

Statement of Common Ground Between Kent County Council and Maidstone Borough Council Concerning (the Parties) the Review of the Kent Minerals and Waste Local Plan

July 2024

1.0 Introduction and Parties Involved

1.1 The National Planning Policy Framework¹ (NPPF) states that: *“Local planning authorities and county councils (in two-tier areas) are under a duty to cooperate with each other, and with other prescribed bodies, on strategic matters that cross administrative boundaries.”* and *“Strategic policy-making authorities should collaborate to identify the relevant strategic matters which they need to address in their plans.”*

1.2 It also states²: *“In order to demonstrate effective and on-going joint working, strategic policy-making authorities should prepare and maintain one or more statements of common ground, documenting the cross-boundary matters being addressed and progress in cooperating to address these. These should be produced using the approach set out in national planning guidance and be made publicly available throughout the plan-making process to provide transparency.”*

1.3 This document represents a Statement of Common Ground (SoCG) between Kent **County Council (KCC)** and **Maidstone Borough Council (MBC) (the Parties)** that demonstrates how cross-boundary matters with respect to minerals and waste are being addressed and progressed.

1.4 Specifically, this SoCG covers the following strategic matters:

- Safeguarding of mineral resources
- Safeguarding Minerals Management, Transportation & Waste Management Facilities

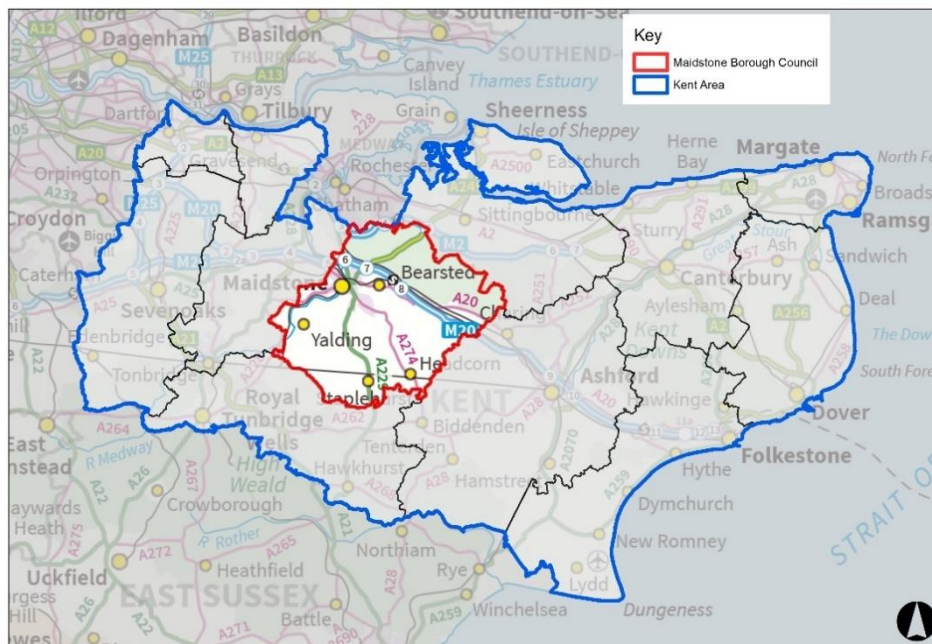
1.5 KCC is the waste and minerals planning authority for the two-tier area of Kent with responsibility for planning for the future management of waste and supply of minerals in the county by preparing relevant strategic policies and their statutorily required review. Maidstone Borough is located within Kent and MBC has responsibility for planning other development such as housing and employment within the Borough of Maidstone (See Figure 1).

1.6 Matters relating to allocation of land for extraction of minerals would be dealt with separately as part of KCC’s review of the Minerals Sites Plan which is a separate document.

¹ Paragraph 24 and 25 of the revised National Planning Policy Framework (2023)

²Paragraph 27 of the National Planning Policy Framework (2023)

Figure 1: Location of Kent and the Borough of Maidstone



1.7 In accordance with paragraph 8 of National Planning Policy for Waste (2014), MBC also has responsibility for helping ensure that waste is managed in accordance with the Waste Hierarchy³, this includes the following:

“8. When determining planning applications for non-waste development, local planning authorities should, to the extent appropriate to their responsibilities, ensure that:

the likely impact of proposed, non-waste related development on existing waste management facilities, and on sites and areas allocated for waste management, is acceptable and does not prejudice the implementation of the waste hierarchy and/or the efficient operation of such facilities;”

1.8 Insofar as safeguarding mineral resources and waste management and mineral supply infrastructure is concerned, the following paragraphs of the National Planning Policy Framework apply:

Paragraph 215: It is essential that there is a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs. Since minerals are a finite natural resource, and can only be worked where they are found, best use needs to be made of them to secure their long-term conservation.

