

Planning and Development

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Minerals and Waste Planning Policy
Kent County Council
Invicta House
Maidstone
Kent, ME14 1XX

By Email

Date: 29th February 2024

Dear Ms Thompson,

Pre-Submission Draft of the Kent Minerals and Waste Local Plan (KM&W LP) 2024-39

The Council write in reference to the above consultation and thank you for the opportunity to comment.

The Council welcome that since the initial Regulation 18 consultation in December 2021, KCC have responded positively to a number of comments previously made by the Council including extending the plan period to 2039.

The comments set out below highlight the matters which the Council consider still haven't been addressed within the pre-submission draft version of the KM&W LP.

Comments

Spatial Vision and Objectives

The Council previously noted that the proposed amendments to the 'Spatial Vision' for the Plan do not cover the vision of managing increasing levels of service infrastructure to meet growth and demands in waste and resource management.

In the Council's opinion, supporting increasing levels of service infrastructure is fundamental to successful and efficient waste and resource management and therefore plays an important role in helping to achieve KCC's objectives set out in their Plan.



For this reason, the Council continue to recommend that ‘managing service infrastructure’ is reflected more explicitly within the Plan’s ‘Spatial Vision’.

The Council previously expressed the opinion that both disposal capacity and transfer capacity should be dealt with as one function of the Waste Disposal Authority (WDA). It is noted that KCC, in its role as WDA, have clarified that it is conducting a five year review of its Waste Disposal Strategy (WDS) (paragraph 1.3.16 of the pre-submission draft LP). In the Council’s opinion the changes to the Local Plan should reflect the emerging revised Kent WDS.

Objective 11 of the Plan (formerly objective 10) continues to look to industry for solutions to minimise waste and increase its re-use. The Council previously highlighted the need to plan for required infrastructure, and partner with industry to provide solutions. KCC have responded to this issue by stating that they are not responsible for the management of non-household waste and therefore cannot form partnerships with industry in the manner envisaged by ABC. KCC also advise that the Joint Resource Partnership exists to ensure household waste is managed appropriately.

The Council acknowledge KCC’s comments. In response, the Council recommend that the word ‘enabling’ in objective 11 is replaced with the word ‘empowering’. The use of the word enabling suggests a level of control over the waste management industry that KCC have clarified they do not have.

The Council accept that KCC are not responsible for the management of non-household waste but remain of the opinion that the objective should encourage partnership working as a means to achieving desired outcomes. In order to achieve this, the Council consider that the objective could be modified to begin by stating “*Work in partnership to minimise the production in waste and increase.....*”.

Delivery Strategy for Waste

The Council have previously expressed the view that new facilities to accommodate population growth and growing housing need should be planned for through the KM&W Local Plan process by the WDA and Kent Authorities. On this basis, the Council suggested that KCC should allocate a site(s) to ensure that any identified need is met.

KCC maintain that there is currently sufficient capacity for the management of waste in Kent and so there is insufficient justification to allocate any land for new waste management. KCC state that the need for delivering a new waste transfer facility is primarily associated with KCC’s aspiration to improve transportation logistics. Although not related to capacity, KCC have nonetheless identified a need and the Council remain of the view that the KM&W Local Plan represents the opportunity to address this need.

Addressing the identified need through the Local Plan would provide certainty to other plan makers that are required to take the issue of waste capacity into account and whom the plan suggests will be expected to contribute towards waste facilities, as stated in the Plan’s supporting text (see para 6.2.9 of the pre-submission draft of the Local Plan). Paragraph 6.2.9 states that “*financial contributions from applicants for development which will rely on*



the use of the Council's waste management service for the collection and management of waste (mainly that from households) will be sought to assist with the provision of related infrastructure".

From the perspective of Ashford Borough Council, it remains difficult to see how it might seek to secure S106 payments for any future waste facility (assuming that funding towards waste infrastructure is justified, in principle) when the location, nature of the facility, phasing plan and cost assumptions for the infrastructure KCC say is needed are not set out at this point.

The role of a Review and its potential scope

The Council have previously commented on the scope of the KM&W Local Plan in terms of its ability to clarify KCC's position regarding mineral exemptions.

The Council previously raised some concerns about mineral exemptions at the time the Early Partial Review was prepared.. The Council's concerns largely sought clarity from KCC about how 'exempt' site allocations were determined i.e. the previous Minerals and Waste Plan regime exempted all site allocations in LPA produced Local Plans, on the basis that the balance of importance between mineral extraction and the need for new housing and employment sites had already been taken into account through the plan making process. However, the changes to the related policy, introduced as part of their Early Partial Review, meant that this was no longer the case. Instead, the matter was proposed to be dealt with, and clarified, through revisions to a KCC produced SPD (now adopted).

The position is still not addressed in the adopted SPD, instead it is addressed within Appendix 4 of KCC Annual Monitoring Report (AMR), the most recent of which is dated December 2023. Although this addition to the AMR is welcome, given that AMR's are published annually there is no guarantee that this information will be repeated in future versions of the document. For this reason, the Council remain of the opinion that the revised KM&W Local Plan could and should be used to clarify the position with regard to mineral exemptions and that this would help all those concerned particularly LPA Plan Makers.

If you have any questions please contact 01233 330229, or e-mail planning.policy@ashford.gov.uk.

Yours sincerely,



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