope of Policy T37, with the criteria applying to the development proposed.

Proposed Main/Minor Modification

263. A modification could make this explicit (e.g. 'proposals for new or extended EfW facilities') and say the criteria apply to the development proposed, proportionately to their scale and effects, while meeting any applicable statutory requirements (as it may be considered unreasonable to impose all requirements e.g. an application to increase throughput alone).

Reason for proposed Main/Minor Modification

264. Policy T37 applies to all EfW proposals, including extensions; for an extension the criteria apply to the development proposed.

12.99 What forms of recovery are supported?

Council's response

265. Recovery includes preparing for reuse, recycling/composting and other recovery operations.

Evidence base and Plan references

- A1, Submission Medway Local Plan 2041, pages 237-238 and 243, paragraphs 12.7.3 and 12.7.6, footnote 43, and Policy T39.
- B21.7, Waste Needs Assessment 2024 Update, Report 7 - Medway Management Requirements (June 2024), page 8, paragraph 4.8.

Explanation

266. 'Other recovery' means recovery operations other than reuse, repair and recycling/composting. For non-inert waste this principally relates to EfW plant that must achieve R1 status in terms of energy efficiency (paragraph 12.7.3, footnote 43) and the preparation of RDF/SRF where the fuel has a proven market (paragraph 12.7.6).

267. Anaerobic digestion is counted alongside composting (Waste Needs Assessment Report 7, paragraph 4.8). For inert waste, recovery covers beneficial use of inert waste by permanent deposit, also known as recovery to land, which falls under Policy T39.

Conclusion

268. The policy approach covers both fuel preparation and energy recovery, alongside the separate provision for beneficial use of inert waste under Policy T39.

Proposed Main/Minor Modification

Not applicable

Reason for proposed Main/Minor Modification

Not applicable

12.100 How will proposals be assessed?

Council's response

269. Proposals will be assessed against all policies relevant to the development proposed.

Evidence base and Plan references

- A1, Submission Medway Local Plan 2041, pages 235, 237 and 239, Policies T35, T36 and T37.

Explanation

270. This includes the Policy T35 need test, which prevents diversion of waste from management higher up the hierarchy, and the Policy T37 requirement that the waste is unavoidable residual waste. EfW proposals must also meet Policy T37 criteria a.-c. concerning heat use, residues with a proven end use, and carbon capture readiness, subject to the qualification proposed as a modification in response to Q12.98. Policy T36 and the Plan's other policies apply to location and impacts.

Conclusion

271. Assessment combines the need and residual-waste tests with the applicable recovery, location and impact requirements.

Proposed Main/Minor Modification

272. See modification proposed in response to Q12.98.

Reason for proposed Main/Minor Modification

273. To ensure a proportionate response to proposals relating to energy from waste.

12.101 What evidence supports the policy approach?

Council's response

274. The policy approach is supported by the WNA capacity assessment and the national policy and advice cited in the supporting text.

Evidence base and Plan references

- B21.7, Waste Needs Assessment 2024 Update, Report 7 - Medway Management Requirements (June 2024), page 20, Table 12.
- A1, Submission Medway Local Plan 2041, pages 232 and 239, Policy T37 and paragraphs 12.5.20 and 12.7.10.
- A12.4, Statement of Common Ground with Kent County Council - Waste Management and Minerals Supply (signed July 2024), page 10, paragraph 4.8.
- HM Government, Our Waste, Our Resources: A Strategy for England (December 2018), chapter 3, "Recovering resources and managing waste" (energy from waste and use of surplus heat).
- Defra, "Government to crack down on waste incinerators with stricter standards for new builds" (30 December 2024), announcement on carbon capture readiness and heat use, cited in A1, page 239, paragraph 12.7.10.
- Climate Change Committee, The Sixth Carbon Budget - Waste (December 2020), page 12, Balanced Net Zero Pathway (energy from waste and CCS).

