Sevenoaks District Council: Core Strategy Preferred Options

Habitats Regulations Assessment – Appropriate Assessment report

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1 INTRODUCTION

1.1 Current Legislation

1.1.1 In October 2005, the European Court of Justice ruled that the UK had failed to correctly transpose the provisions of Articles 6(3) and (4) of Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora – the Habitats Directive – into national law. Specifically, the UK had failed to ensure that land use plans are subject to Appropriate Assessment where they might have a significant effect on a *Natura 2000* site (Special Areas of Conservation, SACs and Special Protection Areas, SPAs). It is Government policy (as described in Planning Policy Statement 9: Biodiversity & Geological Conservation) for sites designated under the Convention on Wetlands of International Importance (Ramsar sites) to be treated as having equivalent status to Natura 2000 sites. As such, Appropriate Assessments should also cover these sites.

1.1.2 The need for Habitat Regulations Assessment is set out within Article 6 of the EC Habitats Directive 1992, and interpreted into British law by Regulation 48 of the Conservation (Natural Habitats &c) Regulations 1994 (as amended in 2007). The ultimate aim of HRA is to "maintain or restore, at favourable conservation status, natural habitats and species of wild fauna and flora of Community interest" (Habitats Directive, Article 2(2)). This aim relates to habitats and species, not the European sites themselves, although the sites have a significant role in delivering favourable conservation status.

1.1.3 The Habitats Directive applies the precautionary principle to protected areas; plans and projects can only be permitted having ascertained that there will be no adverse effect on the integrity of the site(s) in question. This is in contrast to the SEA Directive which does not prescribe how plan or programme proponents should respond to the findings of an environmental assessment; it simply says that the assessment findings (as documented in the 'environmental report') should be 'taken into account' during preparation of the plan or programme. In the case of the Habitats Directive, plans and projects may still be permitted if there are no alternatives to them and there are Imperative Reasons of Overriding Public Interest (IROPI) as to why they should go ahead. In such cases, compensation would be necessary to ensure the overall integrity of the site network.

1.1.4 In order to ascertain whether or not site integrity will be affected, an HRA should be undertaken of the plan or project in question:

Box 1. The legislative basis for Habitat Regulations Assessment

Habitats Directive 1992

Article 6 (3) states that:

"Any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives."

Conservation (Natural Habitats &c. Regulations) 1994 (as amended)

Regulation 48 states that:

"*A competent authority, before deciding to … give any consent for a plan or project which is likely to have a significant effect on a European site … shall make an appropriate assessment of the implications for the site in view of that sites conservation objectives*".

1.1.5 Following the European Court ruling, the former Office of the Deputy Prime Minister (ODPM; now CLG) indicated that the regulations implementing the Habitats Directive in the UK would be amended to ensure that HRA explicitly applies to land use plans[1]. Planning Policy Statement (PPS) 9 states that Ramsar sites (wetlands of international importance) should receive the same protection as designated SACs and SPAs.

1.2 Scope and objectives

1.2.1 Scott Wilson has been appointed by Sevenoaks District Council ("the Council") to assist in undertaking a Habitat Regulations Assessment (HRA) of the potential effects of the Local Development Framework Core Strategy, on the *Natura 2000* network. This is despite the absence of any European sites actually within Sevenoaks District itself due to an acknowledgement that development within a district can lead to adverse effects on European sites within neighbouring districts. The purpose of the current report is to document the 'screening' of the Core Strategy, which proceeds Appropriate Assessment.

1.2.2 The LDF, alongside the Regional Spatial Strategy (RSS) for the South East, will supersede the current Local Plan (site allocations and generic development control policies) and Kent and Medway Structure Plan (strategic planning framework for the protection of the environment, major transport priorities, and the scale, pattern and broad location of new development including provision for new housing and major economic development across Kent and Medway). The current Local Plan was adopted in 2000 and is saved until the LDF Development Plan Documents

[1] The Government previously argued that HRA did not apply to development plans on the basis that "*Development in this context does not include development plans, since the plan itself cannot authorize developments that would affect the site*" (PPG9: Nature Conservation, 1994).

(DPDs) come into effect. The Council's aim is to adopt an LDF Core Strategy from 2009.

1.2.3 Chapter 2 of this report explains the process by which the HRA has been carried out and summarises the findings of the screening (Likely Significant Effects) report. Chapters 4 and 5 are then dedicated to a further exploration of adverse effects on the two European sites that could not be 'screened out' at the preceding stage – Ashdown Forest SAC, SPA and the Thames Estuary & Marshes SPA & Ramsar site. Each chapter begins with a consideration of the interest features and ecological condition of the site and environmental process essential to maintain site integrity. An assessment of the Core Strategy in respect of each European site is then carried out and avoidance and mitigation strategies proposed where necessary. The key findings are summarised in Chapter 6: Conclusions.

2 METHODOLOGY

2.1 Key principles

2.1.1 This section sets out the basis of the methodology for the HRA. Scott Wilson has adhered to several key principles in developing the methodology – see Table 1.

Table 1 - Key principles underpinning the proposed methodology

Principle	Rationale
Use existing information	We will use existing information to inform the assessment. This will include information gathered as part of the SA of the emerging LDF and information held by Natural England, the Environment Agency and others.
Consult with Natural England, the Environment Agency and other stakeholders	We will ensure continued consultation with both Natural England and the Environment Agency for the duration of the assessment. We will ensure that we utilise information held by them and others and take on board their comments on the assessment process and findings.
Ensure a proportionate assessment	We will ensure that the level of detail addressed in the assessment reflects the level of detail in the LDF (i.e. that the assessment is proportionate). With this in mind, the assessment will focus on information and impacts considered appropriate to the local level.
Keep the process simple as possible	We will endeavour to keep the process as simple as possible while ensuring an objective and rigorous assessment in compliance with the Habitats Directive and emerging best practice.
Ensure a clear audit trail	We will ensure that the AA process and findings are clearly documented in order to ensure a clearly discernible audit trail.

2.2 Process

2.2.1 The HRA has been carried out in the absence of formal Government guidance. Communities and Local Government released a consultation paper on Appropriate Assessment of Plans in 2006[5]. As yet, no further formal guidance has emerged.

2.2.2 Experience with HRA of LDFs and RSSs suggests that 1) a European site based approach, and 2) avoidance / mitigation measures focused on the environmental conditions needed to maintain site integrity are in keeping with the spirit of the Habitats Directive and less likely to lead to legal challenge. This has been the broad approach taken for almost all Regional Spatial Strategies and many HRA's for Local Development Frameworks.

2.2.3 Figure 1 below outlines the stages of HRA according to current draft CLG guidance. The stages are essentially iterative, being revisited as necessary in response to more detailed information, recommendations and any relevant changes to the plan until no significant adverse effects remain.

