



Early Partial Review of the Kent Minerals and Waste Local Plan 2013-30 & Kent Mineral Sites Plan Appropriate Assessment

Kent County Council

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1. Introduction

1.1 Background

- 1.1.1 Ecus Limited (Ecus) was commissioned by Kent County Council (KCC) (through Amey OW Ltd) in August 2018, to provide Habitats Regulations Assessment (HRA) advice and support for the Kent Minerals and Waste Local Plan (KMWLP) and the Kent Mineral Sites Plan (KMSP).
- 1.1.2 The KMSP (KCC, 2017) sets out the sites identified as potential allocations of land suitable for development, as part of the KMWLP. HRA Screening was undertaken separately for these plans, the KMWLP in 2012 and the KMSP in September 2017 (Appendix 1). The latter identified potential for Likely Significant Effects (LSEs) as a result of one particular site, which the plan was proposing to allocate – Lydd Quarry and Allens Bank Extension. In accordance with the HRA process, and in line with the consultation response from Natural England, this meant that an Appropriate Assessment is required.
- 1.1.3 No LSEs were identified as a result of the KMWLP, however, minor changes to some policies as a result of the Early Partial Review, means that this needs to be revisited.

1.2 Habitats Regulations Assessment

- 1.2.1 According to the Habitats Directive, transposed into UK legislation through the Conservation of Species and Habitat Regulations 2017 (the Habitat Regulations), any plan or project not directly connected with or necessary to the management of a European designated site but likely to have a significant effect, either alone or in combination with other plans or projects, shall be subject to an appropriate assessment of its implications for the site in view of the site's conservation objectives.
- 1.2.2 The European Commission's guidance on Planning for the Protection of European Sites: Appropriate Assessment (2001) identifies a staged process to the assessment of the effects of plans or projects on Europeans sites. These stages are collectively referred to as the HRA. There are potentially up to four stages:
 - i. Screening;
 - ii. Appropriate Assessment (AA);
 - iii. Mitigation and alternatives; and
 - iv. Imperative Reasons of Overriding public Interest (IROPI)
- 1.2.3 The 'precautionary approach' is applied when undertaking HRAs and consent cannot be given unless it is ascertained that there will be no adverse effect on the integrity of any designated sites.
- 1.2.4 This report includes a summary of the each of the relevant HRA stages, the consultation process and any information gathered to inform the decisions made, on the development of the KMSP and the proposed changes to the KMWLP.

2. Plan Description

- 2.1.1 The KMWLP was adopted in July 2016, which sets out the vision and objectives for Kent's minerals supply and waste management capacity from 2013 to 2030. KCC has undertaken an Early Partial Review of KMWLP, suggesting some changes to policies which impact on one strategic site – Norwood Quarry Extension which requires reconsideration in light of the Habitats Regulations.
- 2.1.2 The changes to the policies reflect that the Norwood Quarry Extension is still allocated, but removes the need to demonstrate that the equivalent capacity for treatment or disposal can be provided elsewhere in Kent.
- 2.1.3 In addition, KCC has developed an associated 'Mineral Sites Plan', which intended to identify allocations of land considered suitable for minerals and waste development. Once adopted, this will form part of the Development Plan for Kent, along with the KMWLP and District and Borough Local Plans (KCC, 2017).
- 2.1.4 In developing the KMSP, KCC issued a 'call for sites', whereby mineral operators and land owners nominated potential sites, which were then rigorously assessed by KCC. These nominations have been subject to a four stage selection process:
- **Alignment with KMWLP and scope of the Mineral Sites Plan** - This stage determined if the site is being promoted met the requirements stipulated by the KMWLP.
 - **Initial Screening** – assessment of the potential effects of development at each site against a range of criteria. This process screened out the sites which were assessed as being likely to have unacceptable adverse impacts.
 - **Consultation on Options**
 - **Detailed Technical Assessment to Identify the Preferred Options** – including, where appropriate:
 - Habitat Regulations Assessment;
 - Landscape and Visual Impact Assessment;
 - Transport Assessment;
 - Strategic Flood Risk Assessment;
 - Green Belt Assessment;
- 2.1.5 Nineteen sites were received in response to the call for sites. HRA screening was undertaken as part of the 'Initial Screening' stage (see Appendix 1). Eleven nominated sites were considered, however, only nine sites were taken forward to the Consultation stage. A summary of these sites is provided in Table 1.

Table 1. Reasonable alternative sites identified in the KMSP

Name	Details
Chapel Farm, Lenham	Approx. 60.8 ha; potential reserves of 3.2million tonnes (mt); of soft sand currently arable and grazing farmland
Central Road, Dartford	Approx. 23.2 ha; largely un-used and is currently subject to an ecological management plan; potential reserves of 0.9mt of sharp sand and gravels.
West Malling Sandpit	Approx 20.8 ha; currently grazing farmland. Potential

Name	Details
Moat Farm, Tonbridge	reserves of 3.6mt of soft sand, including 0.5mt of silica sand Extension to previous quarry; potential 1.5 mt of sand and gravel extraction; currently a flat expanse of agricultural/pastoral land.
Stonecastle Farm Quarry, Tonbridge	Functional flood plain; potential to yield 1mt of sharp sand and gravels; agricultural use at this present time, with ancient woodland and other woodland areas
The Postern, Tonbridge (Subsequently withdrawn by the Promoter)	Part of the wider rural area to the east of the town of Tonbridge; functional floodplain; active agricultural use; and mineral reserve is approximately 0.6mt.
Postern Meadows, Tonbridge	Functional flood plain; potential to yield between 0.1 and 0.23mt of sharp sand and gravel resources; agricultural use at this present time, with ancient woodland and other woodland areas
Lydd Quarry and Allens Bank Extension, Lydd	Approx. 46.4 ha; seven parcels of land proposed as extensions to the existing Lydd Quarry; potential reserves of 3.1mt - sharp sand and gravels
Joyce Green Quarry, Dartford	Approx. 48 ha; largely un-used and is currently subject to an ecological management plan as it is part of the Coastal and Floodplain Grazing Marsh Priority Habitat Inventory; 1.5mt potential reserves of sand and gravel

- 2.1.6 The next phase has been a detailed technical assessment, which will allow KCC to determine whether these sites should be proposed for allocation or not, within a Sites Plan which will be submitted to the Secretary of State in 2019.

3. Screening for Likely Significant Effects

3.1 Early Partial Review of the Kent Minerals and Waste Local Plan

3.1.1 The HRA Screening report concluded that:

'Potential air quality impacts as a result of Norwood Quarry, which is located within 200m of [Medway Estuary and Marshes SPA and Ramsar; and The Swale SPA and Ramsar] sensitive European sites. It will need to be determined whether this site is likely to result in an increase of more than 200 Heavy Duty Vehicles /day¹ on any road that lies within 200m of a European site.'

'If any further information regarding the issues and the site can be obtained, this assessment can be refined to inform the final selection of sites for submission to the Secretary of State. If such information is not currently available then the recommendations for further study identified in the preceding sections should be used as specific guidance to the site promoters involved in each site.'

- 3.1.2 The proposed changes as a result of the Early Partial Review of the KMWLP are relatively minor. The policy wording has been changed to identify the Norwood Quarry Extension as the only option, removing the suggestion that alternative sites would be considered. As this does not result in any significant changes to the strategic site or to the plan and no new information is available on the site and likely vehicle movements to inform further assessment, the conclusions of the original HRA screening report (as above) remain valid.

3.2 Kent Mineral Sites Plan

- 3.2.1 The HRA Screening Report, undertaken as part of the KMSP development process, is provided in Appendix 1, with key aspects summarised in Sections 3.2 and 3.3.

European Sites

- 3.2.2 Details of the European designated sites are provided in the HRA Screening Report (Appendix 1, Table 1). There are 13 European sites located within a 20km radius of the 11 Reasonable Alternative sites, considered within the HRA Screening Report:

- The Swale SPA & Ramsar site;
- Dungeness SAC;
- Dungeness, Romney Marsh & Rye Bay SPA & Ramsar site;
- Ashdown Forest SAC;
- Tankerton Slopes and Swalecliff SAC;
- Thanet Coast and Sandwich Bay SPA & Ramsar site;
- Thanet Coast SAC;
- Sandwich Bay SAC;
- Stodmarsh SAC;

¹ The Design Manual for Roads and Bridges (Volume 11, Section 3, Part 1) regarding air quality environmental impact assessment from roads indicates that if the increase in traffic will amount to less than 200 HDV movements per day the development can be scoped out of further assessment. Natural England has advocated the use of this criterion for the East and Kent Minerals and Waste DPD's and it is therefore appropriate to also apply it to Kent.

- Stodmarsh SPA & Ramsar site;
- Blean Complex SAC;
- North Downs Woodlands SAC and
- Peter's Pit SAC.

Summary of screening

- 3.2.3 Screening comprises the identification of Likely Significant Effects (LSE) on the features of any European Site. An LSE is any effect that may be reasonably predicted as a consequence of a project that may affect the conservation objectives of the features of the European site, but excluding trivial or inconsequential effects.
- 3.2.4 The potential for the plan to have any LSEs upon the features of any European sites, was assessed by determining the potential for associated activities to either directly or indirectly affect conservation objectives that underpin the site's ability to achieve a favourable condition.
- 3.2.5 The HRA Screening Report (see Appendix 1) concluded that there was potential for LSEs on a number of European designated sites as result of the inclusion of the Lydd Quarry and Allens Bank Extension site.
- 3.2.6 Table 2 summarises the designated sites and their features, along with the conclusions reached regarding the potential for LSEs as a result of the inclusion of the Lydd Quarry and Allens Bank site, within the Kent Mineral Sites plan. No LSEs were identified for any other aspects of the Kent Mineral Sites plan, alone or in combination with other plans or projects (Appendix 1). Therefore, these are not discussed further.
- 3.2.7 Joyce Green Quarry was not included in the HRA screening exercise, due to this being added to the list of potential sites post completion of the HRA screening report. The nearest European designated site is over 13km to the east. There is no potential pathway for any effect on the qualifying features of any European designated site. Therefore, no LSEs are anticipated and the conclusions reached in the HRA Screening report, as summarised in Table 2, are applicable to this site.

Table 2: HRA screening conclusions

Designated site	Screening conclusions
The Swale SPA & Ramsar site	No LSEs anticipated
Dungeness SAC	The Lydd Quarry and Allens Bank Extension is located within the Dungeness complex of sites. No LSEs anticipated on great crested newt features. However, there is potential for direct loss of habitat and potential air quality, water quality and flow impacts due to minerals workings immediately adjacent to the waterbodies. Therefore, further investigation needed.
Dungeness, Romney Marsh & Rye Bay SPA & Ramsar site	Further investigation needed before no LSEs can be concluded. The Lydd Quarry and Allens Bank Extension is located within the Dungeness complex of sites gives rise to the potential direct loss of habitat and potential air quality, water quality and flow impacts due to minerals workings immediately adjacent to the waterbodies for which the SPA/Ramsar site is designated.
Ashdown Forest SAC	No LSEs anticipated

Designated site	Screening conclusions
Tankerton Slopes and Swalecliff SAC	No LSEs anticipated
Thanet Coast and Sandwich Bay SPA & Ramsar site	No LSEs anticipated
Thanet Coast SAC	No LSEs anticipated
Sandwich Bay SAC	No LSEs anticipated
Stodmarsh SAC	No LSEs anticipated
Stodmarsh SPA & Ramsar site	No LSEs anticipated
Blean Complex SAC	No LSEs anticipated
North Downs Woodlands SAC	No LSEs anticipated
Peter's Pit SAC	No LSEs anticipated

4. Consultation

4.1.1 In developing the KMSP, KCC have undertaken consultation with relevant stakeholders and the public. As part of the HRA process it is required that the competent authority (KCC) consult with the statutory nature conservation body (Natural England). This has been undertaken through the formal consultation exercise with additional meetings and advice requested. A record of discussions, comments and responses relevant to the HRA are provided in a consultation log in Table 3, with full details of responses and minutes (where applicable) provided as appendices.

Table 3. Consultation log

Date	Description	Comments/Response
27 th March 2018	Environment Agency (EA) letter in response to consultation on the draft KMSP (Appendix 2)	Defers to Natural England to confirm acceptable levels of impact on the designated sites.
28 th March 2018	Natural England letter in response to consultation on the draft KMSP (Appendix 3)	Further, more detailed, analysis of the impacts of the potential options to the natural environment and a robust consideration of alternative options needs to be undertaken before progressing the plans; with particular concerns regarding potential impacts on Dungeness, Romney Marsh & Rye Bay SPA & Ramsar site and Dungeness SAC.
2 nd August 2018	Meeting attended by EA, Natural England, KCC, Brett Aggregates and East Sussex County Council (Appendix 4)	<p>Natural England advised that the proposed site at Lydd would have an impact upon the SPA, Ramsar and the SAC. As a result AA would be required. It would need to consider how the operation would affect the wetland habitat including biodiversity, hydrology and salinity issues, to determine whether there would be an adverse effect on the integrity of any designated sites. On the assumption that there are adverse effects, consideration needs to be given to possible mitigation measures and alternatives.</p> <p>Further detailed work is required and should be prepared to the same level as the additional hydrology work (see Section 5). It should provide sufficient certainty that there won't be an unacceptable impact on the interest features. Possible mitigation measures, such as wet working, were also discussed.</p> <p>Agreed that follow up and further discussions required to inform a detailed assessment.</p>

Date	Description	Comments/Response
19 th September 2018	Meeting attended by Natural England and KCC	<p>The scope of the AA would need to be established and then Brett Aggregates would need to provide the information, in order for KCC to complete the AA. This scope would include:</p> <ul style="list-style-type: none"> - Information about the sites and their qualifying features (birds, mammals, invertebrates etc.) - Likely effects of mineral working including both dewatering and no dewatering scenarios - In combination effects of other plans and projects e.g. Little Chainey Court Windfarm
10 th October 2018	Natural England Discretionary Advice Service Letter - advice in relation to impacts and mitigation measures that may result from the proposed allocation of Lydd Quarry (Appendix 5)	<p>Based upon the available information significant ecological impacts to designated sites are likely to result.</p> <ul style="list-style-type: none"> - Direct loss of habitat - Changes to the hydrology of the wetlands - Changes to the salinity of water bodies - Impacts to species associated with the designated sites, as a result of direct habitat loss, changes to hydrology and salinity - Direct and indirect impacts to land supporting species. <p>Comments were also provided on the detailed proposed scope of the AA, should the Lydd Quarry and Allens Bank Extension be included in the KMSP.</p>

5. Assessment of Adverse Effect on Integrity

5.1 Methodology

- 5.1.1 Based on consultation with Natural England a proposed scope of the AA was developed and agreed. This is described in detail in Appendix 5. In summary, the proposed scope followed guidance set out in EC (2001), in considering aspects of the qualifying features of the designated sites and their sensitivities; the activities of the operation of the aggregate extraction; the potential effects on the qualifying features; potential effects from other plans and projects; and any proposed mitigation.

5.2 Potential impacts on the European sites

- 5.2.1 Natural England raised a number of concerns throughout the consultation process, regarding the potential for adverse effect on the integrity of the designated sites. Therefore, Natural England would be likely to raise an objection to the KMSP. Further detail is provided in Appendix 5. In summary, the key concerns in relation to the *European designated sites were:*

- *Ditch and other wetland habitats from within the SPA and Ramsar Site are likely to be directly impacted as a result of this proposed minerals allocation*
- *Potential indirect impacts to the wetland habitats surrounding the proposed allocation site from changes to the hydrology (including saline incursion), water quality and availability together with loss of supporting land for species associated with the SPA and Ramsar Site and the issue of disturbance are also likely to result from the proposal. Such impacts may result from:*
 - *Direct loss of habitat from the SPA and Ramsar Site from the allocations around Lydd town*
 - *Changes to the hydrology of the wetlands within the SPA and Ramsar Site as a result of changes in land form and/or dewatering activities which could have implications for the availability of water within the ditches and other waterbodies, including low lying ground prone to flooding in winter within the designated sites*
 - *Changes to the salinity of water bodies as a result of altered hydrological regimes*
 - *Impacts to species associated with the SAC, SPA and Ramsar Site as a result of direct habitat loss, changes to hydrology and salinity*
 - *Direct and indirect impacts to land supporting species associated with the SPA and Ramsar Site which are outwith the boundary of the sites (often referred to as supporting habitat or functionally linked land)*

5.3 Information from the site promoter

- 5.3.1 In order to inform any further assessment, information was required from the site promoter. To date the following reports and assessments have been provided:
- Preliminary Ecological Constraints report (prepared by Bioscan dated March 2018)
 - Flood Risk Assessment (prepared by SLR dated March 2018)

- Preliminary Assessment of Potential Hydrogeological and Hydrological Impacts Report (prepared by SLR dated September 2018)
 - An Examination of the Viability of Meeting the Demand for Lydd Sharp Sand and Gravel from Alternative Sources (Prepared by Brett Aggregates dated September 2018)
- 5.3.2 As a result of the consultation process and the nature of HRA, it became clear that the information provided by Brett Aggregates (as listed above) was not sufficient to enable KCC to undertake the AA, in line with the agreed scope and in accordance with the Habitats Regulations. Therefore, much more detailed information would need to be provided.
- 5.3.3 Further information can be found in the Detailed Technical Assessment for Lydd Quarry and Allens Bank Extension.

