

Post-Adoption Statement

Sustainability Appraisal of the Early Partial Review of
the Kent Minerals and Waste Local Plan 2013-30

CO04300759

June 2020


ameyconsulting

Kent
County
Council
kent.gov.uk



Document Control Sheet

Project Name:	Sustainability Appraisal of the Early Partial Review of the Kent Minerals and Waste Local Plan 2013-30
Project Number:	CO04300759
Report Title:	Post-Adoption Statement
Report Number:	SR5

Issue Status/Amendment	Prepared	Reviewed	Approved
Rev 0	Name: Hilary Livesey Signature:  Date: 30/6/20	Name: Jenefer Taylor Signature:  Date: 03/07/20	Name: Jenefer Taylor Signature:  Date: 03/07/20
	Name: Signature: Date:	Name: Signature: Date:	Name: Signature: Date:
	Name: Signature: Date:	Name: Signature: Date:	Name: Signature: Date:

Executive Summary

Amey is commissioned to undertake Sustainability Appraisal (SA) in support of the Kent Minerals and Waste Local Plan (KMWLP) Early Partial Review (EPR) preparation process. This Post-Adoption Statement presents the final outcome of this process to accompany the adoption of the EPR.

The KMWLP was adopted by Kent County Council (KCC) in July 2016 and sets out the vision and objectives for Kent's minerals supply and waste management capacity from 2013 to 2030. The EPR amends the KMWLP in several respects:

- The adopted Plan identifies a shortfall in capacity for some types of waste facility over the Plan period, however a review of the future waste capacity needs has concluded that there is now no need for this additional capacity and so the EPR removes the commitment to prepare a Waste Sites Plan that would allocate sites able to specifically host such capacity.
- Two policies in the KMWLP set out criteria to allow development that may affect safeguarded sites to proceed in certain prescribed circumstances. These are amended by the EPR to ensure that the Council's safeguarding approach is effective.
- The EPR adds a clause providing for assurances that the Strategic Site Allocation at Norwood Quarry can be suitably restored in the event that the void space may no longer be used for management of flue dust residues. In addition, it deletes the requirement for an assessment of alternative management methods for flue ash given that significant tonnages are already being managed through other treatment routes.
- The EPR amends a policy in the KMWLP which states that sites will be identified and allocated in the Minerals Sites Plan for the extraction of brickearth and chalk. Data shows that existing permitted reserves of these minerals are in fact sufficient to meet needs.

The purpose of the Post-Adoption Statement is to show how the SA process has informed the development of the EPR. It explains how the SA Reports at earlier stages in the process were taken into account by KCC, how environmental and sustainability considerations informed the process and how consultation comments were taken into account. It explains the reasons why the EPR has been adopted as it is, in the light of alternatives considered. The reasonable alternatives that have been identified largely derive from a 'do nothing' option, in other words, not to make the changes proposed by the Early Partial Review:

- To allocate land for waste facilities and for extraction of brickearth and chalk as envisaged in the adopted KMWLP;
- To retain the targets for recycling, recovery and landfill in policy CSW 4 of the adopted KMWLP;
- To retain targets for recycling and reduce targets for landfill in policy CSW 4 of the adopted KMWLP;
- Not to strengthen safeguarding in policies DM 7 and DM 8.

The Post-Adoption Statement also describes how the environmental and sustainability impacts of implementing the EPR will be monitored.

In parallel with the EPR, KCC has also adopted a Minerals Sites Plan which allocates three sites for mineral development.

Contents

Executive Summary.....	2
1. Introduction	5
1.1. Background.....	5
1.2. Requirements	5
2. How Environmental Considerations Have Been Integrated into the EPR.....	6
3. How the SA Report Has Been Taken into Account	8
4. How Consultation Responses Have Been Taken into Account	9
5. Action Taken by Kent County Council to Provide Public Access to Documentation.....	10
6. Results of Transboundary Consultations with EU Member States	11
7. The Reasons for Choosing the EPR as Adopted, in Light of Alternatives	12
7.1. EPR policies and changes to the KMWLP.....	12
7.2. Alternatives to the EPR as adopted	13
7.3. Reasoning on Alternatives	14
8. Measures to Monitor Significant Environmental Effects.....	16

Tables

Table 1 SA Framework.....	7
Table 2: Representations on MSP SA at Pre-submission stage.....	9
Table 3: Representations on MSP SA at Main Modifications stage	Error! Bookmark not defined.

