

From: Bryan Sweetland, Cabinet Member – Environment, Highways & Waste
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To: Environment, Highways & Waste Cabinet Committee

Date: 11 May 2012

Subject: Kent Minerals and Waste Local Plan - Mineral Sites Plan and Waste Sites Plan Consultation at 'Preferred Options' Stage

Classification: Unrestricted

Summary:

This report summarises the progress that has been made on the preparation of the Kent Minerals and Waste Local Plan documents and explains why it is now necessary to carry out a county wide consultation on the preferred options for both the 'Mineral Sites Plan' and the 'Waste Sites Plan'.

Recommendation:

Members of the Environment, Highways & Waste Cabinet Committee are asked to endorse the commencement of the 8 week consultation on the Mineral Sites Plan and Waste Sites Plan at 'preferred options' stage commencing on 28 May 2012.

1. Introduction

- 1(1) The preparation of the Kent Minerals and Waste Development Framework (MWDF) (now the Kent Minerals and Waste Local Plan (MWLP¹)), is a statutory requirement. The Localism Act 2011 and the newly published National Planning Policy Framework (March 2012) retain the requirement for County Councils to prepare policy plans for minerals and waste developments. Work on the emerging suite of minerals and waste plans commenced in Spring 2010 and has been progressing well since then.
- 1(2) A cross party Informal Members Group, chaired by David Brazier steers the preparation of the minerals and waste plans.
- 1(3) The Kent MWLP will consist of three main documents supported by a range of evidence base topic papers, a Sustainability Appraisal, a Habitats Regulation Assessment and a Strategic Flood Risk Assessment. The three main minerals

¹ **The National Planning Policy Framework (March 2012) requires Mineral Planning Authorities to prepare Local Plans which should have the objective of contributing to the achievement of sustainable development.**

and waste plan documents being prepared, which will contain policies and site allocations are:-

- (a) The Minerals and Waste Plan (formerly the Core Strategy);
- (b) The Minerals Sites Plan; and
- (c) The Waste Sites Plan

2. Financial Implications

- 2(1) The Kent Minerals and Waste Policy Planning Team are preparing the Kent MWLP documents in-house and co-ordinating the various rounds of consultation. The majority of the evidence based topic papers that inform the preparation of the plans (including the Strategic Flood Risk Assessment) are also being prepared by the team. Only the accompanying Sustainability Appraisal report, the Habitat Regulations Assessment and an updated technical waste needs assessment report have been prepared by consultants.
- 2(2) The consultation will involve arranging a series of stakeholder meetings and drop-in sessions in community halls around the county during June 2012. A limited number of hard copies of the main documents will be printed for distribution around libraries, gateways and for distribution at the stakeholder events and drop-in sessions. CDs containing all of the consultation documents and the evidence base will be distributed to our key stakeholders and KCC elected members. The consultation documents will be available on-line on the Kent.gov.uk planning web pages and the Kent minerals and waste planning policy consultation portal. The total costs for the consultation including the hire of the venues, printing of consultation documents and CDs is estimated at £6.5K, which will be funded from the Minerals and Waste Planning Policy team's revenue budget.

3. Bold Steps for Kent and Policy Framework

- 3(1) The preparation of the Minerals and Waste Local Plans contributes significantly to two of the aims of Bold Steps for Kent, these are helping the Kent economy to grow and putting the citizen in control.
- 3(2) The Kent Minerals and Waste Development Framework is identified in the Constitution (Appendix 3) as a policy document being prepared by the Council. It also identifies that separate documents are being prepared for the Mineral Sites Plan, the Waste Sites Plan and the Core Strategy.

4. Report to Cabinet Committee

- 4(1) The MWLP is both a long term strategy and a land use plan, which will contain planning policies and site allocations for all economic minerals in Kent and all waste streams for the whole of the plan period up to the end of 2030. Its preparation is separate from KCC's role as Waste Disposal Authority (WDA) for household (municipal) waste. It is also distinct from KCC's role as Planning Authority in determining minerals and waste planning applications.

- 4(2) The MWLP will become part of the statutory development plan, alongside the District Council Local Plans. Once the MWLPs have been through an independent examination process, they will need to be adopted by the Council. After adoption, all future minerals and waste applications will be assessed against their policies and site allocations.
- 4(3) Previously in 2010 and 2011, reports to Environment, Highways and Waste (EHW) Policy Overview and Scrutiny Committee (POSC) have been presented regarding progress on the minerals and waste plan making process and seeking approval for earlier consultation stages. The last report to EHW POSC was in April 2011 prior to the consultation on the Mineral Sites Plan and Waste Sites Plan at 'Options' stage and the Core Strategy at 'Strategy and Policy Directions' consultation.
- 4(4) The May 2012 consultation will ask for views on the preferred options for minerals and waste sites required to meet Kent's needs up to the end of 2030. The preferred options have been derived from an on-going, thorough site assessment process which compares the need for each type of facility against the site proposals. The preferred options are considered to be the best, most sustainable and deliverable solutions for Kent's minerals and waste needs for the plan period. The waste needs assessment update report includes small quantities of London's waste. The volume calculations for London's waste to be included in Kent's need assessment have been based on South East Plan evidence and policies.
- 4(5) The number of responses received during the minerals and waste plan consultations held during 2011 (excluding petitions) was as follows:-

Consultation	Web based responses	Total responses
Core Strategy - Strategy & Directions	219	655
Minerals Sites - Options	324	1705
Waste Sites - Options	405	1059
Supplementary Site - Options	78	362
Total:	1026	3781

- 4(6) The revised programme for the Core Strategy (Minerals and Waste Plan) and the sites plans is set out below. This timetable has been agreed with Government as part of the Kent Minerals and Waste Development Scheme (December 2011).