Paragraph 216(c): safeguard mineral resources by defining Mineral Safeguarding Areas; and adopt appropriate policies so that known locations of specific minerals resources of local and national importance are not sterilized by non-mineral development where this should be avoided (whilst not creating a presumption that the resources defined will be worked)

Paragraph 216(d): set out policies to encourage the prior extraction of minerals, where

³ See Appendix A of National Planning Policy for Waste. The waste hierarchy expects waste to be managed in the following order of preference: Prepared for reuse; Recycled and/or composted; Recovered in ways other than recycling/composting; and, finally, Disposed.

practical and environmentally feasible, if it is necessary for non-mineral development to take place;

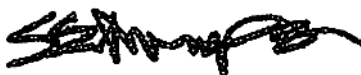

Paragraph 216 (e): safeguard existing, planned and potential sites for: the bulk transport, handling and processing of minerals; the manufacture of concrete and concrete products; and the handling, processing and distribution of substitute, recycled and secondary aggregate material;

Paragraphs 217: When determining planning applications, great weight should be given to the benefits of mineral extraction, including to the economy.

Paragraph 218: Local planning authorities should not normally permit other development proposals in Mineral Safeguarding Areas if it might constrain potential future use for mineral working.

1.9 KCC is in the process of reviewing the adopted Kent Minerals and Waste Local Plan 2013-30 (Early Partial Review 2020) (KMWLP), and further considering the possible review of the adopted Mineral Sites Plan 2020 (MSP). The KMWLP review has resulted in modifying its adopted planning policies concerning the supply of aggregate minerals, biodiversity net gain, low level and very low-level nuclear waste management at the Dungeness Nuclear Estate, deletion of both strategic minerals and waste site allocations, changes to the supporting text regarding the expectation of receiving a declining amount of non-hazardous waste from London and minor changes to the Mineral Safeguarding Area proposals maps. In 2017 KCC adopted a Supplementary Planning Document on Safeguarding (Safeguarding SPD), this was reviewed in March 2021. Modifications to the KMWLP safeguarding policies (DM 7 (7) and DM 8 (2)) were proposed as part of the Early Partial Review of the KMWLP, the emerging Full Review of the KMWLP does not propose to make any additional changes to these policies or their explanatory text.

2.0 Signatories

	
Sharon Thompson	Tony Harwood
Signed on behalf of Kent County Council	Signed on behalf of Maidstone Borough Council
Position: Head of Planning Applications Group, Growth, Environment and Transport Directorate.	Cabinet Member for Planning Policy and Management
Date: 24 July 2024	Date: 22 July 2024

3.0 Strategic Geography

3.1 Maidstone is the central borough in Kent (see Figure 1). The borough is predominantly rural in character and the largest rural service centres are Harrietsham, Headcorn, Lenham, Marden and Staplehurst. The main urban settlement is Maidstone. A motorway (the M20) crosses the Borough diagonally from the south-east to north-west and intersects with the A229 just north of Maidstone. The borough is also served by the A20, A228 and A249.

3.2 The economic safeguarded minerals found within the borough are detailed in chapter 9 of the [Kent Minerals and Waste Local Plan](#) 2013-30 and the emerging [Kent Minerals and Waste Local Plan 2024-39](#) where Mineral Safeguarding Areas proposals maps are included for the respective areas. Allington Rail depot handles imports and exports of mineral into and out of the Maidstone Borough Council area. Allington Rail Depot is safeguarded. The [Maidstone Minerals Safeguarding Areas](#) map identifies safeguarded economic mineral deposits within the borough.

3.3 Waste produced in the borough area is managed at various facilities both within and outside of the borough area. The safeguarded waste facilities are included in the [Monitoring and assessment](#) section of the County Council's web page. The mineral and waste sites list is part of the Annual Monitoring Report though is kept separate for ease of correction and updating. The list is a living document as sites are permitted and implemented or closed and restored the list requires periodic updating.

4.0 Strategic Matters

4.1 Safeguarding of Mineral Resources Policy Considerations

4.1.1 Protecting mineral resources from unnecessary sterilisation is key to sustainable development principles and so is an integral part of national planning policy. Minerals are a finite natural resource which need to be used prudently. The purpose of safeguarding minerals is to ensure that sufficient economic minerals are available for future generations to use (see National Planning Policy Framework 2023, Part 17 Facilitating the sustainable use of minerals).

4.1.2 The Parties agree that safeguarding of minerals resources in the Borough of Maidstone will take place according to the safeguarding policies and the Safeguarding SPD (as updated in March 2021). Key aspects of the approach are described below.

