

**PLANNING, INFRASTRUCTURE
AND ECONOMIC DEVELOPMENT
POLICY ADVISORY COMMITTEE**

05 July 2023

**MBC response to the Kent Minerals and Waste Plan and
Kent Minerals Sites Plan reviews**

Timetable	
Meeting	Date
Planning, Infrastructure and Economic Development Policy Advisory Committee	05/07/23
Cabinet Member for Planning, Infrastructure and Economic Development	By 25 July 2023 (exact date TBC)

Will this be a Key Decision?	No
Urgency	Not Applicable
Final Decision-Maker	Cabinet Member for Planning, Infrastructure and Economic Development.
Lead Head of Service	Phil Coyne
Lead Officer and Report Author	Helen Garnett
Classification	Public
Wards affected	All

Executive Summary

Consultation on the additional changes to the proposed review of the Kent Minerals and Waste Plan 2013-30 commenced on 13 June 2023 and will run through until 25 July 2023. MBC has been granted an extension to allow feedback from the PAC prior to the decision being taken.

This is the third Regulation 18 consultation undertaken for this plan. Additionally, KCC is consulting on the amendments to the Kent Mineral Sites Plan – Nominated Hard Rock site allocation.

This report outlines the key additional Regulation 18 consultation changes proposed to the Kent Minerals and Waste Plan (2013-30), including the extension of a site within Maidstone Borough. It also outlines proposed changes arising from the updated draft Minerals Sites Plan. It recommends that members agree a formal response to the consultations, as drafted by officers and appended to this report.

Purpose of Report

To inform members of the key changes proposed through the review of the Kent Minerals and Waste Plan and to seek agreement from the Cabinet Member to submit the response appended to this report.

This report makes the following recommendations to the Committee:

1. The proposed response to the Kent Minerals and Waste Plan Review consultation and the Kent Mineral Sites Plan Nominated Hard Rock Sites at Appendix 1 of this report be recommended for approval by the Cabinet Member for Planning, infrastructure and Economic Development.

MBC response to the Kent Minerals and Waste Plan and Kent Minerals Sites Plan reviews

1. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Impact on Corporate Priorities	<p>The four Strategic Plan objectives are:</p> <ul style="list-style-type: none"> • Embracing Growth and Enabling Infrastructure • Safe, Clean and Green • Homes and Communities • A Thriving Place <p>Accepting the recommendations will enable the Council to ensure that plans at county council level do not materially harm its ability to achieve each of the corporate priorities.</p>	Phil Coyne, Interim Local Plan Director
Cross Cutting Objectives	<p>The four cross-cutting objectives are:</p> <ul style="list-style-type: none"> • Heritage is Respected • Health Inequalities are Addressed and Reduced • Deprivation and Social Mobility is Improved • Biodiversity and Environmental Sustainability is respected <p>The report recommendations support the achievements of the four, cross cutting objectives by ensuring that plans from a neighbouring authority do not materially harm the council's ability to achieve these objectives.</p>	Phil Coyne, Interim Local Plan Director
Risk Management	<p>The recommendations seek to reduce the risk associated with the production of a Local Plan Review by ensuring that plans produced by the county council are not in conflict with our own and those set out in government policy.</p>	Phil Coyne, Interim Local Plan Director
Financial	<ul style="list-style-type: none"> • The cost of responding to the consultation are all within already approved budgetary headings. • Any future recommendations / implication from the outcome of the 	Mark Green, Adrian Lovegrove. Section 151 Officer &

	consultation that have financial implications will need to be considered as part of the in-year financial monitoring or if future years as part of the budget process.	Finance Team
Staffing	We will deliver the recommendations with our current staffing.	Phil Coyne, Interim Local Plan Director
Legal	As part of its duty to co-operate, the Borough Council must engage constructively, actively and on an ongoing basis with the County Council in the preparation of development plan documents in order to maximise the effectiveness of the activity of plan preparation. The Kent County Council are consulting with the Borough Council on an update/refresh to the Kent Minerals and Waste Plan 2013-30, which also forms part of Maidstone BC Local Development Plan Documents. The Borough Council has been consulted on and is responding to that consultation. Whilst there are no legal implications arising from the response, accepting the recommendations will help fulfil the Council's duties under s.33A of the Planning and Compulsory Purchase Act 2004 (as amended) and the Town and Country Planning (Local Planning) (England) Regulations (2012) as amended.	Cheryl Parks, Mid Kent Legal Services (Planning)
Information Governance	The recommendations do not impact personal information (as defined in UK GDPR and Data Protection Act 2018) the Council Processes.	Georgia Harvey, Information Governance
Equalities	The recommendations do not propose a change in service therefore will not require an equalities impact assessment	Nicola Toulson, Equalities & Communities Officer
Public Health	We recognise that the recommendations will not negatively impact on population health or that of individuals.	Sarah Ward, Public Health Officer
Crime and Disorder	The recommendation will not have a negative impact on Crime and Disorder.	Phil Coyne, Interim Local Plan Director