[5] CLG (2006) *Planning for the Protection of European Sites*, Consultation Paper

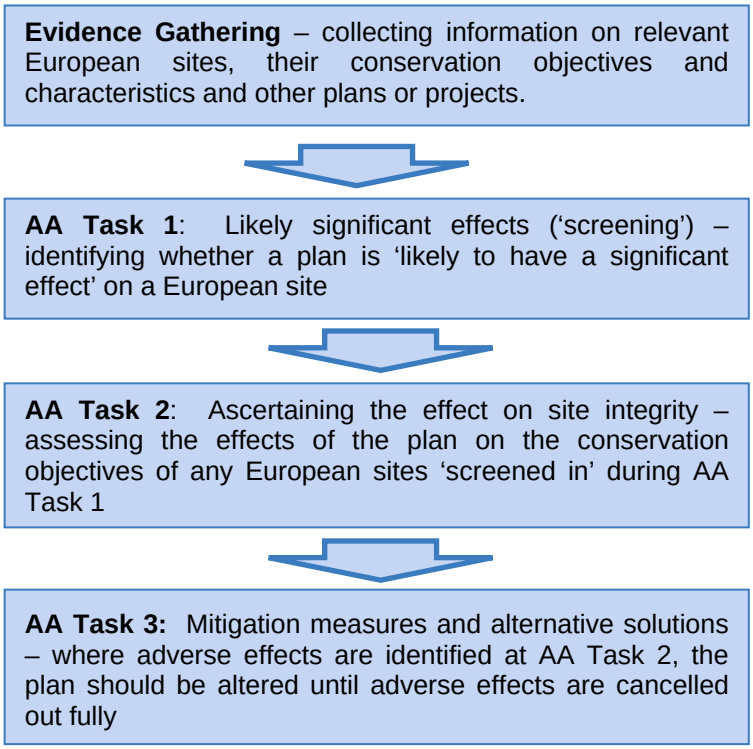


Figure 1 - Four-Stage Approach to Habitat Regulations Assessment
Source: CLG, 2006

2.3 Likely Significant Effects (LSE)

2.3.1 The first stage of any Habitat Regulations Assessment is a Likely Significant Effect (LSE) test - essentially a risk assessment to decide whether the full subsequent stage known as Appropriate Assessment is required. That is the purpose of the current document. The essential question is:

"Is the Plan, either alone or in combination with other relevant projects and plans, likely to result in a significant effect upon European sites?"

2.3.2 The objective is to 'screen out' those plans and projects that can, without any detailed appraisal, be said to be unlikely to result in significant adverse effects upon European sites, usually because there is no mechanism for an adverse interaction with European sites.

2.3.3 In this case, the Core Strategy was subject to a discrete screening exercise and accompanying report (April 2009) that was circulated to Natural England for comment. The screening exercise is summarised at the end of this chapter for convenience.

2.4 Confirming other plans and projects that may act in combination

2.4.1 It is neither practical nor necessary to assess the 'in combination' effects of the CS within the context of all other plans and projects within Kent and surrounding authorities. In practice therefore, in combination assessment is only really of relevance when the plan would otherwise be screened out because its individual contribution is inconsequential. For the purposes of this assessment, we have determined that, due to the nature of the identified impacts, the key other plans and projects relate to the additional housing, transportation and commercial/industrial allocations proposed for neighbouring authorities over the lifetime of the LDF framework.

2.4.2 Plans and projects were identified at the screening stage. Potential impacts of the LDF have been identified according to this knowledge in order to determine any likely significant effects that may result in combination with the Core Strategy, especially those not previously considered to pose significant risk individually.

2.4.3 The South East Plan provides a good introduction to proposals for areas surrounding Sevenoaks. At this stage, we have identified a range of plans and projects that may act in combination with the Core Strategy.

Table 2. Housing levels to be delivered within Kent and East Sussex under the South East Plan (Secretary of State's Proposed Changes)

Local Authority	*Annual housing average*	*Total housing from 2006 to 2026*
Kent	**6,971**	**139,420**
Ashford	1,135	22,700
Canterbury	510	10,200
Dartford	867	17,340
Dover	505	10,100
Gravesham	465	9,300
Maidstone	554	11,080
Medway	815	16,300
Sevenoaks	165	3,300
Shepway	290	5,800
Swale	540	10,800
Thanet	375	7,500
Tonbridge and Malling	450	9,000
Tunbridge Wells	300	6,000
East Sussex	**1,500**	**30,000**
Eastbourne	240	4,800
Hastings	210	4,200
Lewes	220	4,400
Rother	280	5,600
Wealden	550	11,000

2.4.4 There are other plans and projects that are often relevant to the 'in combination' assessment, most notably South East Water and Thames Water's Water Resource Management Plans and the Environment Agency's Reviews of Consents and

Catchment Abstraction Management Strategies. These have all been taken into account in this assessment. The development of the Thames Gateway Delivery Plan (CLG, 2007) is also of relevance since it details significant development within a radius of Sevenoaks District whereby development in Sevenoaks could create 'in combination' issues for *Natura 2000* sites within the Thames Gateway footprint.

2.4.5 For the purposes of this assessment, we have reviewed the following documents; other more technical reports and papers are referenced in the text as appropriate:

Author	Document	Relevant contents
Sevenoaks District Council (2000)	Local Plan	Development within District.
Sevenoaks District Council (2004)	Community Plan	Development within District.
Kent Partnership (2008)	Kent Local Area Agreement 2 (2008-2011)	Context for development within Sevenoaks
CLG (2007)	Thames Gateway Delivery Plan	Development within the Thames Gateway context
West Kent Partnership (2006)	West Kent Area Investment Framework	Economic development in West Kent
South East Water (2008)	Draft Water Resource Management Plan	Water resources in the district
Thames Water (2008)	Draft Water Resource Management Plan	Water resources in the district
Sutton and East Surrey Water (2009)	Draft Water Resource Management Plan	Water resources in the district
Environment Agency (2007)	Darent Catchment Abstraction Management Strategy	Understanding of existing hydrological conditions at Natura 2000 sites.
Environment Agency (2006)	Rother Catchment Abstraction Management Strategy	Understanding of existing hydrological conditions at Natura 2000 sites.
Environment Agency (2005)	Medway Catchment Abstraction Management Strategy	Understanding of existing hydrological conditions at Natura 2000 sites.
Environment Agency (2008)	Draft River Basin Management Plan for Thames region	Background on water resources and implications for Natura 2000 sites.
Environment Agency (2008)	Draft River Basin Management Plan for South East	Background on water resourcesand implications for Natura 2000 sites.
Kent County Council	Local Transport Plan for Kent 2006-2011	Transport schemes relevant to Swale district
Kent County Council (2006)	Vision for Kent	Community Strategy for Kent to 2026.
South East England Regional Assembly, (2006)	The South East Plan. Draft plan for submission to Government.	Housing figures for Swale and surrounding Authorities. Other local proposals. General development context for Southeast of England.

