



DARTFORD BOROUGH COUNCIL TOWN CENTRE AREA ACTION PLAN (incorporating the Northern Gateway): Preferred Options



HABITATS REGULATIONS ASSESSMENT



SCREENING REPORT



AUGUST 2007



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**DARTFORD BOROUGH COUNCIL
TOWN CENTRE AREA ACTION PLAN
(incorporating the Northern Gateway): Preferred Options**

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SCREENING REPORT**

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Habitats Regulations Assessment: Screening Report

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1.0 INTRODUCTION

- 1.1 Enfusion was appointed by Dartford Borough Council to undertake Habitats Regulations Assessment (HRA) of the Dartford Town Centre Area Action Plan (AAP) (incorporating the Northern Gateway): Preferred Options.
- 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 for the Dartford Town Centre AAP.

Requirement for Habitats Regulations Assessment

- 1.3 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).
- 1.4 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.
- 1.5 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 integrity² 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.

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)]

- 1.6 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 in 2007. A partnership of consultants³ has also prepared guidance (Appropriate Assessment of Plans, August 2007) to assist planning bodies in complying with the Habitats Directive.
- 1.7 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	<ul style="list-style-type: none"> ▪ Identify international sites in and around the plan/strategy area ▪ Examine conservation objectives ▪ Analyse the policy/plan and its key components ▪ Identify potential effects on Natura 2000 sites ▪ Examine other plans and programmes that could contribute to ‘in combination’ effects
	<ul style="list-style-type: none"> ▪ <i>If no effects likely – report that no significant effect.</i> ▪ <i>If effects are judged likely or uncertainty exists – the precautionary principle applies, proceed to stage 2</i>
Stage 2	
Appropriate Assessment	<ul style="list-style-type: none"> ▪ 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)
	<ul style="list-style-type: none"> ▪ <i>Report outcomes of AA and develop monitoring strategies</i> ▪ <i>If effects remain following the consideration of alternatives and development of mitigations, proceed to stage 3</i>
Stage 3	
Assessment where no alternatives and adverse impacts remain	<ul style="list-style-type: none"> ▪ Identify ‘imperative reasons of overriding public interest’ (IROPI) ▪ Identify/ develop potential compensatory measures
	<ul style="list-style-type: none"> ▪ <i>Difficult test to pass, requirements are onerous and untested to date</i>

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

Habitats Regulations Assessment of the Dartford and Grvesham Local Development Framework Core Strategies

- 1.8 A Habitats Regulations Assessment (HRA) screening of the Dartford and Gravesham Local Development Framework (LDF) Core Strategies was undertaken in May 2007. The screening process identified the potential for significant impacts from the Dartford and Gravesham Core Strategies at two European sites [Thames Estuary & Marshes and Medway Estuary & Marshes]. This relates primarily to the, as yet un-quantified, effects of large scale, cumulative development pressures from housing, industry and transport in the region, particularly from those areas that lie closer to the designated sites (Gravesham development).
- 1.9 The screening process 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 transboundary issues such as air quality and recreational pressure. Further appropriate assessment will address these issues for the Dartford and Gravesham Core Strategies.

Consultation

- 1.10 The Habitats Regulations require the plan making/competent authority to consult the appropriate nature conservation statutory body [Natural England (NE)].
- 1.11 Consultation via telephone and email with NE has been ongoing for the HRA of the Dartford and Gravesham Core Strategies. Further discussion has been held in relation to the method and approach for the HRA of the Dartford Town Centre AAP. It was agreed with NE to pay particular attention to recreational and air quality issues and NE has provisionally agreed with the conclusions of this report. NE will be consulted further prior to the issue of the final report.

2.0 METHOD

2.1 In accordance with the official guidance and current practice, conducting the screening stage of the Dartford Town Centre AAP has followed four key stages.

HRA Screening Stage: Key Tasks	
Task 1 Identification of Natura 2000 sites & characterisation	<ul style="list-style-type: none"> ▪ Identification of European sites either within the Dartford Borough and/or in surrounding authorities that may be affected by the AAP. ▪ 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	<ul style="list-style-type: none"> ▪ A review of the aims and objectives of the Dartford AAP, including spatial implications where indicated and identification of likely impacts.
Task 3 Consideration of other plans and programmes	<ul style="list-style-type: none"> ▪ Consideration, where appropriate of other plans and programmes that may have in-combination effects with the Dartford AAP.
Task 4 Screening Assessment	<ul style="list-style-type: none"> ▪ Summary of screening outcomes and recommendations.

