

**Strategic Planning,
Sustainability and
Transportation Committee**

7 February 2017

Is the final decision on the recommendations in this report to be made at this meeting?

Yes

Kent Minerals and Waste Local Plan 2013 – 2030: Draft Safeguarding Supplementary Planning Document (SPD) consultation response

Final Decision-Maker	Strategic Planning, Sustainability and Transportation Committee
Lead Head of Service	Rob Jarman, Head of Planning
Lead Officer and Report Author	Andrew Thompson, Principal Planning Officer
Classification	Public
Wards affected	All

This report makes the following recommendations to this Committee:

1. That Committee notes the consultation response sent to the Kent County Council Minerals and Waste Policy Team on 19 January 2017.

This report relates to the following corporate priorities:

- Keeping Maidstone Borough an attractive place for all; and
- Securing a successful economy for Maidstone Borough.

Timetable

Meeting	Date
Strategic Planning, Sustainability and Transportation Committee	7 February 2017

Kent Minerals and Waste Local Plan 2013 – 2030: Draft Safeguarding Supplementary Planning Document (SPD) consultation response

1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 Kent County Council, in its capacity as Minerals and Waste Planning Authority, undertook consultation on its draft Safeguarding Supplementary Planning Document (SPD) and draft Statement of Community Involvement (SCI) during December and January.
 - 1.2 A response (Appendix A) was submitted to the Minerals and Waste Policy Team on 19 January which is generally supportive of the draft SCI and provides a small number of comments on the draft SPD. The response highlights the need for further clarification regarding the approach to assessing the mineral safeguarding implications of proposed development allocations in emerging Borough or District Local Plans, and advocates that this process should be undertaken at a strategic level, so as to minimise the cost and time implications for authorities producing Local Plans.
 - 1.3 This Committee is recommended to note the content of the response.
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2. INTRODUCTION AND BACKGROUND

- 2.1 Kent County Council adopted the Kent Minerals and Waste Local Plan (KMWLP) 2013-2030 in July 2016. The KMWLP is therefore part of the “development plan” for Maidstone Borough. The KMWLP sets out a planning strategy for minerals and waste matters across the Kent County Council area, and introduces a number of strategic and development management policies for minerals and waste development proposals.
- 2.2 The KMWLP does not however allocate specific sites for new waste and minerals development, and the County Council will instead prepare specific “Sites Plans” – which are themselves Local Plans – to address this gap. The Minerals and Waste Policy Team has advised that work on these documents is due to commence this year.
- 2.3 One of the key elements of the KMWLP is a suite of policies which seek to “safeguard” minerals and waste infrastructure, in order to protect against development which may impair their operation, and designate “Mineral Safeguarding Areas” within which relevant planning applications for non-mineral development must demonstrate that mineral deposits potentially located within these areas are not needlessly sterilised by non-mineral development.
- 2.4 For Maidstone Borough, six different mineral typologies are identified within these Mineral Safeguarding Areas, including Kentish Ragstone, Industrial Sands, Building Sands, Sharp Sands, Gravel Aggregates and Building Stone.

The extent of these Mineral Safeguarding Areas is identified in the KMWLP (extract at Appendix B), and is based on information held by the British Geological Survey. It is understood that the County Council will review the geography of these areas at least every five years.

