

Maidstone Borough Local Plan 2011 - 2031 Examination

Statement of Common Ground

As agreed between

Maidstone Borough Council

and

Kent County Council as Minerals and Waste Planning Authority

September 2016

INTRODUCTION

1. This Statement of Common Ground has been prepared by Maidstone Borough Council ('MBC') and Kent County Council ('KCC') acting in its capacity as Minerals and Waste Planning Authority for Kent.
2. This Statement outlines an agreed position in regards to the minerals safeguarding issues raised at paragraph 2.13 of KCC's Regulation 20 representations to the Maidstone Borough Local Plan (MBLP) 2011 – 2031 dated 18 March 2016.
3. Officers from MBC and KCC met on 22 April 2016 to discuss the minerals safeguarding issues raised in KCC's representation and the potential implications for the MBLP. Subsequently, the Kent Minerals and Waste Local Plan (KMWLP) 2013 – 2030 Inspector's Report was published on 26 April 2016 and the Report and Main Modifications provided additional clarity on the final wording of minerals safeguarding policies in the KMWLP.
4. Officers from MBC and KCC met again on 11 May 2016 to discuss the implications of the KMWLP Inspector's Report and to agree on the measures required to satisfactorily address mineral safeguarding issues through the MBLP. During the meeting it was agreed that it would be helpful to set out these measures through a Joint Position Statement, with the aim of assisting the Inspector during the Examination of the MBLP. It was also agreed that KCC would provide a background information note on mineral supply and safeguarding and the relevant economic geologies in the Maidstone Borough area to aid understanding of mineral matters that are available in the public domain¹. A copy of the Information Note is appended to this Statement.

¹ Kent County Council Local Aggregate Assessment and British Geological Survey data

5. The KMWLP was adopted by KCC on 14th July 2016.

6. On 29 July 2016, KCC provided MBC with an Information Note (Appendix 1) in order to assist MBC in its preparation for the MBLP Examination. The Note describes the nature, history and broad economic viability of the minerals located within the MSAs which affect Maidstone Borough. The Note also sets out the landbank considerations for aggregate minerals against National Planning Policy Framework (NPPF) requirements where relevant and the safeguarding matters for all minerals within the Maidstone Borough area.

Matters Agreed

7. Minerals safeguarding is a matter for all planning authorities. There are a number of Policies in the adopted Kent Minerals and Waste Local Plan 2013-30 with respect of safeguarding.

These are as follows:

Policy CSM 5: Land-won Mineral Safeguarding

Policy CSM 6: Safeguarded Wharves and rail Depots

Policy CSM 7: Safeguarding Other Mineral Plant Infrastructure

Policy CSW 16: Safeguarding of Existing Waste Management Facilities

Policy DM 7: Safeguarding Mineral resources

Policy DM8: Safeguarding Minerals, Transportation, Production & Waste management Facilities

Policy DM 15: safeguarding of Transportation Infrastructure

Policy DM 7 sets out a series of exemptions from the presumption to safeguard mineral resources.

8. It is agreed that KMWLP Policy DM7 would apply to development proposals identified in the MBLP, where these are located within the identified MSAs, and therefore the MBLP should include some additional explanatory text to outline the purpose of MSAs and the relationship between the MBLP and the KMWLP (**Proposed Change MS1**). Reflecting the conclusions outlined in the KMWLP Inspector's Report, and the subsequent adopted Plan, it is further agreed that a map showing the extent of the MSAs should be included in the MBLP (**Proposed Change MS2**).

9. It is agreed that exception criterion (7) in KMWLP Policy DM7 (“*it constitutes development on a site allocated in the adopted development plan*”) may be interpreted so as to exempt the requirement for mineral assessments to be undertaken for affected development allocations in the MBLP. An additional policy change is proposed to the MBLP to confirm the requirement for mineral assessments on sites not currently in an adopted local plan as set out at **Proposed Change MS3**. It is therefore agreed that additional policy criterion should be included for affected sites, as set out at Proposed Change MS3, to reflect the need for a minerals assessment to be undertaken as part of any planning application
10. Officers from MBC and KCC have worked constructively to address the issues raised at paragraph 2.13 of KCC’s Regulation 20 representations to the MBLP. It is agreed that Proposed Changes MS1, MS2 and MS3 will together overcome these concerns to ensure that the MBLP is in conformity with the KMWLP in respect of proposed allocations located within the following MSAs:
- Building Sands: Folkestone Formation;
 - Sharp Sands and Gravel Aggregates: Sub-Alluvial River Terrace Deposits and River Terrace Deposits; and
 - Building Stone: Palundina Limestone.

