

URGENT LEADER OF THE COUNCIL MEETING

Date: Monday 12 December 2022
Time: 9.30 am
Venue: Maidstone House, King Street, Maidstone

Membership: Councillor Burton

AGENDA

Page No.

1. Urgent Items
2. To consider whether any items should be taken in private due to the possible disclosure of exempt information
3. MBC Response to the Kent Minerals and Waste Plan Review 1 - 11

INFORMATION FOR THE PUBLIC

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Issued on 9 December 2022

Alison Broom

Alison Broom, Chief Executive

**LEADER OF THE COUNCIL
MEETING**

12 December 2022

MBC Response to the Kent Minerals and Waste Plan Review

Timetable	
Meeting	Date
PAC for Planning and Infrastructure	08 December 2022
Leader of the Council	12 December 2022

Will this be a Key Decision?	No
Urgency	Yes - The 5 clear-day notice requirement will not be met for this report. Reason for urgency – to manage the risk of KCC not accepting the consultation response due to the deadline date having passed.
Final Decision-Maker	Leader of the Council
Lead Head of Service	Philip Coyne
Lead Officer and Report Author	Helen Garnett
Classification	Public
Wards affected	All

Executive Summary

Consultation on the proposed review of the Kent Minerals and Waste Plan 2013-30 commenced on the Monday 24th October 2022 and will run through until midnight on Monday 4th December 2022. MBC has been 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 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 review of the Kent Minerals and Waste Plan and to seek agreement from the Lead Member to submit the response appended to this report.

This report recommends to the Leader of the Council that:

1. The proposed response to the Kent Minerals and Waste Plan Review consultation at Appendix 1 of this report is agreed.

MBC Response to the Kent Minerals and Waste Plan Review

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>	Interim Local Plan Director
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>	Interim Local Plan Director
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>	Interim Local Plan Director
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> <p>The recommendation has no immediate impact on budget headings or expenditure in the current year.</p>	Head of Finance

Staffing	We will deliver the recommendations with our current staffing.	Interim Local Plan Director
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.	Team Leader (Planning) Mid Kent Legal Services
Privacy and Data Protection	Accepting the recommendations will not increase the volume of data held by the Council.	Information Governance Officer
Equalities	The recommendations do not propose a change in service therefore will not require an equalities impact assessment	Equalities and Communities Officer
Public Health	We recognise that the recommendations will not negatively impact on population health or that of individuals.	Housing and Inclusion Team Leader
Crime and Disorder	The recommendation will not have a negative impact on Crime and Disorder.	Interim Local Plan Director
Procurement	The recommendation has no immediate impact on budget headings or expenditure in the current year.	Interim Local Plan Director and Head of Finance
Biodiversity and Climate Change	The implications of this report on biodiversity and climate change have been considered and the listed updates are; This aligns well with action(s) (number and quote action)4.1 to 4.5 to reduce waste and	Biodiversity and Climate Change Manager

	<p>promote circular economy as well as several other actions with reference to enhancing biodiversity and natural recovery of the MBC Biodiversity and Climate Change Action Plan.</p>	
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2. INTRODUCTION AND BACKGROUND

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, with finalisation being confirmed following sign-off by the Lead Member on the Executive for Planning and Infrastructure.

3. AVAILABLE OPTIONS

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

Option 2: 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.

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 the proposed response as appended to this report is agreed.

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.
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6. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

- 6.1 This issue was considered by the Planning and Infrastructure Policy Advisory Committee on 8 December 2022. The Committee provided feedback which has been incorporated into the updated response.

7. REPORT APPENDICES

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

- Appendix 1: MBC Response to the KCC Minerals and Waste Plan Regulation 18 consultation
- Appendix 2: MBC Response to the KCC Minerals and Waste Plan Regulation 18 consultation (changes highlighted)

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By email to: mwlp@kent.gov.uk

Date: 12/12/2022

Dear Mr Geake

Kent Minerals and Waste local Plan 2013-30; Regulation 18 Consultation Draft

Thank you for consulting Maidstone Borough Council (MBC) on the draft refresh of the Kent Minerals and Waste Plan (2013-30). Maidstone Borough Council's comments on the draft plan are detailed below.

The Planning and Compulsory Purchase Act 2004 (as amended) places a legal duty on planning authorities to engage constructively, actively, and on an ongoing basis, to ensure the effectiveness of Local Plan preparation in relation to strategic issues. Effective and ongoing joint working between strategic policy-making authorities is integral to the production of a positively prepared and justified strategy. MBC and KCC have consistently and positively engaged on their respective plan making processes and MBC therefore considers that the duty to cooperate in plan-making between the two authorities has been satisfied to date and that cooperation is ongoing.

MBC have reviewed the additional changes and are supportive of the plan as a whole and the overall aims of the policy refresh, and welcome the updated position in respect to soft sand extraction at Chapel Farm which forms part of an allocation in the Maidstone Local Plan Review.

However, as highlighted in its previous response, MBC are of the view that Policy CSW 3 (Waste Reduction) requires further consideration. The proposed new wording of the policy requires that for applications submitted to Maidstone Borough Council additional information be supplied at application stage. This will likely mean that MBC is required to add to their Local List a requirement for a Circular Economy Statement to accompany major applications and we would welcome the opportunity to work with KCC officers to ensure resource implications for MBC are minimised.

In respect to the requirement of 20% Biodiversity Net Gain on restored sites as set out in Policy DM3, Maidstone welcomes this aspiration as it aligns with emerging policies in its LPR.

I hope these comments are helpful and look forward to continuing, constructive dialogue on strategic issues as part of the duty to cooperate as our respective Local Plans progress.

Yours sincerely,

Philip Coyne

Interim Local Plan Review Director

Maidstone Borough Council, King Street, Maidstone, Kent ME15 6JQ

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