Author	Document	Relevant contents
Government Office for the South East (2008)	The South East Plan. Secretary of States' Proposed Changes	Revised Housing figures for Swale and surrounding Authorities. Other local proposals. General development context for Southeast of England.
Scott Wilson / Levett-Therivel (2006)	Appropriate Assessment of the South East Plan	The Appropriate Assessment for the Regional Spatial Strategy
South East England Regional Assembly, (2006)	Sustainability Appraisal of the South East Plan	The Sustainability Appraisal for the Regional Spatial Strategy
Scott Wilson (2006)	SA of Core Strategy Preferred Options and Interim Housing SPD	Background assessment for CS
JNCC (2009)	Natura 2000 Data Sheets, Ramsar citations and component SSSI citations	Data concerning the interest features of European Sites
Kent Biodiversity Partnership (2008)	Kent Biodiversity Action Plan	Background to biodiversity priorities within the county.
Kent County Council (2006)	Kent and Medway Structure Plan	Background information
Countryside Agency (2006)	England Leisure Day Visits – the Results of the 2005 Survey	This survey has been used to extract broad patterns of recreational use within England
High Weald AONB Joint Advisory Committee (2004)	High Weald AONB Management Plan	Landscape protection and use in the district
Kent Downs AONB Joint Advisory Committee (2004)	Kent Downs AONB Management Plan	Landscape protection and use in the district

2.5 Physical scope of the assessment

2.5.1 There is no pre-defined guidance that dictates the physical scope of an HRA of a Core Strategy. Therefore, in considering the physical scope of the assessment, we were therefore guided primarily by the identified impact pathways rather than by arbitrary 'zones'. Current guidance suggests that the following European sites be included in the scope of assessment:

- All sites within the authority's boundary; and
- Other sites shown to be linked to development within the authority's boundary through a known 'pathway' (discussed below)

2.5.2 Briefly defined, pathways are routes by which a change in activity within the area defined by the Sevenoaks Core Strategy can lead to an effect upon a European site. No European sites lie wholly or partly within the boundary of Sevenoaks District. However, nine European sites lie within the catchment distances used in this screening assessment or are connected to Sevenoaks via identified pathways and thus require consideration as to whether they have links with development within the CS development boundary. These sites are:

- Ashdown Forest SAC and SPA

- Medway Estuary and Marshes SPA and Ramsar
- Thames Estuary and Marshes SPA and Ramsar
- North Downs Woodlands SAC
- Peters Pit SAC
- Mole Gap to Reigate Escarpment SAC

2.5.3 Adverse effects on all of these sites were considered at the screening stage, but it was possible to 'screen out' adverse effects on all except Ashdown Forest SAC, SPA and Thames Estuary & Marshes SPA & Ramsar site. The European sites are shown in relation to Sevenoaks District in Appendix 1.

2.6 Policies scoped into the assessment

2.6.1 The following policies within the Core Strategy were taken forward for Appropriate Assessment, since these are the elements that actively promote residential development within Sevenoaks in order to achieve the aims set by the Regional Spatial Strategy and other requirements:

- LO1 – Distribution of Development;
- LO2 – Development in Sevenoaks Urban Area;
- LO3 – Development in Sevenoaks Town Centre;
- LO4 – Development in Swanley;
- LO5 – Swanley Town Centre;
- LO6 – Development in Edenbridge; and
- LO7 – Development in Local Service Centres.

2.6.2 Although Policy SP9 (Land for Business) promotes development, the development is commercial rather than residential and therefore will not contribute materially to recreational pressure, which the screening report identified was the only possible impact that needed taking forward to Appropriate Assessment. The other policies[6] were 'screened out' due to the lack of any mechanism whereby they could lead to adverse effects on European sites. It should be noted that only policies that had the potential for a negative impact on European sites were screened into the assessment. This is due to the fact the HRA is only concerned with adverse effects. Core Strategy policies are listed for ease of reference in Appendix 2.

[6] LO8 – The Countryside & Rural Economy, SP1 – Design of New Development, SP2 – Sustainable Development, Climate Change & Air Quality, SP3 – Housing Land Supply, SP4 – Provision of Affordable Housing, SP5 – Affordable Housing in Rural Areas, SP6 – Housing Size & Type, SP7 – Provision for Gypsies & Travellers, SP8 – Density of Housing Development, SP10 – Infrastructure Provision and SP11 – Open Space, Sport and Recreation Provision

3 PATHWAYS OF IMPACT TAKEN FORWARD FOR THE APPROPRIATE ASSESSMENT

3.1.1 The following indirect pathways of impact were concluded during the screening stage as being relevant to the Appropriate Assessment of the Core Strategy.

3.2 Recreational pressure

3.2.1 All types of terrestrial European site can be affected by trampling, which in turn causes soil compaction and erosion. Walkers with dogs contribute to pressure on sites through nutrient enrichment via dog fouling and also have potential to cause greater disturbance to fauna as dogs are less likely to keep to marked footpaths. Motorcycle scrambling and off-road vehicle use can cause more serious erosion, as well as disturbance to sensitive species.

3.2.2 There have been several papers published that empirically demonstrate that damage to vegetation in woodlands and other habitats can be caused by vehicles, walkers, horses and cyclists:

- Wilson & Seney (1994)[7] examined the degree of track erosion caused by hikers, motorcycles, horses and cyclists from 108 plots along tracks in the Gallatin National Forest, Montana. Although the results proved difficult to interpret, It was concluded that horses and hikers disturbed more sediment on wet tracks, and therefore caused more erosion, than motorcycles and bicycles.

- Cole et al (1995a, b)[8] conducted experimental off-track trampling in 18 closed forest, dwarf scrub and meadow & grassland communities (each tramped between 0 – 500 times) over five mountain regions in the US. Vegetation cover was assessed two weeks and one year after trampling, and an inverse relationship with trampling intensity was discovered, although this relationship was weaker after one year than two weeks indicating some recovery of the vegetation. Differences in plant morphological characteristics were found to explain more variation in response between different vegetation types than soil and topographic factors. Low-growing, mat-forming grasses regained their cover best after two weeks and were considered most resistant to trampling, while tall forbs (non-woody vascular plants other than grasses, sedges, rushes and ferns) were considered least resistant. Cover of hemicryptophytes and geophytes (plants with buds below the soil surface) was heavily reduced after two weeks, but had recovered well after one year and as such these were considered most resilient to trampling. Chamaephytes (plants with buds above the soil surface) were least resilient to trampling. It was concluded that these would be the least tolerant of a regular cycle of disturbance.

[7] Wilson, J.P. & J.P. Seney. 1994. Erosional impact of hikers, horses, motorcycles and off road bicycles on mountain trails in Montana. Mountain Research and Development 14:77-88

[8] Cole, D.N. 1995a. Experimental trampling of vegetation. I. Relationship between trampling intensity and vegetation response. Journal of Applied Ecology 32: 203-214
Cole, D.N. 1995b. Experimental trampling of vegetation. II. Predictors of resistance and resilience. Journal of Applied Ecology 32: 215-224

- Cole (1995c)[9] conducted a follow-up study (in 4 vegetation types) in which shoe type (trainers or walking boots) and trampler weight were varied. Although immediate damage was greater with walking boots, there was no significant difference after one year. Heavier tramplers caused a greater reduction in vegetation height than lighter tramplers, but there was no difference in effect on cover.

