

From: **Barbara Cooper, Corporate Director for Growth, Environment and Transport**

To: **Matthew Balfour – Cabinet Member for Environment & Transport**

Subject: **Kent Minerals and Waste Local Plan – Minerals and Waste Development Scheme**

Key Decision: 16/00121

Past Pathway of Paper: N/A

Future Pathway of Paper: Cabinet Member Decision

Classification: **Unrestricted**

**Electoral Division:** Kent wide

**Summary:**

As the minerals and waste planning authority for Kent, the County Council must prepare and keep under review a Minerals and Waste Development Scheme (MWDS). The MWDS sets out a timetable for the production of the key planning documents of the Kent Minerals and Waste Local Plan. This report proposes changes to the current MWDS and seeks Environment and Transport Cabinet Committee's endorsement to these changes.

**Recommendation(s):**

The Cabinet Member for Environment & Transport is asked to agree the proposed decision to:

- (i) endorse an updated MWDS as attached at **Appendix B**; and
- (ii) authorise the Corporate Director for Growth, Environment and Transport to:-
  - bring the updated MWDS into effect; and,
  - publish the updated MWDS on the Council's website

**Introduction**

1.1 Under the Planning and Compulsory Purchase Act 2004 (as amended), the County Council must prepare a Minerals and Waste Development Scheme (MWDS), which is a project plan that includes timetables for preparing planning documents relating to minerals and waste over the next three years. The MWDS assists the programming of Public Examinations and allows the public to know when and at what stage they can be involved. The last revision to the MWDS was published in July 2014.

1.2 A revision is now required to show an updated timetable for preparing the Kent Minerals and Waste Sites Plans which will allocate land for the future development of waste management and minerals supply facilities.

- 1.3 The update reflects the Council’s adoption of the Kent Minerals and Waste Local Plan 2013-2030 in July 2016. The previous MWDS had anticipated adoption by April/May 2015 but the independent examination of the Plan took longer than expected, largely due to the need for two rounds of consultation on modifications recommended by the examination Inspector.
- 1.4 Subsequent delays to the adoption of the Kent Minerals and Waste Local Plan 2013-2030 have resulted in a consequent delay to the commencement of work on the Minerals and Waste Sites Plans and hence the need for a revised timetable. The key stages in the preparation of the Sites Plans are set out below, and the proposed complete revised scheme is included with this report as **Appendix B**:

<b>Stage</b>	<b>When</b>
‘Call for Sites’	November 2016 to January 2017
Preferred Options Consultation	September to October 2017
Pre-Submission Plan Consultation	July to September 2018
Submission of Plan to Government	October 2018
Independent Examination Hearings	February to April 2019
Adoption	September 2019

- 1.5 In addition, during the examination of the Kent Minerals and Waste Local Plan 2013-2030, the Inspector recommended that the Council publish separate guidance on its approach to the safeguarding of minerals resources and supply facilities as well as to waste management facilities. It is therefore necessary for the Council to prepare a separate guidance document, known formally as a Supplementary Planning Document (SPD), to cover these matters.
- 1.6 The revised MWDS also notes that the Council is updating its ‘Statement of Community Involvement’ (SCI). The SCI sets out how communities and stakeholders are to be involved in the preparation of Local Plan documents.
- 1.7 The updated MWDS sets out the timetable for the preparation of the SPD and notes the preparation of the updated Statement of Community Involvement.
- 1.8 Separate reports concerning the preparation of the Kent Minerals and Waste Sites Plans, the SPD and the SCI are being presented to this meeting of Environment & Transport Cabinet Committee. Each are the subject of a separate Forthcoming Executive Decision (FED).

## **2. Corporate Policy Implications**

- 2.1 Once adopted the Kent Minerals and Waste Sites Plans will provide further Council policy on the use of land associated with waste management and minerals supply facilities. The Sites Plans will identify specific areas of land which the Council considers are suitable for the development of waste management and minerals supply facilities. In conjunction with the adopted Kent Minerals and Waste Local Plan 2013-2030, the Sites Plans will be used by the Council to assess the merits of planning applications submitted for waste and minerals developments. The Sites Plans will be prepared to be consistent with the approach set out in the Kent Minerals and Waste Local Plan 2013-2030.

2.2 The Sites Plans will support and aid delivery of a number of corporate and partnership strategies. In particular they will underpin corporate policies contained within the Strategic Statement 'Increasing Opportunities, Improving Outcomes – Kent County Council's Strategic Statement 2015-2020' by supporting and facilitating new growth in the Kent economy, and the creation of a high quality built environment.

2.3 In addition, the Sites Plans have a role to play in the delivery of the Kent Environment Strategy, the Joint Municipal Waste Strategy and the Kent and Medway Growth and Infrastructure Framework.

### **3. Financial Implications**

3.1 The costs of preparing the Kent MWLP Mineral and Waste Sites Plans are included in the Environment Planning and Enforcement Division's budget. There is an expectation by Government (DCLG) that all planning authorities have an up to date local plan in place. Without an adopted Plan, there is a risk that DCLG will step in as the plan making authority, reducing local accountability.

### **4. Legal Implications of the Suggested Action**

4.1 The County Council has a legal obligation under the Planning and Compulsory Purchase Act 2004 (as amended) to prepare a Minerals and Waste Development Scheme setting out how planning documents concerning minerals and waste developments will be prepared. The revised Kent MWDS has been prepared to ensure compliance with this legislation.

### **5. Equalities Implications**

5.1 Equalities Impact Screening of each of the documents set out in the Minerals and Waste Development Scheme will be undertaken and Equalities Impacts Assessments of the documents screened as requiring assessment will be carried out.

### **6. Conclusions**

6.1 The County Council is required by legislation to describe and maintain a timetable of the documents it proposes to prepare relating to its plan-making obligations for minerals and waste management developments. The Council's current document, known as the Minerals and Waste Development Scheme (MWDS), requires updating and the endorsement of the Environment & Transport Cabinet Committee was sought on 17 November to an updated MWDS.

### **7. Recommendations**

#### **Recommendation(s):**

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## 8. Background and Appended Documents

8.1 Reports include further information concerning documents covered by the MWDS, namely:

- Proposed Record of Decision – Appendix A
- Kent Minerals and Waste Local Plan – Minerals and Waste Development Scheme - Appendix B
- Draft Minerals and Waste Safeguarding Supplementary Planning Document-  
<https://democracy.kent.gov.uk/ecSDDisplay.aspx?NAME=SD4863&ID=4863&RPID=11510896>
- Draft Kent Statement of Community Involvement -  
<https://democracy.kent.gov.uk/ecSDDisplay.aspx?NAME=SD4864&ID=4864&RPID=11510902>
- Mineral and Waste Development Scheme 2014 -  
<https://democracy.kent.gov.uk/ecSDDisplay.aspx?NAME=SD4865&ID=4865&RPID=11510904>
- Kent Minerals and Waste Local Plan 2013 -30  
<http://consult.kent.gov.uk/file/4073744>

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