- 2.5 The KMWLP does not however set out a clear process by which Local Planning Authorities preparing Local Plans are to assess the mineral safeguarding implications of proposed development allocations, and this issue has been subject to debate at the examination of the Maidstone Borough Local Plan.
- 2.6 During the examination, the County Council provided further information in respect of the minerals within Maidstone Borough which sets out the Minerals Planning Authority's analysis of the potential for Local Plan allocations to lead to the unnecessary sterilisation of mineral resources. For Ragstone, the analysis demonstrates that there is currently a landbank of some 61 years of supply, comfortably beyond the KMWLP plan period, and for Industrial Sands, the analysis concludes that the mineral has no modern day industrial application.
- 2.7 During the Local Plan examination therefore, Council officers have argued that allocations located within these two Mineral Safeguarding Areas should not be required to undertake "Minerals Assessments", which would assess the potential viability and practicality of mineral extraction taking place prior to/alongside development, at planning application stage. Although the County Council considers that future allocations should still be subject to this assessment, notwithstanding their analysis, officers are not proposing this modification for allocations within the ragstone and industrial sands Mineral Safeguarding Areas.
- 2.8 For the remaining Mineral Safeguarding Areas however, the analysis is less conclusive, and a more precautionary approach has been agreed with the County Council to require Minerals Assessments to be undertaken for future applications on allocated sites in these areas. These "proposed changes" will form part of the schedule of "main modifications" which will be subject to consultation in due course.
- 2.9 Given the need for clear guidance to support the implementation of the safeguarding policies more generally, the County Council has prepared a draft Supplementary Planning Document (SPD) which sets out the detailed information requirements for Minerals Assessments, in the case of Minerals Safeguarding Areas, and Minerals and Waste Infrastructure Assessments, in the case of infrastructure. The draft SPD was subject to consultation during December and January.
- 2.10 Officers in the Spatial Policy Team have considered the draft SPD and are generally supportive, however it remains the case that there is some uncertainty on the specific process by which the minerals safeguarding implications of allocations in emerging Local Plans are to be assessed. On the one hand the SPD suggests that Local Planning Authorities should undertake Minerals Assessments for all proposed allocations in emerging Local Plans, but on the other hand it indicates that these will only be required where certain exemptions (such as whether the mineral is of

economic value, or can be extracted without adversely affecting the delivery of non-mineral development) do not apply.

2.11 The response sent to the Minerals and Waste Policy Team therefore seeks further clarification on the nature of the information required to address mineral safeguarding issues during the preparation of Local Plans, and advocates that this should be pitched at a strategic level so as to avoid a potentially disproportionate requirement for Local Planning Authorities to undertake detailed Minerals Assessments for each site being considered for a development allocation which is located within a Mineral Safeguarding Area.

2.12 In respect of safeguarded minerals and waste infrastructure, the draft SPD sets out that the County Council should be consulted on any relevant proposals (located up to 250m from the facility) which may impair the operation of safeguarded infrastructure. To assist in the application of this policy, the response requests that the County Council provides the necessary GIS information to ensure that this requirement can be properly taken into account as part of the Borough's development management function.

2.13 Officers in the Spatial Policy Team have also considered the draft Statement of Community Involvement (SCI) which appears to set out an appropriate strategy for community involvement and this is reflected in the response.

3. AVAILABLE OPTIONS

3.1 There is only one option as this report is for noting only.

4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

4.1 That the response sent to the Minerals and Waste Policy Team on 19 January is noted.

5. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

5.1 The consultation response will now be considered by the County Council as it finalises the Safeguarding SPD for adoption.

6. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

6.1 This report is for noting only.

7. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Impact on Corporate Priorities	This report has regard to planning guidance proposals by the Minerals and Waste Planning Authority for Kent which may impact on sustainable development within Maidstone Borough	Rob Jarman (Head of Planning)
Risk Management	The Council is complying with the duty to co-operate with Kent County Council, in its capacity as Minerals and Waste Planning Authority	Rob Jarman (Head of Planning)
Financial	No financial implications arising from this report	Section 151 Officer & Finance Team
Staffing	No staffing implications. This will be managed within existing staffing resources.	Rob Jarman (Head of Planning)
Legal	Regulatory processes and statutory requirements are currently being followed in respect of this matter.	Legal Team
Equality Impact Needs Assessment	The consultation proposals do not raise any equality concerns	Policy & Information Manager
Environmental/Sustainable Development	Regulatory processes in respect of this matter have been followed	Rob Jarman (Head of Planning)
Community Safety	No implications.	Rob Jarman (Head of Planning)
Human Rights Act	The consultation proposals do not raise any human rights concerns	Rob Jarman (Head of Planning)
Procurement	No implications.	Rob Jarman (Head of Planning)
Asset Management	No implications.	Rob Jarman (Head of Planning)

8. REPORT APPENDICES

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

- Appendix A: Response to the Safeguarding SPD Draft 19 January 2017
 - Appendix B: Extract from KMWLP showing geography of Minerals Safeguarding Areas in Maidstone Borough.
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9. BACKGROUND PAPERS

None