Minerals Safeguarding Areas (MSAs)

4.1.3 MSAs cover areas of known mineral resources that are, or may in future be, of sufficient value to warrant protection for future generations. MSAs ensure that such resources are adequately and effectively considered in land-use planning decisions so that they are not needlessly sterilised.

4.1.4 The MSAs carry no presumption for extraction and there is no presumption that any areas within MSAs will ultimately be acceptable for mineral extraction. The Parties agree that economically important geological boundaries of the adopted MSAs for the Borough of Maidstone are set out in the Policies Maps in Chapter 9 of the adopted Kent MWLP. In the Borough of Maidstone, the MSA is also set out on the Policies Maps of the Maidstone Borough Local Plan. The review of the Kent MWLP continues to demonstrate where the economically important safeguarded geological deposits are located in the Maidstone Borough area MSA.

4.1.5 Minerals Consultation Areas (MCAs) cover the same area as MSAs. The Parties agree that if an application for non-minerals development is received by MBC within the MCA, excluding householder, advertisement and listed building consent applications and Lawful Development Certificates, then it will consult KCC on the implications for safeguarding the resource in that area. The Parties agree that KCC will provide its views within 21 days of being consulted and if no response is provided MBC may take that to mean that KCC has no concerns.

4.1.6 The Parties agree that applications for development within MSAs will need to be accompanied by related information to allow an assessment of the impact on the resource to be undertaken. The information required is set out in the revised 2021 Safeguarding SPD and in Maidstone Borough Council's Planning Application Validation Checklist.

4.1.7 The Parties agree that to support MBC in consideration of minerals safeguarding, on request, KCC will provide advice on the importance of the safeguarded resource at the time an application is made.

4.1.8 The Parties agree that existing and allocated mineral sites are also protected by the safeguarding policies and KCC and MBC will apply these policies when considering any applications which might impact upon the extraction of minerals from these sites.

4.1.9 The Parties agree that KCC and MBC will apply Policy DM 7 (subjected to review as part of an Early Partial Review of the Kent MWLP adopted in 2020) when determining if proposed development that might otherwise be incompatible with safeguarding a mineral resource would be acceptable. Exceptions to the presumption to safeguard are set out in Policy DM 7 include where a proposal is on land allocated in a local plan and/or where prior extraction of the mineral has taken place.

4.1.10 The Parties agree that, development proposed on a site allocated in the Maidstone Borough's adopted 2017 Local Plan within an MSA will be exempted from safeguarding considerations as set out in the KMWLP for the following defined economic minerals:

- Sandstone-Sandgate Formation
- Limestone Hythe Formation (Kentish Ragstone)

4.1.11 This is because the Inspector for the Maidstone Borough Local Plan (2017) specifically considered the application of minerals safeguarding to the site allocations in the Maidstone Borough Local Plan. He concluded that non-minerals development on allocations within the Kentish Ragstone and Sandgate Formation Sandstone Minerals Safeguarding Areas would not result in a material inconsistency with national policy since these minerals are likely not to be needed. (See paragraphs 58 to 62 of the 27th July 2017 [Report on the Examination of the Maidstone Borough Local Plan File Ref: PINS/U2235/429/8](#)). The Parties agree that this matter can be also be proposed as a main modification to the adopted KMWLP Early partial Review, as additional explanatory memoranda to Policy DM 7. With the following wordings in the Draft Regulation 19 KMWLP 2024-39:

"7.5.5 However, applications for non-mineral development located in MSAs, which are promoted as a 'windfall site' (sites not allocated in a development plan) or which are being promoted on allocated sites that have not been the subject of a 'Minerals Assessment', will usually need to be accompanied by such an assessment. This assessment will be prepared by the promoter and will include information concerning the availability of the mineral, its scarcity, the timescale for the development, the practicability and the viability of the prior extraction of the mineral. Guidance on undertaking Minerals Assessments is included in the British Geological Society's

(BGS) Good Practice Advice on Safeguarding.4

*7.5.9 In the case of the Sandstone-Sandgate Formation and the **Limestone** Hvthe Formation (Kentish Ragstone) the **low probability of utility of the Sandgate Beds** and the significant available reserves (in 2019) of the Kentish Ragstone, it is anticipated that any future allocations in local plans for non-mineral development that are coincident with these safeguarded minerals will be unlikely to be found to be in conflict with the presumption to safeguard these minerals. This will need to be evidenced by a Minerals Assessment the level of detail required will need to be **proportionate**. Further guidance will be provided in the revised Safeguarding 2021 SPD."*

4.1.12 In preparing the [Maidstone Borough Local Plan Review 2021-2038](#), the parties have worked on mineral safeguarding matters and considered the safeguarding implications of the Borough Council's allocations. This includes detailed negotiations regarding the Heathlands Garden Settlement (policy LPRSP4(a)). Details of these negotiations are set out in a separate agreed SOCG. The Parties agree that when deciding on allocations in future Local Plans, MBC will meaningfully take into account the existence of the MSAs and, if any proposed sites are within an MSA, will take advice from KCC on the minerals safeguarding implications of the proposed allocation. To support the local plan preparation process, KCC will produce notes on request on safeguarded geology for Maidstone borough setting out the likely economic viability of extracting minerals.

