

**TONBRIDGE & MALLING BOROUGH COUNCIL**  
**PLANNING and TRANSPORTATION ADVISORY BOARD**

**07 March 2017**

**Report of the Director of Planning, Housing and Environmental Health**

**Part 1- Public**

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

**1 KENT MINERALS AND WASTE LOCAL PLAN: SAFEGUARDING SUPPLEMENTARY PLAN DOCUMENT (DRAFT, SEPTEMBER 2016)**

**Summary**

**Kent County Council (KCC) consulted on a draft mineral and waste infrastructure safeguarding Supplementary Planning Document (SPD) between 5<sup>th</sup> December 2016 and 30 January 2017. This report seeks endorsement of the officer-level comments made in response to this consultation.**

**1.1 Background to the Consultation**

- 1.1.1 The Kent Minerals and Waste Local Plan (KMWLP) was adopted by KCC in July 2016 and contains a number of policies concerning minerals and waste safeguarding. The Local Plan Examination for the KMWLP recognised the need for KCC to produce a safeguarding Supplementary Planning Document (SPD) following the adoption of the KMWLP. The SPD provides guidance on the implementation of the safeguarding policies within the KMWLP.
- 1.1.2 Safeguarding policies are not show-stoppers in respect of non-mineral/waste development. The primary function of the policies is to flag up the presence of resources and set out a process that needs to be followed to avoid, where possible, the sterilisation of the resource by exploring the feasibility and viability of extraction prior to development. The SPD sets out the details on how to comply with the safeguarding policies.
- 1.1.3 It is important that the Council responds to consultations in respect of the KMWLP because it forms part of Tonbridge & Malling Borough Council's (T&MBC's) Development Plan. This means that the safeguarding policies contained within the KMWLP, along with any SPD, have implications for the Planning functions of the Council, namely the making of a new Local Plan and the processing of planning applications.

## **1.2 Response to Consultation**

- 1.2.1 The officer-level comments that were submitted in response to the consultation are set out in Annex 1 to this report. Annex 2 sets out the principal Safeguarding Mineral Resources policy in the KMWLP (Policy DM7), for your information.
- 1.2.2 These comments were framed by the fact that the KMWLP is part of the Council's Development Plan, which means that the Planning function of T&MBC will be responsible, in part, for implementing the requirements of the SPD. With this in mind, the comments have been underpinned with the objective of ensuring that the requirements are reasonable and proportionate, in light of the safeguarding policies. It is important to be mindful of this because there may be potential implications in the short-term in respect of the preparation of site allocations as part of the Council's emerging Local Plan.

## **1.3 Legal Implications**

- 1.3.1 The KMWLP forms part of the Council's Development Plan which means that implementing the requirements of the SPD will be the responsibility of the Planning function of the Council.

## **1.4 Financial and Value for Money Considerations**

- 1.4.1 At this stage, there are no immediate financial and value for money considerations.

## **1.5 Risk Assessment**

- 1.5.1 As highlighted above, the KMWLP forms part of the statutory Development Plan for Tonbridge and Malling Borough. If a representation is not made and endorsed at this stage, there is the risk that the concerns and priorities of this Council, particularly in respect of the Planning function, will not be fully addressed.

## **1.6 Policy Considerations**

- 1.6.1 No policy considerations.

## **1.7 Equality Impact Assessment**

- 1.7.1 The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

## **1.8 Recommendations**

- 1.8.1 It is recommended Members **ENDORSE** the officer-level comments **[ANNEX 1]** made in response to the consultation on KCC's mineral and waste infrastructure safeguarding Supplementary Planning Document (SPD).

The Director of Planning, Housing and Environmental Health confirms that the proposals contained in the recommendation(s), if approved, will fall within the Council's Budget and policy Framework

Background papers:  
Kent Minerals and Waste Local Plan: Safeguarding  
Supplementary Planning Document (Draft, September  
2016)

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