- Cole & Spildie (1998)[10] experimentally compared the effects of off-track trampling by hiker and horse (at two intensities – 25 and 150 passes) in two woodland vegetation types (one with an erect forb understorey and one with a low shrub understorey). Horse traffic was found to cause the largest reduction in vegetation cover. The forb-dominated vegetation suffered greatest disturbance, but recovered rapidly. Higher trampling intensities caused more disturbance.

3.2.3 People from Sevenoaks are likely to make use of a wide-ranging catchment for recreational activities. The latest England Day Visits Survey[7] indicates that people typically travel:

- 10.8 miles (17.2 km) to visit a countryside site for the day;
- 11.3 miles (18.1 km) to visit a woodland site for the day; and
- 16 miles (25.5 km) to visit a coastal site for the day.

3.2.4 In all cases, more journeys were made by car than on foot. It should be noted that these are generalised figures; individual European sites may draw the majority of their visitors from a much smaller catchment (e.g. Thames Basin Heaths SPA, which draws 96% of its visitors from within 5 km[8]) or a much larger one (e.g. the New Forest SAC, for which 55% of visitors are holidaymakers rather than locals[9]).

3.2.5 Although we have attempted to source recreational data concerning the precise catchments of the European sites covered in this assessment and patterns of visitor usage within these sites, such data are scarce. The exception is Ashdown Forest for which there is good data on recreational behaviour and catchments. However, in the absence of more precise visitor surveys for the other European sites considered in this assessment, we draw upon the England Day Visits data (which were based on a phone poll with 23,500 respondents) as broadly 'typical' of the distances that residents may travel to visit European sites.

3.3 Summary of screening stage

3.3.1 Adverse effects on a range of European sites were considered at the April 2009 screening stage, but it was possible to 'screen out' adverse effects on all except

[9] Cole, D.N. 1995c. Recreational trampling experiments: effects of trampler weight and shoe type. Research Note INT-RN-425. U.S. Forest Service, Intermountain Research Station, Utah.
[10] Cole, D.N., Spildie, D.R. 1998. Hiker, horse and llama trampling effects on native vegetation in Montana, USA. Journal of Environmental Management 53: 61-71
[7] Various. 2006. England Leisure Visits: the Results of the 2005 Survey. Countryside Agency
[8] Liley, D. et al. 2005. Visitor access patterns on the Thames Basin Heaths. *English Nature Research Report,* English Nature, Peterborough
[9] Forestry Commission. 2005. New Forest Visitor Survey.

Ashdown Forest SAC & SPA and Thames Estuary & Marshes SPA & Ramsar site. In both cases this was the result of the potential for Sevenoaks to act cumulatively 'in combination' with other projects and plans (particularly the Local Development Frameworks of surrounding authorities), rather than because of any adverse impact arising purely from development in Sevenoaks. The screening report was consulted on with Natural England and the scope of the Appropriate Assessment (focussing on Ashdown Forest SAC/SPA and Thames Estuary & Marshes SPA and Ramsar site) was agreed.

4 ASHDOWN FOREST SAC AND SPA

4.1 Introduction

4.1.1 Ashdown Forest is one of the most extensive areas of heathland in south-east England. It lies between East Grinstead and Crowborough in East Sussex and the local planning authority is Wealden District Council.

4.1.2 Although the area of heathland has declined in recent years due to cessation of grazing and frequent fires, there remain extensive areas of dry heath dominated by ling *Calluna vulgaris* with bell heather *Erica cinerea* and dwarf gorse *Ulex minor*. This heathland supports important lichen communities including species such as *Pycnothelia papillaria*. Bracken *Pteridium aquilinum* is now dominant over large areas. On the damper heath, cross-leaved heath *Erica tetralix* becomes dominant with deer-grass *Trichophorum cespitosum*. The heath and bracken communities form a mosaic with acid grassland dominated by purple moor-grass *Molinia caerulea* with species such as the local petty whin *Genista anglica*. Wet areas provide suitable conditions for several species of sphagnum moss, together with which are found bog asphodel *Narthecium ossifragum*, common cotton-grass *Eriophorum angustifolium* and specialities such as marsh gentian *Gentiana pneumonanthe*, ivy-leaved bell flower *Wahlenbergia hederacea*, white-beaked sedge *Rhynchospora alba* and the marsh clubmoss *Lycopodiella indundata*.

4.1.3 Streams cut through the soft sandstone in places, forming steep sided valleys (ghylls) which are sheltered from winter frosts and remain humid in summer. Uncommon bryophytes such as the liverwort *Nardia compressa* and a range of ferns including the mountain fern *Oreopteris limbosperma* and the hayscented buckler fern *Dryopteris aemula* thrive in this atlantic microclimate. The damming of streams, digging for marl, and quarrying have produced several large ponds in a number of areas of the forest. Although often largely free of aquatic vegetation there may be localised rafts of broadleaved pondweed *Potamogeton natans*, beds of reedmace *Typha latifolia* and water horsetail *Equisetum fluviatile*. These species are particularly abundant in the marl pits. The aquatic habitats support a diverse fauna, including a range of water beetles (Coleoptera) a rare midge *Dixella filiformis*, a diversity of dragonfly and damselfly species (Odonata) and the locally uncommon snail *Vertigo substriata*. Some of the ponds also have large amphibian populations, including the great-crested newt *Triturus cristatus*.

4.1.4 The boundary of the SAC/SPA lies within 6km from the development area covered by Sevenoaks Core Strategy.

4.2 Features of European Interest: SAC Designation

4.2.1 The site is designated as a Special Area of Conservation for its:

- Wet heathland with cross-leaved heath
- Dry heaths
- Great crested newts

4.3 Features of European Interest: SPA Designation

4.3.1 The site is designated as an SPA for supporting bird populations of European importance for the breeding species of:

- Nightjar *Caprimulgus europaeus* with 1% of the breeding population in Great Britain (1991 and 1992)
- Dartford warbler *Sylvia undata* with 1.3% of the breeding population in Great Britain (1994)

4.4 Condition Assessment

4.4.1 During the 2007 Condition Assessment Process of Ashdown Forest SSSI, many of the constituent units were deemed to be in unfavourable condition through unsuitable management and/or inappropriate grazing. Only 5.42% of the SSSI was in favourable condition. Of the remainder, 58.12% was classed as 'unfavourable recovering.'

4.5 Key Environmental Conditions

4.5.1 The key environmental conditions that support the features of European interest are:

- Minimal air pollution (nitrogen deposition can cause compositional changes
- over time);
- Use of grazing management to prevent succession;
- Balanced hydrological regime to maintain wet heath;
- Limited recreational disturbance;
- Absence of urbanisation;
- Suitable foraging and refuge habitat within 500m of the pond;
- Relatively unpolluted water of roughly neutral pH;
- Some ponds deep enough to retain water throughout February to August at
- least one year in every three;
- In a wider context, great crested newts require good connectivity of landscape features (ponds, hedges etc) as they often live as meta-populations in a number of ponds.

