

**MAIDSTONE BOROUGH COUNCIL – MEETING 29 NOVEMBER 2023**

**MOTION FROM COUNCILLOR JEFFERY – BRIEFING NOTE**

The motion is:

*Notice of the following motion has been given by Councillor Jeffery, seconded by Councillor English:*

*The full Council has not had the opportunity to express its opinion on KCC's draft Minerals and Waste plan, specifically the inclusion of Oaken Wood (Barming Woods) as a further extension to Hermitage Quarry.*

*This area of ancient woodland covers 50 hectares, the loss of which would be the largest loss of ancient woodland this century, larger than HS2 and Lower Thames Crossing combined. The NPPF describes ancient woodland as irreplaceable and Natural England guidance states that "Planting new trees and creating new native woodland is not a direct replacement for lost or damaged trees or woodland." According to the Woodland Trust there is no real evidence that translocation of soil is an effective mitigation.*

*The quarry produces around 1 million tonnes each year and 98% of it is used as crushed aggregate. Just 1% is for heritage restoration. At its current rate of production, the current quarry has 7 years left and the extension would increase this by a further 20 years. This is therefore a finite resource that will be exhausted by 2050 at the current rate.*

*While KCC's Reg 18 consultation has now closed, MBC still holds a position of significant influence over this plan and needs to be clear on its majority position particularly as this is a decision with national implications. We therefore need to be sure that the right message is given to KCC.*

*I therefore move the following motion:*

*This Council states that Hermitage Quarry should not be further extended into Oaken Wood in Barming, an irreplaceable ancient woodland, and asks that the Cabinet reconsider its support for KCC's plans.*

## **1. Background**

- 1.1 The Kent Minerals and Waste Local Plan (KMWLP) identifies mineral resources that are needed, and safeguards and protects potential extraction sites in the County. All minerals and waste related developments are assessed by Kent County Council (KCC), and other types of development, including those affecting minerals and waste sites are assessed by Maidstone Borough, having regard to the KMWLP.

- 1.2 The process of developing the KMWLP is the same for any other Development Plan Document. It is subject to various public consultations during its production, as well as formal submission and then Examination in Public by an Inspector appointed by the Secretary of State. Subject to successful examination, the document may then be adopted with relevant associated Main Modifications.

## **2. Progress to date**

- 2.1 The KMWLP 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 A new review is being undertaken. As part of this latest review, KCC has so far undertaken the following consultations to date:
- a. Reg 18 consultation in Dec 2021;
  - b. Reg 18 consultation in Oct 2022;
  - c. Reg 18 consultation in June 2023, but only on the additional changes to the proposed review of the KMWLP. Additionally, as part of this consultation, KCC also consulted on the amendments to the Kent Mineral Sites Plan – Nominated Hard Rock site allocation.
- 2.3 MBC has responded to the above, early-stage consultations on the KMWLP, and KCC may undertake further Regulation 18 consultations on the document if required. However, KCC's published Local Development Scheme currently indicates that the Regulation 19 submission draft version of the document is currently due to be published for consultation in January 2024. It is anticipated that MBC will again use this consultation as an opportunity to make representations, this time on the formalised Regulation 19 proposals.
- 2.4 A summary of issues of relevance to Maidstone and Maidstone's responses to the previous consultations are summarised below.

### **Reg 18 consultation in December 2021**

- 2.5 The consultation document may be viewed via the following link:  
<https://letstalk.kent.gov.uk/kmwlpreview>

### **Summary of issues of relevance to Maidstone**

- 2.6 Policy CSW 3 (Waste Reduction), sought to include the need for consideration of the circular waste economy in determining applications. CSW3 and its supporting text proposed a stronger requirement for waste created during development to be considered in planning applications. Notably, this included: a new requirement for the retention of existing buildings over demolition and

redevelopment; a new requirement for details of the re-use of waste materials in new development; and a new requirement for details of waste storage and how construction waste will be handled to be submitted at planning application stage. These new requirements would potentially place additional burden on the assessment of planning applications, with the possibility for a need to amend the local list.

### **Summary of Maidstone's response to this consultation**

- 2.7 Whilst MBC was supportive of the Kent Minerals and Waste Plan 2013-30 (refresh) and the proposed changes to waste management during delivery and operation of development, it raised the need for clarification around the proposed new wording of the policy CSW3. This proposed wording required that for applications submitted to Maidstone Borough Council, additional information be supplied at application stage. This would likely mean that MBC is required to add to their Local List a requirement for a Circular Economy Statement to accompany major applications.

### **Reg 18 consultation in Oct 2022**

- 2.8 The consultation document may be viewed via the following link:  
<https://letstalk.kent.gov.uk/kent-minerals-and-waste-local-plan>

### **Summary of issues of relevance to Maidstone**

- 2.9 Soft sand extraction at Chapel Farm: this site forms part of an allocation in the Maidstone Local Plan Review.
- 2.10 Policy CSW 3 (Waste Reduction) means MBC will need to add to its Local List a requirement for a Circular Economy Statement to accompany major applications.