1. Introduction

1.1. Background

Amey is commissioned to undertake a Sustainability Appraisal (SA) in support of the Kent Minerals and Waste Local Plan (KMWLP) Early Partial Review (EPR) preparation process. SA is a mechanism for considering and communicating the likely effects of a draft plan, and alternatives, with a view to avoiding and mitigating adverse effects and maximising positives. This report is the Post-Adoption Statement for the EPR, which is the final step of the SA of the EPR.

At previous stages of the SA process, SA Reports have been published which set out the likely sustainability impacts of the EPR as proposed, to inform the development of the EPR and to provide information on its impacts to inform the public consultations.

1.2. Requirements

The Post-Adoption Statement is required to provide information under the following headings:

- how environmental considerations have been integrated into the EPR;
- how the SA Report has been taken into account;
- how opinions have been taken into account, expressed in response to public consultations on the emerging EPR and accompanying SA Report;
- action taken by Kent County Council (KCC) to provide public access to consultation documents;
- how the results of any consultations with other EU Member States have been taken into account;
- the reasons for choosing the EPR as adopted, in the light of the other reasonable alternatives dealt with; and
- the measures that are to be taken to monitor the significant environmental effects of the implementation of the EPR.

The required information is set out under these headings in the remainder of this report.

2. How Environmental Considerations Have Been Integrated into the EPR

As an integral part of the SA process, various environmental, social and economic issues have been identified through reviewing a wide variety of plans and strategies, collecting baseline information and identifying sustainability issues and problems. These issues have informed the development of the sustainability appraisal framework, which consists of a set of sustainable development policy objectives (sustainability objectives) as set out in Table 1. This framework has been used to appraise the emerging EPR and the reasonable alternatives to its proposals. In this way, environmental considerations have underpinned the appraisal of the EPR and helped to ensure that these are integrated into the EPR.

The framework and sustainability objectives for the SA of the EPR have been developed using those previously produced by URS for the SA of the KMWLP. Table 1 below sets out the detailed considerations which have been used to inform the appraisal of the EPR, which shows how environmental issues have been integrated into the assessment.

Sustainability Objectives		Detailed considerations
1	Biodiversity	<p>Ensure that development will not impact on important elements of the biodiversity resource and where possible contributes to the achievement of the Kent BAP and other strategies</p> <ul style="list-style-type: none"> – Add to the biodiversity baseline by creating opportunities for targeted habitat creation (which, ideally, contributes to local or landscape scale habitat networks). – Avoid hindering plans for biodiversity conservation or enhancement – Support increased access to biodiversity
2	Climate change	<p>Address the causes of climate change through reducing emissions of greenhouse gases through energy efficiency and energy generated from renewable sources</p> <ul style="list-style-type: none"> – Promote sustainable design and construction of facilities and support wider efforts to reduce the carbon footprint of minerals operations.
3	Community and well-being	<p>Support efforts to create and sustain sustainable communities, particularly the improvement of health and well-being; and support the delivery of housing targets</p> <ul style="list-style-type: none"> – Help to redress spatial inequalities highlighted by the Index of Multiple Deprivation. – Help to tackle more hidden forms of deprivation and exclusion, such as that which is experienced in rural areas and particular socio-economic groups within communities. – Ensure that the necessary aggregates are available for building, and that the necessary waste infrastructure is in place to support housing growth – Ensure that minerals development does not contribute to poor air quality particular reference to PM2.5 and NOx – Protect and enhance public rights of way and access – Protect local green space

