

TONBRIDGE & MALLING BOROUGH COUNCIL

PLANNING and TRANSPORTATION ADVISORY BOARD

16 November 2011

Report of the Director of Planning, Transport & Leisure

Part 1- Public

Matters for Recommendation to Cabinet - Non-Key Decision (Decision may be taken by the Cabinet Member)

1 KENT MINERALS AND WASTE DEVELOPMENT FRAMEWORK – RESPONSE TO SUPPLEMENTARY OPTIONS CONSULTATION

Summary

Kent County Council (KCC) is part way through the process of preparing a new Minerals and Waste Development Framework (MWDF) and is currently consulting on supplementary minerals and waste sites options. This report recommends a response to KCC on the consultation document.

1.1 Background to the Supplementary Options Consultation

1.1.1 KCC consulted on the 'Options' stage for the Mineral Sites and the Waste Sites Development Plan Documents back in the summer 2011. During this stage, KCC invited comments on the 'Call for Sites' exercise. A report on this consultation, along with a proposed response, was considered by this Committee at the meeting on 27 July 2011 (Please see Annex A to this report). The views in that report were transmitted to KCC in response to the consultation.

1.1.2 The 'Call for Sites' exercise, for some reason, overlapped the 'Options' consultation stage. The consequence was that an additional nine sites came forward during the 'Options' consultation. In addition, modifications to five sites were required. Furthermore, two sites were withdrawn by the operator or landowner who promoted the site for consideration. These additions and changes feature in the supplementary options consultation.

1.1.3 The current consultation concludes at 5pm on Monday 19th December 2011.

1.2 Consultation Matters – Sites within Tonbridge and Malling Borough

1.2.1 There are four sites in the consultation document which are located in Tonbridge and Malling Borough. These are set out in more detail in Annex B to this Report.

1.2.2 Of the four sites, only one is an additional site: Borough Green Sand Pit, Wrotham (site ref 105). This site is located north-east of Borough Green, bounded to the

north by the M26. The submission proposes a northerly extension to the existing sand extraction pit area with subsequent infilling of inert waste.

- 1.2.3 The remaining three sites featured in the original 'Options' consultation document but have been subject to modifications.
- 1.2.4 Ightham Sandpit Amendment (Site Ref 9) – This site remains unchanged in terms of the location and area. The amendment made is that the site now features only in the Waste Sites DPD. The original 'Options' consultation featured the site in both the Waste and Minerals Sites DPDs. This was incorrect because the site had only been put forward by the operator for inert waste infilling, not an extension of the existing extraction area.
- 1.2.5 Ightham Sandpit (Western Extension) Amendment (Site Ref 50) – This site remains unchanged in terms of the location and area. The amendment made is that the site now features in both the Minerals and Waste Sites DPDs. The original consultation only featured the site in the Waste Options consultation when it should have featured in the Mineral Sites Options consultation as well because the proposal features sand extraction.
- 1.2.6 Stonecastle Farm Quarry (Western Extension) Amendment (Site Ref 71) – This amendment is the most significant because the original 'Options' consultation showed the existing extraction (sand & gravel) area of the quarry rather than the proposed western extension.
- 1.2.7 In summary, there is effectively a net gain of one additional site for mineral extraction and waste (site 105). The amendment to site 50 (additional mineral site) is cancelled out by the amendment to site 9 (removal of mineral site).
- 1.2.8 **Proposed Response (Mineral Sites)** – Due to the very few amendments, the majority of the response reported to this Committee on 27 July is equally relevant to this current supplementary consultation (see Annex A, paras. 1.4.14 – 1.4.17).
- 1.2.9 In particular, para. 1.4.14 (as it applies to Borough Green), the latter half of para. 1.4.15 and para. 1.4.17, which read:

1.4.14 There are several minerals sites promoted in and adjoining the Borough of Tonbridge and Malling. These cluster in the Borough Green area and along and across the border of the borough with Maidstone and Tunbridge Wells. As a result, it is important that the cumulative impacts of these sites is assessed and documented at the next stage (Preferred Options) in the plan-making process.

1.4.15 ... there are concerns over the impact on the open setting of Borough Green and Platt of these large scale proposals and the resultant impact this would have on the residential amenity of the local communities. Given the scale of existing minerals operations in the local area, there are serious concerns over the cumulative impacts of additional sites on the highway network, pedestrian safety, the integrity of houses and other buildings along the main routes that would be

used by HGVs, and the general amenity and quality of life of Borough Green and Platt by residents.

1.4.17 The assessment criteria in the Options DPD should be corrected and supplemented by these planning considerations highlighted by the Borough Council that reflect serious concerns about the particular sites identified. These matters...should be taken fully into account during the assessment process. It is also important that the decision-making on the minerals sites takes into account the views of affected local communities, including parish councils.

1.2.10 The concerns over the cumulative impacts in the Borough Green area are now compounded by the additional mineral site (Borough Green Sandpit, Wrotham – site ref 105). This emphasises further the need for the cumulative impacts of sites that form a cluster at a particular location to be assessed and documented at the next stage (Preferred Options) in the plan-making process. The need for the decision-making on the mineral sites to take into account the views of affected local communities, including parish councils (see para.1.4.17) is equally important to this supplementary consultation.

