

MAIDSTONE BOROUGH COUNCIL

RECORD OF DECISION OF THE LEADER OF THE COUNCIL

Decision Made: 12 December 2022

MBC Response to the Kent Minerals and Waste Plan Review

Issue for Decision

Consultation on the proposed review of the Kent Minerals and Waste Plan 2013-30 commenced on the Monday 24th October 2022 and ran through until midnight on Monday 4th December 2022. MBC was granted an extension to allow feedback from the PAC prior to the decision being taken.

This is the second Regulation 18 consultation undertaken for this plan.

This report outlines the key post first Regulation 18 consultation changes proposed to the Kent Minerals and Waste Plan (2013-30) through its proposed review of that document, highlighting key matters arising from the plan review which are of relevance to Maidstone Borough Council. It recommends that the consultation response, at Appendix 1 to the report, is agreed for submission to KCC.

Decision Made

That the proposed response to the Kent Minerals and Waste Plan Review consultation, at Appendix 1 to the report, be approved.

Reasons for Decision

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.

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.

At the beginning of 2022, KCC undertook a Regulation 18 consultation on its plan. Comments received at that consultation have now been considered for inclusion in this revised Regulation 18 consultation document.

MBC made representations at that consultation, 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.

The main changes arising from this proposed review centre around the following updates:

- amended plan period from 2013-30 to 2023-38;
- updates to reference nature recovery networks and a higher requirement for Biodiversity Net Gain where sites are restored;
- updated position in respect to need for soft-sand, with reference to Chapel Farm; and,
- updated policy wording on circular economy.

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

Alongside the Regulation 18 consultation on its plan, KCC are also undertaking a call for sites for proposed sites for the allocation of a hard rock quarry to meet identified need within the Kent Minerals and Waste Local Plan 2023-2038.

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. CSW 3 and its supporting text requires that proposals for major development should be submitted with a Circular Economy Statement that demonstrates how waste created during development has been taken into account.

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 Circular Economy Statement to accompany a planning application. These concerns were raised by MBC at the previous consultation and these concerns have not been addressed through these proposed changes.

Subject to the outcome of the call for sites referred to at para. 2.7 above, 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.

In summary, whilst MBC is supportive of the Kent Minerals and Waste Plan review 2023-38 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.

It should be noted that the deadline for comments was 4 December 2022, however KCC have agreed to accept MBC's draft comments after the draft response has been reviewed by the Planning and Infrastructure PAC, before being signed-off by the Leader of the Council.

Alternatives considered and why rejected

Option 1: (APPROVED) That the proposed response to this consultation at Appendix 1 of the report is agreed.

Option 2: (NOT APPROVED) That the proposed response to the consultation is not agreed. This would mean that KCC would continue production of its Development Plan Document without relevant input from Maidstone Borough Council at this stage.

Background Papers

None

I have read and approved the above decision for the reasons (including possible alternative options rejected) as set out above.

Signed: _____
Councillor David Burton, Leader of the Council

Full details of both the report for the decision taken above and any consideration by the relevant Policy Advisory Committee can be found at the following area of the [website](#)

Call-In: Should you be concerned about this decision and wish to call it in, please submit a call-in form signed by any three Members to the Proper Officer by: **5pm, Monday 19 December 2022.**