

**Cabinet Member for Planning
Policy and Management**

12 July 2024

**Kent Minerals and Waste Local Plan – Draft Statement of
Common Ground with Kent County Council**

Timetable	
Meeting	Date
Planning and Healthier Stronger Communities Committee	09/07/2024
Cabinet Member for Planning Policy and Management	12/07/2024

Will this be a Key Decision?	No
Urgency	Not Applicable
Final Decision-Maker	Cabinet member for Planning Policy and Management
Lead Head of Service	Karen Britton (Head of Spatial Planning and Economic Development)
Lead Officer and Report Author	Thom Hoang (Principal Planning Officer)
Classification	Public report with an exempt appendix The appendix contains exempt information as classified in paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972 in that it contains information relating to the financial or business affairs of any particular person (including the authority holding that information). The public interest in maintaining this exemption outweighs the public interest in their disclosure. The Statement of Common Ground is a draft document and is currently unsigned and contains sensitive cross boundary matters. The draft document contains information affecting the business affairs of other authorities and bodies.

	Once the Statement of Common Ground has been agreed and signed by all relevant parties, it will be published by KCC as evidence to support the Kent Minerals and Waste Local Plan examination.
Wards affected	All

Executive Summary

The Kent Minerals and Waste Local Plan (KMWLP) forms part of the Development Plan for Maidstone and sets out planning policies relating to minerals supply and waste management. In 2019, a Statement of Common Ground (SoCG) was signed between MBC and KCC, setting out the agreements between both parties regarding the KMWLP and site allocation. In light of the following events, it is appropriate to review the previously signed SoCG:

- The KMWLP review was submitted for an independent examination in May 2024
- The Maidstone Local Plan Review 2021-38 adoption in March 2024
- KCC's proposed review of the Kent Mineral Sites Plan (separate report)

The draft revised SoCG (attached at Exempt Appendix 1 to the report) updates both parties' position, setting out areas of agreement. Site allocation matters relating to the Kent Mineral Sites Plan are decoupled from this proposed revision, given unknown issues that might arise from the proposed review of the Kent Mineral Sites Plan.

This report recommends that members agree the revised SoCG, as drafted by officers and attached at Exempt Appendix 1 to the report.

Purpose of Report

To inform members of the proposed revision to the SoCG with Kent County Council regarding their ongoing review of Kent Minerals and Waste Local Plan and to seek agreement to sign off the draft SoCG (appended to this report).

The report makes the following recommendation to the Cabinet Member for Planning Policy and Management: That

1. The progress of the proposed refresh of the Kent Minerals and Waste Local Plan be noted; and
2. The draft revised SoCG, attached as Exempt Appendix 1 to the report be approved.

Kent Minerals and Waste Local Plan – Draft Statement of Common Ground with Kent County Council

1. CROSS-CUTTING ISSUES AND IMPLICATIONS

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 recommendation 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>	<p>Head of Spatial Planning & Economic Development</p>
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 recommendation supports the achievement of the objectives, in particular Biodiversity and Environmental Sustainability is respected.</p>	<p>Head of Spatial Planning & Economic Development</p>
Risk Management	<p>The recommendation seeks to ensure that plans produced by the county council are not in conflict with our own plans and government policy.</p>	<p>Head of Spatial Planning & Economic Development</p>
Financial	<p>The recommendation seeks 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>	<p>Section 151 Officer & Finance Team</p>
Staffing	<p>This recommendation has been prepared with our current staffing.</p>	<p>Head of Spatial Planning & Economic Development</p>

Legal	<p>As part of its duty to co-operate, Maidstone Borough Council (MBC) must engage constructively, actively and on an ongoing basis with Kent County Council (KCC) in the preparation of development plan documents in order to maximise the effectiveness of the activity of plan preparation.</p> <p>KCC has been consulting MBC on an update to the Kent Minerals and Waste Local Plan 2013-30, which also forms part of MBC's Local Development Plan. MBC has provided responses to previous consultations.</p> <p>Whilst there are no legal implications arising from the response, accepting the recommendation 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.</p>	Russell Fitzpatrick - MKLS (Planning)
Information Governance	Accepting the recommendation will not increase the volume of data held by the Council.	Head of Insight Communities and Governance
Equalities	The recommendation do not propose a change in service therefore will not require an equalities impact assessment.	Head of Insight Communities and Governance
Public Health	No implications identified.	Head of Insight Communities and Governance
Crime and Disorder	The recommendation will not have a negative impact on Crime and Disorder.	Head of Spatial Planning & Economic Development
Procurement	N/A	Head of Spatial Planning & Economic Development

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.	Biodiversity and Climate Change Manager
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2. INTRODUCTION AND BACKGROUND

- 2.1 The Kent Minerals and Waste Local Plan (KMWLP) 2013-30 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 Local 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 KCC against the adopted plan, and other types development affecting minerals and waste sites are assessed by MBC, having regard to the Kent Minerals and Waste Local 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.
- 2.4 The full proposed amends can be found here - <https://letstalk.kent.gov.uk/hub-page/mineralsandwaste>. So far as MBC are concerned, there are no material changes proposed to the mineral allocations and safeguarding policies.
- 2.5 Waste management is one of MBC's priorities for residential development developer contributions in the Local Plan Review 2021-38.
- 2.6 The Minerals and Waste Local Plan does not include allocations, but does carry forward existing allocations. These allocations are a strong material consideration in the determination of planning applications.