5.4 Mitigation

- 5.4.1 The approach to mitigation and alternatives follows EC (2001) which suggests key questions/considerations in order to structure the approach:
- What mitigation can be applied?
 - How will the adverse effects be avoided and/or reduced?
 - How will the mitigation be implemented/by whom?
 - Degree of confidence in their success?
 - Timescale?
 - Monitoring? And how any mitigation failure will be rectified?
- 5.4.2 It was clear from the consultation process and the information provided by the Lydd Quarry and Allens Bank promoter, Brett Aggregates, that the most appropriate approach to mitigating the potential for adverse effect was to remove the Lydd Quarry and Allens Bank Extension site from the KMSP.
- 5.4.3 Following the above line of questioning, this would avoid any adverse effect as aggregates would not be extracted and none of the activities would take place, as originally proposed. The mitigation will be implemented by the Competent Authority, KCC, by not allocating Lydd Quarry and Allens Bank Extension as part of the KMSP. This can be done quickly and with immediate effect, with no further monitoring or action required.
- 5.4.4 As a consequence, no further detailed assessment on the ways in which features of the European designated sites could be impacted by the allocation, has been undertaken.

6. Conclusions

- 6.1.1 This AA has concluded that, as the Lydd Quarry and Allens Bank Extension site will not be allocated, there would be no residual adverse effects predicted on the conservation objectives of the features of any European sites, as a result of the KMSP, either alone or in-combination with any other plans or projects.
- 6.1.2 In addition, the minor wording changes to the policies relating to Norwood Quarry Extension, as a result of the Early Partial Review, do not result in any changes to the conclusions of the initial HRA screening for the KMWLP.

7. References

EC. 2001. Assessment of plans and projects significantly affecting Natura 2000 sites
Methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive
92/43/EEC.

http://ec.europa.eu/environment/nature/natura2000/management/docs/art6/natura_2000_assess_en.pdf

KCC, 2017. Kent Minerals and Waste Local Plan – Mineral Sites plan 2013-30 – Options
Consultation. September 2017. <http://consult.kent.gov.uk/file/4825481> Accessed 6th
November 2017.

[KCC, 2018. Early Partial Review of the Kent Minerals and Waste Local Plan 2013-30. Pre-Submission Draft.](#)

Appendix 1: HRA Screening Report



Kent Minerals Sites Plan

Habitat Regulations Assessment Screening Report

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•Plan showing Natura 2000 sites in Kent.

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1 Introduction

1.1 Overview

- 1.1.1 Amey have been commissioned by Kent County Council (KCC) to undertake Habitat Regulation Assessment (HRA) Screening review of the 11 Reasonable Alternatives sites and the potential effects of the Minerals & Waste Development Framework (MWDF), on the Natura 2000 network. The MWDF superseded the Kent Minerals Local Plan and Kent Waste Local Plan (strategic planning framework for the protection of the environment, sustainable transport priorities, and the scale, pattern and location of waste and minerals development across Kent). The MWDF includes three development plan documents at various stages of development: the Core Strategy, the Minerals Sites Plan and the Waste Sites Plan.
- 1.1.2 If HRA Screening deems that Appropriate Assessment is required, this will be commissioned separately by KCC.

1.2 Scope of this Report

- 1.2.1 This report investigates the potential impact of the reasonable alternatives strategic site allocations proposed by the draft Minerals Sites Plan (MSP) on Natura 2000 sites in the context of the Conservation of Habitats and Species Regulations 2010 (as amended) ('the Habitats Regulations'), which transpose the European Habitats Directive 1992 and Wild Birds Directive 2009 ('the Directives') into English law and hereafter referred to as the 'Habitats Regulations'.
- 1.2.2 The purpose of this Habitats Regulations Assessment (HRA) Screening Report is to look at the reasonable alternative Minerals Plan site allocations in the context of the requirements of Council Directive 92/43/EEC (Ref 1) on the conservation of Natural Habitat and Wild Fauna and Flora and Council Directive 79/409/EEC on the conservation of Wild Birds. The report outlines whether the plans are likely to have a significant effect upon any Natura 2000 sites by determining if a site's conservation objectives will be compromised.

1.3 Habitats Directive – Article 6 (3)

1.3.1 Article 6(3) of the Habitats Directive requires competent authorities, before deciding to undertake, or give any consent, permission or other authorisation to any project or plan which is likely to have a significant effect on Natura 2000 sites, either individually or in combination with other plans or projects, to undertake an appropriate assessment provided the project or plan is not directly connected with or necessary to the management of the site.

1.3.2 Regulation 61(1) of the Habitats Regulations requires that:

A competent authority, before deciding to undertake, or give any consent, permission or other authorisation for, a plan or project which—

(a) is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects), and

(b) is not directly connected with or necessary to the management of that site. An appropriate assessment of the implications for that site in view of that site's conservation objectives must then be made.

1.4 The Habitats Regulations Assessment Process

Overview – the Four Stages

1.4.1 The European Commission Methodological guidance on the provision of Article 6(3) and 6(4) of the Habitats Directive 92/43/EEC recommends a four stage approach in carrying out a Habitats Regulations Assessment as follows:

Stage 1 – Screening:

- 1.4.2 Determines whether a plan or project, either alone or in combination with other plans, or projects, is likely to have a significant effect upon a Natura 2000 site.
- 1.4.3 If the screening process identifies effects to be significant, potentially significant or uncertain, or if the screening process becomes overly complicated, then the process must proceed to Stage 2.
- 1.4.4 Screening is undertaken without the inclusion of detailed mitigation, unless potential impacts clearly can be avoided through the modification or redesign of the plan or project, in which case the screening process is repeated on the altered plan or project.

Even if the project is not considered to have likely significant effects alone, the in-combination effects of other plans and projects must also be considered at the screening stage.

Stage 2 – Appropriate Assessment:

- 1.4.5 Considers the impact on the integrity of the Natura 2000 sites of the project or plan either alone or in combination with other plans or projects with respect to the site's structure and function and its conservation objectives. Additionally, where there are adverse impacts, it assesses the potential mitigation of those impacts.

Stage 3 – Assessment of Alternative Solutions:

- 1.4.6 Examines alternative ways of achieving the objectives of the project, or plan that avoid adverse impacts on the integrity of the Natura 2000 sites.

Stage 4 – Assessment where no Alternative Solutions Exist and where Adverse Impacts Remain:

- 1.4.7 Assesses compensatory measures where, in the light of an assessment of imperative reasons of overriding public interest (IROPI), it is deemed that the plan or project should proceed.
- 1.4.8 Each stage determines whether the next stage in the process is required. If for example, it is concluded that at the end of Stage 1 there will be no significant impacts on the Natura 2000 sites, there is no requirement to proceed to Stage 2.

1.5 Layout of the Report

1.5.1 This report is structured as follows:

- **Chapter 2: Natura 2000 Sites.** This Chapter describes each Natura 2000 site for which an HRA screening matrix is to be completed, including details on qualifying features and conservation objectives.
- **Chapter 3: Kent County Council MWLP.** This Chapter describes the policies and strategies of the MWLP.
- **Chapter 4: Potential Effects.** Highlights the key potential effects that could arise through future projects.
- **Chapter 5 Screening Assessment.** This Chapter discusses the potential likelihood and significance of effects of the MWLP on each Natura 2000 site related to the Reasonable Alternative sites.
- **Chapter 6: Conclusions and Recommendations.** This Chapter summarises the findings of the report, detailing whether there are any likely significant effects on each Natura 2000 site and whether or not the next stage of assessment is required.
- **Chapter 7: References**
- **Appendix A: Drawing.** This shows the Natura 2000 sites within Kent.

1.6 Guidance and Methodology

1.6.1 The assessment has been completed using the following guidance:

- The European Commission's '*Management of Natura 2000 Sites*' (The Provisions of Article 6 of the 'Habitats' Directive 92/43/EEC) (Ref. 3);
- Natural England Habitats Regulations Assessment (HRA) Standard. (Ref. 4);
- Volume 11, Section 1, Part 1 of the Design Manual for Roads and Bridges (DMRB) (Ref. 5); and
- The Habitats Regulations Assessment Handbook. (Ref.6)

1.7 Previous studies

- URS (2012). Kent Minerals & Waste Development Framework – Site Options. Habitats Regulations Assessment.⁹

- 1.7.1 In February 2012 URS was supplied with an 'intermediate list' of minerals and waste sites, which excluded sites that the Council understood would not be taken forward, or had been withdrawn by their promoters. Following the withdrawal of several sites the remainder were contained within the Minerals and Waste Preferred Options and were addressed in the URS HRA.
- 1.7.2 The URS report identified a total of five minerals sites which could not be screened out at the time. This included Lydd Quarry extension which is one of the Reasonable Alternative sites put forward for consideration in this HRA report. With consideration of the site location and interest features of the Dungeness complex of sites (which were at the time of the report noted as (possible) pSPA/Ramsar sites) and their potential vulnerabilities, the advice previously received by Kent County Council from Natural England regarding this site stated that *'while areas 7, 8, 9 [of the existing quarry] are adjacent to the pSPA and pRamsar it is acknowledged that the pSPA and pRamsar interest features have established in the presence of the extraction activity. In our view it is likely any indirect adverse impacts identified in the review i.e. noise, dust, hydrology can be mitigated by appropriate working methods and conditions'. 'For the purposes of the MWDF we are satisfied with the inclusion of the three extension sites and others in the general locality outside of the pSPA, pRamsar and Dungeness Special Area of Conservation (SAC). We would anticipate that with appropriate mitigation it is unlikely that these proposals would adversely impact these protected areas'*. (Natural England 201211 / URS 9).
- 1.7.3 The potential issues surrounding Lydd Quarry extensions were also identified in HRA work for the East Sussex Minerals and Waste DPD as requiring investigation due to the fact that they relate to the proposed extensions to the quarry into East Sussex. An assessment undertaken by Bioscan for the proposed quarry extensions to determine the disturbance risk of working immediately adjacent to the pSPA/pRamsar site identified that the risk was manageable and devised a range of mitigation and monitoring measures that would be deployed when the area was worked to ensure no likely significant effect.

- 1.7.4 The analysis was agreed with Natural England and it is advised the same approach is undertaken for quarry extensions in Kent. The pre-existing minerals operations underway in close proximity to the SPA/Ramsar site in this location will need to be considered when determining species tolerance/habituation and detailed transport, noise and air quality assessments will be required with regard to the qualifying features of the European sites.
- 1.7.5 Of the waste sites assessed by URS in 2012, Richborough Power Station was identified as requiring further investigation, specifically noise, transport and air quality assessments prior to planning permission being granted to confirm that there will be no adverse effects on the Sandwich Bay SPA or Thanet Coast & Marshes SPA/Ramsar site. The assessments would need to take into account the traffic to be generated by the two permitted developments in the same area. In addition, since it lies within 10km of four European sites it was considered that an air quality assessment would be required before this Energy from Waste facility could be permitted in accordance with Environment Agency guidance.⁹ Although Richborough Power station is not included within the RA sites, two additional adjacent sites: Richborough Hall and Richborough Park are included.
- 1.7.6 A detailed in-combination assessment was not undertaken at this stage.

2 Natura 2000 Sites

2.1 Background

2.1.1 In May 1992 European Union governments adopted legislation designed to protect the most seriously threatened habitats and species across Europe. This legislation is called the Habitats Directive and complements the Birds Directive adopted in 1979. These directives implemented the creation of a network of sites called Natura 2000. The Birds Directive requires the establishment of Special Protection Areas (SPAs) for birds. The Habitats Directive similarly requires Special Areas of Conservation (SACs) to be designated for other species and for particular habitats. Together, SPAs and SACs make up the Natura 2000 series. All EU Member States contribute to the network of sites in a Europe wide partnership. Ramsar Sites (Wetlands of International Importance) receive protection under the Ramsar Convention; however as the majority of Ramsar sites are SPA's they also receive protection under the Birds Directive.

2.2 Natura 2000 Sites within Kent County

Kent contributes significantly to the value of the regional biodiversity resource, with numerous sites of European and International Importance including 14 Special Areas of Conservation (SACs), 6 Special Protection Areas (SPAs), and 6 Ramsar Sites. This is significant as the presence of these sites triggers the requirement for Habitats Regulations Assessment (HRA) Screening to be undertaken for LTP4.

2.2.1 There are 24 Natura 2000 Sites: Special Areas of Conservation (SACs), Special Protection Areas (SPAs) or Ramsar sites that lie wholly or partly within Kent and are shown in Appendix A. There are 13 European sites located within a 20km radius of the 11 Reasonable Alternative sites which are assessed as part of this HRA, and listed below. Table 1 provides a description of the qualifying features for each European site.

- The Swale SPA & Ramsar site;
- Dungeness SAC;
- Dungeness, Romney Marsh & Rye Bay SPA & Ramsar site;
- Ashdown Forest SAC;
- Tankerton Slopes and Swalecliff SAC;
- Thanet Coast and Sandwich Bay SPA & Ramsar site;

- Thanet Coast SAC;
- Sandwich Bay SAC;
- Stodmarsh SAC;
- Stodmarsh SPA & Ramsar site;
- Blean Complex SAC;
- North Downs Woodlands SAC and
- Peter's Pit SAC.

Table 1: Summary of Natura 2000 sites qualifying features

Natura 2000 Sites	Qualifying Features
Sandwich Bay SAC, UK0013077	<p><u>Annex I habitats that are a primary reason for selection of this site</u></p> <p>2110 Embryonic shifting dunes</p> <p>2120 "Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes)</p> <p>2130 "Fixed coastal dunes with herbaceous vegetation (grey dunes)</p> <p>2170 Dunes with <i>Salix repens ssp. argentea</i> <i>Salicion arenariae</i></p> <p><u>Annex I habitats present as a qualifying feature, but not a primary reason for selection of this site</u></p> <p>2190 Humid dune slacks</p>
Stodmarsh SAC, UK0030283	<p><u>Annex II species that are a primary reason for selection of this site</u></p> <p>1016 Desmoulin's whorl snail <i>Vertigo moulinsiana</i></p> <p>A sizeable population of Desmoulin's whorl snail lives beside ditches within pasture on the floodplain of the River Stour, where reed sweet-grass <i>Glyceria maxima</i>, large sedges <i>Carex spp.</i> and sometimes common reed <i>Phragmites australis</i> dominate the vegetation. Stodmarsh is a south-eastern outlier of the main swathe of sites and is important in confirming the role of underlying base-rich rock (chalk) as a factor determining this species' distribution.</p>
Blean Complex SAC, UK0013697	<p><u>Annex I habitats that are a primary reason for selection of this site</u></p> <p>9160 Sub-Atlantic and medio-European oak or oak-hornbeam forests of the <i>Carpinion betuli</i></p>

Natura 2000 Sites	Qualifying Features
	At Blean in south-east England, hornbeam <i>Carpinus betulus</i> coppice occurs interspersed with pedunculate oak <i>Quercus robur</i> stands and introduced sweet chestnut <i>Castanea sativa</i> . Great wood-rush <i>Luzula sylvatica</i> is locally dominant in the woodland, and the characteristic greater stitchwort <i>Stellaria holostea</i> is found in more open patches. The stands have traditionally been managed as coppice, and are one of the British strongholds for the heath fritillary butterfly <i>Mellicta athalea</i> .
Peters Pit SAC, UK0030237	<u>Annex II species that are a primary reason for selection of this site</u> 1166 Great crested newt <i>Triturus cristatus</i> Peter's Pit is an old chalk quarry situated in the North Downs in north Kent, with large ponds situated amongst grassland, scrub and woodland. The ponds have widely fluctuating water levels and large great crested newt populations have been recorded breeding here.
Tankerton Slopes and Swalecliffe SAC, UK0030378	<u>Annex II species that are a primary reason for selection of this site</u> 4035 Fisher's estuarine moth <i>Gortyna borelii lunata</i> Fisher's estuarine moth has a localised population distribution in the UK, due to its specific habitat requirements and is only found in two areas, the north Essex coast and the north Kent Coast. Tankerton Slopes and Swalecliffe supports the majority of the north Kent population of this moth which is approximately 20% of the UK population. The site's north facing slopes are composed of London Clay and support a tall herb community dominated by its food plant hog's fennel <i>Peucedanum officinale</i> , together with areas of neutral grassland also required by the species for egg laying.
Thanet Coast SAC, UK0013107	<u>Annex I habitats that are a primary reason for selection of this site</u> 1170 Reefs