1.2.11 **Proposed Response (Waste Sites)** - Due to the very few amendments, the majority of the response reported to this Committee on 27 July is equally relevant to this current supplementary consultation (see Annex A, paras. 1.5.5 – 1.5.9).

1.2.12 In particular, para. 1.5.5 (as it applies to the north-west rural part of the borough), para. 1.5.7 (as it applies to site 50 (Ightham Sandpit, western extension) and paras. 1.5.8 and 1.5.9, which read:

1.5.5 There are several waste sites promoted in and adjoining the Borough of Tonbridge and Malling. These are clustered in the north-west rural area and along the border of the borough with Tunbridge Wells and Maidstone. As a result, it is important that the cumulative impacts of these sites is assessed and documented at the next stage (Preferred Options) in the plan-making process.

1.5.7 In light of the void space in consented landfills, European and National legislation on landfill and the direction it is heading, and the encouragement of the treatment of C&I waste in the Core Strategy (especially in east Kent), the inert infill sites promoted in the borough should be rejected. KCC has indicated that, for the aforementioned reasons, there is no justification for identifying land for possible use for non-hazardous waste landfill. This means that sites 17 (Moat Farm, Five Oak Green), 24 (Land North of Addington), 50 (Ightham Sand Pit) and 70 (Stonecastle Farm Quarry Lake, Five-Oak Green) should not be carried forward to the Policy Directions stage because their allocation would be contrary to the over-arching strategy for waste planning in Kent.

1.5.8 The assessment criteria in the Options DPD should be corrected and supplemented by the criteria suggested above in respect of Minerals sites and that the planning matters relating to the promoted sites ...are taken into account

during the assessment process.

1.5.9 The Council considers it is important that the decision-making on the waste sites takes into account the views of affected local communities, including parish councils.

- 1.2.13 It is proposed, in response to the current consultation, to amend para. 1.5.7 to reflect the addition of site 105, so that it reads:

In light of the void space in consented landfills, European and National legislation on landfill and the direction it is heading, and the encouragement of the treatment of C&I waste in the Core Strategy (especially in east Kent), the inert infill sites promoted in the borough should be rejected. KCC has indicated that, for the aforementioned reasons, there is no justification for identifying land for possible use for non-hazardous waste landfill. This means that sites 17 (Moat Farm, Five Oak Green), 24 (Land North of Addington), 50 (Ightham Sand Pit), 70 (Stonecastle Farm Quarry Lake, Five-Oak Green) and 105 (Borough Green Sandpit) should not be carried forward to the Policy Directions stage because their allocation would be contrary to the over-arching strategy for waste planning in Kent.

- 1.2.14 The concerns over the cumulative impacts in the north-west rural part of the borough are now compounded by the additional waste site (Borough Green Sandpit, Wrotham – site ref 105). This emphasises further the need for the cumulative impacts of sites that form a cluster at a particular location to be assessed and documented at the next stage (Preferred Options) in the plan-making process. The need for the decision-making on the waste sites to take into account the views of affected local communities, including parish councils (see para.1.5.9) is equally important to this supplementary consultation.

1.3 Legal Implications

- 1.3.1 Producing the Minerals and Waste Development Framework is a statutory requirement. Once KCC formally adopts the suite of Development Plan Documents (DPDs), the allocations in the M & W DPDs will need to feature on the Council's Local Development Framework Proposals Map, for information.

1.4 Financial and Value for Money Considerations

- 1.4.1 At this stage in the consultation process on the MWDF there are no financial or value for money considerations.

1.5 Risk Assessment

- 1.5.1 The consultation is an opportunity for the Council to help shape the decision-making for the Core Strategy Pre-Submission document and the Policy Directions (Preferred Options) for the Waste and Minerals Sites DPDs. If a representation is not made at this stage, there is the risk that the concerns and priorities of this

Council and the potential impact on local communities will not be fully considered during the preparation of the next stage in the plan-making process for the MWDF.

1.6 Equality Impact Assessment

1.6.1 See 'Screening for equality impacts' table at end of report.

1.7 Policy Considerations

1.7.1 No policy considerations.

1.8 Recommendations

1.8.1 The views on Kent County Council's Mineral and Waste Sites Development Plan Documents – Supplementary Options Consultation (October 2011) as set out in this report be transmitted to Kent County Council in response to its consultation.

The Director of Planning, Transport & Leisure confirms that the proposals contained in the recommendation(s), if approved, will fall within the Council's Budget and Policy Framework.

Background papers:

contact: Nigel De Wit

Mineral and Waste Sites Development Plan Documents – Supplementary Options Consultation (October 2011)

Steve Humphrey
Director of Planning, Transport & Leisure

Screening for equality impacts:		
Question	Answer	Explanation of impacts
a. Does the decision being made or recommended through this paper have potential to cause adverse impact or discriminate against different groups in the community?	No	

Screening for equality impacts:		
Question	Answer	Explanation of impacts
b. Does the decision being made or recommended through this paper make a positive contribution to promoting equality?	No	
c. What steps are you taking to mitigate, reduce, avoid or minimise the impacts identified above?		

In submitting this report, the Chief Officer doing so is confirming that they have given due regard to the equality impacts of the decision being considered, as noted in the table above.