### **Summary of Maidstone's response to this consultation**

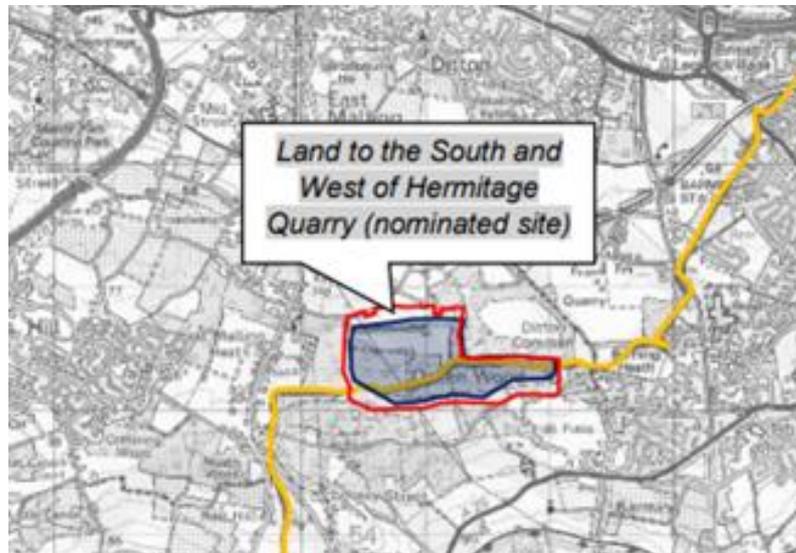
- 2.11 MBC welcome the updated position in respect to soft sand extraction at Chapel Farm.
- 2.12 Policy CSW3 requires further consideration as it represents resource implications. So will need to work with KCC to ensure resource implications are minimised.

### **Reg 18 consultation in June 2023**

- 2.13 The consultation document may be viewed via the following link:  
<https://letstalk.kent.gov.uk/kent-minerals-and-waste-local-plan-2024-2039>
- 2.14 As mentioned above, only the additional changes to the proposed review of the KMWLP and the amendments to the Kent Mineral Sites Plan were consulted.

## Summary of issues of relevance to Maidstone

2.15 The Plan period is extended to 2039 (2024 – 2039).



- 2.16 In terms of soft sand: Due to the extended plan period, the total soft sand need is increased; however, the annual need remains the same. Regarding Chapel Farm, new text has been inserted setting out need and supply but the allocation has not changed, nor has the rate of extraction.
- 2.17 In terms of hard rock: total need is increased due to extended plan period so further reserves will need to be allocated. The additional hard rock allocation (called Land to the South and West of Hermitage Quarry – map provided below) straddles the boundary of Maidstone Borough and Tonbridge and Malling Borough, with circa 2/5 of the allocation being sited within Maidstone Borough. This abuts the existing extraction site. The proposed extension lies within the Oaken Wood Local Wildlife Site and Ancient Woodland, and is within close proximity to a Site of Special Scientific Interest.
- 2.18 Mineral Sites Plan: the position in relation to Chapel Farm soft sand allocation in Lenham is updated.

## Summary of Maidstone’s response to this consultation

- 2.19 Maidstone Borough Council has provided responses to this consultation, and this is subject to the Motion to Full Council.
- 2.20 The key issues arising from the review of the KMWLP consultation were due to be considered at the July 2023 PIED PAC, however additional information came to light in advance of that meeting, including in relation to environmental designations.
- 2.21 A [draft response was sent on 09 August 2023](#) to meet the consultation deadline; as part of this letter, MBC noted that that these would be subject to formal ratification and that a full formal response be provided at a later date.

- 2.22 The draft response highlighted that the proposed allocation lies within an area designated as Local Wildlife Site and Ancient Woodland and requested that any permission be subject to conditions requiring the reinstatement of habitats following completion of extraction. Additionally, the extended allocation also lies within proximity to a SSSI and MBC therefore requested that mitigations be put in place to prevent adverse impact on the SSSI.
- 2.23 The draft response was later considered by the Planning, Infrastructure and Economic Development Policy Advisory Committee (PIED PAC) on 6 September 2023. At this PIED PAC, Committee members raised a number of concerns with regards to the extension of the quarry, principally these rested on the impact that the development would have on the Ancient Woodland and environmental impacts. Members additionally expressed concerns that the Sites Plan and associated evidence base provide insufficient information with respect to the exceptional circumstances to demonstrate that the impact on Ancient Woodland would be outweighed by the need to identify local sites for the extraction of hard rock.
- 2.24 In light of the PIED PAC feedback, an alternative recommendation was made: That the letter be withdrawn, and a new letter sent in its place using the wording provided by the woodland trust of: 'given unacceptable habitat lost, MBC are unable to support the proposed quarry extension'.
- 2.25 The Cabinet Member for Planning, Infrastructure and Economic Development then signed off a [formal letter on 07 September 2023](#), which was then sent to Kent County Council.
- 2.26 This letter raised concerns that the proposed allocation lies within an area designated as a Local Wildlife Site and Ancient Woodland, but noted that it is for the County Council to demonstrate that there exists exceptional circumstance that would meet policies set out in the NPPF, and should this be demonstrated then maximum mitigation and restoration of the site to prevent the site coming forward for residential development will be expected. It also noted that the extended allocation also lies within close proximity to a Site of Special Scientific Interest, and MBC requested that should the site be included in the adopted plan then policy should require that mitigations be put in place to prevent adverse impact on this designation.
- 2.27 The decision was then called in to the Overview and Scrutiny Committee on the 19<sup>th</sup> September 2023. However, the Committee resolved to approve Option 1 of the report, that no further action was required.