4	Sustainable economic growth	<p>Support economic growth and diversification</p> <ul style="list-style-type: none"> – Support the development of a dynamic, diverse and knowledge-based economy that excels in innovation with higher value, lower impact activities – Stimulate economic revival and targeted employment generation in deprived areas
5	Flood risk	<p>Reduce the risk of flooding and the resulting detriment to public wellbeing, the economy and the environment</p> <ul style="list-style-type: none"> – Ensure that development does not lead to increased flood risk on or off site – Seek to mitigate or reduce flood risk through developments that are able to slow water flow and promote groundwater recharge
6	Land	<p>Make efficient use of land and avoid sensitive locations</p> <ul style="list-style-type: none"> – Make best use of previously developed land – Avoid locations with sensitive geomorphology – Recognise the economic and other benefits of the best and most versatile agricultural land – Prevent inappropriate development in the Green Belt
7	Landscape and the historic environment	<p>Protect and enhance Kent's countryside and historic environment</p> <ul style="list-style-type: none"> – Protect the integrity of the AONBs and other particularly valued or sensitive landscapes – Take account of the constraints, opportunities and priorities demonstrated through landscape characterisation assessments and other studies at the landscape scale. – Protect important heritage assets and their settings, as well as take account of the value of the character of the wider historic environment
8	Transport	<p>Reduce and minimise unsustainable transport patterns and facilitate the transport of minerals and waste by the most sustainable modes possible</p> <ul style="list-style-type: none"> – Minimise minerals and waste transport movements and journey lengths; and encourage transport by rail and water. – Ensure that minerals and waste transport does not impact on sensitive locations, including locations already experiencing congestion and locations where planned growth or regeneration is reliant on good transport networks.
9	Water	<p>Maintain and improve the water quality of the Kent's rivers, ground waters and coasts, and achieve sustainable water resources management</p> <ul style="list-style-type: none"> – Ensure that minerals and waste development seeks to promote the conservation of water resources wherever possible particular reference to abstraction. – Avoid pollution of ground or surface waters, particularly in areas identified as being at risk or sensitive

Table 1 SA Framework

3. How the SA Report Has Been Taken into Account

The SA Reports that were produced have been considered by planning officers within KCC at each stage of the process, namely at Regulation 19 stage and at Main Modifications stage. The SA Reports set out the likely significant impacts of implementing the EPR. The SA considered whether there was scope for making recommendations for measures to prevent, reduce and, as fully as possible, offset any significant adverse effects of the EPR. In practice, no significant adverse effects were identified and therefore no mitigation recommendations were made.

Telephone and email exchanges took place at various times throughout the SA process between KCC officers and the authors of the SA to ensure that the SA was an integral part of the EPR development process and that findings and recommendations could feed through from the SA to the officers responsible for developing the EPR. Documents were exchanged on a timely basis to ensure integration between the EPR development and the SA.

The SA Reports have been published at the Regulation 19 consultation stage and the Main Modifications stage, with the purpose of informing consultees of the likely significant impacts of the EPR as proposed, so that they would be better able to comment on the EPR in the consultation.

4. How Consultation Responses Have Been Taken into Account

The following two tables summarise consultation comments received on the EPR in relation to the SA and how these have been taken into account in the SA process. Table 2 sets out comments received at Regulation 19 stage. No comments were received at Main Modifications stage.

Consultee	Summary of Representation	Amey Response
Natural England	<p>The SA should include indicators on:</p> <ul style="list-style-type: none"> • Area of land of biodiversity value lost to development; • Area of agricultural land lost to development; • Number of schemes with significant landscape impacts; • Number of strategies for landscape restoration; • Number/length of public rights of way impacted or enhanced as a result of the Plan. <p>"Good quality agricultural land" should refer to "best and most versatile agricultural land".</p>	<p>The EPR does not introduce changes to the KMWLP which will result in land being lost to development, or which will affect the number of developments or restoration schemes, or public rights of way. The SA has therefore not identified indicators to monitor this as a possibility.</p> <p>Indicators relating to impacts on public rights of way are recommended in the SA of the MSP.</p> <p>Agree that the reference should be to "best and most versatile agricultural land".</p>

