DARTFORD BOROUGH COUNCIL & GRAVESHAM BOROUGH COUNCIL

HABITATS REGULATIONS ASSESSMENT

SCREENING REPORT

MAY 2007

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HABITATS REGULATIONS ASSESSMENT SCREENING REPORT

date:	May 2007	
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Habitats Regulations Assessment: Screening Report

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1.0 INTRODUCTION

1.1 Enfusion was appointed by Dartford and Gravesham Borough Councils to undertake Habitats Regulations Assessment (HRA) of the Dartford and Gravesham Local Development Framework (LDF) Core Strategies.

1.2 Habitats Regulations Assessment is also commonly referred to as Appropriate Assessment (AA) although the requirement for AA is first determined by an initial 'screening' stage undertaken as part of the HRA. This report details the findings of this first, screening stage. Its aim is to provide information, which in consultation with Natural England and wider stakeholders, will allow the competent authorities to come to a decision as to whether a full Appropriate Assessment is necessary, as a result of identified impacts arising from the Dartford and Gravesham LDF Core Strategies.

1.3 The requirement to address HRA has also been noted in the Sustainability Appraisal/ Strategic Environmental Assessment report accompanying consultation on the Dartford Core Strategy Preferred Options Consultation Document in 2006 and will be noted in the Gravesham Core Strategy Sustainability Appraisal/ Strategic Environmental Assessment.

Requirement for Habitats Regulations Assessment

1.4 The European Directive (92/43/EEC) on the Conservation of Natural Habitats and Wild Flora and Fauna (the Habitats Directive) protects habitats and species of European nature conservation importance. The Habitats Directive establishes a network of internationally important sites designated for their ecological status. These are referred to as Natura 2000 sites or European Sites, and comprise Special Areas of Conservation (SACs) and Special Protection Areas (SPAs).

1.5 Articles 6 (3) and 6 (4) of the Habitats Directive require AA to be undertaken on proposed plans or projects which are not necessary for the management of the site but which are likely to have a significant effect on one or more Natura 2000 sites either individually, or in combination with other plans and projects.[1] In 2007, this requirement will be transposed into UK law in Part IVA of the Habitats Regulations (The Conservation (Natural Habitats, & c.)(Amendment) (England and Wales) Regulations 2007). These regulations will require the application of AA to all land use plans.

1.6 The purpose of AA is to assess the impacts of a land-use plan, in combination with the effects of other plans and projects, against the conservation objectives of a European Site and to ascertain whether it would adversely affect the integrity[2] of that site. Where significant negative effects are identified, alternative options should be examined to avoid any potential damaging effects. The scope of the AA is dependent on the location, size and significance of the proposed plan or project.

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[1] Determining whether an effect is 'significant' is undertaken in relation to the designated interest features and conservation objectives of the Natura 2000 sites. If an impact on any conservation objective is assessed as being adverse then it should be treated as significant. Where information is limited the precautionary principle applies and significant effects should be assumed until evidence exists to the contrary.

[2] Integrity is described as the sites' coherence, ecological structure and function across the whole area that enables it to sustain the habitat, complex of habitats and/or levels of populations of species for which it was classified, (ODPM, 2005).

Guidance for Habitats Regulations Assessment [Appropriate Assessment (AA)]

1.7 Draft guidance for AA 'Planning for the Protection of European Sites: Appropriate Assessment', has been produced by the Department for Communities and Local Government (DCLG, August 2006). The final DCLG guidance is expected spring (2007). A partnership of consultants[3] has also prepared guidance (Appropriate Assessment of Plans, August 2007) to assist planning bodies in complying with the Habitats Directive.

1.8 Based on the available guidance and emergent practice, HRA is approached in three main stages. This report addresses the first screening stage of the HRA.

Habitats Regulations Assessment: Key Stages	
Stage 1	
Screening	▪ Identify international sites in and around the plan/ strategy area ▪ Examine conservation objectives ▪ Identify potential effects on Natura 2000 sites ▪ Examine other plans and programmes that could contribute to 'in combination' effects
	▪ *If no effects likely – report that no significant effect.* ▪ *If effects are judged likely or uncertainty exists – the precautionary principle applies proceed to* ***stage 2***
Stage 2	
Appropriate Assessment	▪ Collate information on sites and evaluate impact in light of conservation objectives ▪ Consider how plan 'in combination' with other plans and programmes will interact when implemented (the Appropriate Assessment) ▪ Consider how effect on integrity of site could be avoided by changes to plan and the consideration of alternatives ▪ Develop mitigation measures (including timescale and mechanisms)
	▪ *Report outcomes of AA and develop monitoring strategies* ▪ *If effects remain following the consideration of alternatives and development of mitigations proceed to* ***stage 3***
Stage 3	
Assessment where no alternatives and adverse impacts remain	▪ Identify 'imperative reasons of overriding public interest' (IROPI) ▪ Identify/ develop potential compensatory measures
	▪ *Difficult test to pass, requirements are onerous and untested to date*

[3] Scott Wilson, Levett-Therivel Sustainability Consultants, Treweek Environmental Consultants and Land Use Consultants.