Explanation

275. The WNA shows a surplus of 'other recovery' capacity in Medway throughout the Plan period (Waste Needs Assessment Report 7, Table 12) and further surplus in Kent (paragraph 12.5.20; SoCG A12.4). Additional capacity is therefore justified only where need is shown, so that it does not undermine recycling.

276. Policy T37 criteria reflect national policy and advice on heat use (RWS 2018) and the Government Statement referenced in paragraph 12.7.10, CCS by 2040 (Climate Change Committee Sixth Carbon Budget), and carbon capture readiness for new EfW (paragraph 12.7.10).

Conclusion

277. The evidence supports testing the need for additional capacity and requiring facilities to address heat use, residues and carbon capture.

Proposed Main/Minor Modification

Not applicable

Reason for proposed Main/Minor Modification

Not applicable

12.102 Is the policy sufficiently flexible for future technologies?

Council's response

278. Yes. The criteria are expressed as performance outcomes rather than requirements for specific technologies.

Evidence base and Plan references

- A1, Submission Medway Local Plan 2041, pages 238-239, Policy T37 and paragraph 12.7.6.

Explanation

279. The outcomes concern energy use, use of residues and carbon capture. The policy covers both fuel production and fuel use, and paragraph 12.7.6 explains how combined or separate facility types are to be considered.

Conclusion

280. Expressing the requirements as outcomes provides flexibility for future technologies.

Proposed Main/Minor Modification

Not applicable

Reason for proposed Main/Minor Modification

Not applicable

12.103 How does it contribute to waste reduction objectives?

Council's response

281. Policy T37 contributes by restricting other recovery capacity to unavoidable residual waste and avoiding capacity that would draw waste away from recycling.

Evidence base and Plan references

- A1, Submission Medway Local Plan 2041, pages 225, 235 and 239, Policies DM23, T35 and T37, and paragraph 12.7.9.
- Environmental Targets (Residual Waste) (England) Regulations 2023 (SI 2023/92), regulations 2 and 5 and the Schedule (residual waste target, definitions and excluded waste).

Explanation

282. Policy T37 does not itself reduce arisings, which is the primary role of DM23. The Policy T35 need test helps to avoid capacity that would draw waste away from recycling (paragraph 12.7.9). This moves waste up the hierarchy and away from landfill and is consistent with the legally binding target of halving the amount of residual waste from 2019 levels per head by 2042 (maximum of 287kg per person) set out in the Environmental Targets (Residual Waste) (England) Regulations 2023.

Conclusion

283. The policy supports waste reduction objectives through its treatment of residual waste and protection of management higher up the hierarchy.

Proposed Main/Minor Modification

Not applicable

Reason for proposed Main/Minor Modification

284. Not applicable

12.104 Is the paragraph numbering in the supporting text to Policy T37 as intended for the last paragraph on page 238?

Council's response

285. No. The paragraph numbering contains an error.

Evidence base and Plan references

- A1, Submission Medway Local Plan 2041, pages 238-239, Policy T37 supporting text, paragraphs 12.7.3-12.7.10.

Explanation

286. The last paragraph on page 238 is numbered '1.7.7' and should be 12.7.7. This duplicates the 12.7.7 on page 239, so paragraphs 12.7.7-12.7.10 on page 239 should be renumbered 12.7.8-12.7.11.

Conclusion

287. The supporting-text paragraph numbers require correction.

Proposed Main/Minor Modification

288. The last paragraph on page 238 is numbered '1.7.7' and should be 12.7.7. This duplicates the 12.7.7 on page 239, so paragraphs 12.7.7-12.7.10 on page 239 should be renumbered 12.7.8-12.7.11. An additional modification is proposed.

Reason for proposed Main/Minor Modification

289. To correct the erroneous paragraph number and resulting duplicate numbering.

Policy T38: Non-Inert Landfill

12.105 What evidence demonstrates continuing need for landfill capacity?

Council's response

290. The Waste Needs Assessment (Report 7) B21.7, page 18, Table 10, and page 19, paragraph 5.10, show a continuing but declining requirement for non-inert landfill capacity and no corresponding Medway capacity.