Table 2: Representations on EPR SA at Regulation 19 stage

5. Action Taken by Kent County Council to Provide Public Access to Documentation

KCC made the draft EPR and its accompanying SA Report available to the public at each stage of consultation on the emerging EPR. For the Pre-Submission EPR, these were available from 11 January 2019 to 8 March 2019. For the Main Modifications to the EPR, they were available from 15 November 2019 to 14 January 2020.

A paper copy of both documents was held at the main reception at the principal office of KCC, which is at County Hall, Maidstone ME14 1XQ. Members of the public were able to inspect the documents at the main reception at any time during office hours.

Paper copies of the documents were also sent to all main KCC libraries and gateways and to other main KCC offices so that members of the public could inspect the documents at any time during office hours. The documents were also made available for consultation on the KCC website.

The same arrangements will apply for the adopted EPR and this Post-Adoption Statement.

6. Results of Transboundary Consultations with EU Member States

No comments have been received from other EU Member States on the MSP. Other Member States were not specifically consulted as no transboundary effects were anticipated.

7. The Reasons for Choosing the EPR as Adopted, in Light of Alternatives

7.1. The EPR and changes to the KMWLP

The EPR makes amendments to the adopted KMWLP of July 2016. The KMWLP sets out the vision and objectives for Kent's minerals supply and waste management capacity from 2013 to 2030. It identifies a shortfall in capacity of the following types over the Plan period (to 2030):

- Waste recovery capacity - energy from waste and organic waste treatment;
- Hazardous waste (due to the identified need for additional capacity to allow for the continued landfilling of asbestos)
- Disposal of dredgings.

Policies CSW 7, CSW 8, CSW 12 and CSW 14 of the KMWLP state that a Waste Sites Plan will be prepared that will identify sites suitable for accommodating facilities needed to address the identified capacity shortfalls. A review of the future needs for waste management facilities in Kent was undertaken and this concluded that there was no need for the development of this additional capacity. In light of this the Early Partial Review removes the commitment by KCC to prepare a Waste Sites Plan that would allocate sites capable of hosting such capacity.

Policies DM 7 and DM 8 set out criteria to allow development that may affect safeguarded sites to proceed in certain prescribed circumstances. Policies DM 7 and DM 8 are amended by the EPR to ensure that the Council's safeguarding approach is effective.

Policy CSW 5 sets out the criteria to be applied to the assessment of any forthcoming application relating to the Strategic Site Allocation at Norwood Quarry. The EPR adds a clause providing for assurances that the proposed site can be suitably restored in the event that the void space may no longer be used for management of flue dust residues due to a possible change in government policy. Currently national policy allows landfilling of such waste under a special derogation from the Landfill Directive waste acceptance criteria requirements. This has been subject to review in the past and the derogation may be removed in future. In addition, the EPR deletes the requirement for an assessment of alternative management methods for flue ash given that significant tonnages are already being managed through other treatment routes.

Policy CSM 2 states that sites will be identified in the Minerals Sites Plan for the supply of brickearth and chalk. However, information shows that the existing permissions for these minerals are sufficient to meet needs and additional reserves are not required.

7.2. Alternatives to the EPR as adopted

The SA is required to appraise reasonable alternatives to the Early Partial Review as proposed. The reasonable alternatives that were identified largely derive from a 'do nothing' option, in other words, not to make the changes proposed by the Early Partial Review. The following were identified as reasonable alternatives to the EPR, here referred to as 'options'.

Option A:

- To allocate land for waste facilities and for extraction of brickearth and chalk as envisaged in the adopted KMWLP;

Option B:

- Option B1: To retain the targets for recycling, recovery and landfill in policy CSW 4 of the adopted KMWLP;
- Option B2: To retain targets for recycling and reduce targets for landfill in policy CSW 4 of the adopted KMWLP;

Option C:

- Not to strengthen safeguarding in policies DM 7 and DM 8.