Consultation

1.9 The Habitats Regulations require the plan making/competent authority to consult the appropriate nature conservation statutory body [Natural England (NE)]. Consultation on both the method and proposed content of this report has been undertaken with NE via phone and email.

1.10 Further consultation with NE and other relevant stakeholders will be undertaken on further Appropriate Assessment, as required.

2.0 METHOD

2.1 In accordance with the official guidance and current practice, conducting the screening stage of the HRA for Dartford and Gravesham Core Strategies involved the following tasks.

HRA Screening Stage: Key Tasks	
Task 1 **Identification of Natura 2000 sites & characterisation**	▪ Identification of European sites both within Dartford and Gravesham and surrounding authorities that may be affected by the 2 Core Strategies. ▪ Information was obtained for each European site, based on publicly available information and consultation with Natural England where appropriate. ▪ This included information relating to the sites' qualifying features; conservation objectives; vulnerabilities/ sensitivities and geographical boundaries.
Task 2 **Strategy review and identification of likely impacts**	▪ A review or the aims and objectives of the Dartford and Gravesham Core strategies, including spatial implications where indicated and identification of likely impacts.
Task 3 **Consideration of other plans and programmes**	▪ Consideration, where appropriate of other plans and programmes that may have in-combination effects with the Dartford and Gravesham Core Strategies.
Task 4 **Screening Assessment**	▪ Summary of screening outcomes and recommendations.

2.2 As part of this screening process, consideration was also given to the Appropriate Assessment of the draft South East Plan undertaken for the South East Plan, undertaken by Scott Wilson and Levett-Therivel (October 2006).

3.0 SCREENING

Task 1: Identification of Natura 2000 sites & characterisation

3.1 Dartford & Gravesham Boroughs feature riverside marshes which are characteristic of the highly valued habitats of the Greater Thames Estuary. South of the principal urban areas, undulating countryside rises towards the South Kent Downs. This area, populated by villages and dormitory towns, features areas of high agricultural and landscape value. The Dartford and Gravesham areas, therefore, include a contrast of landscapes, from estuarine to semi-upland countryside, in addition to the townscapes. Within this varied environment diverse sites have been designated for their international, national and local importance.

3.2 There are no European sites within Dartford Borough, and one European site partially within Gravesham Borough (Thames Estuary and Marshes SPA). Detailed information for this site is provided in **Appendix 1**.

European Sites entirely or partly within Dartford & Gravesham	Designation
Thames Estuary & Marshes	Special Protection Area (SPA) Ramsar

3.3 Plans and programmes have spatial implications that frequently extend beyond the intended plan area boundaries. This means that a plan located some distance away from a European site could still have effects on the site and, therefore, needs to be considered as part of the screening process. There are an additional three sites that are located within the potential influence of the 2 plan areas: Medway Estuary and Marshes SPA, Benfleet and Southend Marshes SPA and the North Downs Woodland SAC. The sites represent significant diversity with assemblages of internationally important bird species and habitats ranging from Beech forests to mud flats. These additional three sites are listed below and are also detailed at **Appendix 1**.

European Sites within the influence of the Core Strategies (approx 30 mile buffer zone)	Designation
Medway Estuary & Marshes	SPA Ramsar
Benfleet & Southend Marshes	SPA Ramsar
North Downs Woodland	Special Area of Conservation (SAC)

Task 2: Strategy review and identification of likely impacts

3.4 Dartford and Gravesham Boroughs are working together closely on the development of their Local Development Frameworks. Both have undertaken consultation on the key Issues and Options facing the Boroughs in the development of their Core Strategies, and Dartford has additionally undertaken consultation on the Preferred Policy Approaches, in summer 2006.

GRAVESHAM LOCAL DEVELOPMENT FRAMEWORK – CORE STRATEGY

Gravesham Core Strategy- Issues and Options

3.5 Gravesham has undertaken 2 rounds of consultation on the issues and options facing the Borough in the preparation of its LDF. These were titled: 'Gravesham Local Development Framework- The Key Issues - ' We need your views', and 'The Future of Gravesham'. Issues raised included; regeneration and transport; lifelong learning; jobs and business; the environment; housing and the built environment; health and well being; community safety, leisure and culture; major sites including Gravesend Town Centre, Swanscombe Peninsula, Northfleet Embankment and Ebbsfleet, North east Gravesend and Canal basin; the countryside and villages; and the A2 Corridor.