Evidence base and Plan references

- A1, Submission Medway Local Plan 2041, pages 224, 233 and 241, Tables 5b and 10, and paragraph 12.8.9.

- B21.6, Waste Needs Assessment 2024 Update, Report 6 - Strategically Significant Cross Boundary Waste Movements (June 2024), page 8, Table 4.

Explanation

291. The requirement falls from 50,889t in 2023/24 to 6,274t in 2041/42, amounting to c358,000t cumulatively. It primarily comprises residues from waste treatment that cannot be recovered, including fluff light fraction and process residues (Waste Needs Assessment Report 6, Table 4), the C&I waste remainder after the recycling and other recovery targets, and c1,800 tpa of non-inert C, D & E waste processing residues (trommel fines). Some wastes currently have no practical management alternative to landfill (paragraph 12.8.9).

Conclusion

292. A residual landfill requirement remains throughout the Plan period despite the assumed increases in recovery.

Proposed Main/Minor Modification

Not applicable

Reason for proposed Main/Minor Modification

Not applicable

12.106 Why is it justified for Policy T38 seeking to support such development, given that it is at the bottom of the waste hierarchy under national policy and that it can only apply where such waste cannot be reasonably managed in any other way?

Council's response

293. Policy T38 provides criteria for proposals that come forward and limits support to waste that cannot reasonably be managed in any other way.

Evidence base and Plan references

- A1, Submission Medway Local Plan 2041, pages 241-242, Policy T38 criterion a. and paragraph 12.8.9.
- National Planning Policy for Waste (October 2014), page 4, paragraph 3.

Explanation

294. Policy T38 does not promote landfill. Criterion a. applies the waste hierarchy. NPPW paragraph 3 expects Local Plans to recognise that adequate provision must be made for waste disposal. Medway has no non-inert waste landfill and has a forecast requirement.

Conclusion

295. A criteria-based policy is a positive and proportionate approach to the remaining disposal requirement.

Proposed Main/Minor Modification

Not applicable

Reason for proposed Main/Minor Modification

Not applicable

12.107 How would landfill demand be effectively managed over the entirety of Plan period under Policy T38, as no allocations are proposed, in considering the need for self-sufficiency under national policy and as Thurrock Council has been unable to confirm its landfill could continue to utilise non-inert capacity as set out in Appendix A of the Council's Response to the Inspectors' Initial Queries Letter (MLP/ED6)?

Council's response

296. Demand would be managed through the Plan's overarching objective, and related policies to divert waste from landfill, availability of permitted capacity outside Medway and Policy T38's provision for proposals within Medway. The annual landfill indicator would monitor whether provision remains sufficient (see response to Q12.47).

Evidence base and Plan references

- A1, Submission Medway Local Plan 2041, pages 222, 233 and 241-242, Table 10, Policy T38 and paragraph 12.1.40.
- B21.7, Waste Needs Assessment 2024 Update, Report 7 - Medway Management Requirements (June 2024), page 24, Table 15.
- SEWPAG, Statement of Common Ground between Waste Planning Authority members of the South East Waste Planning Advisory Group Concerning Strategic Policies for Waste Management (March 2020), paragraph 2.31.[6]
- Also see Response to Question 12.84.

Explanation

297. The Plan's ambitious targets reduce the requirement to under 20,000 tpa after 2028 (Table 10). WPAs hosting existing permitted void within a two-hour travel time previously confirmed in principle acceptance of Medway waste. The void far exceeds

[6] https://www.surreycc.gov.uk/__data/assets/pdf_file/0008/360791/SEWPAG-SoCG-for-Circulation-Enc-1-Edited.pdf

Medway's requirement (Waste Needs Assessment Report 7, Table 15; see response to Question 12.84), over the Plan period.