Natura 2000 Sites	Qualifying Features
	<p>Thanet Coast in the extreme south-east of England has been selected on account of the unusual communities that are found on this, the longest continuous stretch of coastal chalk in the UK. It represents approximately 20% of the UK resource of this type and 12% of the EU resource. This site contains an example of reefs on soft chalk along the shore. Thanet has sublittoral chalk platforms that extend into the littoral and form chalk cliffs. The sublittoral chalk reefs within the site are comparatively impoverished, owing to the harsh environmental conditions in the extreme southern area of the North Sea, but they are an unusual feature because of the scarcity of hard substrates in the area. Infralittoral kelp forests are characteristically absent, owing to the high turbidity of the water. The subtidal chalk platforms extend offshore in a series of steps dissected by gullies. Species present include an unusually rich littoral algal flora, essentially of chalk-boring algae, which may extend above high water mark into the splash zone in wave-exposed areas. Thanet remains the sole known location for some algal species.</p> <p>8330 Submerged or partially submerged sea caves</p> <p>Thanet Coast provides the second most extensive representation of chalk caves in the UK on the extreme south-east coast of England. The site is bordered by about 23km of chalk cliffs with many caves and stack and arch formations. Partially submerged caves around Thanet vary considerably in depth, height and aspect and hence in the algal communities present. Some caves extend for up to 30m into the cliffs and reach 6-10m in height, although many are much smaller. They support very specialised algal and lichen communities containing species such as <i>Pseudendoclonium submarinum</i> and <i>Lyngbya spp.</i>, some of which were first described from Thanet and have never been recorded elsewhere.</p>
Dungeness SAC, UK0013059	<p><u>Annex I habitats that are a primary reason for selection of this site</u></p> <p>1210 Annual vegetation of drift lines</p> <p>The Dungeness foreland has a very extensive and well-developed shoreline, although with sparse vegetation and in places some human disturbance. It is one of two representatives of Annual vegetation of drift lines on the south coast of England. The strandline community on this site comprises Babington's orache <i>Atriplex glabriuscula</i>, which occurs mostly on the accreting eastern shoreline, although it is also present on the eroding southern shoreline.</p> <p>1220 Perennial vegetation of stony banks</p>

Natura 2000 Sites	Qualifying Features
	<p>Dungeness is the UK's largest shingle structure and represents the habitat type on the south-east coast of England. The total area of exposed shingle covers some 1,600ha, though the extent of the buried shingle ridges is much greater. Despite considerable disturbance and destruction of the surface shingle, the site retains very large areas of intact parallel ridges with characteristic zonation of vegetation. It still has the most diverse and most extensive examples of stable vegetated shingle in Europe, including the best representation of scrub on shingle, notably prostrate forms of broom <i>Cytisus scoparius</i> and blackthorn <i>Prunus spinosa</i>. A feature of the site, thought to be unique in the UK, is the small depressions formed within the shingle structure, which support fen and open-water communities.</p> <p><u>Annex II species that are a primary reason for selection of this site</u></p> <p>1166 Great crested newt</p> <p>Dungeness in south-east England has the largest shingle expanse in Europe and contains a large number of waterbodies within its 2,000ha. This extensive site hosts a large and viable great crested newt population in a range of natural and anthropogenic habitats. These include natural pools and those resulting from gravel extraction and other activities. Terrestrial habitat of importance for feeding and shelter is provided by a range of open shingle vegetation with scrub in the vicinity of some of the waterbodies.</p>
<p>North Downs Woodlands SAC, UK0030225</p>	<p><u>Annex I habitats that are a primary reason for selection of this site</u></p> <p>9130 <i>Asperulo-Fagetum</i> beech forests</p> <p>This site consists of mature <i>Asperulo-Fagetum</i> beech forests and also yew 91J0 Yew <i>Taxus baccata</i> woods on steep slopes. The stands lie within a mosaic of scrub and other woodland types and are the most easterly of the beech woodland sites selected.</p> <p>91J0 Yew woods of the British Isles</p> <p>Yew woodland at this site is associated with 9130 beech forests, scrub and small areas of unimproved grassland on thin chalk soils. Where the shade is not too dense dog's mercury <i>Mercurialis perennis</i> predominates in the ground flora. The site is the most easterly of those selected.</p> <p><u>Annex I habitats present as a qualifying feature, but not a primary reason for selection of this site</u></p> <p>6210 Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia)</p>

Natura 2000 Sites	Qualifying Features
<p>Ashdown Forest SAC UK0030080</p>	<p><u>Annex I habitats that are a primary reason for selection of this site</u></p> <p>4010 Northern Atlantic wet heaths with <i>Erica tetralix</i></p> <p>Ashdown Forest contains one of the largest single continuous blocks of lowland heath in south-east England, with both 4030 European dry heaths and, in a larger proportion, wet heath. The site supports important assemblages of beetles, dragonflies, damselflies and butterflies, including the nationally rare silver-studded blue <i>Plebejus argus</i>, and birds of European importance, such as European nightjar <i>Caprimulgus europaeus</i>, Dartford warbler <i>Sylvia undata</i> and Eurasian hobby <i>Falco subbuteo</i>.</p> <p>4030 European dry heaths</p> <p>The dry heath in Ashdown Forest is an extensive example of the south-eastern H2 <i>Calluna vulgaris</i> – <i>Ulex minor</i> community. It supports important lichen assemblages, including species such as <i>Pycnothelia papillaria</i>. This site supports the most inland remaining population of hairy greenweed <i>Genista pilosa</i> in Britain.</p>
<p>Dungeness Romney Marsh and Rye Bay SPA & Ramsar UK9012091</p>	<p><u>This site qualifies under Article 4.1 of the Directive (79/409/EEC) by supporting populations of European importance of the following species listed on Annex I of the Directive:</u></p> <p>During the breeding season; Common Tern <i>Sterna hirundo</i>, 266 pairs representing at least 2.2% of the breeding population in Great Britain (5 year mean, 1993-1997), Little Tern <i>Sterna albifrons</i>, 35 pairs representing at least 1.5% of the breeding population in Great Britain (5 year mean, 1993-1997), Mediterranean Gull <i>Larus melanocephalus</i>, 2 pairs representing at least 20.0% of the breeding population in Great Britain (5 year mean, 1993-1997).</p> <p>On passage; Aquatic Warbler <i>Acrocephalus paludicola</i>, 30 individuals representing at least 44.8% of the population in Great Britain (Count as at 1997)</p> <p>Over winter; Bewick's Swan Cygnus <i>columbianus bewickii</i>, 179 individuals representing at least 2.6% of the wintering population in Great Britain (5 year peak mean, 1992/3-1996/7)</p> <p><u>This site also qualifies under Article 4.2 of the Directive (79/409/EEC) by supporting populations of European importance of the following migratory species:</u></p>

Natura 2000 Sites	Qualifying Features
	Over winter; Shoveler <i>Anas clypeata</i> , 419 individuals representing at least 1.0% of the wintering Northwestern/Central Europe population (5 year peak mean 1991/2 - 1995/6)
The Swale SPA & Ramsar UK9012011	<p><u>This site qualifies under Article 4.1 of the Directive (79/409/EEC) by supporting populations of European importance of the following species listed on Annex I of the Directive:</u></p> <p>During the breeding season; Avocet, Marsh Harrier, Mediterranean Gull <i>Larus melanocephalus</i>.</p> <p>Over winter; Avocet <i>Recurvirostra avosetta</i>, Bar-tailed Godwit, Golden Plover <i>Pluvialis apricaria</i>, Hen Harrier.</p> <p><u>This site also qualifies under Article 4.2 of the Directive (79/409/EEC) by supporting populations of European importance of the following migratory species:</u></p> <p>On passage; Ringed Plover <i>Charadrius hiaticula</i>,</p> <p>Over winter; Black-tailed Godwit, Grey Plover, Knot, Pintail, Redshank, Shoveler <i>Anas clypeata</i></p> <p>Assemblage qualification: A wetland of international importance.</p> <p><u>The area qualifies under Article 4.2 of the Directive (79/409/EEC) by regularly supporting at least 20,000 waterfowl</u></p> <p>Over winter, the area regularly supports 65,390 individual waterfowl (5 year peak mean 1991/2 - 1995/6) including: White-fronted Goose Anser, Golden Plover, Bar-tailed Godwit, Pintail, Shoveler, Grey Plover, Knot, Black-tailed Godwit, Redshank, Avocet, Cormorant, Curlew Numenius arquata, Dark-bellied Brent Goose, Shelduck, Wigeon, Gadwall <i>Anas strepera</i>, Teal, Oystercatcher, Lapwing, Dunlin, Little Grebe <i>Tachybaptus ruficollis</i>.</p>
Thanet Coast and Sandwich Bay SPA & Ramsar UK9012071	<p><u>This site qualifies under Article 4.2 of the Directive (79/409/EEC) by supporting populations of European importance of the following migratory species:</u></p> <p>Over winter; Turnstone <i>Arenaria interpres</i>.</p>

Natura 2000 Sites	Qualifying Features
Stodmarsh SPA & Ramsar UK9012121	<p>This site qualifies under Article 4.1 of the Directive (79/409/EEC) by supporting populations of European importance of the following species listed on Annex I of the Directive:</p> <p>Over winter; Bittern <i>Botaurus stellaris</i>, Hen Harrier.</p>

3 Kent County Council Minerals and Waste Development Framework

3.1 Policies and strategies

- 3.1.1 As set out in the policies of the Kent MWDF, the following are safeguarded from non-minerals and waste development in Kent:
- Economic mineral resources: brickearth, chalk, sharp sand and gravel, soft sand (including silica sand), ragstone and building stone;
 - Mineral haul roads;
 - Existing, planned and potential wharves and rail transport infrastructure;
 - Existing waste management facilities with permanent planning permission; and
 - Minerals Sites Plan and Waste Sites Plan allocations.
- 3.1.2 National policy (Mineral safeguarding in England: good practice advice', BGS, 2011; DCLG (2012) National Planning Policy Framework, para.144 indent 7) requires that LPA's should not normally permit other development proposals in mineral safeguarding areas where they might constrain potential future use for these purposes. In two-tier authority areas such as Kent, MSAs should be included on the Policies Maps of the Development Plan maintained by the district and borough councils.
- 3.1.3 Kent MWLP Policy CSM5 identifies the areas in which safeguarding applies to primary land-won mineral resources in Kent. The MSAs cover the known locations of specific mineral resources that are, or may in future, be of sufficient economic value to warrant protection for future generations. The boundaries of the adopted MSAs for each district and borough authority area in Kent are set out in the Policies Maps in Chapter 9 of the Kent MWLP.

- 3.1.4 The purpose of the MSA safeguarding designations is to ensure that mineral resources are properly considered in planning decisions for non-mineral development proposals, in order to prevent unnecessary sterilisation of Kent's potentially economic minerals assets.
- 3.1.5 Policy CSM 5 also applies to mineral resources at existing sites for mineral working in Kent, including those sites which have planning permission but are not yet active, and Kent Mineral Sites Plan allocations for mineral working. The safeguarded area applies up to the site boundary, not purely the extraction area. Policy CSM 5 will apply to the areas allocated for mineral extraction in the Kent Mineral Sites Plan when this is adopted. The status of these sites will be monitored annually.

3.2 Infrastructure

- 3.2.1 Kent MWLP policies CSM 6, CSM 7 and CSW 16 apply safeguarding to all existing, planned and potential minerals and waste infrastructure sites in the county, such sites host various facilities including the following:
- Waste management
 - Secondary and recycled aggregate processing
 - Minerals processing e.g. concrete batching
 - Minerals wharves
 - Railheads used to transport waste and minerals
- 3.2.2 The policies also apply safeguarding to land within 250m of these sites, as non-minerals and waste developments which are sensitive to noise, dust, lighting and vibration may be adversely affected by minerals and waste activities which can in turn lead to mitigation causing constraints to be placed on operations.
- 3.2.3 Policy DM 8: *Safeguarding Minerals Management, Transportation Production & Waste Management* Facilities sets out the circumstances when non minerals and waste developments development may be permitted that would be incompatible with safeguarded infrastructure. This includes ensuring that where existing minerals and waste capacity is lost, a replacement facility is available and suitable that provides at least an equivalent capacity to that which it is replacing.

3.3 Waste Management Facilities

- 3.3.1 National policy on waste requires existing waste management capacity to be safeguarded; the likely impact of proposed, non-waste related development on existing waste management facilities and on sites allocated for waste management should be acceptable without prejudicing the efficient operation of such facilities, or the implementation of the waste hierarchy⁸. Nearby non-waste developments can also impact the operation of existing sites or the viability of planned sites.
- 3.3.2 Protection for waste management facilities with permanent planning permission is provided by Policy CSW 16: *Safeguarding of Existing Waste Management Facilities*. This policy safeguards sites that have permanent planning permission for waste management, or are allocated in the Waste Sites Plan (once adopted). A list of the waste management sites with permanent planning permission are updated and published each year in the Annual Monitoring Report.⁸

4 Potential effects of MWLP Priorities

4.1.1 Some of the potential effects which may arise as part of the strategies future schemes are highlighted in Table 2 below.

Table 2: Potential effects

Source	Effect
Changes in traffic flows and volumes Greenhouse gas emissions Dust emissions from extraction / recycling activities	Reduction in air quality Reduction in habitat quality and associated species due to climate change
Removal of vegetation Habitat loss or disturbance from land take	Loss, physical disturbance, and/or fragmentation of habitat and species
Increase in noise levels from excavation works and construction plant	Disturbance to local wildlife from noise pollution
Inadvertent movement of invasive plant species	Spread of invasive species leading to a reduction in biodiversity
Presence of chemical/oil on site – with the potential for spillages	Pollutants entering the water system resulting in a decrease in quality, degradation of ecosystems, damage to vegetation, soil quality
Increased road traffic or introduction of traffic into new area	Increase in wildlife road mortalities Change in air quality Noise disturbance

4.1.2 It should be noted that there will be opportunities for the MWLP to improve biodiversity through habitat enhancement and as such not all impacts will be negative.

5 Screening Assessment

5.1 Screening matrix

- 5.1.1 Table 3 below sets out the HRA screening of the strategic priorities and identifies any likely significant effects that may undermine conservation objectives for any of the SAC/SPA qualifying species or habitats. If a likely Significant Effect cannot be ruled out (with basic mitigation) for a Natura 2000 site, an Appropriate Assessment is likely to be required.
- 5.1.2 Likely significant effects are identified by using the source-pathway-receptor model, where there would need to be a source of potential impact and a pathway to the European site to enable the impact to occur.