Matters Not Agreed

1. KCC considers that **Proposed Change MS3** should be applied to all proposed allocations affected by all MSAs identified within Maidstone Borough. MBC does not agree that **Proposed Change MS3** should be applied to proposed allocations affected by the following MSAs:

- Hard Rock: Hythe Formation Kentish Ragstone; and
- Industrial Sands – Sandgate Formation.

KCC considers that **Proposed Change MS3** should apply to all safeguarded geologies and that Policy H1 should be amended to include an additional criterion:-

at 1 (vi) to read “Development proposals which fall within the Minerals Safeguarding Areas as shown on the policies map will be required to undertake a minerals assessment to assess the viability and practicability of prior extraction of the minerals resource. The minerals assessment will comply with Policy DM7 of the Kent Minerals and Waste Local Plan (2013-2030) and any supplementary planning guidance produced by the Minerals Planning Authority in respect of minerals safeguarding.”

And; Policies: H2 (2), RMX (1), RMX (4), EMP1 (2), EMP1 (5), GT1 (1), (2), (4) : should be amended to include an additional criterion :-

“Minerals Safeguarding – This site falls within the Minerals Safeguarding Areas as shown on the policies map and therefore development proposals will be required to undertake a minerals assessment to assess the viability and practicability of prior extraction of the minerals resource. The minerals assessment will comply with Policy DM7 of the Kent Minerals and Waste Local Plan (2013-2030) and any supplementary planning guidance produced by the Minerals Planning Authority in respect of minerals safeguarding.”

Proposed Changes (strikethrough indicates deleted text, <u>underlined</u> indicates additional text)		
Reference	Proposed Change	Reason
MS1	Para 2.4 delete final sentence: “ The Kent Minerals and Waste Local Plans that are prepared by Kent County Council also form part of the development plan. ” Additional para after 2.4 to read: “ <u>The Kent Minerals and Waste Local Plan 2013 – 2030 also forms part of the development plan and was adopted by the County Council in July 2016. The Minerals and Waste Local Plan identifies Mineral Safeguarding Areas whose purpose is to avoid the unnecessary sterilisation of any mineral resources through incompatible development.</u> ”	To explain the relationship between the MBLP and the KMWLP and to highlight the potential implications of minerals safeguarding policies in the KMWLP.

	<u>Development proposals coming forward within the Minerals Safeguarding Areas located within Maidstone Borough will therefore need to comply with minerals safeguarding policies in the Minerals and Waste Local Plan. The extent of the Minerals Safeguarding Areas is shown on the policies map.</u>	
MS2	To include a “Minerals Safeguarding Areas” layer on the policies map.	To add clarity to MS1 and MS3.
MS3	<u>Policies: H1 (2), (11), (17), (21), (30), (31), (32), (33), (34), (35), (37), (45), (46), (47), (48), (51), (65), H2 (2), RMX (1), RMX (4), EMP1 (2), EMP1 (5):Additional criterion to read: “Minerals Safeguarding – This site falls within the Minerals Safeguarding Areas as shown on the policies map and therefore development proposals will be required to undertake a minerals assessment to assess the viability and practicability of prior extraction of the minerals resource. The minerals assessment will comply with Policy DM7 of the Kent Minerals and Waste Local Plan (2013-2030) and any supplementary planning guidance produced by the Minerals Planning Authority in respect of minerals safeguarding.”</u>	To ensure adequate policy basis for the requirement for mineral assessments to be undertaken for affected development allocations in the MBLP, and to ensure conformity with the minerals safeguarding policies in the KMWLP.

AGREEMENT

Signed On behalf of Maidstone Borough Council		
Name & position	Signature	Date
Rob Jarman, Head of Planning & Development	R. LL. Jarman	13/9/16
Signed On behalf of Kent County Council		
Name & position	Signature	Date
Barbara Cooper Corporate Director Growth Environment & Transport	B. COOPER	14/9/16