

MAIDSTONE BOROUGH COUNCIL

**RECORD OF DECISION OF THE CABINET MEMBER FOR PLANNING,
INFRASTRUCTURE AND ECONOMIC DEVELOPMENT**

Decision Made: 7 September 2023

Kent Minerals and Waste Plan Review - MBC Response

Issue for Decision

To agree a formal response to Kent Minerals and Waste Plan Review consultation, and the Kent Minerals Sites Plan Nominated Hard Rock Site, following the submission of a draft response to meet the consultation deadline of 25 July 2023.

Decision Made

That the amended response to the Kent Minerals and Waste Plan Review consultation and the Kent Mineral Sites Plan Nominated Hard Rock Sites, attached at Appendix 1 to the report, be approved.

Reasons for Decision

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 matter had previously been considered at the July 2023 PIED PAC, however additional information came to light in advance of that meeting relating to environmental designations.

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 of 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, then a subsequent Regulation 18 consultation on the whole draft plan in December 2022 in respect to further changes. MBC has made representations to these consultations. Comments received at that consultation have now been considered for inclusion in these additional changes, which also respond to updated evidence. This consultation regards a small number of changes only and does not extend to a consultation on the whole plan.

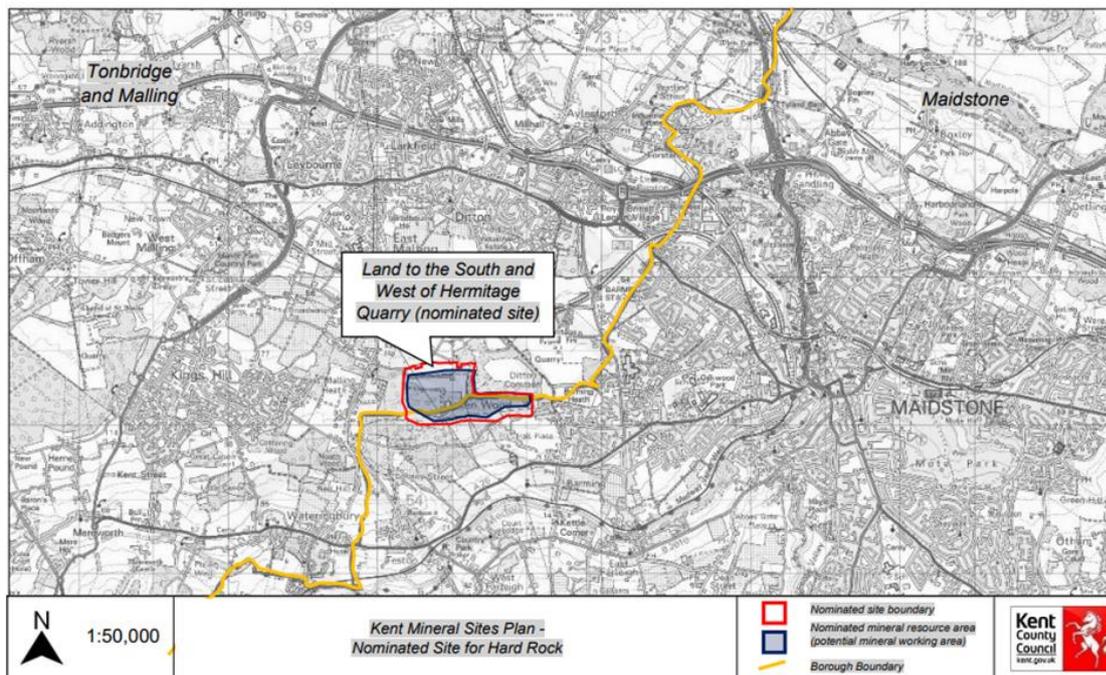
The full proposed amends can be found via this link:
[Kent Minerals and Waste Local Plan 2023-38 | Let's talk Kent](#)

The main relevant changes proposed to this iteration of the Kent Minerals and Waste Local Plan involve the revision of mineral need over the plan period. For soft sand the overall plan requirement has been increased in line with the

extended plan period. The annual need remains the same. For hard rock, the total requirement over the plan period has increased. Consequently, further reserves will need to be allocated.

As a consequence of the latter change, the Kent Mineral Sites Plan has been updated to include further nominated hard rock allocations. The Sites Plan also updates the position in relation to Chapel Farm soft sand allocation in Lenham.

The additional hard rock allocation is located on land to the south and west of the existing Hermitage Quarry. The new allocation straddles the boundary of Maidstone Borough and Tonbridge and Malling Borough, with circa 2/5 of the allocation being sited within Maidstone.



The proposed allocation would adjoin the existing extraction site. The current extraction site, along with the proposed extension, lie within the Oaken Wood Local Wildlife Site and Ancient Woodland.

Paragraph 180 (a) of the NPPF states that LPA's should apply the following principles in determining planning applications: if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning should be refused. Paragraph c also states:

"development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists"

Furthermore, Policy DM3 of the adopted Maidstone Local Plan states that developers will ensure new development 'protect positive landscape character, areas of Ancient Woodland... from inappropriate development and avoid significant adverse impact as a result of development.' And in respect to locally designated sites of importance for biodiversity 'avoid damage to and

inappropriate development considered likely to have a significant direct or indirect adverse effects’.

This is an extension of an established minerals site, part of which already occupies an area designated as ancient woodland. The designations are noted, and it would be appropriate for any permission be subject to a condition to restore any wildlife sites and ancient woodland once extraction has been completed.

A number of residential dwellinghouses lie within close proximity to the nominated site boundary, but it is noted that the actual extraction site would be set an appropriate distance from these dwellings. Notwithstanding this setback to the extraction site, Policy DM11 of the draft plan states that:

Minerals and waste developments will be permitted if it can be demonstrated that they are unlikely to generate unacceptable adverse impacts from noise, dust, vibration (including vibration from blasting), odour, emissions (including emissions from vehicles associated with the development), bioaerosols, illumination, visual intrusion, traffic or exposure to health risks and associated damage to the qualities of life and wellbeing to communities and the environment.

The plan offers some surety that the amenity of nearby residential properties can be preserved, providing that broader policies within the plan are adhered to. It is noted that the extended allocation lies within close proximity to a Site of Special Scientific Interest, and MBC would also be concerned the proposal should not have significant impact on this designation.

In respect to Chapel Farm, new text has been inserted setting out need and supply. The allocation has not changed, nor has the rate of extraction.

The proposed additional allocation at Hermitage Quarry could adversely impact on an area designated as Local Wildlife Site and Ancient Woodland. On this basis, Maidstone Borough Council request that any permission be subject to a condition requiring reinstatement of the Local Wildlife Site and Ancient Woodland.

The appendix differs from that presented to the PIED PAC, as following the committee’s considerations of the response it has been amended to capture its views.

Alternatives considered and Why Rejected

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

Option 3: Following the matter’s consideration by the Planning, Infrastructure and Economic Development Policy Advisory Committee on 6 September 2023, an alternative recommendation was made:

RESOLVED to RECOMMEND to the CABINET MEMBER: That the letter be withdrawn, and a new letter sent in its place using the wording provided by the woodland trust of: ‘given unacceptable habitat lost, MBC are unable to support

the proposed quarry extension’.

The Cabinet Member for Planning, Infrastructure and Economic Development has indicated that consideration has been given to refuting the proposal. KCC has an obligation to identify and meet local needs for minerals and at present the proposed site is the only source of hard rock that has been put forward and therefore the Council is not in a position to reject it.

Background Papers

None.

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



Signed: _____
Cabinet Member for Planning, Infrastructure and Economic
Development

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 15 September 2023**