Procurement	The recommendation has no immediate impact on budget headings or expenditure in the current year.	Phil Coyne, Interim Local Plan Director. Mark Green, Adrian Lovegrove. Section 151 Officer & Finance Team
Biodiversity and Climate Change	The implications of this report on biodiversity and climate change have been considered and the listed updates are; <ul style="list-style-type: none"> • There are no implications of this report on the biodiversity and climate change action plan. 	James Wilderspin, Biodiversity and Climate Change Manager

2. INTRODUCTION AND BACKGROUND

- 2.1 This report sets out the key issues arising from the review of the Kent Minerals and Waste Plan 2023-38. The Minerals and Waste Plan was adopted in July 2016, with subsequent changes arising from an early partial review being adopted in 2020, for which KCC engaged with MBC through its statutory consultation process.
- 2.2 The Kent Minerals and Waste Plan forms part of the Development Plan for Maidstone and sets out planning policies relating to minerals supply and waste management. All applications on minerals and waste related development are assessed by Kent County Council against the adopted plan, and other types of development affecting minerals and waste sites are assessed by Maidstone Borough, having regard to the Kent Minerals and Waste Plan.
- 2.3 At the beginning of 2022, KCC undertook a Regulation 18 consultation on its plan, then a subsequent Regulation 18 consultation on the whole draft plan in December 2022 in respect to further changes. Comments received at that consultation have now been considered for inclusion in these additional changes, which also respond to updated evidence. This consultation regards a small number of changes only and does not extend to a consultation on the whole plan.
- 2.4 MBC made representations at the previous consultations, principally raising concerns about the onus placed on lower tier authorities to include additional requirements through their Local List, which sets out what should accompany planning applications. Principally, KCC were asking that each major planning application was accompanied by a document setting out how waste management would be dealt with through construction and operation of the development. At the last consultation, MBC raised concerns about the practicality of requiring lower tier authorities to update their local lists.

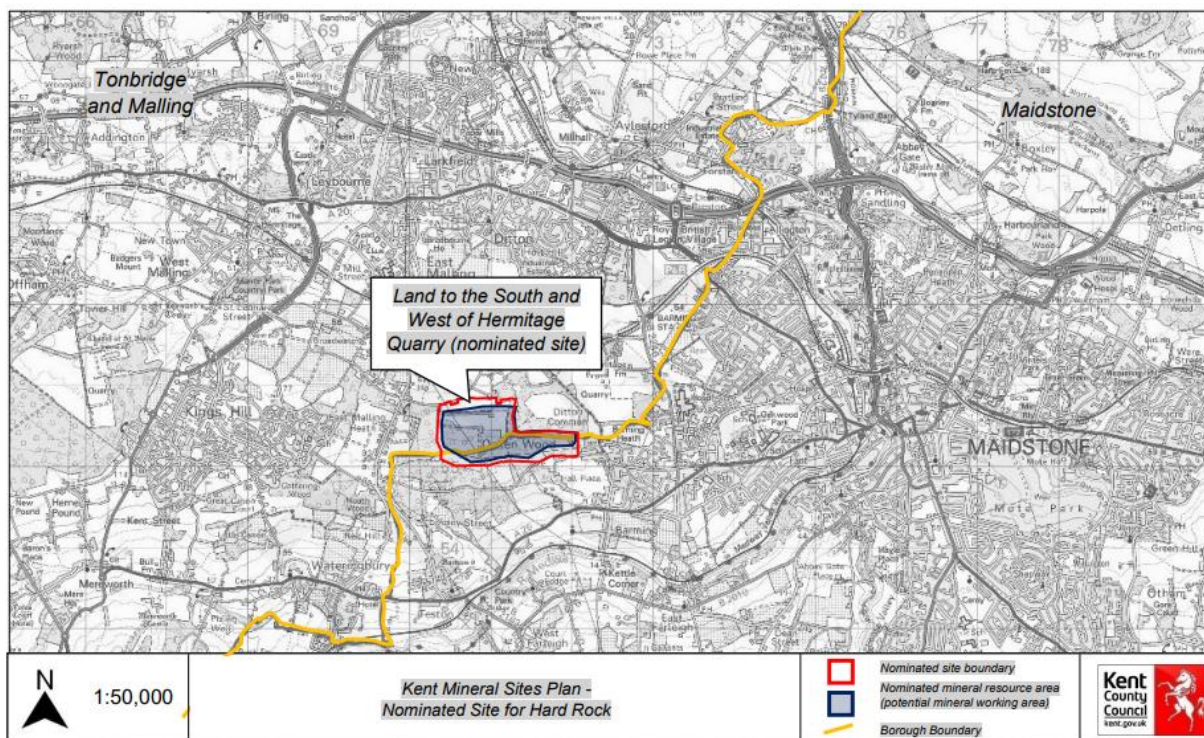
2.5 The main relevant changes proposed to the Kent Minerals and Waste Local Plan involve the revision of mineral need over the plan period.

