

Ms Sharon Thompson  
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Sent via email only

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Dear Ms Thompson,

**Consultation on Draft Statement of Community Involvement (SCI) and Draft Minerals and Waste Safeguarding Supplementary Planning Document (SPD).**

Thank you for the opportunity to comment on the above documents, and for notification regarding the commencement of work on the forthcoming Kent Minerals and Waste Sites Plans.

The Council has no comments to make regarding the draft SCI, which appears to set out an appropriate strategy for community involvement.

In regards to the draft SPD, the urgency in preparing this document is welcomed as mineral safeguarding in particular has been a key matter discussed at the ongoing examination of the Maidstone Borough Local Plan (MBLP) 2011 – 2031. Of particular relevance to the examination is the silence of the adopted policies in the Kent Minerals and Waste Local Plan (KMWLP) in respect of the specific process by which proposed allocations in emerging Borough or District Local Plans are to take account of mineral safeguarding matters during the development of Local Plans. The adopted KMWLP indicates at 5.5.14 that:

*"The allocation of land within an MSA [Mineral Safeguarding Area] will only take place after consideration of the factors that would be considered if a non-minerals development were to be proposed in that location, or in proximity to it, as set out in Policies DM7, DM8, CSM5 and CSM6."*

The KMWLP however does not state that proposed allocations must be subject to a Minerals Assessment, as is the case for other types of sites, and Policy DM7 (7) specifically exempts allocations in adopted Local Plans from being subject to this requirement. The SPD therefore provides a valuable opportunity for the County Council to offer clear guidance on the process by which the mineral safeguarding

implications of proposed development allocations are to be examined through the development of emerging Local Plans.

The draft SPD seeks to address this issue at Chapter 4, Table 1:

*"Minerals assessments will also need to be prepared by a local authority when they are producing site plans. Ideally this should take place between call for sites and the preferred options stages, on any sites which are within MSA's and do not meet the exemptions listed in Policy DM7."*

It is understood that the term "exemptions" in this context refers to all policy criteria within DM7 and therefore indicates that some alternative approach (other than production of a Minerals Assessment) could be used to demonstrate compliance with the criteria (e.g. 1 or 2), thereby avoiding the need for a Minerals Assessment. This appears to reflect 5.5.14 of the KMWLP and the position set out at paragraphs 5.12 – 5.16 of the draft SPD which make no specific reference to the need for a Minerals Assessment in such circumstances.

It would be helpful therefore if the SPD could clarify the nature of the information required to reach conclusions on meeting criteria such as 1, 2, 3 and 5, without the need for a Minerals Assessment.

The approach set out in the draft SPD places the responsibility on Local Planning Authorities to undertake/commission any relevant assessments in respect of minerals safeguarding issues for emerging allocations, which could have significant cost and time implications for authorities producing Local Plans. Indeed the MSA maps indicate that many of Kent's most sustainable settlements are surrounded by safeguarded minerals, and some of these areas may well be considered for new development allocations as part of emerging Local Plans. The scale of such assessments could potentially be significant therefore whilst the potential cost savings associated with combining on-site investigations for flooding, archaeology and minerals purposes, as referenced in the draft SPD, are unlikely to exist at Local Plan preparation stage.

Given the wider NPPF objectives to meet identified development needs through a proportionate evidence base, a more strategic approach to assessment, as alluded to above, would enable Local Planning Authorities to address this issue in a proportionate, cost-effective way through the development of Local Plans.

Paragraphs 4.34 – 4.41 of the draft SPD set out the information requirements for non-minerals and waste development proposed within or in proximity to (within 250m) of safeguarded minerals and waste infrastructure. It would be helpful therefore if the County Council could provide GIS layers showing the location (and buffer areas) of the safeguarded infrastructure within Maidstone Borough, to assist with the application of Policy DM8.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'M. Egerton', with a stylized flourish at the end.

Mark Egerton  
Planning Policy Manager  
Maidstone Borough Council