Option A would be to produce a Waste Sites Plan as originally envisaged in the KMWLP. It would be possible for KCC to identify and allocate sites as suitable for waste-related development even though no capacity gap has been identified and therefore this has been appraised as a reasonable alternative. Option A also includes the option to identify sites for the extraction of brickearth and chalk as stated in the adopted KMWLP. It would be possible for KCC to identify and allocate sites for extraction of these resources even though existing permitted reserves are sufficient.

Options B1 and B2 are alternative waste hierarchy targets to those introduced by the EPR. The EPR introduces a reduced target for landfill and recycling and an increased target for other recovery. It would be reasonable to retain the targets set by the adopted KMWLP, as these were considered reasonable when it was adopted in 2016. However, a reduced recycling target in the EPR could be considered a reduction in ambition for sustainable waste management; retaining a higher landfill target in the adopted KMWLP could similarly be seen as insufficient ambition for sustainable waste management. A third option would therefore be to avoid both of these situations, retaining the recycling ambition of the KMWLP and reducing the landfill target to promote more sustainable waste management.

Option C constitutes the 'do nothing' option in regard to safeguarding.

The 'do nothing' option in respect of the restoration of the landfill at Norwood Quarry is not considered a reasonable alternative to that proposed in the Partial Review. To leave the landfill unrestored would not be an acceptable approach to waste management activity.

7.3. Reasoning on alternatives

Option A

The sustainability implications of Option A are very unclear. For a number of sustainability objectives, there may be impacts associated with the allocation of waste sites and sites for brickearth and chalk as originally envisaged in the KMWLP but these are strongly dependent on the nature, scale and location of facilities which would be developed which are currently unknown. These are the effects on biodiversity, community wellbeing, flood risk, land use, landscape, historic assets and water quality and availability. However, developments will be required to comply with development management policies in the KMWLP therefore adverse effects are unlikely to be significant.

The likely effects from Option A on other sustainability objectives are also unclear because it is not known what the practical effect of allocating sites would be. Allocation of waste sites which are not required for Kent's waste may increase the distance waste is transported. Waste management facilities may be built that then source waste streams from outside the county, increasing the distances that waste is transported which could have adverse impacts on air quality, greenhouse gas emissions and transport networks, but would bring economic resources into the county. Alternatively, if there are insufficient local sources of waste, the facilities may simply not be built and no effects will occur. Allocating sites for extraction of minerals which are not needed locally may cause minerals to be transported longer distances to find markets if economic to do so, with increased carbon emissions and potential adverse impacts on air quality, but also bringing economic resources into the county, or it may result in minerals not being extracted with no effect on transport, carbon emissions, air quality or the economy.

Overall, option A is not considered a more sustainable alternative than the EPR as adopted, as there are a number of uncertainties about this option and potential for negative impacts as described above.

Option B1

The impacts of Option B1 on several sustainability objectives are unclear. There may be positive or negative impacts on biodiversity, flood risk and water quality and availability through management of some waste at different levels of the waste hierarchy, but the impacts from waste management are more strongly dependent on how waste is managed at individual sites and where those sites are, which is not addressed by policy CSW 4.

The effect on other sustainability objectives is also unclear because the balance of beneficial and adverse effects is not known. A higher recycling target than in the EPR will support more sustainable waste management which will contribute to the county's economy and encourage reduced greenhouse gas emissions through greater resource efficiency, whereas a higher landfill target would reduce the capacity for energy recovery from waste thereby reducing the level of resources that can be recovered from waste and increasing greenhouse gas emissions. Higher recycling targets are likely to encourage additional vehicle

movements to transport recyclables but the scale of effects is not likely to be significant for the county overall.

Overall, option B1 is not considered a more sustainable alternative than the EPR as adopted, as there are a number of uncertainties about this option and potential for both positive and negative impacts as described above.