- For soft sand the overall plan requirement has been increased in line with the extended plan period. The annual need remains the same.
- For hard rock, the total requirement over the plan period has increased. Consequently, further reserves will need to be allocated.

2.6 The full proposed amendments can be found here <https://letstalk.kent.gov.uk/kent-minerals-and-waste-local-plan>.

2.7 As a consequence of the latter change, the Kent Mineral Sites Plan has been updated to include further nominated hard rock allocations. The Sites Plan also updates the position in relation to Chapel Farm soft sand allocation in Lenham.

2.8 The additional hard rock allocation is located on land to the south and west of the existing Hermitage Quarry. The new allocation straddles the boundary of Maidstone Borough and Tonbridge and Malling Borough, with circa 2/5 of the allocation being sited within Maidstone.



2.9 The proposed allocation would adjoin the existing extraction site. A number of residential dwellings lie within close proximity to the nominated site boundary, but it is noted that the actual extraction site would be set an appropriate distance from these dwellings. Notwithstanding this setback to the extraction site, Policy DM11 of the draft plan states that:

Minerals and waste developments will be permitted if it can be demonstrated that they are unlikely to generate unacceptable adverse impacts from noise, dust, vibration (including vibration from blasting), odour, emissions (including emissions from vehicles associated with the development), bioaerosols, illumination, visual intrusion, traffic or exposure to health risks and associated damage to the qualities of life and wellbeing to communities and the environment.

- 2.10 Therefore, the plan offers some surety that the amenity of nearby residential properties can be preserved, providing that broader policies within the plan are adhered to.
- 2.11 However, for reassurance, MBC is of the view that it would be appropriate for the policy or supporting text to the nominated site, to make reference to the need for the application to be accompanied by evidence to demonstrate that the operation of the site would not adversely impact on the amenity of occupiers of nearby residential properties.
- 2.12 In respect to Chapel Farm, new text has been inserted setting out need and supply. The allocation has not changed, nor has the rate of extraction
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- 2.13 Allocations within the Kent Minerals and Waste Plan and the accompanying Site Allocations Plan are a strong material consideration in the determination of planning applications and could be grounds for refusal if the criteria set out in policy DM7 of that plan.
- 2.14 In summary, whilst MBC is supportive of the Kent Minerals and Waste Plan review and the proposed additional allocation subject to the requirement for the proposed operations to be accompanied by evidence to demonstrate no adverse impact on residential amenity.
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3. AVAILABLE OPTIONS

- 3.1 Option 1: That the proposed response to this consultation at Appendix 1 of this report is recommended to the Cabinet Member for Planning, Infrastructure and Economic Development for approval.
- 3.2 Option 2: That the proposed response to the consultation is not recommended to the Cabinet Member for Planning, Infrastructure and Economic Development for approval. This would mean that KCC would continue production of its Development Plan Document without relevant input from Maidstone Borough Council at this stage.
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4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

- 4.1 For the reasons set out above, it is recommended that Option 1 is followed and that the proposed response as appended to this report is agreed.
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5. RISK

- 5.1 The risk associated with these proposals, as well as any risks should the Council not act as recommended, have been considered in line with the Council's Risk Management Framework. We are satisfied that the risks associated are within the Council's risk appetite and will be managed as per the Policy.
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6. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

- 6.1 Kent County Council has previously consulted on its Minerals and Waste Plan Review. At each consultation MBC has made representations on the proposed changes.
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7. REPORT APPENDICES

- 7.1 The following documents are to be published with this report and form part of the report:
- Appendix 1: MBC Response to the KCC Minerals and Waste Plan Regulation 18 consultation
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