298. Policy T38 allows provision of capacity in Medway should a proposal come forward that meets its stringent criteria.

299. Self-sufficiency in disposal is applied at the level of a national network of installations, and the SEWPAG SoCG recognises non-hazardous landfill as regional in nature (paragraph 2.31). No sites were promoted for non-inert landfill in the Call for Sites (paragraph 12.1.40). Thurrock Council's position regarding availability of capacity at Ockendon landfill is set out in the response to Question 12.84. Ockendon is within an hour's drive from Medway, measured from the Veolia transfer station on Whitewall Road, Rochester.

Conclusion

300. The approach combines a declining landfill requirement with use of capacity in the wider network and a policy for proposals within Medway; the position on Thurrock is addressed in the response to Question 12.84.

Proposed Main/Minor Modification

Not applicable

Reason for proposed Main/Minor Modification

Not applicable

12.108 Why does Policy T38 also seek to support the reworking of old landfill sites, as it is also stated that it can be a hazardous activity (paragraph 12.8.5)?

Council's response

301. Reworking old landfills can remediate land, recover materials and remove sources of pollution.

Evidence base and Plan references

- A1, Submission Medway Local Plan 2041, pages 240-242, Policy T38 and paragraphs 12.8.4-12.8.5.

Explanation

302. These benefits are identified in paragraph 12.8.4. The Plan supports reworking only where the Policy T38 criteria are met, the site did not receive hazardous waste, and extracted materials are managed as far up the hierarchy as practicable. Paragraph 12.8.5 sets out the hazards to be addressed.

Conclusion

303. Support is subject to the policy safeguards and to addressing the hazards identified in the supporting text.

Proposed Main/Minor Modification

Not applicable

Reason for proposed Main/Minor Modification

Not applicable

12.109 Does Policy T38 seek to control the management of landfill gas, as it only refers to it in the context of maximising energy recovery (criterion c. i.)?

Council's response

304. Landfill gas emissions and migration are primarily controlled through the environmental permit. The supporting text also addresses landfill gas management.

Evidence base and Plan references

- A1, Submission Medway Local Plan 2041, pages 216 and 240-242, Policy T38 criterion c.i. and paragraphs 12.1.4 and 12.8.7.
- Environmental Permitting (England and Wales) Regulations 2016 (SI 2016/1154), as amended, Schedule 10 (Landfill).
- National Planning Policy for Waste (October 2014), page 6, paragraph 7.

Explanation

305. Planning should not duplicate controls under the Environmental Permitting Regulations (NPPW; paragraph 12.1.4). Paragraph 12.8.7 sets out how proposals should explain how landfill gas will be managed during operation and aftercare.

Conclusion

306. Gas management is addressed through permitting and the supporting-text requirements for operation and aftercare.

Proposed Main/Minor Modification

307. A modification to criterion c.i. ('management of, and maximum practicable recovery of energy from, any landfill gas generated') could be offered.

Reason for proposed Main/Minor Modification

308. Paragraph 12.8.7 requires proposals to explain landfill gas management during operation and aftercare; the modification would reflect management as well as energy recovery.

12.110 Is the policy formatted as intended as it repeats criteria notations around a paragraph in between?

Council's response

309. No. Distinct criteria notation would make cross-referencing clearer.

Evidence base and Plan references

- A1, Submission Medway Local Plan 2041, pages 227 and 241-242, Policies T38 and T34.

Explanation

310. As with Policy T34, the two sets of criteria should use distinct notation, for example i. and ii., to avoid ambiguity in cross-references.

Conclusion

311. The criteria notation requires clarification.

Proposed Main/Minor Modification

312. An additional modification to renumber them (e.g. i. and ii.) is proposed.

Reason for proposed Main/Minor Modification

313. Distinct notation would make cross-referencing clearer, as with Policy T34.

12.111 Have alternative recovery options been fully assessed?

Council's response

314. Yes. The WNA targets assume maximum practicable recovery before landfill, with landfill set as a ceiling.

Evidence base and Plan references

- B21.7, Waste Needs Assessment 2024 Update, Report 7 - Medway Management Requirements (June 2024), page 17, Table 9; page 22, Table 14.
- A1, Submission Medway Local Plan 2041, pages 241-242, Policy T38 criterion a.