4.6 Potential Effects of the Plan

Recreational Pressure

4.6.1 A Visitor Survey undertaken in 2004[11] indicated that over 50,000 visitors per year use the larger car parks in Ashdown Forest. The Natura 2000 data form for the SPA notes that "*most of the recreation on the site is informal, such as walking and*

[11] Tourism South East Research Services. 2004. Ashdown Forest Visitor Monitoring Survey. Report commissioned by Wealden District Council and the Ashdown Forest Tourism Forum.

horse riding. However, in places the use is intense resulting in damage to rights of way and disturbance to the Forest."

4.6.2 Policies LO2, LO4, LO6 and LO7 provide for the development of 3,600 new dwellings under the Sevenoaks Core Strategy. This will result in an increased residential population, with increased demand for and pressure on recreational facilities and opportunities. However, this increase will not be on a simple pro rata basis in part due to the increasing trend for fewer occupants in each dwelling. In fact, Sevenoaks District is forecast to have the lowest population increase in Kent over the plan period, with an increase of 2.5% between 2006 and 2026, equivalent to an additional 2,800 people[12].

4.6.3 At its closest point, Ashdown Forest SAC/SPA lies 6km from the boundary of Sevenoaks district, well within the typical 18km distance that respondents to the England Leisure Day Visits survey were prepared to travel to visit a woodland site. Moreover, Ashdown Forest is well known to attract visitors from a particularly large catchment that includes Sevenoaks district[13]. That said, it must also be noted that the main centres in which new housing will be delivered according to Policy LO1 (Edenbridge, Sevenoaks, and Swanley) all lie 12km, 20km and 35km from the SAC/SPA respectively. Although Policies LO1 and LO7 state that 950 dwellings will be distributed amongst other settlements, all but 2 of these (Brasted and Seal) are situated north of Sevenoaks town, and as such well over 20km from the SAC/SPA.

4.6.4 As such, it is probable that housing in Edenbridge and Brasted (in particular) and Sevenoaks town and Seal (to a lesser extent) will contribute most to recreational activity in the Forest. Assuming that the distribution of the increased population will broadly reflect that of the increased housing, this would mean that approximately 1,647 additional residents could contribute to the overall recreational pressure on the Forest. This is clearly a very small proportion of the 117,000 visitors that the Forest experiences annually.

4.6.5 Moreover, it is likely that fewer visitors arise from Sevenoaks district than might otherwise be expected since, unlike many of the other districts within the Ashdown Forest catchment, Sevenoaks district has a large amount of alternative accessible natural and semi-natural greenspace. There are a total of 170 natural and semi-natural sites in Sevenoaks district, accounting for 2,343ha of open space. The average site size is 13.8ha although it varies widely between analysis areas. Swanley has the smallest average site size of 1.08ha and North Sevenoaks the largest at 15.2ha (see Appendix 3).

4.6.6 In particular, there are numerous large attractive semi-natural spaces with historic interest (e.g. Knole Park, Scords Woods & Brockhoult Mount, Farningham Woods

[12] Source: Kent County Council
[13] Tourism South East Research Services (2005) - Ashdown Forest Visitor Monitoring Survey 2004/5. This report indicates that the site received 117,444 visitors annually, with 72% of visitors coming from outside of Wealden District. 39% of those additional visitors were from elsewhere in East Sussex, 25% from Kent, 14% from West Sussex and 6% from Surrey. It is understood that this survey is currently being updated by Wealden Council but the results are not yet available. Personal communication with Natural England (Emily Dresner) has however confirmed that this survey indicates that a small proportion of visitors to Ashdown Forest do come from Sevenoaks district.

and Shoreham Woods) that already have, or are being managed to develop, similar characteristics to Ashdown Forest and which lie as close or closer to the key population centres of Sevenoaks district (Swanley, Edenbridge & Sevenoaks town itself) than Ashdown Forest does.

4.6.7 Nonetheless, a small proportion of residents will always prefer to visit Ashdown Forest rather than alternative woodlands or areas of open space due to its high intrinsic and historic appeal. As such, the development of 3,600 new dwellings and 2,800 additional residents in the district may make a small cumulative contribution to increased recreational pressure on the site when considered in combination with the more than 90,000 new houses to be delivered elsewhere in the recreational catchment of the SAC/SPA.

Other Plans and Projects

4.6.8 In addition to the increased recreational pressure that may result from the addition of 3,600 new homes as allocated in the Core Strategy, development of 11,000 new homes in Wealden, 17,100 in Mid-Sussex, 4,400 in Lewes, 6,000 in Tunbridge Wells and 2,500 in Tandridge, as allocated in the South East Plan, are all likely to result in increased recreational pressure on the SAC and SPA. These must be added to homes delivered in districts further afield but which also lie within the recreational catchment of Ashdown Forest.

4.7 Conclusion and Recommendation

4.7.1 While the contribution to any adverse effect is likely to be very small, some measures should be put in place in order to ensure that a policy mechanism exists for Sevenoaks Council to contribute to any integrated mitigation or management measures that may be required for this site.

4.7.2 It will be necessary to ensure that the increase in population that will occur over the lifetime of the Core Strategy does not result in a significant decline in the ratio of accessible natural greenspace to population. If the district is expected to have a surplus of suitable accessible natural greenspace (i.e. areas for dog walking and the appreciation of nature) even after the addition of 3,600 new dwellings, then additional alternative greenspace will not be necessary. If this is not the case provision will need to be made for the designation of additional recreational greenspace within the district. This is already allowed for through Policy SP11 (Open Space, Sport and Recreation Provision).

4.7.3 The value of any accessible natural greenspace in ‘spreading the recreational load’ will be determined more by the experience that it provides, its location, the extent to which its use is ‘promoted’ and the timeliness of its delivery than by sheer quantity and as such there is no basis on which to assume that a particularly high quantity of space per thousand population is necessarily required.

4.7.4 Given the low increase in population and its dispersed nature, on primarily small sites, it is unlikely that new accessible natural greenspace will be required. Rather, improvement of the quality and accessibility of existing sites will be required to ensure that provision better meets the needs of the future population. We therefore recommend the following additional details to be included within a future associated Local Development Document:

- The quality and accessibility of natural greenspace should be improved particularly those over 2ha in size, as the research underlying Natural England's Accessible Natural Greenspace standard indicated that smaller sites were often too disturbed to have much biodiversity.
- Delivery of improved greenspace would need to be phased in parallel to occupation of the development and would need to serve a similar recreational function to these sites, from which it is intended to draw recreational users (i.e. dog-walking and appreciation of nature). This could be funded through developer contributions with the size of contribution would be linked to the size of the development. Existing natural greenspace could be included within the allocation provided that a visitor study could demonstrate that it did not already meet its maximum recreational capacity.
- Each of the accessible natural greenspaces would need to be linked to signage and information in order to attract visitors.