Option B2

Option B2 would have a range of positive impacts on sustainability objectives. A higher recycling target than in the EPR will support more sustainable waste management and innovation and encourage reduced greenhouse gas emissions through greater resource efficiency. A lower landfill target will facilitate the recovery of resources from waste that would otherwise be landfilled.

Higher recycling targets are likely to encourage additional vehicle movements to transport recyclables but the scale of effects is not likely to be significant for the county overall. Reduced greenhouse gas emissions will help to reduce the pressures on biodiversity arising from climate change and reduce the exposure of communities to flood risk compared to a lower recycling target, although the effects are more strongly dependent on how waste is managed at individual sites and where those sites are located, which is not addressed by policy CSW 4.

Option B2 was not chosen for the EPR, due to slower than anticipated progress in achieving the recycling targets identified in the KMWLP and so to adopt a higher target was not considered deliverable.

Option C

Retaining the safeguarding approach in policy DM 7 is likely to reduce the availability of primary aggregates available to support economic activity and housing growth with adverse effects on communities, although the use of non-renewable resources is not sustainable.

Loss of transportation infrastructure through weak safeguarding in policy DM 8 is likely to result in minerals and waste being transported in a less economically efficient manner than otherwise, and may result in the loss of sustainable modes of transport for materials, both of which would result in increased greenhouse gas emissions from waste and minerals transport, increased pressure on transport networks and potentially adverse impacts on air quality and flood risk, although the significance of air quality and flood risk impacts is uncertain and to some extent location-dependent.

Option C is not considered a more sustainable alternative than the EPR as adopted, due to the potential for adverse effects on the supply of minerals.

8. Measures to Monitor Significant Environmental Effects

KCC produces an Annual Monitoring Report (AMR) that monitors the implementation of the KMWLP. AMR for 2017/18 reports on the following indicators relevant to waste and minerals:

- Production of primary land-won aggregates;
- Production of secondary and recycled aggregates;
- Permitted reserves and landbanks for soft sand, sharp sand and gravel, clay and brickearth, silica sand and chalk;
- Number of wharves and rail depots and sales of aggregates at these;
- Capacity of new waste management facilities by type;
- Municipal waste arisings by management type;
- Waste growth rate;
- Exports and imports of waste; and
- Capacity for managing waste materials in Kent.

No indicators are reported in AMR 2017/18 for the environmental impacts of activities in relation to waste and minerals developments.

The KMWLP contains development management policies that seek to control the impacts of development and ensure no unacceptable adverse impacts. These policies have indicators associated with them, although they are not reported in the AMR for 2017.18. The KMWLP states that the Plan's development management policies will be monitored using the relevant planning applications data as an indicator. It states that the performance of each policy will be monitored on an annual basis and recorded in the AMR in accordance with the following strategy:

- Target: 100% of applications meeting all applicable policy criteria granted planning permission. To include the submission of the required information where relevant.
- Trigger: One application permitted that does not meet all relevant policy criteria and requirements, unless clearly justified.

The development management policies to which this applies include:

- DM 1: Sustainable Design;
- DM 2: Environmental and Landscape Sites of International, National and Local Importance;

- DM 3: Ecological Impact Assessment;
- DM 4: Green Belt;
- DM 5: Heritage Assets;
- DM 6: Historic Environment Assessment;
- DM 10: Water Environment;
- DM 11: Health and Amenity;
- DM 12: Cumulative Impact;
- DM 13: Transportation of Minerals and Waste;
- DM 14: Public Rights of Way;
- DM 15: Safeguarding of Transport Infrastructure;
- DM 16: Information Required in Support of an Application;
- DM 18: Land Stability;
- DM 19: Restoration, Aftercare and After-use.

KCC intends to introduce some or all of these indicators into the AMR for 2019/20, coinciding with adoption of the EPR. When developing indicators for the 2019/20 AMR, KCC officers will consider the recommendations on monitoring provided by the SA and incorporate recommendations into the AMR where practicable and appropriate.