Explanation

315. The recovery assumptions cover recycling and other recovery (Waste Needs Assessment Report 7, Table 9). Surplus recycling and other recovery capacity in Medway (Table 14) should be sufficient for management of projected arisings. Policy T38 criterion a. requires any proposal to show that the waste cannot reasonably be managed in any other way.

Conclusion

316. Recovery is reflected in the WNA assumptions and must also be considered when assessing a landfill proposal.

Proposed Main/Minor Modification

Not applicable

Reason for proposed Main/Minor Modification

Not applicable

12.112 Are environmental safeguards adequate?

Council's response

317. Yes. Policy T38 and the Plan's other policies operate alongside environmental permit controls.

Evidence base and Plan references

- A1, Submission Medway Local Plan 2041, pages 222 and 240-242, Policy T38 and paragraphs 12.8.6 and 12.1.40.

Explanation

318. Policy T38 requires a programme and time limit, timely restoration and satisfactory aftercare, and maximisation of landfill gas energy recovery. Impacts listed in paragraph 12.8.6 would be assessed under the Plan's other policies. Engineering, groundwater protection and gas control are regulated through the environmental permit (paragraph 12.1.40).

Conclusion

319. The planning requirements and permit controls together provide the environmental safeguards.

Proposed Main/Minor Modification

Not applicable

Reason for proposed Main/Minor Modification

Not applicable

12.113 Is the policy justified by forecast need?

Council's response

320. Yes. The WNA identifies a continuing non-inert landfill requirement with no capacity currently provided in Medway.

Evidence base and Plan references

- B21.7, Waste Needs Assessment 2024 Update, Report 7 - Medway Management Requirements (June 2024), page 19, paragraph 5.10.
- A1, Submission Medway Local Plan 2041, pages 222 and 241-242, Policy T38 and paragraphs 12.1.40 and 12.8.8.

Explanation

321. The requirement amounts to c358,000t cumulatively (Waste Needs Assessment Report 7, paragraph 5.10). Allocations are not proposed because the requirement can be met by existing capacity outside Medway and no sites were promoted (paragraphs 12.1.40 and 12.8.8).

Conclusion

322. The forecast need justifies a criteria-based policy for proposals that come forward.

Proposed Main/Minor Modification

Not applicable

Reason for proposed Main/Minor Modification

Not applicable

Policy T39: Beneficial Use of Inert Waste by Permanent Deposit

12.114 Is Policy T39 justified in requiring under criterion b. for such waste development to 'significantly' enhance other development or its setting?

Council's response

323. The purpose is to distinguish genuine beneficial use from disposal, but 'significantly' introduces an undefined qualitative threshold.

Evidence base and Plan references

- A1, Submission Medway Local Plan 2041, pages 242-243, Policy T39 criterion b. and paragraph 12.9.2.

Explanation

324. The distinction between beneficial use (recovery) and disposal is consistent with paragraph 12.9.2. The threshold introduced by 'significantly' may be applied inconsistently; a more objective term would retain the policy purpose.

Conclusion

325. The policy purpose is supported, but the wording of the threshold would benefit from clarification.

Proposed Main/Minor Modification

326. A modification replacing it with 'demonstrably' (or 'provides a clear benefit to') would retain the purpose while being more objective.

Reason for proposed Main/Minor Modification

327. 'Significantly' is undefined and may be applied inconsistently; the alternative wording would retain the intended distinction between beneficial recovery and disposal while being more objective.

12.115 Does Policy T39 provide a more stringent approach in dealing with inert waste in the way it is worded, compared to non-inert waste under Policy T38 and if so, why and how is this consistent with national policy?