Table 3: Screening matrix

Reasonable Alternative Site	GRID REFERENCE	DISTANCE OF NEAREST EUROPEAN SITE	MINERAL/RECYCLING STATUS	HRA SCREENING
Chapel Farm, Lenham	591400,150383	12.3km North Downs Woodland SAC	Extension	There is no scope for likely significant effects from this site and no pathway connecting with any other European sites.
Central Road, Dartford	554200, 174900	13.6km North Downs Woodland SAC	Extraction	Site is part of the Dartford Marshes (which is not designated as a Natura 2000 site.). No likely significant effects from this site are anticipated and there is no pathway connecting with any other European sites.
West Malling Sandpit	568042, 157788	3.7km North Downs Woodland SAC 6.3km Peters Pit SAC	Extraction	Nearest European site is North Downs Woodlands SAC approximately 3.7km north west. There is no scope for likely significant effects from this site and no hydrological pathways connecting with the proposed site or any other European site.
Wey Street Quarry, Faversham	60600, 161700	940m The Swale SPA & Ramsar 9.2km Thanet Coast & Sandwich Bay SPA & Ramsar 9.3km Tankerton Slopes & Swalecliffe SAC 3.2km Blean Complex SAC	Extraction	This site lies approximately 940m from The Swale SPA/Ramsar site but is not hydrologically linked in any way. No likely significant effects from this site are anticipated on this SPA/Ramsar nor on any other European site.
Moat Farm, Tonbridge	564600, 146400	17.4km Peters Pit SAC 12.7km North Downs Woodland SAC 19.5km Ashdown Forest SAC & SPA	Extension of Stonecastle Farm quarry	The closest European site is the North Downs Woodlands SAC approximately 12.7km to the north. No likely significant effects are anticipated from this site or in combination with the adjacent Moat Farm proposed extension site and no pathway connecting with any other European sites.
Stonecastle Farm Quarry, Tonbridge	556308, 114700	17.4km Peters Pit SAC 12.7km North Downs Woodland SAC 14.5km Ashdown Forest SAC & SPA	Extension	The closest site is North Downs Woodlands SAC approximately 12.7km to the north. No likely significant effects are anticipated from this site or in combination with the adjacent Stonecastle Farm Quarry proposed extension and no pathway connecting with any other European sites.
The Postern, Tonbridge	560800, 146400	10km Ashdown Forest SAC/ SPA	Extraction	The closest European site is Ashdown Forest SAC/SPA approximately 10km to the southwest. No likely significant effects are anticipated from this site or in combination with the nearby Postern Meadows proposed site and there is no pathway connecting with any other European sites.



Reasonable Alternative Site	GRID REFERENCE	DISTANCE OF NEAREST EUROPEAN SITE	MINERAL/RECYCLING STATUS	HRA SCREENING
Postern Meadows, Tonbridge	560005, 146604	10km Ashdown Forest SAC/ SPA	Extraction	The closest European site is Ashdown Forest SAC/SPA approximately 10km to the southwest. The qualifying features of this SAC are unlikely to be impacted (directly or indirectly) by the strategy due to distance and lack of potential pollution pathways.
Lydd Quarry, Lydd	560300, 112100	Site lies within Dungeness, Romney Marsh & Rye Bay SPA/Ramsar. Approximately 800m from Dungeness SAC.	Extension	<p>This site lies within a European site and based on features of interest of the Dungeness complex of sites and their potential vulnerabilities, further assessments will be required before it can be determined if any significant effects are likely to occur.</p> <p>Potential effects could include the disturbance of birds within the SPA/Ramsar and direct loss of habitat if the open fields are used by significant numbers of birds within the SPA/Ramsar.</p> <p>Other potential impacts may include water quality and flow impacts and air quality issues from the workings.</p>
Richborough Hall / Park Richborough.	563300, 116100	150m Sandwich Bay SAC 150m Thanet Coast and Sandwich Bay SPA/Ramsar 9km Stodmarsh SAC/SPA /Ramsar 9km Thanet Coast SAC	Secondary & recycled aggregates	<p>Site is already in operation as an integrated waste management centre. The site has recently been granted planning permission for the construction of an MRF to replace the existing materials processing facility on the southern part of the site.</p> <p>A supporting statement (TW Services January 2017) regarding the call for sites for the Minerals and Waste Sites Plan states that <i>'we would comment that studies in respect of Air Quality, Construction Noise and Dust were undertaken as part of the planning application/Environmental Statement and the impacts were considered to be acceptable. We would, therefore, comment that such studies are not required to support an allocation the Waste Sites Plan.'</i> It is considered that the additional vehicular movements associated with this site/s is unlikely to lead to a significant impact on the Sandwich Bay SAC & Thanet Coast and Sandwich Bay SPA/Ramsar sites.</p>

5.2 In-combination effects

5.2.1 The main potential source for effects 'in combination' with other projects and plans relates to either sites which lie across county boundaries – this principally applies to Lydd Quarry and its extensions which partly lie within East Sussex; and air quality pathways associated with exhaust emissions.

5.2.2 Cross-boundary development (Lydd Quarry)

Lydd Quarry is anticipated to extend across the Kent/East Sussex boundary. The associated potential issues were identified in the URS screening report⁹ (and are summarised in section 1.7) and also as part of a HRA for East Sussex Minerals and Waste DPD. Investigations concluded that the risk of disturbance risk of working immediately adjacent to the SPA/Ramsar site was manageable and mitigation and monitoring measures were devised to be deployed when the area was worked to ensure no likely significant effect. This analysis was agreed with Natural England and it was advised that the same process should be undertaken for the quarry extensions in Kent. As such, it is considered that there should be no 'in combination' effect with the East Sussex Minerals DPD.

5.2.3 Developments within the vicinity of Lydd Quarry include the expansion of Lydd Airport which is located approximately 4.5 miles north east of the quarry. Planning permission has been granted for parts of the expansion following detailed assessment including of the risk to Natura 2000 sites. It has previously been concluded that the highway improvements form a minor part of the scheme and in themselves are unlikely to have an adverse effect on Dungeness SAC.

5.3 Further screening

5.3.1 Lydd Quarry

Lydd Quarry extension cannot be scoped out at this stage and therefore will need further investigations before it can be concluded that a significant effect is unlikely. As existing minerals operations are already taking place in close proximity to the SPA/Ramsar site, these will need to be taken into account. The site being located within the Dungeness complex of sites gives rise to the potential disturbance of SPA/Ramsar bird species, a potential direct loss of habitat and potential air quality, water quality and flow impacts due to minerals workings immediately adjacent to the waterbodies for which the SPA/Ramsar site is designated.

5.3.2 The potential loss of supporting terrestrial habitat for great crested newts (a Dungeness SAC interest feature) would be of consideration should the farmland to be subjected to mineral workings lie within 500m of great crested newt breeding ponds. However, the most recent great crested newt record provided on the NBN Atlas was dated 2015 and located approximately 4.5km south west of the Lydd Quarry site. It was also previously identified by URS that information supplied by Natural England¹¹ to support the East Sussex Minerals and Waste DPD, that the closest great crested newt pond to Lydd Quarry is located to the south-west of Lydd and well over 500m from the quarry extension. Therefore this issue of potential habitat loss can be disregarded.

6 Conclusions and Recommendations

The 11 Reasonable Alternative (RA) sites have been screened (Stage 1, HRA) to determine whether there are any likely significant effects as a result of inclusion in Kent's Minerals Sites Plan. One RA site was identified as potentially significant and requiring further assessment:

- The expansion of Lydd Quarry.

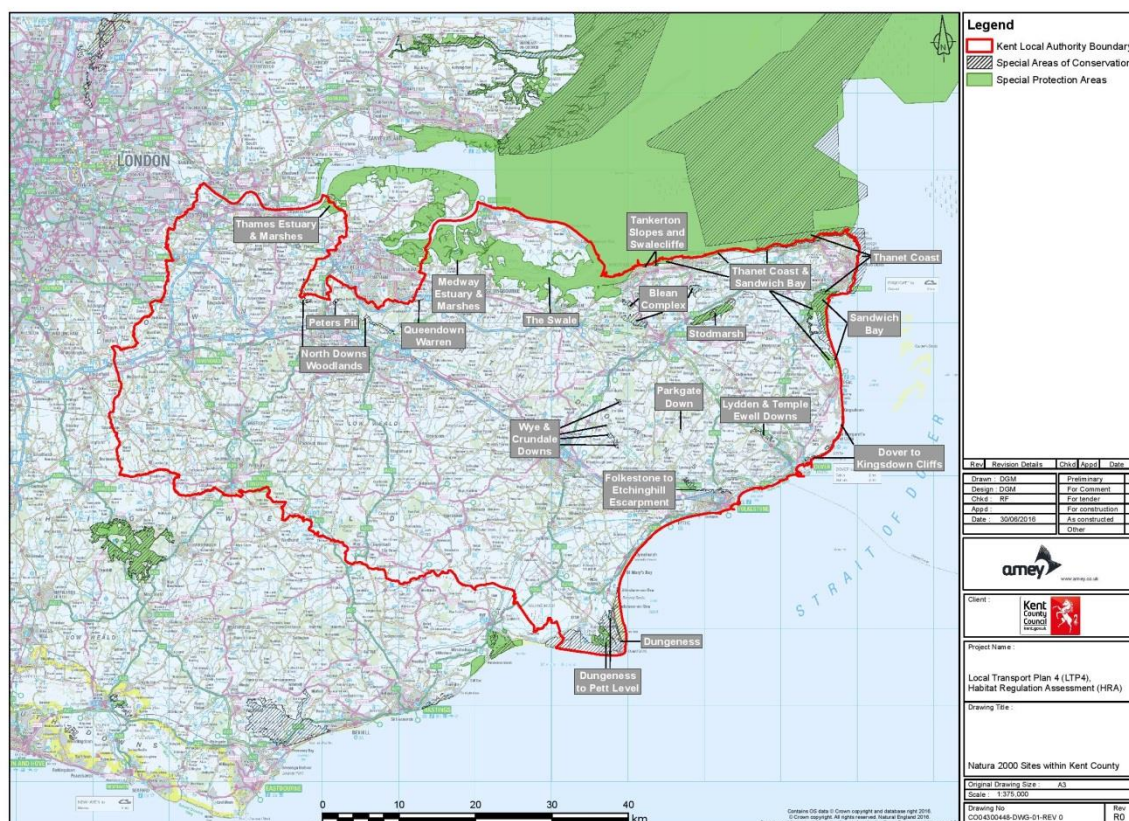
Appropriate Assessment has therefore been deemed appropriate for this site. It should be noted that at the time of writing this HRA Screening Report, it is not known exactly how and when the MWLP Strategies assessed will be implemented and if further investigations of noise and air quality are planned based on the advice from Natural England. There is therefore some uncertainty in the assessment of potential significance and the precautionary approach has been applied.

When it is known if this minerals site may be implemented and there is more information on what work it will entail, it will be possible to devise appropriate avoidance and mitigation measures that are scheme-specific.

7 References

- 1 EUROPEAN ECONOMIC COMMUNITY (EEC) *Council Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora (the Habitats Directive)*.
- 2 EUROPEAN COMMISSION (2000) *Managing Natura 2000 Sites* (The Provisions of Article 6 of the 'Habitats' Directive 92/43/EEC).
- 3 Natural England (2013) *Natural England Standard: Habitats Regulations Assessment (HRA)*.
- 4 Highways Agency (2009) DESIGN MANUAL FOR ROADS AND BRIDGES (DMRB). VOLUME 11, SECTION 4, PART 1, HD 44/09. *Assessment of implications (of highways and/or roads projects) on European sites (including Appropriate Assessment)*.
- 5 DTA PUBLICATIONS (2014). *The Habitats Regulations Assessment Handbook*. www.dtapublications.co.uk
- 6 JOINT NATURE CONSERVATION COMMITTEE (JNCC). Website: <http://jncc.defra.gov.uk/protectedsites/sacselection/sac.asp?EUCODE=UK0016618>
- 7 NATURA 2000 STANDARD DATA FORM: Website: <http://jncc.defra.gov.uk/protectedsites/sacselection/n2kforms/UK0016618.pdf>
- 8 Kent Minerals and Waste Plan (2017) Safeguarding Supplementary Planning Document. Kent County Council.
- 9 URS, 2012. Kent Minerals & Waste Development Framework –Site Options Habitat Regulations Assessment for consultation
- 10 NBN Atlas (2017) <https://registry.nbnatlas.org/> Occurrence record 553497898. Environment Agency Rare and Protected Species Records. OGL.
- 11 Email from Jayne Field (Natural England) to Graeme Down (URS) of 20/10/09
- 12 <http://www.natureonthemap.naturalengland.org.uk/magicmap.aspx>

8 Plan showing Natura 2000 sites in Kent.



Appendix 2: Environment Agency response to consultation on the draft KMSP

Ms Sharon Thompson
Kent County Council
Planning Applications Unit
County Hall (Invicta House)
Maidstone
Kent
ME14 1XX

Our ref: KT/2017/122945/SE-01/DS1-
L01
Your ref: KMWLP Sites Plan 03/2018
Date: 27 March 2018

Dear Ms Thompson

Mineral Sites Plan - Options Consultation 2017 and Regulation 18 Consultation - Early Partial Review of the Kent Minerals and Waste Local Plan 2013-30

Thank you for consulting us on the proposed site options for the Minerals Sites Plan for Kent and the early partial review of the Kent Minerals and Waste Local Plan 2013-30. We have the following comments to make:

Regulation 18 Consultation - Early Partial Review of the Kent Minerals and Waste Local Plan 2013-30

We have **no objection** to the proposed policy wording changes of the above plan and have no further comments to make on the early partial review or Scoping Report for the above partial review plan process.

Mineral Sites Plan - Options Consultation 2017

Objections

We **object** to the Minerals Sites Plan as it currently stands due to the following allocations not containing sufficient information to fully assess their suitability as an allocation in regards biodiversity.

- M2 Lydd Quarry Extension and Allen Bank Quarry Extension, Lydd Shepway
- M3 Chapel Farm, Lenham
- M7 Land at Central Road, Dartford Fresh Marshes, Dartford
- M10 Moat Farm, Five Oak Green, Capel Tunbridge Wells
- M11 Joyce Green Quarry, Dartford
- M12 Postern Meadows, Tonbridge Tonbridge and Malling

In the absence of any information about how the impacts will be managed, we object to the proposal to allocate the above sites to the Minerals Sites Plan. To remove our objection please provide us with evidence of suitable mitigation or proof of “no impact”.

We reiterate our comments from our letter of 19 July *‘For future consultations for the above plan please can you ensure that all proposed sites come with an ecological evaluation to understand likely impacts, and information as to whether it is feasible to genuinely mitigate for those impacts.*

This should not be ‘high level’ but actually based on a reasonable understanding of the site, so not necessarily full ecological surveys.’

For more detailed information about biodiversity at these sites, please see the sub sections below for each site.

Flood Risk

Although we have no objection to the proposed mineral sites on flood risk grounds, the following proposed mineral sites fall within the High Risk Flood Zone as shown on the Agency’s Flood Map:

- Moat Farm- Five Oak Green
- Postern Meadows – Tonbridge
- Stonecastle Farm- Tonbridge
- The Postern- Tonbridge
- Central Road- Dartford
- Joyce Green Quarry- Dartford

The above sites fall within Flood Zone 3 (FZ3) as described in Table 1, of the Technical Guidance to the National Planning Policy Framework. Local Authorities are guided to adopt a precautionary approach to the issue of flood risk, avoiding such risk where possible and managing it elsewhere.

Table 2, paragraph 066 of the Planning Practice Guidance acknowledges that sand and gravel deposits are ‘water compatible’ developments. This means they must be worked where they occur, and so likely to exist within a Flood zone. However, they must still be worked in ways that do not increase flood risk. The proposals for minerals extraction that are situated in FZ3 must be accompanied by a detailed Flood Risk Assessment (FRA), which demonstrates the activities they intend to undertake do not increase flood risk to the site or surrounding area. This must be approved by the Environment Agency.

The Central Road site and Joyce Green Quarry site (both Dartford) have flood defences either on or adjacent to the site. We would expect to see detailed information about the distance of the extraction from the flood defences and how any extraction could impact the integrity of the flood defence.

We would also want to ensure that the location of extraction will not impede our access to the defences for our field team to complete maintenance.

West Malling Sandpit (Ryarsh) appears to be located outside FZ3 according to the Agency flood map. However we suspect the flood zone is incorrect here, and that part of the site would likely be at risk of flooding. Therefore an FRA will also be required for this site.

Permitting

Flood Risk Activity Permits

Please be aware that sites located near to watercourses designated 'Main River' and under the jurisdiction of the Environment Agency for its land drainage functions. As of 6th April 2016, the Water Resources Act 1991 and associated land drainage byelaws have been amended and flood defence consents will now fall under the Environmental Permitting (England and Wales) Regulations 2010. Any activities in, over, under or within eight metres of the top of bank may require a permit with some activities excluded or exempt. Further details and guidance are available on the GOV.UK website:

<https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>.

Please contact the Partnerships and Strategic Overview team at or our National Customer Contact Centre on 03708 506 506 or enquiries@environment-agency.gov.uk for more information.'

Mining Waste Permit

Any extractive activities taking place at the proposed sites giving rise to waste and forming part of the mining process will require a Mining Waste Permit under the Environmental Permitting Regulations 2016 for example the washing of quarried or extracted materials producing waste washing liquors or sediments. Additionally, an Extractive Materials Management Plan and statement will need to be submitted to the Environment Agency to assess products, by-products and waste materials arising from the sites activities if this has not already been assessed or discussed with us.

Where a permit is required pre-application discussions will need to take place with this applicant where advice and guidance can be given regarding these proposed waste management activities.