Prior extraction

4.1.13 The Parties agree that KCC and MBC will consider applications for prior extraction of safeguarded mineral resources, that would otherwise be sterilised by non-minerals development, against adopted Kent MWLP Policies CSM 4 and DM 9 and other relevant policies in the adopted Maidstone Borough Local Plan. This is to include the prior extraction at sites allocated for non-minerals development and for sites coming forward for non-minerals development on unallocated land (windfall sites).

Review

4.1.14 The Parties agree that KCC will review the extent of the MSAs at least every five years. The current MSAs were adopted in 2016, the Review of the Kent MWLP 2024 is in progress including a review of the MSA areas, if adopted in 2024/25 the next MSA review would be in the 2029/30 period.

4.2 Safeguarding Minerals Management, Transportation & Waste Management Facilities

4.2.1 Mineral transportation infrastructure is important because imported minerals make a major contribution to Kent's requirements and production facilities convert materials into useable products. Transportation infrastructure also allows for export of minerals to other areas.

4.2.2 The purpose of safeguarding sites hosting existing waste and minerals infrastructure, as well as those with planning permission and/or allocated for such uses, is to ensure that the need for existing or planned waste management and minerals supply infrastructure is taken into account when decisions are made on all new development in Kent.

4.2.3 The Parties agree that as the responsibility for determining the majority of planning applications for non-waste and minerals development in the Borough of Maidstone, such as housing, lies with MBC, this authority is primarily responsible for ensuring the safeguarding of waste and minerals infrastructure. In any event, both Parties agree that they will work

together to ensure that the relevant safeguarding policy is implemented effectively. For the purposes of determining planning applications, the adopted Maidstone Borough Local Plan and the adopted Minerals and Waste Local Plan both form part of the Development Plan for the purposes of s38(6) of the Planning and Compulsory Purchase Act 2004.

4.2.4 The Parties agree that when considering applications which could affect waste and minerals infrastructure against Policy CSM 6 (Railheads and Wharves) and Policy CSM 7 (Other Mineral Plant), as appropriate and other relevant policies in the adopted Maidstone Borough Local Plan.

4.2.5 The loss of existing waste management capacity could have an adverse effect upon delivering the waste strategy, including net self-sufficiency in waste management, in Kent and so its protection is also important. Parties agree that KCC and Maidstone Borough Council will consider applications which could affect existing permitted sites with permanent permission for waste management against Policy CSW 16 as appropriate and other relevant policies in the adopted Maidstone Borough Local Plan.

4.2.6 The Parties agree that where other development is proposed at, or within 250m of, safeguarded minerals and waste management facilities Maidstone Borough Council will consult KCC and take account of its views before making a planning decision (in terms of both a planning application and an allocation in a local plan). KCC will provide its views within 21 days of being consulted and if no response is provided Maidstone Borough Council may take that to mean that KCC has no concerns.

4.2.7 The Parties agree that development proposed on a site allocated in the Maidstone Borough Local Plan for that purpose that would jeopardise existing or allocated minerals and waste infrastructure will not be exempted from safeguarding as the importance of safeguarding the infrastructure was not considered at the time the Local Plan was prepared.

4.2.8 Each year KCC will publish an updated list of existing minerals management, transportation and waste sites requiring safeguarding in the KCC Annual Monitoring Report.

5.0 Governance and Future Arrangements

5.1 KCC and MBC will cooperate and work together in a meaningful way and on an ongoing basis to ensure the effective strategic planning of waste management. This statement is agreed by the KCC's Head of Planning Applications Group and MBC's Cabinet Member for the Planning Policy and Management.

5.2 The ability of Maidstone Borough to contribute to waste management and minerals supply in Kent will be monitored by KCC and reported each year in the Kent Annual Monitoring Report. As necessary this monitoring will trigger a review of this Statement of Common Ground, for example in light of changes to waste management and minerals supply capacity within the Borough of Maidstone. Progress with co-operation between the two Parties will be reported in each of their Annual / Authority Monitoring Reports.

5.3 Specific matters likely to prompt a review of this SoCG are as follows:

- Any review of the Kent Minerals Sites Plan 2020
- Any further update to the Kent Minerals and Waste Safeguarding SPD
- Review of Minerals Safeguarding Areas (anticipated 2029/30)
- Review of the adopted Maidstone Borough Local Plan Review 2021-38 (adopted March 2024)
- Any key changes to relevant national policy