

MBC Response to the Kent Minerals and Waste Plan Refresh

Final Decision-Maker	Strategic Planning and Infrastructure Committee
Lead Head of Service	Rob Jarman
Lead Officer and Report Author	Helen Garnett
Classification	Public
Wards affected	All

Executive Summary

Consultation on the proposed refresh of the Kent Minerals and Waste Plan 2013-30 commenced on the 16 December 2021 and will run through to 09 February 2022. This report outlines the key changes proposed to the Kent Minerals and Waste Plan (2013-30) through its proposed 'Refresh' of that document, highlighting key matters arising from the plan refresh which are of relevance to Maidstone Borough Council. It recommends that members agree a formal response to the consultation, as drafted by officers and appended to this report.

Purpose of Report

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

This report makes the following recommendations to this Committee:

1. That Members note the current consultation on the proposed refresh of the Kent Minerals and Waste Plan
2. That Members resolve to agree the proposed response to this consultation at Appendix 1 of this report.

Timetable

Meeting	Date
Strategic Planning and Infrastructure Committee	08 February 2022

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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>	Rob Jarman
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>	Rob Jarman
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>	Rob Jarman
Financial	<p>The recommendations seek to reduce the risk associated with the production of the Local Plan Review by ensuring that plans at county level are not in conflict with our own.</p>	Section 151 Officer & Finance Team
Staffing	<p>We will deliver the recommendations with our</p>	Rob Jarman

	current staffing.	
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.	Russell Fitzpatrick MKLS (Planning)
Privacy and Data Protection	Accepting the recommendations will not increase the volume of data held by the Council.	Policy and Information Team
Equalities	The recommendations do not propose a change in service therefore will not require an equalities impact assessment.	Equalities & Communities Officer
Public Health	No implications identified.	Jolanda Gjoni
Crime and Disorder	The recommendation will not have a negative impact on Crime and Disorder.	Rob Jarman
Procurement	N/A	Rob Jarman
Biodiversity and Climate Change	The implications of this report on biodiversity and climate change have been considered. This report and the key changes proposed align with the broad aims of the Biodiversity and Climate Change Action Plan and promotion of waste reduction and circular economy.	James Wilderspin

2. INTRODUCTION AND BACKGROUND

- 2.1 This report sets out the key issues arising from the proposed refresh of the Kent Minerals and Waste Plan 2013-30. 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 development affecting minerals and waste sites are assessed by Maidstone Borough, having regard to the Kent Minerals and Waste Plan.
- 2.3 The main changes arising from this proposed review centre around the following updates:
- Updates to the NPPF in 2018, 2019 and 2021 and associated Planning Practice Guidance;
 - updates to legislation and policy concerning the need to adapt to, and mitigate, climate change and associated low carbon growth;
 - the inclusion of a new policy relating to the management of low-level radioactive waste; and,
 - updates to reflect policy and legislation concerned with achieving a circular economy where more waste is prevented or reused.

The full proposed amends can be found here - <https://letstalk.kent.gov.uk/hub-page/mineralsandwaste>. So far as Maidstone Borough Council are concerned, there are no material changes proposed to the mineral allocations and safeguarding policies.

- 2.4 The changes proposed to be introduced to policy CSW 3 (Waste Reduction), which seek to include the need for consideration of the circular waste economy in determining applications, are of particular interest to Maidstone Borough Council. CSW3 and its supporting text is proposed to include a greater requirement for waste created during development to be considered in planning applications. Notably, this includes: 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. The Head of Service considers that a planning condition to this effect is unlikely to meet the legal tests.
- 2.5 Whilst these new requirements would place additional burden on the assessment of planning applications, with the possibility for a need to amend the local list to require a Waste Management Supplement as part of Design and Access Statements, they nevertheless represent a logical approach to reducing the carbon footprint of development within the borough.

- 2.6 Additionally, the supporting text to policy CSW3 states that financial contributions from applicants for developments which rely on the council's waste management services may be sought to assist with the provision of infrastructure.
- 2.7 Waste management is one of Maidstone Borough Council's priorities for residential development developer contributions in the Local Plan Regulation 19 consultation document (Policy LPRSP13 – Infrastructure Delivery (criteria 4 viii)). the Infrastructure Development Plan (2021) (IDP), which is part of the evidence base supporting the Local Plan Review, addresses new waste management schemes (see the infrastructure delivery schedule at p.45). The specific waste management schemes identified in the IDP for delivery are:
- the expansion of the Tovil Household Waste & Recycling Centre site (p.102)
 - the provision of a new Household Waste Recycling Centre in the east of the borough (p.104)
- 2.8 The Minerals and Waste Plan does not include allocations, but does carry forward existing allocations. These allocations 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. No changes are proposed to policy DM7 at this time.
- 2.9 In summary, whilst MBC is supportive of the Kent Minerals and Waste Plan 2013-30 (refresh) and the proposed changes to waste management during delivery and operation of development, there is a need for the clarification sought in the proposed response at Appendix 1.
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3. AVAILABLE OPTIONS

- 3.2 Option 1: That members agree the proposed response to the consultation at appendix 1 of this report. This would mean that Maidstone would be protecting its interests and priorities.
- 3.4 Option 2: That members do not agree a response to the consultation. 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 members agree the proposed response as appended to this report.
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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.

6. REPORT APPENDICES

The following documents are to be published with this report and form part of the report:

- Appendix 1: Draft Response to the KCC Minerals and Waste Plan regulation 18 consultation.
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7. Backgrounds Documents

- Infrastructure Development Plan (2021)
(https://drive.google.com/file/d/1m8TtWo4iSNd0QjYIuzkaLm7lp_OGquG4/view)
- Minerals and waste planning policy
(<https://www.kent.gov.uk/about-the-council/strategies-and-policies/environment-waste-and-planning-policies/planning-policies/minerals-and-waste-planning-policy#tab-1,2,3,4>)