Further guidance on what is required of the applicant can also be found on the GOV.UK website at <https://www.gov.uk/environmental-permit-how-to-apply> For any issues likely to be raised the applicant should contact Nina Williams nina.williams@environment-agency.gov.uk in the Kent Waste Team on 02084746767.

M2

Lydd Quarry Extension and Allen Bank Quarry Extension, Lydd Shepway

Biodiversity

The proximity of this site to parts of the Lydd Petty Sewer means that operations in the extension have the potential to adversely affected protected species recorded as being present in the water course.

As outlined on page 1, in the absence of any information about how the impacts will be managed, we **object** to the proposal.

We would lift the objection if we can be provided with evidence of suitable mitigation or proof of "no impact". Please see Water Resources paragraph below for suggested water quality monitoring with emphasis on salinity for this site.

In addition to the information on pages 1 & 2, we would like to offer the following comments about this site allocation:

Groundwater

This site overlies the tidal flat deposits. Relevant constraints would be imposed on any specific application for depth of excavations, pollution control methods and ways of working to safeguard against potential impacts on water quality and any sensitive habitats.

Water Resources - AMBER

Should working conditions dictate a need to suppress groundwater levels a Transfer Licence will need to be sought from the regulator, the Environment Agency, in accordance with the Water Act 2003 (c.37), Part 1, Section 24A. If a proportion of the abstracted water has an 'intervening use', such as for the purpose of Mineral Washing, an Abstraction Licence should be sought from the regulator, the Environment Agency, in accordance with the Water Resources Act 1991 (c.57), Chapter II, Section 24.

It is therefore possible to conclude that future 'management' of groundwater levels associated with the M2 option will be subject to legislative control, and beyond that employed when the neighbouring excavations were previously worked. Investigations will be required, with the aim of understanding the implications of any subsequent dewatering operation on those activities beyond the curtilage of the M2 excavations, yet contiguous with the Storm Beach Deposits overlaying the Wealden Group (Hastings Beds).

Given the proximity to neighbouring designated sites the expectation is that Natural England, the responsible authority, will determine what amounts to an acceptable impact. Tolerable thresholds will be dependent on the respective SSSI, Ramsar, SAC and SPA designated features, although interestingly site remediation, once the minerals have been won, will in all probability support the extension of the Ramsar and SPA designations.

In response Brett Aggregates will be required to demonstrate that they have a sufficiently robust strategy to prevent derogation to neighbouring parties. The likelihood is that in response the Company will need to implement a programme of groundwater level monitoring, and should necessity dictate water quality monitoring with a particular emphasis on salinity. The design of any future Licence will reflect the findings of these investigations, and where required proportionate cessation conditions can be employed to manage future mineral operations.

Any future Licence may determine the approach taken by Brett Aggregates at the proposed Lydd Quarry and Allens Bank Extension, with respect to how they choose to operate. Given the preliminary state of their application no formal discussions have yet to take place with respect to the Water Resources implications posed by the M2 mineral plan.

Flood Risk

Please note the comments on page 2 of this letter.

For information the Jury's Gut Sewer is designated 'Main River' and a Flood Risk Activity Permit may be required for any works in, over, under or within eight metres of the top of bank. Further details are outlined in the Permitting section of this letter (page 2).

M3

Chapel Farm, Lenham

Biodiversity

This site overlays a length of the River Stour at Lenham. In the absence of information about

its impact on the river, we **object** to this site allocation as outlined on page 1.

In addition to the information on pages 1 & 2, we would like to offer the following comments about this site allocation:

Groundwater

This site overlies the Folkestone Sands aquifer and is partly in a Source Protection Zone (SPZ) 3 for a public water abstraction borehole. Relevant constraints would be imposed on a specific application for restrictions on depth of excavations, pollution control methods and ways of working to safeguard against aquifer disturbance or impacts on water quality

Water Resources - RED-AMBER

Any future submission will require an Environmental Impact Assessment, with an emphasis towards demonstrating the relationship between the upper reaches of the Great Stour [including its associated tributaries, both ephemeral and perennial] during the site's operation and subsequent restoration.

It is anticipated that appropriate mitigation measures, substantiated through a detailed programme of monitoring, will be necessary in order for the applicant to prove beyond reasonable doubt that the Chapel Farm workings, both during the operational phase and in perpetuity once the quarry has been restored, do not have a detrimental impact on the following aspects;

- The hydraulic continuity between those reaches of the Great Stour and associated tributaries, if proven to be in part dependent on groundwater baseflow originating from the adjoining aquifer [Folkestone Formation].
- The hydraulic integrity of the river network is not compromised. In particular, the proposed plans will need to recognise the function of the foremost transient reaches of the Great Stour, which are dependent on both Chalk escarpment seepage and surface runoff contributions, where underlain by Gault Clay to the immediate north of Chapel Farm. Any submission will need to account for this 'contribution', and the plans cannot allow the Great Stour to become hydraulically 'isolated' from its headwaters, irrespective of whether those watercourses are quantified as ephemeral.
- The proposed operation will need to be designed so as to ensure the underlying Sandgate Formation is not compromised, especially if through subsequent investigation the Sandgate Formation is shown to be acting as an aquiclude at Chapel Farm, and within the immediate vicinity. Such a response is required to protect the Hythe Formation, which is classified as a major water resources aquifer unit.

In addition to the highlighted concerns, a direct consequence of the proposed quarry's setting in relation to the Great Stour, the following are points of interest that should be worthy of consideration;

- Lenham Waste Water Treatments Works is immediately upstream of the proposed workings, which has a potential relevance given that the discharge will be dependent on flow.

- As of the 1st of January 2018, in accordance with the Water Act 2003, dewatering is a regulated activity. A Licence should be sought from the Environment Agency, should there be a requirement to dewater at Chapel Farm.

Flood Risk

This site is not in a high risk flood area and will not require an FRA. We have no further comments to make with regards flood risk for this site.

M7

Land at Central Road, Dartford Fresh Marshes, Dartford

Biodiversity

We **object** to this site allocation as outlined on page 1 of this letter and would like to offer following additional information:

The submitted information states, '*mitigation measures would be required to prevent unacceptable adverse impacts on the <LWS> designation.*' However no information is presented on what is possible to do to mitigate for the destruction of this part of the wildlife site.

For information, previous planning applications for this site identified that the ecological value was such that replacement habitat would be required, although no site was found where it would be possible to recreate the quantity and quality of the habitat found here. Given the amount of ecological value known about the site, the wording in the Mineral Sites Plan is misleading.

We believe the site should not be allocated or the plan should provide clear information on where this habitat can be re-created that would adequately compensate for the lost habitat.

We do not agree with the sustainability assessment. The objective to have no impact on important elements of biodiversity and where possible positively contribute to the Kent BAP is good, but is not possible within the site boundary of either of this or the Joyce Green Quarry site. Therefore the RAG and comments associated with it are not accurate.

As no information is provided as to how mitigation can be delivered, both these sites should score as red until this is provided.

In addition to the information on pages 1 & 2, we would like to offer the following comments about this site allocation:

Groundwater

This site overlies the chalk aquifer and is in SPZ2 for a public water abstraction borehole. Relevant constraints would be imposed on a specific application for shallow sand and gravel deposits and restrictions on depth of excavations, pollution control methods and ways of working to safeguard against aquifer disturbance, or impacts on water quality, would need to be conditioned in any permission.

Water Resources - AMBER-GREEN

Any future submission will require an Environmental Impact Assessment, with an emphasis towards demonstrating the relationship between the reach of the River Darent that bounds the western flank of the proposed working, in addition to the wetlands to the immediate north of University Way [A206], during both the site's operation and subsequent restoration.

It is anticipated that appropriate mitigation measures, substantiated through a detailed programme of monitoring, will be necessary in order for the applicant to prove beyond reasonable doubt that the Central Road workings, both during the operational phase and in perpetuity once the quarry has been restored, do not have a detrimental impact on the following aspects;

- The hydraulic continuity between those susceptible reaches of the River Darent, if proven to be in part dependent on groundwater baseflow originating from the adjoining aquifer [Seaford/ Newhave Chalk Formations].
- The hydraulic relationship between the wetlands/ marshlands to the immediate north of the Central Road mineral option, and with particular regards to ensure that no detrimental impact results should dewatering be employed across the Central Road so as to win the mineral. As a consequence this concern is pertinent to the operational phase.
- Any submission will need to give due consideration to the proposed restoration objectives, and in particular those ambitions relating to the creation of marshland. The expectation is that for significant periods the voids created through the excavation of mineral will amount to little more than flooded pits. Dependent on final working depths there is yet an answered question as to whether correspondingly, when groundwater conditions are low, there will be a call to augment levels so as to sustain marshland ecosystems that could be stressed in such a scenario.
- The restoration plan needs to be sustainable, given that previously there has been an expectation to augment levels in similar worked out pits that align the Darent further upstream, which have subsequently flooded and found a new purpose as fishing lakes.. Such a response could, potentially, be untenable.
- As of the 1st of January 2018, in accordance with the Water Act 2003, dewatering is a regulated activity. A Licence should be sought from the Environment Agency, should there be a requirement to dewater at Central Road.

Flood Risk

Please note the comments on page 2 of this letter.

Site M8

West Mallings Sandpit, Ryarsh

We have **no objection** to this site allocation but wish to offer the following comments in addition to those on page 1 & 2:

Groundwater

This site overlies the Folkestone sand aquifer and is in SPZ3 for a public water abstraction boreholes. Relevant constraints would be imposed on a specific application for restrictions on depth of excavations, pollution control methods and ways of working to safeguard against aquifer disturbance, or impacts on water quality

Water Resources - AMBER

Any future submission will require an Environmental Impact Assessment, with an emphasis towards demonstrating the relationship between the reach of the Leybourne Stream that bounds the southern flank of the proposed working, during both the site's operation and subsequent restoration.

It is anticipated that appropriate mitigation measures, substantiated through a detailed programme of monitoring, will be necessary in order for the applicant to prove beyond reasonable doubt that the West Malling Sandpit workings, both during the operational phase and in perpetuity once the quarry has been restored, do not have a detrimental impact on the following aspects;

- The hydraulic continuity between those susceptible reaches of the Leybourne Stream, if proven to be in part dependent on groundwater baseflow originating from the adjoining aquifer [Folkestone Formation].
- The proposed operation will need to be designed so as to ensure the underling Sandgate Formation is not compromised, especially if through subsequent investigation the Sandgate Formation is shown to be acting as an aquiclude at West Malling Sandpit, and within the immediate vicinity. Such a response is required to protect the Hythe Formation, which is classified as a major water resources aquifer unit.

In addition to the highlighted concerns the following are points of interest that should be worthy of consideration;

- Dependent on the proposed ways of working, Abstraction Licence 9/40/02/0020/SR potentially could be at risk of derogation, being located approximately 250m to the NW of the northern most curtilage of the quarry.
- As of the 1st of January 2018, in accordance with the Water Act 2003, dewatering is a regulated activity. A Licence should be sought from the Environment Agency, should there be a requirement to dewater at West Malling Sandpit.

Flood Risk

Please note the comments on page 2 of this letter.

Biodiversity

We have no comments to make on this site

Site M9

The Postern, Capel

We have **no objection** to this site allocation but wish to offer the following comments in addition to those on page 1 & 2:

Groundwater

This site overlies the gravel aquifer and is in SPZ3 for a public water abstraction borehole. Relevant constraints would be imposed on an specific application for restrictions on depth of excavations, pollution control methods and ways of working to safeguard against aquifer disturbance or impacts on water quality

Water Resources - GREEN

The proposed excavation at The Postern poses no immediate Water Resources risk. There is a low theoretical threat to baseflow seepage to the River Medway in the immediate locality during the operational phase, and impact would be focused towards the river's summer and autumnal flow regime. The impact will be dependent on the 'buffering' of the Alluviums, which bound The Postern to the north and separate the Terrace Gravel Formation from the River Medway.

It is anticipated that appropriate mitigation measures, substantiated through a detailed programme of monitoring, will be necessary in order for the applicant to prove beyond reasonable doubt that The Postern workings, both during the operational phase do not have a detrimental impact on the following aspects;

- The hydraulic relationship between the now flooded previously worked excavations, to the immediate north and the local drainage ditches, some of which may be ephemeral. This need is particularly relevant should dewatering be employed across The Postern so as to win the mineral, and as such the applicant will need to develop a sufficiently robust mitigation plan so as to ensure that local levels are not compromised to the extent that water dependent ecosystems are derogated.
- The restoration plan indicates an ambition to restore to agricultural land. Accepting the site is underlain by the Weald Clay Formation, there will be a need in due course for the applicant to demonstrate how the worked areas will be hydraulically isolated from those features that will eventually surround the excavation.
- As of the 1st of January 2018, in accordance with the Water Act 2003, dewatering is a regulated activity. A Licence should be sought from the Environment Agency, should there be a requirement to dewater at The Postern.

Flood Risk

Please note the comments on page 2 of this letter.

Biodiversity

We have no comments for this site however would like to note that we have records of Himalayan Balsam and Mink in the area. If the site is selected, it would be good if the developer accepts responsibility for and contributes to management of these invasive non-native species as part of their work at the site.

M10

Moat Farm, Five Oak Green, Capel Tunbridge Wells

Biodiversity

The Alder stream passes through the middle of this site.

We oppose the creation of online lakes and so, in the absence of detailed information about the site **object** to this proposal.

However, there is the potential for river restoration to be delivered as part of the exploitation of this site subject to other concerns including flood risk. We require further information about the proposal to be able to assess it fully.

Note: there is at least one, non-riparian protected species recorded in the area which will need to be taken into account when the site is developed.

In addition to the information on pages 1 & 2, we would like to offer the following comments about this site allocation:

Groundwater

This site overlies the gravel aquifer and near the edge of an SPZ3 for a public water abstraction borehole. Relevant constraints would be imposed on a specific application for restrictions on depth of excavations, pollution control methods and ways of working to safeguard against aquifer disturbance or impacts on water quality

Water Resources - AMBER

The proposed excavation at Moat Farm poses no immediate Water Resources risk on the proviso that the final restoration plan fully recognises the need to ensure that the Alder Stream's function, alongside smaller ditches and ditches, are retained.

It is anticipated that appropriate mitigation measures, substantiated through a detailed programme of monitoring, will be necessary in order for the applicant to prove beyond reasonable doubt that the Moat Farm workings, both during the operational phase do not have a detrimental impact on the following aspects;

- The hydraulic relationship between the previously worked excavations [now flooded], to the immediate north and the local drainage ditches, some of which may be ephemeral will need to be verified. This need is particularly relevant should dewatering be employed across Moat Farm so as to win the mineral, and as such the applicant will need to develop a sufficiently robust mitigation plan so as to ensure that local levels are not compromised to the extent that water dependent ecosystems are derogated.
- The restoration plan indicates an ambition to restore to phased wetland. There will be a need in due course for the applicant to demonstrate how the wetlands, designed to restore the excavations, will be managed so as not compromise the integrity of the Alder Stream and the function of those unnamed drainage ditches in the immediate vicinity of the Moat Farm workings.

- As of the 1st of January 2018, in accordance with the Water Act 2003, dewatering is a regulated activity. A Licence should be sought from the Environment Agency, should there be a requirement to dewater at Moat Farm.

Flood Risk

Please note the comments on page 2 of this letter.

M11 Joyce Green Quarry, Dartford

Biodiversity

We **object** to the allocation of Joyce Green Quarry site without further information being presented about how the impacts of this development can be adequately mitigated. The site contains significant lengths of ditches and provides an important range of habitats as part of the Local Wildlife Site.

To utilise this site would require the re-creation of ditches in order to accommodate protected species and provide important habitats integral to the Local Wildlife Site designation. It is unclear how this can be achieved, so more information should be provided before this site is accepted as suitable as being allocated for mineral extraction.

We do not agree with the sustainability assessment. The objective to have no impact on important elements of biodiversity and where possible positively contribute to the Kent BAP is good, but is not possible within the site boundary of either of the sites in the Dartford Borough.

Therefore the RAG and comments associated with it are not accurate.

As no information is provided as to how mitigation can be delivered, both Dartford sites should score as red until this is provided.

Groundwater

Please refer to our planning response dated 10 January 2018 (ref KT/2017/123738) for our comments on this site. We would have concerns about further extraction without additional detailed information being submitted.