Council's response

328. No. The different criteria reflect the distinction between disposal under Policy T38 and recovery under Policy T39.

Evidence base and Plan references

- A1, Submission Medway Local Plan 2041, pages 241-243, Policies T38 and T39 and paragraphs 12.9.1-12.9.6.
- National Planning Policy for Waste (October 2014), page 3, paragraph 1; page 4, paragraph 3; page 8, Appendix A (The Waste Hierarchy).
- SEWPAG, Joint Position Statement: Permanent Deposit of Inert Waste on Land in the South East of England (Final v7.0, November 2019), cited in A1, page 243, paragraph 12.9.6.

Explanation

329. Policy T38 concerns disposal and is tested mainly by need (criterion a.). Policy T39 concerns deposit that is to count as recovery, so its criteria concerning benefit, final landform and after use, and minimum volume distinguish recovery from disposal (paragraphs 12.9.1-12.9.5). This is consistent with the waste hierarchy in NPPW and draws on the SEWPAG inert waste Joint Position Statement (paragraph 12.9.6).

Conclusion

330. The differing tests follow from the nature of the activity rather than a more stringent approach to inert waste as a waste type.

Proposed Main/Minor Modification

331. For clarity, modifications could standardise the wording ('supported' in T38, 'permitted' in T39) and renumber Policy T39 so it is clear that only one of a.-c. applies while all of d.-f. are to be met.

Reason for proposed Main/Minor Modification

332. To improve clarity and consistency in policy wording and clarify how the Policy T39 criteria apply.

Policy T40: Wastewater Treatment

12.116 With regard to criterion a. of Policy T40, is this referring to wastewater infrastructure development itself, or other types of development that would have to meet these standards and provisions.

Council's response

333. Criterion a. is intended to refer to wastewater and sludge treatment infrastructure itself.

Evidence base and Plan references

- A1, Submission Medway Local Plan 2041, page 244, Policy T40 criterion a. and paragraph 12.10.3.

Explanation

334. It concerns new or extended facilities needed for the works to meet discharge and other environmental standards (paragraph 12.10.3).

Conclusion

335. Clarifying the wording would make the intended application to the treatment infrastructure clearer.

Proposed Main/Minor Modification

336. A modification ('the proposed development is required to enable the facility to meet…') would make this clearer.

Reason for proposed Main/Minor Modification

337. To clarify that criterion a. refers to wastewater and sludge treatment infrastructure itself, rather than other development.

12.117 Why is it justified for a development to have to meet 'prospective' environmental standards under criteria a.?

Council's response

338. Supporting infrastructure in advance is justified where environmental standards have been confirmed for future implementation.

Evidence base and Plan references

- A1, Submission Medway Local Plan 2041, page 244, Policy T40 criterion a.

Explanation

339. For example, tighter discharge permit limits within a water company AMP investment period require infrastructure to be built before the limits take effect. The intended meaning of 'prospective' is standards or regulatory provisions that have been confirmed but are yet to be brought into force.

Conclusion

340. The approach enables facilities to prepare for confirmed future standards.

Proposed Main/Minor Modification

341. A modification could clarify 'prospective' as standards or regulatory provisions that have been confirmed but are yet to be brought into force as a footnote.

Reason for proposed Main/Minor Modification

342. Confirmed future standards can require infrastructure to be built before they take effect; the footnote would clarify the meaning of 'prospective'.

12.118 Is the use of 'and/or' between the two criteria under Policy T40 effective over how a development would achieve policy compliance?

Council's response

343. Yes. 'And/or' means that a proposal complies if it meets either or both criteria.

Evidence base and Plan references

- A1, Submission Medway Local Plan 2041, page 244, Policy T40.

Explanation

344. 'Or', used inclusively in policy drafting, would have the same effect and could simplify the wording.