A consultation on Strategic Options is currently underway, leading to the development of the Core Strategy Preferred Options document.

DARTFORD LOCAL DEVELOPMENT FRAMEWORK – CORE STRATEGY

3.6 The Dartford Core Strategy is the key Development Plan Document within the Dartford Local Development Framework (LDF). The Core Strategy sets the LDF's long-term spatial Vision and Strategic Objectives for development planning and it considers the options available through the planning system to the Council and communities in the Dartford Borough area.

Dartford Core Strategy -Issues and Options

3.7 Dartford Council published an Issues Paper in August 2005 ('A Postcard from the Future – Making Dartford a Good Place to Live'). This set out eight key issues for the Borough which were considered to influence the content of the LDF, and sought responses from the public concerning how they would prefer to see these issues being addressed and progressed in the future. The results of this consultation were then considered in the development of the Core Strategy Preferred Policy Approaches document.

Dartford Core Strategy- Preferred Policy Approaches

3.8 In Summer 2006, Dartford Borough consulted on the Preferred Policy Approaches for its LDF Core Strategy. The Preferred Policy Approaches Document set out the Council's Preferred Policy Approaches to inform and guide the development of policies in the Core Strategy Submission Document.

3.9 The Core Strategy provides a plan for growth that protects and builds on Dartford's assets – its communities, its environment and its economy. It aims to do this by:

- Setting a clear vision for the pattern of development – the town centre, Ebbsfleet Valley and the riverfront
- Creating the foundations for strong economic growth so that residential development is more than matched by new job creation

- Providing clear guidelines for community infrastructure to support development (leisure possibilities and where needed new education, health and other essential services) and ensuring this is provided early

- Recycling derelict land while protecting and enhancing green space, and bringing green space to the heart of the communities

- Enhancing the viability and vitality of Dartford town centre

- Ensuring that new developments provide the right conditions for human interaction and community life to flourish

3.10 The strategy sets:

1) A spatial **Vision** for future development within Dartford Borough to 2026
2) **Strategic Objectives** for the Local Development Framework
3) **Preferred Policy Approaches** relating to: the Scale of Growth and Spatial Vision; Housing and Communities; Economic Development; Shopping; Dartford Town Centre; Environmental Assets (including the natural environment); Culture, Leisure, Sport and Recreation; Transport; Development Impacts; and Monitoring.

3.11 The potential key implications of the Core Strategies on European designated sites are:

- Dartford and Gravesham Boroughs contain the area known as the 'Kent Thameside' regeneration area, one of the largest areas for development in the Thames Gateway.

- The SE Plan outlines requirements for 15,500 dwellings for Dartford and 9,200 for Gravesham in the period 2006 to 2026, in the urban area, this is significant level of growth that will potentially have profound impacts on the built and natural environment of the Boroughs.

- Development is planned to be focused close to existing urban areas and facilities with very limited development in rural areas. Development preferences are for brownfield sites and river frontage development where possible and desirable.

- The SE Plan also outlines requirements for 58,000 new jobs, and associated employment land in the 2 Boroughs between 2006 and 2026.

- New facilities and services, including strategic transport infrastructure will be required to meet the needs of this increased growth. However, all development will need to reflect approaches that reduce the need for car travel and provide access to [transport] facilities.

- The level of planned growth is likely place significant strain on resources (particularly water resources, including the identified requirement for a 40 mega litre reservoir within the Dartford Borough), increase energy usage and waste production and will increase pollution, particularly air pollution.

- There will be additional pressure placed on the Thames Estuary and its natural environment from development pressure, including increased risk of water pollution and recreational activity.

- There is likely to be an increase in recreation at existing natural sites, for example woodlands, marshes and estuarine sites due to increased population.

Task 3: Consideration of other plans and programmes

3.12 It is a requirement of Article 6(3) of the Habitats Directive that HRA examines the potential for plans and projects to have a significant effect either individually or 'in combination' with other plans or projects.

3.13 This screening assessment has addressed the 'in combination' requirement as a three step process.

1. For Natura 2000 sites where it has been determined that the Core Strategy **on its own** will require Appropriate Assessment in relation to that site, 'in-combination' effects have not been considered further at this stage as these will be examined in the Appropriate Assessment itself.

2. For Natura 2000 sites where it is unlikely that the Core Strategy **on its own** will require Appropriate Assessment in relation to that site, it has been necessary to consider whether 'in-combination' effects are likely to result in an Appropriate Assessment being required. For one of the sites, where 'in-combination 'effects are considered to be potentially significant, it has been determined that a precautionary approach is necessary and an Appropriate Assessment should be undertaken.