Water Resources– AMBER GREEN

The proposed excavation at Joyce Green Quarry poses a low Water Resources risk. It is anticipated that appropriate mitigation measures, substantiated through a detailed programme of monitoring, will be necessary in order for the applicant to prove beyond reasonable doubt that the Joyce Green Quarry workings, both during the operational phase do not have a detrimental impact on the following aspects;

- Confirmation will be sought as to how Dartford Marshes will continue to function hydraulically, following the extraction of mineral at Joyce Green Quarry. The creation of a lake will cause a significant change to the local hydrology, relative to the existing 'fabric' of drains and ditches that constitutes the Marsh.
- Should dewatering be employed at Joyce Green Quarry there will be a need to demonstrate how brackish/ saline ingress will be managed, given the proximity to the River Darent's tidal reach during the operational phase.

- As of the 1st of January 2018, in accordance with the Water Act 2003, dewatering is a regulated activity. A Licence should be sought from the Environment Agency, should there be a requirement to dewater at Joyce Green Quarry.

Flood Risk

Please note the comments on page 2 of this letter.

M12

Postern Meadows, Tonbridge, Tonbridge and Malling

Biodiversity

Migratory fish species use the Botany Stream and the Medway, located to the north, west and east of the site. We require information to understand how this site will be worked and managed without harm to them.

As outlined on page 1, in the absence of any information about how the impacts will be managed, we **object** to the proposal.

As a minimum, we will require that measures must be taken during operation of the site to ensure that water quality – chemistry and solids – is not affected in such a way as to cause an impact on the Sewer. It may also be appropriate to implement a water quality monitoring programme for the duration of operations there.

We would lift the objection if we can be provided with evidence of suitable mitigation or proof of “no impact”.

In addition to the information on pages 1 & 2, we would like to offer the following comments about this site allocation:

Groundwater

This site overlies the gravel aquifer and is near an SPZ3 for a water abstraction borehole. It is also north of a business park underlain by historic landfill. Appropriate risk assessments would need to be carried out to ascertain that any possible changes in water flow caused by quarrying would not cause impacts on controlled waters from the change in flow paths and changes to leaching from the fill materials.

Relevant constraints would be imposed on an specific application for restrictions on depth of excavations, pollution control methods and ways of working to safeguard against aquifer disturbance or impacts on water quality.

Water Resources - GREEN

The proposed excavation at Postern Meadows poses no immediate Water Resources risk on the proviso that the final restoration plan fully recognises the need to ensure that the Botany Stream’s function, which bounds the eastern flank of the proposed workings, is retained. Furthermore, the following uncertainties will need to be addressed, being substantiated through a detailed programme of monitoring where necessary, in order for the applicant to prove beyond reasonable doubt that the Postern Meadows workings, both during the operational phase have fully accounted for the following;

- The applicant, in due course, will be required to confirm the design of the restoration plan and in particular with reference to the landscape lake’s interface

with the adjoining River Medway. Given that Postern Meadows is predominantly underlain by Weald Clay Formation there is some uncertainty as to how sustainable the restoration plan is independent of a feed from the River Medway so as to effectively augment levels. In principle we are against proposals that would result in further unconstrained demand being placed on the River Medway's flow, and especially during those scenarios when the regime would be stressed and incapable of supporting what would amount to an additional abstraction.

- A relatively minor proportion of the Postern Meadows site is potentially underlain by Tunbridge Wells Sand Formation [west], and as a consequence the extent of the outcrop and the relative position of the geological boundary with the Weald Clay Formation will need to be proven through site investigation. Furthermore the applicant will need to determine the consequences of removing the overlying Alluvium, so as to confirm that the final restoration plan does not result in an increased risk to the underlying Tunbridge Wells Sand Formation, which is a principal aquifer unit.

As of the 1st of January 2018, in accordance with the Water Act 2003, dewatering is a regulated activity. A Licence should be sought from the Environment Agency, should there be a requirement to dewater at Postern Meadow.

Flood Risk

Please note the comments on page 2 of this letter.

Site M13

Stonecastle Farm, Hadlow/ Whetsted

We have no objection to this site allocation but wish to offer the following comments in addition to the information on pages 1 & 2:

Groundwater

This site is in an important setting for local water supply and further major extensions to this quarry may impact water supply options. We would not agree that the full extent of these extensions are acceptable with further detailed supporting evidence and a Hydrogeological Risk Assessment. We have made similar comments in the past to extension proposals at this site.

Water Resources– AMBER

The proposed excavation at Stonecastle Farm poses a moderate Water Resources risk. It is anticipated that appropriate mitigation measures, substantiated through a detailed programme of monitoring, will be necessary in order for the applicant to prove beyond reasonable doubt that the Stonecastle Farm workings, both during the operational phase do not have a detrimental impact on the following aspects;

- The applicant, in due course, will be required to confirm the design of the restoration plan and in particular with reference to the proposed lakes' interface with the adjoining River Medway, the Hammer Dyke and associated drains. Given that Stonecastle Farm is predominantly underlain by Weald Clay Formation there is some uncertainty as to how sustainable the restoration plan

Environment Agency

Orchard House Endeavour Park, London Road, Addington, West Malling, Kent, ME19 5SH

Customer services line: 03708 506 506

Email: enquiries@environment-agency.gov.uk

www.gov.uk/environment-agency

is, independent of a feed from any one of the watercourses that will bound the lakes, once the mineral has been extracted. The restoration plan will need to include evidence demonstrating as to how the integrity of those watercourses sited on the curtilage of the workings will be retained.

- Two Abstraction Licences are sited within the vicinity of the proposed workings at Stonecastle Farm. Both Licence 9/40/03/0215/SR [Sherenden Farm, Tudley] and Licence 9/40/03/0474/G [South East Water, Hartlake] will need to be accounted for in terms of the operation phase and the subsequent restoration. The assessment will be required to determine whether the Stonecastle Farm option poses a risk of derogation to the licensees' regulated activities. South East Water will need to be consulted with, the proposal raising potential questions as to the longer term viability of the superficial aquifer at Hartlake, from where the Company abstracts.
- As of the 1st of January 2018, in accordance with the Water Act 2003, dewatering is a regulated activity. A Licence should be sought from the Environment Agency, should there be a requirement to dewater at Stonecastle Farm.

Biodiversity

We have no comments to make about this site in regards fisheries and biodiversity however we would like to offer the following information - We have records of Nuttall's pondweed and Crassula in the area. If the site is selected, it would be good if the developer accepts responsibility for and contributes to management of these invasive non-native species as part of their work at the site.

Flood Risk

Please note the comments on page 2 of this letter.

If you would like us to review a draft document or to meet to discuss how to remove any of our objections, or additional reports we have recommended, please do not hesitate to contact us.

Yours sincerely

Sophie Page

Mrs Sophie Page
Planning Advisor

Direct dial 020 8474 8030

Direct e-mail sophie.page@environment-agency.gov.uk

Appendix 3: Natural England response to consultation on the draft KMSP

Date: 28 March 2018
Our ref: 235011
Your ref: -



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

Customer Services
Hornbeam House
Crewe Business Park
Electra Way
Crewe
Cheshire
CW1 6GJ

By email only, no hard copy to follow

T 0300 060 3900

Dear Bryan Geake

Early Partial Review of Kent Minerals and Waste Local Plan & Kent Mineral Sites Plan Options

Thank you for your consultation on the above dated 19 December 2017

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

A number of the sites fall within designated nature conservation sites of protected landscapes. Natural England therefore advises that further, more detailed, analysis of the impacts of the potential options to the natural environment and a robust consideration of alternative options needs to be undertaken before progressing the plans.

In particular, Natural England has concerns regarding allocation M2, which will directly impact the following designated sites:

- Dungeness, Romney Marsh and Rye Bay Site of Special Scientific Interest (SSSI)
- Dungeness, Romney Marsh and Rye Bay Special Protection Area (SPA)

Further to this, many of the proposed allocations will affect a number of areas of Priority Habitat. The council should fully demonstrate which other alternatives have been considered and why there are no satisfactory alternatives which have lesser impacts.

Our detailed comments in relation to each of the potential allocations are provided in Annex A, which is appended to this letter.

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us. For any queries relating to the specific advice in this letter only please contact Amanda Fegan on 0208 026 6607. For any new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

Yours sincerely

Amanda Fegan

Annex A: Natural England's detailed advice in relation to the Early Partial Review of Kent Minerals and Waste Local Plan & Kent Mineral Sites Plan Options

M2: Lydd Quarry and Allens Bank Extension, Lydd, Shepway- Objection

The proposed allocation at Lydd Quarry and Allens Bank Extension falls wholly or partly within the following designated sites where direct impacts would occur:

- Dungeness, Romney Marsh and Rye Bay Site of Special Scientific Interest (SSSI)
- Dungeness, Romney Marsh and Rye Bay Special Protection Area (SPA)

In addition, the proposed allocation is in close proximity to the following designated sites and indirect impacts are likely to occur:

- Dungeness Special Area of Conservation (SAC)
- Dungeness, Romney Marsh and Rye Bay Wetland of International Importance under the Ramsar Convention (Ramsar Site)

Given the direct and indirect impacts to the above designated sites that are likely to occur, Natural England does not consider that allocations for further extraction of minerals from within these designated sites is appropriate when alternative sources of minerals, such as offshore marine deposits outside designated sites, could provide the same resource without impacting the designated sites.

Whilst previous mineral extractions have taken place within the designated site, the permission for these pre-dated the designation of the SSSI in 2006 and classification of the SPA. These previous works, in addition to direct loss of the SSSI and its buried geomorphology, have also potentially resulted in indirect impacts from the extraction activities including the dewatering activities. These indirect impacts include changes in the hydrology across the surrounding area, which is made up of an extensive complex of sand and gravel beach barrier deposits buried within the marshland sediment. The change in hydrology results in lowering the water levels within the surrounding ditch habitats; changes in water quality, in particular salinity levels, in the surrounding wetland habitats and the ditch network across the area, all of which are important features of the designated site for the aquatic plant, invertebrate, water vole and bird populations they support.

Given that the application site is within or in close proximity to European designated sites (also commonly referred to as Natura 2000 sites), and has the potential to affect its interest features, Natural England recommends that further information should be provided before this potential allocation is progressed further. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2017 (the 'Habitats Regulations').

In considering the European site interest, Natural England advises that you, as a competent authority under the provisions of the Habitats Regulations, should have regard for any potential impacts that a plan or project may have¹. The [Conservation objectives](#) for each European site explain how the site should be restored and/or maintained and may be helpful in assessing what, if any, potential impacts a plan or project may have

The documents provided as part of this consultation do not include information on the likely impacts to these sites or information to demonstrate that the requirements of Regulations 63

¹ Requirements are set out within Regulations 63 and 64 of the Habitats Regulations, where a series of steps and tests are followed for plans or projects that could potentially affect a European site. The steps and tests set out within Regulations 63 and 64 are commonly referred to as the 'Habitats Regulations Assessment' process. The Government has produced core guidance for competent authorities and developers to assist with the Habitats Regulations Assessment process. This can be found on the Defra website. <http://www.defra.gov.uk/habitats-review/implementation/process-guidance/guidance/sites/>

and 64 of the Habitats Regulations have been considered by your authority, i.e. the consultation does not include a Habitats Regulations Assessment.

In advising your authority on the requirements relating to Habitats Regulations Assessment, it is Natural England's advice that the proposal is not necessary for the management of the European site. Given the direct and indirect impacts that are likely to result from the extraction of minerals at this site to the SPA, Ramsar Site and SAC, Natural England's advice is that a likely significant effect cannot be ruled out at this stage. As such, the Council will need to undertake an Appropriate Assessment before progressing this allocation further. The Appropriate Assessment will need to fully consider alternative sources of minerals, the impacts of direct habitat loss and the indirect impacts that could result from this proposal from hydrological, water and air quality impacts for example.

We would be pleased to provide further advice to the Council on the scope of the Appropriate Assessment, although this would need to be on a cost recovery basis through our [Discretionary Advice Service](#).

M3, M8, M7, M11/M14, M9, M10, M12 & M13

M3: Chapel Farm, Lenham, Maidstone

The proposed development is in close proximity to two sites that have been designated as SSSI, Lenham Quarry and Hart Hill (~800m and 2.5km respectively). Such sites are protected nationally under the Countryside and Rights of Way (CROW) Act 2000. Given the distance, it is unlikely there will be significant implications for the SSSIs from this proposal. Please be aware that these particular sites have both been designated for their geological interest due to their exposure of the significant 'Lenham Beds' rock formation. Due to the presence of geological interest sites close to the proposed site, the advice of your own specialists should be sought to provide advice on the likely geological conservation impacts.

The proposed allocation is for a site within or close to the Kent Downs Area of Outstanding Natural Beauty (AONB). Natural England advises that the planning authority uses national and local policies, together with local landscape expertise and information to determine the proposal. The policy and statutory framework to guide your decision and the role of local advice are explained below.

The statutory purpose of the AONB is to conserve and enhance the area's natural beauty. You should assess the application carefully as to whether the proposed development would have a significant impact on or harm that statutory purpose. Relevant to this is the duty on public bodies to 'have regard' for that statutory purpose in carrying out their functions (S85 of the Countryside and Rights of Way Act, 2000). The Planning Practice Guidance confirms that this duty also applies to proposals outside the designated area but impacting on its natural beauty.

Your decision on whether the site is allocated should be guided by paragraph 115 of the National Planning Policy Framework which gives the highest status of protection for the 'landscape and scenic beauty' of AONBs and National Parks. For major development proposals paragraph 116 sets out criteria to determine whether the development should exceptionally be permitted within the designated landscape.

Alongside national policy you should also apply landscape policies set out in development plans, or appropriate saved policies.

We also advise that you seek the views of the Kent Downs AONB Unit if you have not already done so. Their knowledge of the site and its wider landscape setting, together with

the aims and objectives of the AONB's statutory management plan, will be a valuable contribution to the planning decision. Where available, a local Landscape Character Assessment can also be a helpful guide to the landscape's sensitivity to this type of development and its capacity to accommodate the proposed development.

In addition, Natural England notes that the development will result in the loss of ancient woodland priority habitat and partial loss of deciduous woodland habitat. Paragraph 118 of the National Planning Practice Framework states that '*planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss;*' and has a presumption against the loss of ancient woodland unless there are exceptional circumstances. Therefore the Council must clearly demonstrate that there are no alternative sites with a less environmental impact.

If there are no satisfactory alternative sites, we advise that the Council needs to provide further detail on how this loss will be reduced, mitigated or compensated prior to the granting of any permission. Natural England's [standing advice for ancient woodland](#) may provide useful information in this respect; it details best practice regarding avoidance, mitigation, and compensation and should be considered in respect the pockets of priority woodland surrounding the site, as well as the pocket of priority woodland which would be lost at this site.

M7: Central Road, Dartford, Dartford

M11/M14: Joyce Green Quarry, Dartford, Dartford

The consultation documents indicate that this development includes areas of priority habitat, as listed on Section 41 of the Natural Environmental and Rural Communities (NERC) Act 2006.

Natural England notes that the allocations are likely to:

- result in a partial loss of Coastal and Floodplain Grazing Marsh priority habitat.
- have indirect impacts to the adjacent Coastal Saltmarsh priority habitat.
- Result in indirect impacts to the adjacent to Deciduous Woodland priority habitat.

We would therefore recommend that the Council undertakes further assessment of the potential implications of this allocation on priority habitats/habitats of principle importance.

M8: West Malling Sandpit, Ryarsh, Tonbridge and Malling

The proposed allocation falls within two kilometres of the Trottiscliffe Meadows SSSI. Given the distance between the allocation site it is unlikely there will be implications for the SSSI but we recommend that further consideration of the potential impacts is undertaken prior to the allocation of the site.

In addition, the proposed allocation is likely to result in impacts to the Kent Downs AONB and the advice provided above in relation to Site M3 is equally applicable to M3. Similarly, the advice provided in relation to ancient woodland for the proposed allocation M3 is also applicable to this site.

M9: The Postern, Capel, Tunbridge Wells, M10: Moat Farm, Five Oak Green, Capel, Tunbridge Wells & M12: Postern Meadows, Tonbridge, Tonbridge and Malling

The proposed allocation lies close to the High Weald AONB and we recommend the advice in relation to protected landscapes detailed above regarding Site M3 is fully considered if this site is progressed. We would also recommend that the High Weald AONB Unit are consulted in relation this potential site if they have not already been asked for advice.

The consultation documents indicate that this development includes areas of priority habitat, as listed on Section 41 of the Natural Environmental and Rural Communities (NERC) Act 2006. Natural England notes that the allocations are likely to:

- result in a partial loss of Traditional Orchard priority habitat.
- have indirect impacts to Deciduous Woodland priority habitat.

