

MAIDSTONE BOROUGH COUNCIL

RECORD OF DECISION OF THE CABINET MEMBER FOR PLANNING POLICY AND MANAGEMENT

Decision Made: 12 July 2024

Draft Statement of Common Ground with KCC Regarding Review of Kent Minerals and Waste Local Plan 2024-39

Issue for Decision

To seek approval of the revised Statement of Common Ground, as drafted by officers and attached at Exempt Appendix 1 to the report.

Decision Made

That the draft revised SoCG, attached as Exempt Appendix 1 to the report be approved.

Reasons for Decision

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.

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.

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 MBC are concerned, there are no material changes proposed to the mineral allocations and safeguarding policies.

Waste management is one of MBC's priorities for residential development developer contributions in the Local Plan Review 2021-38.

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

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.

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.

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)

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.

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

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

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.

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.

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.

Alternatives considered and why rejected

1. That the draft revised SoCG not be agreed. This would mean that KCC would continue production and examination of its Development Plan Document and the previously signed Statement of Common Ground would remain outdated.
2. That the draft SoCG be recommended for approval 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.

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](#)

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



Signed:

Councillor Tony Harwood – Cabinet Member for Planning Policy and Management

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 on Friday 19 July 2024**