4.7.5 The availability of alternative recreational space is unlikely by itself to avoid an adverse effect upon the interest features of the site from recreational use. Rather, the continuing provision and management of alternative accessible natural greenspace will need to be coupled with enhanced access management of Ashdown Forest itself. Such access management could take a range of forms such as closure of some car parks during certain periods, increased use of wardens, remoter surveillance (e.g. CCTV), re-routing of some footpaths etc. The precise details would need to be devised as part of the management strategy for the European site and could only be decided through liaison between the various interested parties including relevant local authorities, the landowner(s) and Natural England.

4.7.6 Since Ashdown Forest is located within Wealden, the role of Sevenoaks District Council in any access management would inevitably be limited to assistance with planning and delivery of a management strategy to be led by Wealden Council and partners. It is understood that Wealden are currently exploring opportunities for a management strategy or similar to address recreational impacts on Ashdown Forest in relation to their own Core Strategy and Sevenoaks District Council should take note of this work as it develops and seek to participate as appropriate. Since the timescale for adoption of the Wealden Core Strategy does not correspond closely to that for adoption of the Sevenoaks Core Strategy it will be necessary for the Sevenoaks Core Strategy to acknowledge the need for this work but for any details of the type and scale of measures to be implemented by Sevenoaks District Council (which could include development control policy, site allocations policy or countryside management policy) to be set out in a later DPD or SPD.

4.7.7 There is already an existing forum that brings together many of the authorities who surround Ashdown Forest SAC/SPA (in addition to Natural England) – namely the High Weald AONB Joint Advisory Committee. The work of the JAC and Unit is guided by the High Weald AONB Management Plan. This may therefore be the appropriate forum for cross-authority working with regard to the Ashdown Forest SAC/SPA.

5 THAMES ESTUARY AND MARSHES SPA AND RAMSAR

5.1 Introduction

5.1.1 Thames Estuary & Marshes is both a Ramsar site and a Special Protection Area (SPA) due to the nationally and internationally important numbers of wintering wildfowl and wading birds. The majority of this site is situated within Kent as South Thames Estuary & Marshes SSSI, while additional parts are located north of the River Thames (Mucking Flats & Marshes SSSI).

5.1.2 South Thames Estuary and Marshes SSSI consists of an extensive mosaic of grazing marsh, saltmarsh, mudflats and shingle characteristic of the estuarine habitats of the north Kent marshes. Freshwater pools and some areas of woodland provide additional variety and complement the estuarine habitats. The site supports outstanding numbers of waterfowl with total counts regularly exceeding 20,000. Many species regularly occur in nationally important numbers and some species regularly use the site in internationally important numbers. The breeding bird community is also of particular interest. The diverse habitats within the site support a number of nationally rare and scarce invertebrate species and an assemblage of nationally scarce plants. The SSSI adjoins the Medway Estuary and Marshes SPA and Ramsar, and at its closest point is approximately 7km from the boundary of Sevenoaks district, approximately 16km from Swanley and 22km from Sevenoaks town itself.

5.2 Features of European Interest

5.2.1 The site is designated as an SPA for supporting bird populations of European importance for the over-wintering species of:

- Hen harrier *Circus cyaneus* with 1% of the wintering population in Great Britain (5 year mean 1993/4-1997/8)
- Avocet *Recurvirostra avosetta* with 28.3% of the wintering population in Great Britain (5 year mean 1993/4-1997/8)

5.3 Features of International Interest: Ramsar criteria

5.3.1 Table 6 details how Thames Estuary and Marshes meets the Ramsar criteria.

Table 6. Ramsar Site Criteria

Site	Ramsar Criteria 2	Ramsar Criteria 5	Ramsar Criteria 6
Thames Estuary and Marshes	The site supports a number of nationally-rare and nationally-scarce plant species, and British Red Data Book invertebrates	The site has internationally important bird assemblages in winter with 45118 waterfowl (5 year peak mean 1998/99-2002/2003)	The site has bird species occurring in internationally important numbers: Ringed plover, black-tailed godwit (spring/autumn), red knot, grey plover, dunlin, redshank (winter)

5.4 Condition Assessment

5.4.1 In the most recent condition assessment, 87% of the South Thames Estuary and Marshes SSSI was adjudged to be in favourable condition with the majority of the remainder recovering, although a few areas were still unfavourable through inappropriate ditch/grassland management or coastal squeeze.

5.5 Key Environmental Conditions

5.5.1 The key environmental conditions that support the features of European interest are:

- Minimal disturbance·
- Maintenance of grazing / mowing regimes·
- Sufficient freshwater inputs for bird species (feeding, preening and drinking)
- Sufficient space between the site and development to allow for managed retreat of intertidal habitats and avoid coastal squeeze;·
- Unpolluted water;
- Absence of nutrient enrichment;
- Absence of non-native species;
- Balance of saline and non-saline conditions

5.6 Potential Effects of the Plan

Recreational Pressure

5.6.1 Thames Estuary and Marshes SPA/Ramsar site supports a diverse assemblage of both breeding and over-wintering waterfowl, which are prone to disturbance. Concern regarding the effects of disturbance on birds stems from the fact that they are expending energy unnecessarily and the time they spend responding to disturbance is time that is not spent feeding[14]. Disturbance therefore risks increasing energetic output while reducing energetic input, which can adversely affect the 'condition' and ultimately survival of the birds In addition, displacement of birds from one feeding site to others can increase the pressure on the resources

[14] Riddington, R. *et al*. 1996. The impact of disturbance on the behaviour and energy budgets of Brent geese. *Bird Study* 43:269-279

available within the remaining sites, as they have to sustain a greater number of birds[15]. Moreover, the more time a breeding bird spends disturbed from its nest, the more its eggs are likely to cool and the more vulnerable they are to predators.

5.6.2 Human activity can affect birds either directly (e.g. through causing them to flee) or indirectly (e.g. through damaging their habitat). The most obvious direct effect is that of immediate mortality such as death by shooting, but human activity can also lead to behavioural changes (e.g. alterations in feeding behaviour, avoidance of certain areas etc.) and physiological changes (e.g. an increase in heart rate) that, although less noticeable, may ultimately result in major population-level effects by altering the balance between immigration/birth and emigration/death[16].

5.6.3 The Greater Thames Estuary is one of the busiest water recreation resources in the UK. Activities of water-borne recreation can, if carried out in winter, have a significant disturbing effect upon waterfowl thus increasing energetic expenditure (as birds have to take flight more frequently) and competition on the less disturbed mudflats[17]. Barges, dinghies and catamarans all race within the estuary. Wind surfers use the waters while personal watercraft use is sufficiently extensive that a Code of Conduct has been considered necessary. However, it is understood that this activity is confined primarily to the main channels, whereas most roosting birds are concentrated along the waterline. The estuary shorelines also represent an important recreational and amenity resource and the area attracts a diverse range of recreational pursuits in addition to water-based activities, including bird watching, wildfowling, walking and cycling.