We would therefore recommend that the Council undertakes further assessment of the potential implications of this allocation on priority habitats/habitats of principle importance.

M10: Moat Farm, Five Oak Green, Capel

As detailed within the consultation documents, the proposed allocation lies close to the High Weald AONB and we recommend the advice in relation to protected landscapes detailed above regarding Site M3 is fully considered if this site is progressed. We would also recommend that the High Weald AONB Unit are consulted in relation this potential site if they have not already been asked for advice.

In addition, indirect impacts to ancient woodland are likely to result from the proposed allocation and further clarity on how the impacts will be avoided and fully mitigated should form part of the site allocation process if this allocation is progressed.

M12: Postern Meadows, Tonbridge

As detailed within the consultation documents, the proposed allocation falls within the setting of the High Weald AONB and we recommend the advice in relation to protected landscapes detailed above regarding Site M3 is fully considered if this site is progressed. We would also recommend that the High Weald AONB Unit are consulted in relation this potential site if they have not already been asked for advice.

In addition, indirect impacts to ancient woodland are likely to result from the proposed allocation and further clarity on how the impacts will be avoided and fully mitigated should form part of the site allocation process if this allocation is progressed.

M13: Stonecastle Farm, Hadlow/Whetsted, Tonbridge and Malling (but access in Tunbridge Wells)

The proposed allocation lies close to the High Weald AONB and we recommend the advice in relation to protected landscapes detailed above regarding Site M3 is fully considered if this site is progressed. We would also recommend that the High Weald AONB Unit are consulted in relation this potential site if they have not already been asked for advice.

The consultation documents indicate that this development includes areas of priority habitat, as listed on Section 41 of the Natural Environmental and Rural Communities (NERC) Act 2006. The National Planning Policy Framework (paragraph 118) states that 'when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity. If significant harm resulting from a development cannot be avoided

(through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.'

Natural England notes that the development will:

- result in a complete loss of Deciduous Woodland priority habitat.
- result in indirect impacts adjacent areas of Deciduous Woodland priority habitat.

We would therefore recommend that the Council undertakes further assessment of the potential implications of this allocation on priority habitats/habitats of principle importance.

Further considerations for all potential allocations

In addition to the site specific comments above, the following comments should be considered for all potential allocations.

Soils, Land Quality and Reclamation

Soil is a finite resource that fulfils many important functions and services (ecosystem services) for society, for example as a growing medium for food, timber and other crops, as a store for carbon and water, as a reservoir of biodiversity and as a buffer against pollution. It is therefore important that the soil resources are protected and used sustainably.

The following issues should therefore be considered in detail as part of the allocation process:

1. The degree to which soils would be disturbed/harmed as part of this minerals extraction and whether any 'best and most versatile' agricultural land would be affected.

If required, an agricultural land classification and soil survey of the land should be undertaken, normally at a detailed level (eg one auger boring per hectare supported by pits dug in each main soil type), to confirm the soil physical characteristics of the full depth of soil resource ie 1.2 metres.

For further information on the availability of existing agricultural land classification (ALC) information see www.magic.gov.uk . Natural England Technical Information Note 049 - [Agricultural Land Classification: protecting the best and most versatile agricultural land](#) also contains useful explanatory information.

2. Proposals for handling different types of topsoil and subsoil and the storage of soils and their management whilst in store.

Reference could usefully be made to [MAFF's Good Practice Guide for Handling Soils](#) which comprises separate sections, describing the typical choice of machinery and method of their use for handling soils at various phases. The techniques described by Sheets 1-4 are recommended for the successful reinstatement of higher quality soils.

3. The method of assessing whether soils are in a suitably dry condition to be handled (ie dry and friable), and the avoidance of soil handling, trafficking and cultivation during the wetter winter period.
4. A description of the proposed depths and soil types of the restored soil profiles; normally to an overall depth of 1.2 m over an evenly graded overburden layer.

5. The effects on land drainage, agricultural access and water supplies, including other agricultural land in the vicinity.
6. The impacts of the development on farm structure and viability, and on other established rural land use and interests, both during the site working period and following its reclamation.
7. A detailed Restoration Plan illustrating the restored landform and the proposed after uses, together with details of surface features, water bodies and the availability of outfalls to accommodate future drainage requirements.

Further relevant guidance is also contained in the [Defra Guidance for Successful Restoration of Mineral and Waste Sites](#).

Local wildlife sites, geological sites and species of principle importance

The Council should fully consider the potential impacts to the following nature and geological conservation priorities when evaluating all of the potential allocations.

- local sites (biodiversity and geodiversity)
- local landscape character
- protected species and species of principle importance
- local priority habitats and species.

Natural England does not hold locally specific information relating to the above. These remain material considerations in the determination of this planning application and we recommend that you seek further information from the appropriate bodies (which may include the local records centre, your local wildlife trust, local geoconservation group or other recording society and a local landscape characterisation document) in order to ensure the LPA has sufficient information to fully understand the impact of the proposal before it determines the application. A more comprehensive list of local groups can be found at [Wildlife and Countryside link](#)

Appendix 4: Minutes of meeting to discuss implications of Lydd Quarry and Allens Bank Extensions – 2nd August 2018

**Note of Meeting regarding Option Site M2 of the Kent Minerals Sites Plan
Lydd Quarry and Allens Bank
2nd of August 2018
Meeting Held at Natural England's offices, Ashford**

Attendees

Natural England	Kent County Council	Brett Aggregates
Jo Dear (JD) Sean Hanna (SH)	Sharon Thompson (ST) Bryan Geake (BG) Ian Blake (BPP) (IB)	Gregor Mutch (MD) (GM) Richard Ford (RF) Mike Davies (MD)
Environment Agency	Jenefer Taylor (Amey) (JT) Rachel Barker (Ecus) (RB)	Sean xxxxxxxx (SX) Karen Myers (KM) Jeff Keenan (xxx) (JK)
Jennie Wilson (JW)	East Sussex County Council Pat Randall (PR)	Sam Watson (Bioscan) (SW) Dominic Woodfield (Bioscan) (DW)

Purpose of Meeting

In light of Natural England and the Environment Agency's view on the Brett Aggregate promoted site at Lydd for allocation in the Kent Minerals Site Plan, to understand the impact on the SPA and SSSI and to discuss the implications for the appropriate assessment (AA) under the HRA. This will inform the detailed technical assessment being undertaken by Kent CC as part of the Mineral Sites Plan work and East Sussex CC's future Plan work .

Kent Minerals Sites Local Plan

1. ST outlined the current position of the Kent Minerals Local Plan. She advised that policy CSM2 of the adopted 2016 Core Strategy (the MWLP) sets out the requirements for sharp sand to be provided for within a Sites Plan. She noted that the Inspector had recognised that the resource was being depleted within the county and unlike the policy for soft sand which requires a 7- year landbank to be maintained, the sharp sand policy states provision will be met whilst resources allow to reflect this.

2. Following the adoption of the MWLP, the County Council's 'call for sites' had resulted in a number of sharp sand sites being promoted. This included the M2 site (in 8 parcels) at Lydd promoted by Brett Aggregates as an extension to existing operations in the area. This site had passed the initial site assessment phase and was now being considered as part of the detailed technical assessment, which would allow the County Council to determine whether the site should be proposed for allocation or not in a Sites Plan to submit to the Secretary of State in 2019 following publication for representations on soundness in the Autumn. The current timescale is to submit the Plan in early 2019 which requires the assessment and democratic process to be concluded in October. For this timetable to be achieved it would be necessary for KCC officers to understand which sites they would be recommending for allocation by mid/late August.
3. The M2 site falls within the SSSI and one of the parcels is within the Dungeness, Romney Marsh and Rye Bay Special Protection Area (SPA). It is also in close proximity to the Dungeness Special Area of Conservation (SAC) and the Dungeness, Romney Marsh and Rye Bay Wetland Ramsar. NE has raised objection to the proposed allocation due to direct and indirect impacts on the designated areas. NE does not consider that allocations for further extraction that affect these designations is appropriate if alternative sources of minerals such as off shore deposits outside designations, could provide the resource without impact on the designated sites.
4. The EA has raised objection due to the lack of information to fully assess the proposal in respect of biodiversity. The proximity of this site to parts of the Lydd Petty Sewer means that operations in the extension have the potential to adversely affected protected species recorded as being present in the water course.

East Sussex Local Plan

5. PR advised that East Sussex had adopted its Core Strategy and Sites Plan. The Inspector had however required an early review of the aggregate policies. A review of the Plan is therefore underway with a 'call for sites' being undertaken in 2017. Two sites had been promoted by Bretts, both extensions to Lydd Quarry. Whilst ESCC have yet to consult at Regulation 18 stage (likely to be October 2018), PR considered that the views raised by NE and the EA in respect of the Kent Plan will be relevant to the East Sussex Plan. The changes to levels of supply of sharp sand and gravel that will be proposed as part of the review will be affected by the deliverability of the sites promoted by Bretts.

Natural England's position

6. On the basis of current information, JD confirmed that the NE response to Kent raised objection to the potential allocation due to direct and indirect impacts upon designated sites. It has concerns in respect of geomorphology, hydrology and biodiversity. All of the M2 site lies within the SSSI, which has been recognised for its geomorphological

importance since 2006. She advised that the scientific interest of the SSSI is the laying down of the shingle ridges below the existing agricultural land-use. Any activity that damages this interest is of concern. Quarrying within the SSSI would be a direct impact that could affect the future ability to undertake scientific studies on the unique geomorphological feature.

7. SH advised that in assessing sites, NE would expect the Council's to follow the 'avoid, mitigate, compensate' hierarchy approach. This required as part of 'avoid' to fully consider alternatives. He noted that the existing planning permissions pre-dated the extension of the designations in 2006 which is why the mitigation measures of recording the geomorphological interest were accepted. As these proposed allocation are completely new, they need to be fully assessed under the relevant legislation and policy guidance. It was noted that paragraph 175 of the revised NPPF (2018) presumes against development impacting upon a SSSI unless there is an over-riding interest.¹
8. SH also advised that the proposal would have an impact upon the Internationally designated sites of the SPA (bird interest) and upon the Ramsar site which is recognised for its wetland habitats. The latter recognises the importance of its ditches and wetlands as habitats for various species of birds. The M2 site has a direct impact upon the SPA (one parcel) and likely indirect impacts on the wider SPA, Ramsar and the SAC, resulting in Likely Significant Effect on the features of these designated sites. As a result the County Councils would be required to undertake an Appropriate Assessment (AA). It would need to consider how the operation would affect the wetland habitat including biodiversity, hydrology and salinity issues, to determine whether there would be an adverse effect on the integrity of these designated sites. On the assumption that there are adverse effects, consideration needs to be given to possible mitigation measures that, once applied, result in no adverse effect. If, after mitigation measures are considered there are still adverse effects, consideration must be given to alternative options.
9. To satisfactorily address NE's concern and the Council's duty to have regard to the purposes of the Habitats Directive, it needs to be demonstrated that there is no alternative source of aggregate to meet the County's requirement identified within the Minerals Plan. The alternative means of meeting the County's mineral requirements needs to be considered in the broadest sense including marine and recycled considerations and options outside the Lydd area. He confirmed that financial considerations are a consideration for the HRA assessment. To clarify, the increased

¹ NPPF para 175 states development on land within or outside a SSSI, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of SSSI, and any broader impacts on the national network of SSSIs

cost is not a reason for discounting an alternative. He also advised that if the County Council reaches the IROPI stage of HRA, then it is likely to struggle to satisfy the HRA requirement, particularly as compensatory habitat will be required. It is for Kent to put the case together with evidence from Bretts.

10. As the HRA requires in combination impacts to be assessed, Kent and East Sussex's AA will need to have regard to the impacts of the respective development within the neighbouring county. The degree of information that will form part of the in-combination assessment will be determined by the stage each Minerals Plan (and other plans or projects) have reached.
11. ST asked if there were other examples/precedents (including examples of AAs) that NE were aware of that would be useful to this case. SH to check with colleagues and advise.
Action – SH Addendum – it would appear sensible for you to seek advice from other Minerals Authorities on how they have approached appropriate assessments for their plans.
12. Summarising NE's concern, GM considered that geomorphology, hydrology and biodiversity impacts are required to be understood and considered against the need for mineral resources. He advised that Bretts had met with NE earlier in the day to discuss need and alternative considerations and offered to meet separately with Kent CC to discuss a similar presentation. **(Post meeting note – meeting arranged for 10th August)**. The meeting then discussed each of the impact considerations in turn.

Geomorphology

13. Whilst recognising the interest, GM advised that the interest is buried and much is 'out of sight'. If need is demonstrated, mineral development would allow an opportunity to record the interest and provide greater appreciation and understanding of the shingle ridge for academic interest. DW of Bioscan suggested that a balance needs to be struck between sacrificing the buried deposit which is not widely understood and what you may gain via restoration and biodiversity. For example, it provides the opportunity to compliment scarce habitats on Dungeness via different working practices.
14. In response, JD advised that the fact that it is buried and not visible does not diminish the national imperative or interest. Whilst she understood the argument being made, to destroy or damage and replace the interest with an alternative is not agreed or supported. She advised that she could not support damage just because it is not visible – would want to preserve and protect for the future. SH stated that the consideration of a geological site differs from a biological SSSI in that they need to be available for future research. By removing the geomorphological interest, this precludes advances in scientific technology being deployed which would enhance our understanding and

inform our approach to managing the effects that may result from climate change, for example.

15. SH advised that If the requirement for this allocation to proceed is proven through the consideration of 'robust' alternatives only then would NE would consider mitigation. In doing so it would rely upon advice from the University of Liverpool which it works with on this issue. GM advised that it could be an opportunity for the university to investigate as part of a working face of the quarry. To clarify, the study would need to be more extensive than just the exposed excavations with series of core samples across the area; the methodology for which would need to be agreed.

Need for the allocation of Lydd Quarry

16. In respect of need for the minerals to be won from Lydd Quarry (not the *need* for minerals to support the scale of development within Kent) SH challenged whether the aggregate had to come from Lydd and the designated areas. He noted that the Kent Minerals Local Plan already recognised that sharp sand resources in the future may have to come from alternatives and that this current debate may bring forward the day when alternative resources have to be sought. To address the current objection, NE will have to be persuaded by compelling evidence regarding the unsuitability/lack of alternatives. In the absence of this, it is very likely the NE will maintain an objection to Kent CC's Regulation 19 consultation. A decision as to whether it attends the examination hearing will be a matter for senior managers within the NE.
17. GM recognised that recycled aggregate has a role to play, but was not a substitute for virgin won material. Typically, recycled material was used in fill activities, rather than high strength applications. He noted that there is a national issue in respect of depleting reserves. Lydd has planned reserves until 2020 and these will be exhausted before the adopted plan date of 2030.

Hydrology

18. JW outlined the EA's concerns as threefold – flood risk, salinity and biodiversity impacts. ST advised that the Internal Drainage Board (and a large number of local residents) had raised similar concerns in response to the Regulation 18 consultation. In response, Bretts advised that they had been undertaking various hydrology assessments, mainly on the East Sussex side. This included monitoring of area 11 and looking at the impact of dewatering. Whilst recognising that individual parcels may react differently, findings indicate that 8m below groundwater level in the vicinity of Jurys Gut, that there is no impact on ground water level if dewatered and no impact on drainage levels when water is deposited into Scotney Court Lake i.e. the levels in the lake just increase rather than percolate away. Bretts have identified the need for further studies to identify features that could be harmed and agree these with NE and then undertake modelling work to

assess potential impacts on receptors. JW advised that more evidence is required. She also drew attention that in varying the Site's Permit, that consideration would need to be given to HRA requirements.