Conclusion

345. The intended test is compliance with either or both criteria.

Proposed Main/Minor Modification

346. Simplifying to 'or' (which is inclusive in policy drafting) would have the same effect and could be offered as an additional modification for clarity.

Reason for proposed Main/Minor Modification

347. 'Or' has the same inclusive effect as 'and/or' and would simplify the wording for clarity.

12.119 Where there is reference for this type of development to potentially be an exception to Policy T36 Locational Requirements (paragraph 12.10.1), is it effective for the wording of Policy T40 itself not to state this?

Council's response

348. The supporting text explains the potential need for a different location, but an express policy clarification would improve the relationship between Policies T40 and T36.

Evidence base and Plan references

- A1, Submission Medway Local Plan 2041, pages 237 and 243-244, Policies T36 and T40 and paragraph 12.10.1.

Explanation

349. Functional links to the wastewater network may justify a different location. Policy T36 already allows other suitable land. An express policy clarification could address a demonstrated operational need for a particular location, subject to satisfactory assessment of alternatives and compliance with all relevant environmental and amenity requirements.

Conclusion

350. The policy relationship could be made clearer while retaining assessment of operational need, alternatives, environmental effects and amenity.

Proposed Main/Minor Modification

351. A modification could be made to Policy T40 (or Policy T36) that a departure from the preferred locations in Policy T36 may be justified where an operational need for a particular location is demonstrated, subject to satisfactory assessment of alternatives and compliance with all relevant environmental and amenity requirements.

Reason for proposed Main/Minor Modification

352. Functional links to the wastewater network may justify a different location; an express clarification would improve the relationship between Policies T40 and T36.

12.120 Where there is reference to pollution and human health effects of such development (paragraph 12.10.3), is this intended to be dealt with by other development management policies of the Plan?

Council's response

353. Yes. Land-use effects would be assessed against the Plan's other development management policies, alongside environmental permit controls.

Evidence base and Plan references

- A1, Submission Medway Local Plan 2041, pages 243-244, Policies T40 and T39 and paragraph 12.10.3.

Explanation

354. The quality of treated effluent and associated emissions is controlled by the Environment Agency through environmental permits for water discharge activities (paragraph 12.10.3). Land-use effects such as odour, noise and traffic would be assessed against the Plan's other development management policies.

Conclusion

355. The intended approach combines environmental permitting with application of the Plan's other development management policies.

Proposed Main/Minor Modification

356. A modification adding 'subject to other policies of this Plan' to Policy T40, as included in Policy T39, would make this more explicit.

Reason for proposed Main/Minor Modification

357. Land-use effects, including odour, noise and traffic, are assessed against other development management policies; the modification would make this explicit.

Conclusion

358. Having regard to:
- the submitted Local Plan;
- the supporting evidence base;
- national planning policy;
- Statements of Common Ground; and
- the responses above,

359. The Plan's approach to waste under Matter 12 is supported by the Waste Needs Assessment 2024 Update and the policy framework described in the responses above. The responses also identify proposed changes and matters requiring further confirmation.

360. Positively prepared: The WNA forecasts waste arisings and management requirements, while the policies safeguard existing facilities and provide for additional capacity where needed. Cross-boundary waste movements and the role of facilities outside Medway are addressed in the responses.

361. Justified: The WNA 2024 Update provides the forecasts and capacity assessment used for plan-making. The Viability Assessment allows for Circular Economy Statements within professional fees.

362. Effective: The policies provide safeguarding, strategic, locational and facility-specific tests, supported by the Monitoring Framework and AMR. The responses identify clarifications to policy application, relationships between policies, criteria and supporting text, as well as matters requiring confirmation about implementation and infrastructure.

363. Consistent with national policy: The responses explain how the approach applies the Waste Hierarchy, resource efficiency, net self-sufficiency and the role of a wider network of waste facilities. The proposed clarifications are intended to improve the application of those objectives.

364. The proposed changes address policy clarity and application, monitoring, supporting text and the relationship between policies.