Revised Timetable for the Core Strategy (Minerals and Waste Plan)

MWDF Programme	Timetable Date	Completed
Consultation on scoping of sustainability appraisal	September / October 2009	<input checked="" type="checkbox"/>
'Issues' Consultation (Reg. 25)	September / October 2010	<input checked="" type="checkbox"/>
Strategy & Policy Directions Consultation (Reg. 25)	May /June 2011	<input checked="" type="checkbox"/>
Publication & Pre-submission Consultation (Reg. 27)	September/October 2012	
Submission (Reg. 30)	November 2012	
Pre Hearing Meeting	January 2013	
Examination Hearings	March 2013	
Receipt of Inspectors Report	July 2013	
Estimated Date of Adoption	September 2013	

Revised Timetable for the Mineral Sites Plan and Waste Sites Plan

MWDF Programme	Timetable Date	Completed
Call for Sites	May to October 2010	<input checked="" type="checkbox"/>
Publication Of Site Options Consultation	May 2011	<input checked="" type="checkbox"/>
Publication of Supplementary Site Options Consultation	October 2011	<input checked="" type="checkbox"/>
Policy Directions Consultation (Preferred Options) (Reg 25)	May-July 2012	
Publication & Presubmission Consultation (Reg 27)	September 2013	
Submission (Reg 30)	November 2013	
Pre Hearing Meeting	January 2014	
Examination in Public Hearings	March 2014	
Receipt of Inspectors Report	May 2014	
Estimated Date for Adoption	September2014	

4(6) Delaying the consultation now would have a knock on effect with regard to all of the later stages of plan making. It is also normal (good) practice not to consult over the school summer holidays hence the recommended start date of late May.

4(7) It is important that 'sound'², up to date plans are prepared and adopted by the Council as soon as possible, as the NPPF requires Planning Authorities to have NPPF compliant plans in place within 12 months of its publication (ie by March 2013). If this is not achieved, when local authorities determine planning

² A 'sound' plan is one which is positively prepared, justified, effective and consistent with national policy.

applications, due weight is to be given to relevant policies in existing plans according to their degree of consistency with the NPPF (the closer the policies in the plan to the policies in the NPPF, the greater the weight that may be given). Kent is currently relying on saved 'old' style local plan policies dating back to 1986 (brickearth), 1993 (construction aggregates) and 1998 (waste). It is likely that the 'saved' policies from these plans will become less relevant for determining planning applications as the implications of the NPPF become clear. Without a suite of adopted, modern local plans, there is a risk that speculative applications come forward with the associated risk of high costs being incurred by the Council at public inquiry. In addition, there is a risk of fines being levied upon County Councils arising from infraction procedures in relation to non compliance with the plan making requirements within the EU Waste Framework Directive.

4(8) Printed copies of the draft mineral sites plan and waste sites plan at 'preferred options' stage will be made available to members of this Cabinet Committee.

4 (9) The consultation process will comply with the statutory requirements of the Planning Acts and associated regulations. Under of the 2004 Planning & Compulsory Purchase Act, KCC must prepare a Statement of Community Involvement (SCI) for all its planning functions, setting out how individuals, groups and organisations will be involved in the planning process. The revised SCI was adopted in January 2011. It commits KCC to make information accessible to everyone, to consult at formative stages and to prepare consultation reports summarising the responses to the various consultations. All people and organisations with an interest in minerals and waste in Kent are updated regularly on plan making progress. There are currently over 2000 people and organisations registered on the MWLP database.

5. Conclusions

5(1) It is important that the Council expedites the preparation of the Kent Minerals and Waste plans. The next stage of the plan making process is to consult upon the 'preferred options' for the minerals and waste site plans.

6. Recommendation

6(1) It is recommended that the Cabinet Committee agree to the commencement of the 8 week consultation on the Mineral Sites Plan and Waste Sites Plan at 'preferred options' stage commencing on 28 May 2012.

7. Background Documents

7(1) The Draft Mineral Sites Plan and Waste Sites Plan at 'Preferred Options' Stage (May 2012) (both circulated before the meeting);

- 7(2) The Minerals and Waste Local Plan Evidence Base Topic Reports (all previous and new updated MWLP reports and the reports listed below will be added to the kent.gov.uk/mwdf web pages to coincide with the commencement of the consultation;
- 7(3) The Consultation Commentary reports summarising the results of the previous consultations;
- 7(4) The Mineral Sites Plan and Waste Sites Plan Sustainability Appraisal Report;
- 7(5) The Mineral Sites Plan and Waste Sites Plan Habitats Regulations Assessment;
- 7(6) The Mineral Sites Plan and Waste Sites Plan Strategic Flood Risk Assessment; and
- 7(7) The Mineral Sites Plan and Waste Sites Plan Equalities Impact Assessment

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