5.6.4 There is little information available concerning visitors to the South Thames Estuary & Marshes SSSI (although it is understood from discussion with Natural England that a visitor survey is planned), but some data is available for nature reserves within adjacent estuaries (Medway Estuary and The Swale); the RSPB Reserve at Northward Hill on the Medway Estuary attracts 20,000 visitors per year[18], while the Kent Wildlife Trust Oare Marshes Reserve on The Swale attracts more than 50,000 visitors per year[19].

5.6.5 These two sites are unlikely to be directly comparable to the South Thames Estuary & Marshes SSSI in terms of visitor numbers since they contain a range of facilities specifically geared towards attracting visitors, which the SSSI does not; indeed, much of the SSSI is not easily accessible to the public. In addition, these figures take no account of the number of visitors who indulge in water-based recreation across the estuary, since neither reserve is used for that purpose.

5.6.6 Both Swanley and Sevenoaks, where a combined total of 2,100 new dwellings will be delivered under Policies LO2-LO5 of the Core Strategy, lie within the distance that respondents to the England Day Visits Survey indicated that they would travel

[15] Gill, J.A., Sutherland, W.J. & Norris, K. 1998. The consequences of human disturbance for estuarine birds. *RSPB Conservation Review* 12: 67-72
[16] Riley, J. 2003. Review of Recreational Disturbance Research on Selected Wildlife in Scotland. Scottish Natural Heritage.
[17] West, A.D., et al. 2002. Predicting the impacts of disturbance on shorebird mortality using a behaviour-based model. Biological Conservation 106:3, 319-328
[18] http://www.gtgkm.org.uk/pdfs/hoo_tech_report.pdf
[19] http://www.gtgkm.org.uk/pdfs/Faversham_Creek_Technical_Report.pdf

to visit the coast for the day (16km and 22km respectively) as do most of the Local Service Centres listed in Policy LO1 where a further 950 dwellings will be delivered. While this is a sufficient distance that visitor pressure from Sevenoaks district is unlikely by itself to contribute substantially to recreational impacts, this must be set within the context of the Thames Estuary as a major recreational draw for the whole of north west Kent, which includes at least the northern half of Sevenoaks district.

5.6.7 Assuming that the distribution of the increased population will broadly reflect that of the increased housing, this would mean that approximately 2,280 additional residents (81% of the additional 2,800 increase in the district population over the plan period) could contribute to the overall recreational pressure on the South Thames Marshes SSSI and thus the Thames Estuary & Marshes SPA and Ramsar site. Off-setting this is the fact that much of the SSSI is not easily accessible, that the bird populations for which the SPA/Ramsar site is designated are winter visitors whereas most recreational activity will take place in the summer and that the Thames Estuary & Marshes SPA represents only a part of the Greater Thames Estuary as a visitor resource.

Other plans and projects

5.6.8 In addition to the increased recreational pressure that may result from the addition of 3,600 new homes as allocated in the Core Strategy, the Appropriate Assessment of the draft South East Plan noted that development of 53,740 new homes in Medway, Gravesham, Swale and Dartford may result in increased recreational pressure, although visitor patterns on the RSPB reserves are considered manageable. The intertidal area is vulnerable to disturbance from water borne recreation, an issue that is being addressed as part of an estuary management plan.

5.6.9 In addition, the South East Plan advocates maintaining and enhancing the role of ports, including those on the Thames estuary, in particular Shell Haven (Policy T10). The Environment Agency is also currently consulting on a program of sea defences (Thames 2100) that could potentially add to impacts on birds using the SPA/Ramsar. Alone, or in combination, all of these developments would have potential for greater 'activity' on the Thames estuary that could lead to disturbance of bird species.

5.7 Conclusion

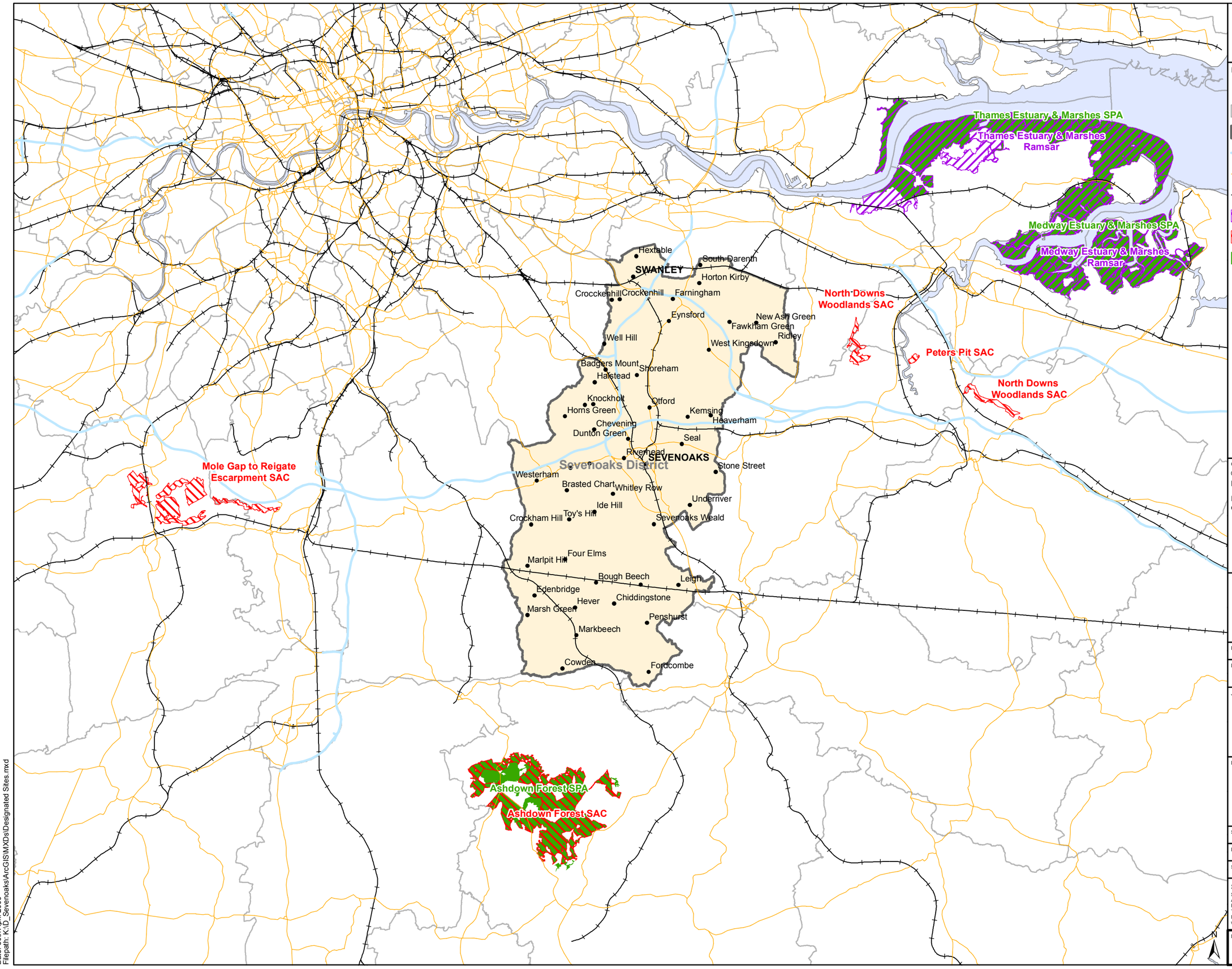
5.7.1 Within this context it is clear that the contribution that visitors from Sevenoaks district are likely to make to any overall increase in recreational pressure within the Thames Estuary & Marshes SPA and Ramsar will be small. In this case it is considered that Sevenoaks contribution to any overall effect is likely to be so small as to be effectively inconsequential, since:

- The Thames Estuary & Marshes SPA is a much more dispersed resource than Ashdown Forest and (unlike the Forest) is only a proportion of the recreational resource that constitutes the Greater Thames Estuary as a whole. As such, recreational activity is likely to be more dispersed;

- Recreational activity arising from Sevenoaks District is likely to be focussed on the summer, whereas the key period for the waterfowl for which the SPA is designated is the winter;
- The South Thames Estuary & Marshes SSSI has relatively limited recreational access and the physical nature of much of the marshland habitat will deter walkers;
- There are no features within the SSSI (e.g. visitor centres etc.) that would specifically attract people (other than ornithologists) over long distances to visit this location in preference to the rest of the Greater Thames Estuary.

5.7.2 We are therefore able to conclude that Sevenoaks district will not contribute significantly to extra visitors to this SPA/Ramsar and that no avoidance or mitigation measures are therefore required.

APPENDIX 1 – EUROPEAN SITES IN RELATION TO SEVENOAKS DISTRICT



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NOTES

- Towns/Villages
- District Boundaries
- Sevenoaks District
- Motorway
- A road
- Railway
- Ramsar
- Special Area of Conservation
- Special Protection Areas

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Revision Details	By / Check	Date	Suffix

Drawing Status: FINAL

Job Title: HABITAT REGULATIONS ASSESSMENT OF THE SEVENOAKS CORE STRATEGY

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Scale at A3: 1:250,000

Drawn	Approved
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Drawing Number: FIGURE 3 Rev

Date: 30th April 2009
Filepath: K:\D_Sevenoaks\ArcGIS\MXDs\Designated Sites.mxd

APPENDIX 2 - SUMMARY OF CORE STRATEGY POLICIES

Objective Reference	Policy	Summary
LO1	Distribution of Development	Development to be focused on existing settlements. Sevenoaks urban area to be the focus, Swanley as a secondary focus, and Edenbridge on an appropriate scale. Other settlements are listed with development planned on a scale consistent with their size and relative sustainability. For all other areas, the rural character of the district will be a defining criterion in planning development, with compatibility with Green Belt and AONB policies of paramount consideration. Development will avoid flood risks.
LO2	Development in Sevenoaks Urban Area	Sevenoaks urban area to receive 1,450 new dwellings (2006-2026). Existing employment sites to be retained, regenerated and redeveloped.
LO3	Development in Sevenoaks Town Centre	Mixed use. Approximately 12,000 sq. metres on new shopping floorspace. Car parking management to meet demand.
LO4	Development in Swanley	Swanley to receive 650 new dwellings (2006-2026). Existing employment sites to be retained, regenerated and redeveloped. Non-green belt land adjoining M25 to be allocated (near Junction 3). Additional public open space.

LO5	Swanley Town Centre	Mixed use regeneration.
LO6	Development in Edenbridge	Edenbridge to receive 550 new dwellings (2006-2026), on brownfield and Greenfield sites (not Green Belt). Land west of Edenbridge to be allocated for long term development needs. Existing employment sites to be retained, regenerated and redeveloped.
LO7	Development in Local Service Centres	At Brasted, Crockenhill, Eynsford, Farningham, Halstead, Hartley, Hextable, Kemsing, Leigh, New Ash Green, Otford, Seal, Shoreham, South Darenth, Westerham and West Kingsdown, development planned on a scale consistent with their size and relative sustainability. To receive 950 new dwellings (2006-2026). On other small sites development can only occur in line with Green Belt policy. New Ash Green village centre to be regenerated. The level of local services to be retained. Existing employment sites to be retained, regenerated and redeveloped. Accessibility through public transport to be maintained and improved.
LO8	The Countryside and the Rural Economy	Green Belt extent to be retained. Countryside to be conserved, including AONBs. Compatible proposals for rural economic enhancement will be supported.
SP1	Design of New Development	New development should be in character and of appropriate quality to match location. It should maintain and enhance to quality of the local environment.

SP2	Sustainable Development, Climate Change and Air Quality	Reduced car travel to be encouraged and supported. New development to meet CSH and BREEAM standards. SUDS to be incorporated. Water consumption to be minimised. 10% of energy in new development to be from decentralised and renewable or low carbon sources. CHP in new development to be encouraged. Small scale renewable developments to be supported where appropriate to landscape. New development to take account of district's Air Quality Action Plan.
SP3	Housing Land Supply	Five year supply of deliverable sites to be maintained by Council.
SP4	Provision of Affordable Housing	Inclusive development that meets PPS3 will be required. At least 40% of dwellings where 5 or more prided should be affordable. 65% of such affordable units should normally be social rented.
SP5	Affordable Housing in Rural Areas	Afforable housing adjacent to settlements may be allowed where it is shown to be required, suitable and the best means of provision.
SP6	Housing Size and Type	Mixed housing types in developments will be encouraged, including to meet the needs of an ageing population, including those with special needs.
SP7	Provision for Gypsies and Travellers	Sites to be allocated if required by the South East Plan. New sites will need to account for environmental considerations.

SP8	Density of Housing Development	Minimum of 40 dwellings per ha in urban settlements of Sevenoaks, Swanley and Edenbridge. Minimum 75 dwellings per ha in town centres. Minimum 30 dwellings per ha elsewhere. In all cases density must not comprise character of area.
SP9	Land for Business	Existing employment sites to be retained, regenerated and redeveloped. New provision in town centres at Sevenoaks and Swanley, and through allocation of Greenfield land at Swanley outside Green Belt. Priority to business or tourism in rural business conversion.
SP10	Infrastructure Provision	Where development requires new physical, social and green infrastructure, it will need to contribute toward it.
SP11	Open Space, Sport and Recreation Provision	To be retained where existing. Where there is an open space shortage, or where new development would create such, contribution toward overcoming this will be expected, financial or through on-site provision.

APPENDIX 3 - APPLICATION OF THE AGS ACCESSIBILITY STANDARD TO SEVENOAKS DISTRICT