References

Reference	Document Title (Hyperlinked)
A1	Submission Medway Local Plan 2041
A3.3	Sustainability Appraisal - Volume 3 of 3 - Appendices (June 2025)
A10.2	Consultation Statement - Appendix 6
A12.4	Statement of Common Ground with Kent County Council - Waste Management and Minerals Supply (signed July 2024)
A14	Monitoring Framework
B5	Viability Assessment (June 2025)
B21.1	Waste Needs Assessment 2024 Update, Report 1 - Management Requirements for Local Authority Collected Waste in Medway to 2041 (June 2024)
B21.2	Waste Needs Assessment 2024 Update, Report 2 - Management Requirements for Commercial & Industrial Waste in Medway to 2041 (June 2024)
B21.3	Waste Needs Assessment 2024 Update, Report 3 - Management Requirements for Construction, Demolition & Excavation Waste in Medway to 2041 (June 2024)
B21.4	Waste Needs Assessment 2024 Update, Report 4 - Management Requirements for Hazardous Waste Generated in Medway to 2041 (June 2024)
B21.5	Waste Needs Assessment 2024 Update, Report 5 - Review of Management Requirements for Other Waste Generated in Medway (July 2024)
B21.6	Waste Needs Assessment 2024 Update, Report 6 - Strategically Significant Cross Boundary Waste Movements (June 2024)
B21.7	Waste Needs Assessment 2024 Update, Report 7 - Medway Management Requirements (June 2024)
B22.11	Minerals and Waste Topic Paper (April 2025)
MLP/ED6	Council's response to the Inspectors' initial questions (29 April 2026)
MLP/ED21	Statement of Common Ground between Medway Council and Southern Water (signed August 2026)
MLP/ED35	Inspectors' Matters, Issues and Questions - Phase 2 Hearings (1 October 2026)
NPPF	National Planning Policy Framework (December 2024)
NPPW	National Planning Policy for Waste (October 2014)
PPG	Planning Practice Guidance - Waste
A2.1-A2.5	Submission Policies Map (Medway Local Plan 2041)
MLP/ED24A	Statement of Common Ground with Prescribed Bodies (September 2026)
-	Statement of Common Ground between Waste Planning Authority members of the South East Waste Planning Advisory Group Concerning Strategic Policies for Waste Management (March 2020)
-	Joint Position Statement: Permanent Deposit of Inert Waste on Land in the South East of England (Final v7.0, November 2019)

Reference	Document Title (Hyperlinked)
-	Medway Council, Municipal Waste Management Strategy 2005-2020 (January 2006)
-	Environment Agency, 2025 Waste Data Interrogator - Wastes Received (Excel), Version 2
-	Environment Agency, 2022 Remaining Landfill Capacity - Version 2 (26 March 2024)
-	Defra, Future Waste Arisings (April 2021), cited in B21.1 and B21.2
-	Kent and Medway Energy and Low Emissions Strategy: Meeting the Climate Change Challenge (June 2020)
-	Defra, Waste Prevention Programme for England: Maximising Resources, Minimising Waste (July 2023, updated August 2023)
-	HM Government, Our Waste, Our Resources: A Strategy for England (December 2018)
-	Defra, Government to crack down on waste incinerators with stricter standards for new builds (30 December 2024)
-	Climate Change Committee, The Sixth Carbon Budget - Waste (December 2020)
-	Environmental Targets (Residual Waste) (England) Regulations 2023 (SI 2023/92)
-	Environmental Permitting (England and Wales) Regulations 2016 (SI 2016/1154), as amended
-	Animal By-Products (Enforcement) (England) Regulations 2013 (SI 2013/2952), read with Regulation (EC) No. 1069/2009 and Commission Regulation (EU) No. 142/2011, as amended
-	Southern Water, TA.12.BR01 Bioresources Treatment and Growth Business Case (September 2018, version 1.0), cited in B21.5, page 3, footnote 5