19. The geology in the area varies significantly and affects permeability and is different for individual areas. The evidence shared related to East Sussex and further work is needed to consider the impact within Kent, including borehole and monitoring points. Bretts recognise that if the site were to come forward further hydrology studies would be necessary. There was some discussion as to the level of detail required for this further work, with Kent CC and NE considering that it needs to be more than a high-level assessment. ST advised that she would require sufficient evidence to demonstrate that hydrology was not an overriding cause for concern, and be robust enough to satisfy both the AA work and NE's concerns. In response, GM was confident that Bretts could satisfy KCC on hydrology concerns.
20. In terms of timescale for additional work, it was suggested that this could take around 3-4 months and that there were seasonal factors to consider. It was agreed that Kent and Bretts would meet w/c 6th August to discuss data and evidence requirements, along with need. **Action – Kent and Bretts.** It was noted that this additional work would fall outside the published timescale for the Kent Plan. **Action Point NE, EA & Bretts** – to agree scope and geographic coverage of hydrological monitoring and modelling

Ecology and Biodiversity

21. Bretts advised that it had undertaken further high-level work which it would share with NE. **Action – Bretts.** SH advised that further detailed work is required to consider with the AA work and should be prepared to the same level as the additional hydrology work. It should provide sufficient certainty that there won't be an unacceptable impact on the interest features.
22. GM confirmed that wet working was possible, although it gives rise to other issues and is not the ideal solution. He advised that there are three possible options – de-water (best option for the operator), partial dewater and wet working. The latter may be needed in parts of the site and raises practical issues including health and safety considerations. The options have impacts upon restoration opportunities. JW noted that each parcel could be worked differently, although GM confirmed that the ESCC restoration scheme cannot be delivered via a wet working scheme.
23. In terms of restoration, it was recognised that the NPPF test seeks a net environmental gain. PR advised that there was the potential to pursue a Nature After Minerals Scheme

and that a masterplan was needed providing for a positive restoration scheme to create new and enhanced habitats. GM advised that Brett's intention was to leave a legacy landscape.

24. SH confirmed that the removal of the parcel within the SPA would not address NE's objection regarding the international designations

25. In terms of restoration, it was recognised that the NPPF test seeks a net environmental gain. PR advised that there was the potential to pursue a Nature After Minerals Scheme and that a masterplan was needed providing for a positive restoration scheme to create new and enhanced habitats. GM advised that Brett's intention was to leave a legacy landscape. To clarify, and without prejudice, if the allocation proceeds having met all policy and legislative requirements, Natural England will of course work with all parties to secure a visionary outcome for biodiversity and people.

Next Steps

26. In conclusion, GM was confident that there is a solution to the biodiversity and hydrology concerns. From Brett's perspective, geomorphology is the most challenging to address and will be determined by the strength of the need and alternative consideration.

27. Meeting with Local Authorities on need and alternatives to be convened as soon as possible. Following this, further work on hydrology and biodiversity to inform follow up discussions with NE and AA and detailed assessment work for plan making.

Sharon Thompson
9th August 2018

Appendix 5: Natural England Discretionary Advice on impacts and mitigation measures that may result from the proposed allocation of Lydd Quarry

Date: 10 October 2018
Our ref: DAS/2340/255496
Your ref: -



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By email only, no hard copy to follow

Dear Alice Short

Discretionary Advice Service (Charged Advice)

Contract reference: 3890

Development proposal and location: Extension of Lydd Quarry, Lydd, Kent

Thank you for seeking advice under Natural England's Discretionary Advice Service for the above proposal. Kent County Council has sought advice on:

- Advice in relation to impacts and mitigation measures that may result from the proposed allocation of Lydd Quarry within the partial review of the Kent Minerals and Waste Plan to the Dungeness, Romney Marsh and Rye Bay Site of Special Scientific Interest (SSSI), Special Protection Area (SPA) and Wetland of International Importance under the Ramsar Convention (Ramsar Site)
- In addition, during the meeting, it was agreed that this advice note would also include initial advice on the scope of the Appropriate Assessment to accompany the Minerals Plan submission.

This advice is provided in accordance with the Quotation dated 15 August 2018 which was signed on the 10 September 2018. The advice within this letter is based upon the following:

- Meeting with Alice Short and Bryan Geake (Kent County Council), Ian Blake (BPP Consulting), Rachel Barker (Ecus Ltd), Jo Dear and Sean Hanna (Natural England) on the 19 September 2018
- Preliminary Assessment of Potential Hydrogeological and Hydrological Impacts Report (prepared by SLR dated September 2018)
- An outline written scheme of investigation for a programme of geoarchaeological and geomorphological work prior to and during quarry operations at Lydd Quarry, Kent (prepared by Archaeology South East dated September 2018)
- Email from Rachel Barker (Ecus Ltd dated 20 September 2018)
- Email from Bryan Geake of Kent County Council dated 25 September 2018

Impacts to the designated sites

I understand from Bryan Geake's email dated 25 September that the Council has a 7.8 year landbank of sand and shingle which exceeds the seven year minimum required by the National Planning Policy Framework (NPPF). This email also highlighted that in addition to this 7.8 year supply, there are 'others [sites] (Lydd being one of them) in the pipeline as potentially acceptable sites'.

Paragraph 204(f) of the NPPF requires minerals plans to:

‘set out criteria or requirements to ensure that permitted and proposed operations do not have unacceptable adverse impacts on the natural and historic environment or human health, taking into account the cumulative effects of multiple impacts from individual sites and/or a number of sites in a locality’

In addition, Paragraph 205(b) of the NPPF states minerals authorities when considering applications should

‘ensure that there are no unacceptable adverse impacts on the natural and historic environment, human health or aviation safety, and take into account the cumulative effect of multiple impacts from individual sites and/or from a number of sites in a locality’

The NPPF also states in Paragraph 175 that

‘When determining planning applications, local planning authorities should apply the following principles:

- a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
- b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest’

The Spatial Vision for Minerals Planning in Kent detailed within the adopted Kent Minerals and Waste Plan 2013-30 states that:

‘Throughout the plan period 2013-2030, minerals and waste development will:... Embrace the naturally and historically rich and sensitive environment of the plan area, and ensure that it is conserved and enhanced for future generations to enjoy.’

The adopted Plan also states that:

‘Planning for minerals in Kent will: ... Facilitate the processing and use of secondary and recycled aggregates and become less reliant on land-won construction aggregates.’

As we discussed during our meeting, the extraction of minerals will result in the direct loss of the geomorphological interest from this area of the Dungeness, Romney Marsh and Rye Bay Site of Special Scientific Interest. Ditch and other wetland habitats from within the SSSI, SPA and Ramsar Site are also likely to be directly impacted as a result of this proposed minerals allocation (although understandably the detailed working proposals have yet to be finalised so the full extent of the impacts is not yet known). In addition to these direct impacts, based upon the best currently available information, there are potential indirect impacts to the wetland habitats surrounding the proposed allocation site from changes to the hydrology (including saline incursion), water quality and availability together with loss of supporting land for species associated with the SPA and Ramsar Site and the issue of disturbance are also likely to result from the proposal.

Given the significant direct and indirect impacts that this allocation would have for the designated sites, the Council needs to undertake a full and independent consideration of whether there are alternative sites or sources of material which will avoid or result in lesser environmental effects. As mentioned above the Council have confirmed that there are other sites in the pipeline in addition to Lydd Quarry, yet, no further details have been provided as to whether these are also being progressed or whether these would provide sufficient mineral resource for the lifespan of the Plan. I note that the Sustainability Appraisal¹ accompanying the adopted Minerals and Waste Plan confirms in Section 10.1.1 that 'There is a widespread availability of alternatives to sharp sand and gravel in Kent including marine dredged aggregates and secondary/recycled aggregates' suggesting that the allocation of Lydd Quarry is not necessary to maintain the mineral landbank; a position that appears to also be supported in the email from Bryan Geake dated 25 September 2018.

The proposed allocation of Lydd Quarry would appear to be contrary to the NPPF since the Council's own documents confirm there are alternative sources to meet the demand. The allocation would also appear contrary to Policy CSM1 of the adopted Minerals and Waste Plan since Paragraph 177 of the NPPF confirms that 'the presumption in favour of sustainable development does not apply where development requiring appropriate assessment because of its potential impact on a habitats site is being planned or determined.' Policy CSM2 of the adopted plan also confirms that alternative sources will be able to meet the demand by stating that if additional sites are not brought forward 'Demand will instead be met from other sources, principally a combination of recycled and secondary aggregates, landings of MDA, blended materials and imports of crushed rock through wharves and railheads. The actual proportions will be decided by the market'.

During our recent meeting, you sought comments from Natural England on the report prepared by the site promoter, Brett Aggregates, on the needs and alternatives to the Lydd site being promoted. As Jo and I explained during the meeting, we consider the Council should undertake its own independent, impartial and comprehensive assessment of alternative sources of minerals as part of the Minerals Plan review and we would be pleased to provide advice on this once it is available. It appears from the information within the Sustainability Appraisal for the adopted Plan that much of this information may already be available. This assessment should include alternative land based sites and alternative sources such as recycled material and marine won material (in accordance with the approach detailed within Policy CSM2 of the adopted Plan). This assessment should include landscape, nature conservation and geological conservation interests in addition to the socio-economic impacts. Without such an assessment, the Minerals Plan may be unsound if it is not in accordance with the NPPF.

Mitigation measures

During our meeting, and the subsequent email from Bryan Geake of the 25 September, we discussed the 'mitigation' measures suggested by the site promoter for the geomorphological interest within the SSSI at Lydd Quarry. Given the permanent direct loss of the buried (and in part surface) geomorphology, the proposed 'mitigation' in the form of an investigation of deposits prior to extraction to me does not appear to be mitigation since it does not reduce the severity or impact of the mineral removal, it merely provides a limited record of the deposits and prevents any future study of the area.

The proposed geomorphological survey detailed within the outline written scheme of investigation appears similar to the approach undertaken for the previous extraction of minerals at Lydd Quarry. However, as Jo and I explained during our meeting, these previous phases had extant permission at the time the SSSI was notified. This current proposal does not benefit from any permission, allocation or safeguarding and as such the implications of the site allocation need to be fully considered in light of the impacts to the designated sites and the requirements of the NPPF. This geomorphological investigation proposed as 'mitigation' should very much be considered as a last option once all alternative sources of securing the mineral need have been fully exhausted in accordance with the 'avoid, mitigate, compensate' hierarchy of the NPPF and Policy CSM2 of the

¹ http://www.kent.gov.uk/_data/assets/pdf_file/0016/15415/Kent-Minerals-and-Waste-Plan-2013-30-Sustainability-Appraisal.pdf

adopted Minerals and Waste Plan. Should the Council, having undertaken the assessment of alternative sources of material (and also undertaken its appropriate assessment in relation to the SAC, SPA and Ramsar Site), allocate the site and this is confirmed by the Plan Inspector, then it is likely Natural England would expect a detailed 'rescue and record' strategy to be secured. The detail of this would need to be agreed ahead of the mineral works commencing rather than at this stage as advances in technology may provide new opportunities that are not currently available.

Notwithstanding the above, I would advise that the 'mitigation strategy' for the geomorphological interest within the SSSI should not be considered as a justification for allocating Lydd Quarry for mineral extraction when the Council's own documents supporting the adopted Minerals and Waste Plan and more recently the email from Bryan Geake confirm that there are alternative sources which avoid the direct impacts to the SSSI.

In addition to the concerns regarding the loss of the nationally important geomorphology from this proposed site, based upon the currently available information significant ecological impacts to the designated site are also likely to result. Such impacts may result from:

- Direct loss of habitat from the SPA and Ramsar Site from the allocations around Lydd town
- Changes to the hydrology of the wetlands within the SSSI, SPA and Ramsar Site as a result of changes in land form and/or dewatering activities which could have implications for the availability of water within the ditches and other waterbodies, including low lying ground prone to flooding in winter within the designated sites
- Changes to the salinity of water bodies as a result of altered hydrological regimes
- Impacts to species associated with the SSSI, SAC, SPA and Ramsar Site as a result of direct habitat loss, changes to hydrology and salinity
- Direct and indirect impacts to land supporting species associated with the SPA and Ramsar Site which are outwith the boundary of the sites (often referred to as supporting habitat or functionally linked land)

Scope of the appropriate assessment

Following our meeting on the 19 September 2018, Rachel Barker kindly sent through a proposed scope of the appropriate assessment to accompany the formal minerals plan consultation. Given the potential for direct and indirect impacts to the SPA, SAC and Ramsar Site the allocation will result in a likely significant effect and as such an appropriate assessment of the plan will be required. In my opinion, the scope of the broad scope of appropriate assessment proposed by Ecus Ltd in their email of the 20 September appears to be acceptable. I would however recommend that additional considerations should also be scoped in - for ease I have copied the scope recommended by Ecus Ltd below and included my suggested additions in italics.

Description of designated sites screened in for LSE as a result of Lydd Quarry and Allens Bank:

- Dungeness, Romney Marsh and Rye Bay Special Protection Area (SPA) and Wetland of International Importance under the Ramsar Convention (Ramsar Site)
- Dungeness Special Area of Conservation (SAC)

Description of proposed/likely activities at Lydd Quarry and Allens Bank:

- Tonnage and area (m²) of extraction and likely habitats at these areas (link to habitats and species below)
- De-watering process and footprint (scale, timing and duration)
- Wet-working process and footprint (scale, timing and duration)
- Access to and from the Areas and likely number of movements
- Lighting (if any)
- Anticipated noise levels
- Description of characteristics of any other existing/proposed activities that could result in in-combination (cumulative) effects on the designated sites (e.g. Little Cheyney Court windfarm). *I would also recommend that plans and projects that the Environment Agency are implementing should be considered along with the expansion of Lydd Airport (which has been consented but not implemented) as part of the in-combination assessment.*

Additional activities that I would recommend are considered as part of the assessment are:

- *Impacts from any additional infrastructure requirements to facilitate the minerals extraction; for example additional or modified haul routes, discharge pipelines and conveyor belts*
- *Site decommissioning and restoration*

Information about the features of the designated sites:

- Baseline ecology (habitats and species) recorded at and surrounding Lydd Quarry and Allens Bank Areas (including designated features of prostrate broom and blackthorn at Dungeness SAC)
- Key attributes of these habitats and species
- Structure, function and supporting processes of habitats (including those which qualifying species rely on)
- Vulnerability/sensitivity of features and any seasonal influences (link to below if necessary)

Description of potential impacts:

- *Direct habitat loss - I would advise this should include habitat within the SPA and Ramsar Site and land which SPA and Ramsar Site species rely on for feeding and roosting which may be outwith the designated site boundaries (often referred to as supporting habitat or functionally linked land)*
- *Direct and indirect habitat changes (e.g. as a result of hydrological, salinity and geological changes along with habitat connectivity/severance impacts.)*
- *Disturbance (visual/noise) to species*
- *Barrier to species movement*
- *Introduction of invasive non-native species*
- *Air and water pollution*
- *Implications of the above habitat loss and alterations for all of the species of interest within the SPA, SAC and Ramsar Site including birds, aquatic plants and invertebrates, prostrate broom, blackthorn and water voles*

Description of possible mitigation measures and how these will be implemented and monitored:

- *E.g. details of the avoidance measures and consideration of alternative sources of securing the County's mineral needs such as alternative sites or off-shore resources.*
- *E.g. wet working on all areas*
- *E.g. discharging water to lakes to retain water levels*
- *E.g. screens around works to minimise disturbance*
- *E.g. Restrictions to working times – dawn/dusk, seasonal restrictions on working, ensuring water levels are maintained across the marsh throughout the working*

Other advice

There are also other possible impacts resulting from this proposal that you should consider when assessing the implications of this allocation on the natural environment, in accordance with the NPPF and Policy CSM1 of the adopted Minerals and Waste Plan. The proposal may have implications for local landscape along with protected and/or priority species and we recommend you consult your in-house specialists in relation to the potential impacts that may arise from the proposed site allocation at Lydd Quarry.

For clarification of any points in this letter, please contact Sean Hanna on 0208 0266 064 or by email to sean.hanna@naturalengland.org.uk. This letter concludes Natural England's Advice within the Quotation and Agreement dated 10 September 2018.

☒ The advice provided in this letter has been through Natural England's Quality Assurance process

The advice provided within the Discretionary Advice Service is the professional advice of the Natural England adviser named below. It is the best advice that can be given based on the information provided so far. Its quality and detail is dependent upon the quality and depth of the information

which has been provided. It does not constitute a statutory response or decision, which will be made by Natural England acting corporately in its role as statutory consultee to the competent authority after an application has been submitted. The advice given is therefore not binding in any way and is provided without prejudice to the consideration of any statutory consultation response or decision which may be made by Natural England in due course. The final judgement on any proposals by Natural England is reserved until an application is made and will be made on the information then available, including any modifications to the proposal made after receipt of discretionary advice. All pre-application advice is subject to review and revision in the light of changes in relevant considerations, including changes in relation to the facts, scientific knowledge/evidence, policy, guidance or law. Natural England will not accept any liability for the accuracy, adequacy or completeness of, nor will any express or implied warranty be given for, the advice. This exclusion does not extend to any fraudulent misrepresentation made by or on behalf of Natural England.

Yours sincerely

Sean Hanna

Sean Hanna
Lead Adviser
Sussex and Kent Team