Progress to date

- 3.1 As part of the ongoing review, KCC has so far undertaken the following consultations to date:
- Reg 18 consultation in Dec 2021;

- Reg 18 consultation in Oct 2022;
- Reg 18 consultation in June 2023, but only on the additional changes to the proposed review of the KMWLP (as part of this consultation, KCC also consulted on the amendments to the Kent Mineral Sites Plan);
- Reg 19 consultation in January 2024.

3.2 MBC has responded to the above consultations (see a summary in Section 7). It is considered that the wordings in the Pre-Submission KMWLP have taken into account MBC's previous representations, and that they are not in conflict with Maidstone's policies and interests.

3.3 In May 2024, KCC submitted the Minerals and Waste Local Plan to the Planning Inspectorate for an independent examination in public.

Previously signed Statement of Common Ground (SoCG)

2.7 In 2019, a SoCG was signed between MBC and KCC, setting out the agreements between both parties on the following matter:

- Safeguarding of mineral resources;
- Safeguarding Minerals Management, Transportation & Waste Management Facilities; and
- Allocation of land for extraction of minerals.

2.8 The 2019 SoCG clearly set out the events prompting a review of the SoCG; according to this, Maidstone's Local Plan Review adoption in March 2024 triggered this clause.

The draft revised SoCG

2.9 The draft revised SoCG (Exempt Appendix 1 to the report) by MBC and KCC's officers reflect factual changes.

2.10 It should be noted that this draft revised SoCG only covers the first two issues out of three mentioned in paragraph 2.7. This is because KCC is considering a further review of the adopted Mineral Sites Plan 2020 (MSP) which is a separate document and forms the basis of a separate report; therefore, matters relating to allocation of land for extraction of minerals will be dealt with separately at a later stage of KCC's Minerals Sites Plan review.

2.11 In summary, both parties continue to agree that:

- Safeguarding of minerals resources in the Borough of Maidstone will take place according to the safeguarding policies and the Safeguarding SPD (as updated in March 2021);
- Both parties will work together to ensure that the relevant safeguarding policy is implemented effectively.

4. AVAILABLE OPTIONS

- 4.1 Option 1: That members recommend agreement of the draft revised SoCG at Exempt Appendix 1 to the report to the Cabinet Member for Planning Policy and Management. This would allow the SoCG to be finalised and signed, in accordance with the agreed protocol, so that it may be published as part of the KCC's evidence base for the examination of the KMWLP (which forms part of Maidstone's Development Plan).
 - 4.2 Option 2: That members do not recommend agreement of the draft revised SoCG to the Cabinet Member for Planning Policy and Management. This would mean that KCC would continue production and examination of its Development Plan Document and the previously signed Statement of Common Ground remains outdated.
 - 4.3 Option 3: That the draft SoCG be recommended for approved by the Cabinet, subject to further comments and changes, which would also need to be agreed by KCC. While this would allow the SoCG to be finalised and signed, in accordance with the agreed protocol, it may cause delays in submission of the SoCG by KCC.
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5. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

- 5.1 For the reasons set out above, it is recommended that Option 1 is followed and that the revised draft SoCG in the Exempt Appendix 1 to the report be agreed.
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6. RISK

- 6.1 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.

7. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

Reg 18 consultation in December 2021

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

Summary of issues of relevance to Maidstone

- 7.2 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

- 7.3 Whilst MBC was supportive of the Kent Minerals and Waste Local 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

- 7.4 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

- 7.5 Soft sand extraction at Chapel Farm: this site forms part of an allocation in the Maidstone Local Plan Review.
- 7.6 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

- 7.7 MBC welcome the updated position in respect to soft sand extraction at Chapel Farm.
- 7.8 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

- 7.9 The consultation document may be viewed via the following link:
<https://letstalk.kent.gov.uk/kent-minerals-and-waste-local-plan-2024-2039>
- 7.10 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

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

- 7.12 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.
- 7.13 In terms of hard rock: total need is increased due to extended plan period so further reserves will need to be allocated.
- 7.14 In terms of the Mineral Sites Plan: the position in relation to Chapel Farm soft sand allocation in Lenham is updated. The nominated hard rock site at the Hermitage Quarry lies within the Oaken Wood Local Wildlife Site and Ancient Woodland, and is within close proximity to a Site of Special Scientific Interest. Please note that the Kent Mineral Sites Plan is a separate document and is not the subject of this SoCG.

Summary of Maidstone's response to this consultation

- 7.15 Maidstone Borough Council has provided responses to this consultation, including a draft response sent on 09 August 2023, a formal letter on 07 September 2023; however these focussed only on the proposed Kent Mineral Sites Plan review rather than the KMWLP.

Reg 19 consultation in January 2024

- 7.16 The consultation document may be viewed via the following link:
<https://letstalk.kent.gov.uk/pre-submission-draft-kmwlp>

Summary of Maidstone's response to this consultation

- 7.17 MBC do not have additional comments to make beyond those that have been provided to the previous Regulation 18 consultations on the KMWLP.
- 7.18 The matter was considered by the Planning and Healthier Stronger Communities Policy Advisory Committee on Tuesday 9 July 2024 with support expressed for the recommendations.

8. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

- 8.1 If agreed, the draft revised SoCG provided at Exempt Appendix 1 to the report will be presented to the Cabinet Member for Planning Policy and Management for decision.

9. REPORT APPENDICES

The following document is to be published with this report and form part of the report:

- Exempt Appendix 1: Draft Revised SoCG with KCC regarding the Kent Minerals and Waste Local Plan
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10. BACKGROUND PAPERS

- Signed SoCG between MBC and KCC regarding the Kent Minerals and Waste Local Plan in May 2019
- [Minerals and waste planning policy](#)
- [Maidstone Local Plan Review 2021-38](#)