3. For those remaining Natura 2000 sites addressed by the screening assessment for which the likelihood of significant effects arising from the Core Strategy is negligible (these sites lie outside the plan area): 'in-combination' effects have not been considered, as any effects on the integrity of these sites will result from other plans and programmes, not from the Core Strategies being assessed for this HRA screening.

3.14 Other key plans considered at this stage (outlined at Appendix 2) have included:

- The Draft Regional Spatial Strategy for the South East 2006-2026
- Thames Estuary 2100 Project
- Greening the Gateway; a Greenspace Strategy for Thames Gateway
- Waterfronts and Waterway in Kent Thameside - A Strategic Agenda 2005
- Thames Gateway Strategic Regional Framework Interim Report 2006
- Kent Local Transport Plan 2006-2011
- Strategic Planning Guidance for the River Thames – RPG3B/9B 1997
- South East England Regional Assembly Strategy for Energy Efficiency and Renewable Energy 2004
- The London plan
- The East of England Plan

3.15 The screening assessment has also noted the potential for 'in-combination' effects between the two Core strategies under consideration.

Task 4: Screening Assessment of Dartford and Gravesham Core Strategies

3.16 In line with the screening requirement of the Habitats Regulations an assessment has been undertaken to identify potential significant impacts of the **Dartford and Gravesham Borough Council's Core Strategies** on the integrity of four Natura 2000 sites which lie either within the Borough boundaries or within the a buffer zone (approx 30 miles) of the Plan areas. This full analysis is set out in the Screening Tables at **Appendix 3** and is summarised in **Table 3** below. This process was based on:

- The review of the Core Strategies and their likely impacts;
- The information gathered on the Natura 2000 sites – **Appendix 1**; and**;**
- The review of other relevant plans – **Appendix 2.**

Assessment Summary

3.17 The Core Strategies emerging from Dartford and Gravesham Borough Councils are strongly focused on ensuring that development – in particular, the planned expansion of urban space - is undertaken in a way that is commensurate with wider sustainable development principles. Specific attention is focused on developing within existing urban space, on brownfield sites and on minimising the potential impacts [of this growth] on the natural environment. Specifically, the Core Strategies are jointly recognising the potential knock-on impacts of population growth for 'green space' by planning using the 'Green Grid' concept. In this way, key elements of the planning process can provide mitigation.

3.18 Where the potential for significant impacts has been identified, this relates primarily to the, as yet un-quantified, effects of large scale, cumulative development pressures from housing, industry and transport in the region. Key impacts arising from the screening process comprise:

- **Coastal squeeze and the subsequent loss of habitat and habitat fragmentation** – potentially resulting from river frontage development through increased housing/ industrial expansion in the area.
- **Increased recreational pressures** – resulting from the planned for and predicted, population growth
- **Water quality issues, particularly estuarine impacts including pollution, sediment removal & disturbance, and eutrophication** – as a result of development adjacent to and near the river frontage as well as hinterland development impacting linked surface and groundwater sources
- **Air quality issues** – potential localised impacts associated with housing development, increased transportation and construction activities - that need to be addressed in a regional context

3.18 The results of the screening process are summarised below.

Table 3 **HRA Screening Table Summary**		
European Sites entirely or partly within Dartford & Gravesham	**Designation**	**AA Required?** **✓ Yes** **✗ No** **? Uncertain**
Thames Estuary & Marshes	SPA, Ramsar	✓
European Sites within the influence of the Core Strategies	**Designation**	
North Downs Woodland	SAC	✗
Medway Estuary & Marshes	SPA, Ramsar	✓
Benfleet & Southend Marshes	SPA, Ramsar	✗

4.0 CONCLUSIONS, FUTURE WORK

4.1 This HRA screening process has identified four SAC/SPAs within and outside the plan areas that are potentially affected by the **Dartford Borough Council and Gravesham Borough Council Core Strategies.**

4.2 The screening process has identified a number of potentially significant impacts, in particular, at two Natura 2000 sites that may result either from the Core Strategies alone or as a result of 'in-combination' effects from other plans and programmes. These impacts cannot be screened out at this stage, and need to be considered further through Appropriate Assessment. This screening process has also noted that it is problematical to consider any development in the Thames Gateway region in isolation, when many of the impacts arising are likely to result from cumulative activities occurring in a region experiencing unprecedented development pressures. This is particularly the case with regard to issues such as changes in air quality and recreational stresses. These issues will be examined further in the next assessment stage.

4.3 This screening report is presented for review and comment. All inputs received will inform the ongoing Appropriate Assessment work.