2.2 As part of this screening process, consideration was also given to the Appropriate Assessment of 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 The Dartford Borough features 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 North Downs. This area, populated by villages and dormitory settlements is surrounded by agricultural land. The Dartford Borough, therefore, includes 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 national and local importance.
- 3.2 There are no European sites within Dartford Borough, however, 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 four sites that are located within the potential influence of the AAP: Thames Estuary & Marshes, 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. The sites are listed below and detailed at **Appendix 1**.

European Sites within an [approx] 30 mile buffer zone ⁴	Designation	European Site – Approx Distance from Dartford	European Site – Area
Thames Estuary & Marshes	Special Protection Area (SPA) Ramsar	16km	4838.94ha
Medway Estuary & Marshes	SPA Ramsar	23km	4684.36ha
Benfleet & Southend Marshes	SPA Ramsar	28km	2251.31ha
North Downs Woodland	Special Area of Conservation (SAC)	18km	287.58ha

⁴ Guidance from English Nature (now Natural England) indicates a 10km buffer zone, but recommends a precautionary approach. A wider buffer zone reflects the water borne issues at the sites being screened.

Task 2: Strategy review and identification of likely impacts

- 3.3 This section provides a review of the aims of the AAP and the likely impacts arising from the preferred options outlined in the document. Area Action Plans are required as part of the Local Development Framework in areas where there is a requirement for significant change or where conservation issues exist.
- 3.4 To date, Dartford has undertaken consultation with the community, business and interests and other key stakeholders to identify issues and options for the town centre. The Preferred Options document is the next step towards adopting the AAP and sets out possible options to achieve the long term vision for the town centre.
- 3.5 The AAP provides a framework for delivering the successful revitalisation of Dartford Town Centre. A number of key issues and needs have been identified for Dartford. They include, the need to improve: the quality of retail offer; the coherence of the town centre; the quality of the town centre environment and buildings; leisure and entertainment facilities; public transport and walkability; the Northern Gateway. The AAP covers the town centre and a number of sites to the north of the railway collectively referred to as the Northern Gateway.
- 3.6 The AAP generates preferred options for a number of key areas that will be integral to delivering the Vision for the Town Centre 2026. They are:
- **Strengthening the Shopping Offer** [includes options for shopping floorspace; size of units; primary shopping frontage; food stores and retail warehousing]
 - **Uses to complement shopping** [housing; leisure; hotels]
 - **Making more of Dartford's Assets** [historic environment; markets; Central Park; River Darent; the Orchard Theatre]
 - **An Environment to Enjoy** [walking; high quality public realm; design of new development; greening the town centre]
 - **Getting to the Town Centre** [traffic movement; air quality; public transport; public car parking; cycling]
 - **Opportunity Sites** [Station Quarter; Orchards Quarter; South East Quarter]
- 3.7 The implementation of the AAP will support the delivery of the significant planned growth within the Dartford area. The Draft South East Plan has set a target of 15,700 new dwellings to be delivered in Dartford up to 2026 of which approximately 1,500-2,000 are to be built within the AAP area.
- 3.8 There are a number of potential environmental impacts arising from the AAP as a result of:
- **Construction activities:** increased development activity and associated impacts (dust/ noise/ light emissions including greenhouse gas emissions from energy use, waste generation, water usage) at construction and operational phases;
 - **Urbanisation generally:** greater development, including residential development and associated needs for travel and recreation;
 - **Increased traffic:** potentially more commercial and residential/ recreational travel with associated air pollution impacts;

- **Increased water use:** during development and in support of a growing population.
- 3.9 Of significance in relation to the European sites, is the potential for impacts on air quality [through emissions from development and travel] and the likelihood of increased recreational pressures (including water-based recreation) arising from the planned growth in population, both within the town centre and the surrounding areas.

Task 3: Consideration of other plans and programmes

- 3.10 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.
- 3.11 Other key plans considered at this stage (outlined at Appendix 2) have included:
- Dartford Local Development Framework Core Strategy
 - The Draft South East Plan: A Clear Vision for the South East 2006
 - 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
 - Medway Plan
 - Kent and Medway Structure Plan
 - Thames Gateway Interim Plan 2006

Task 4: Screening Assessment of Dartford Town Centre AAP: Preferred Options

- 3.12 In line with the screening requirement of the Habitats Regulations an assessment has been undertaken to identify potential significant impacts of **Dartford Borough Council's Town Centre AAP: Preferred Options** on the integrity of four Natura 2000 sites which lie within a buffer zone (approx 30 miles) of the Plan area. 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 Town Centre AAP and its likely impacts;
 - The information gathered on the Natura 2000 sites – **Appendix 1**; and;
 - The review of other relevant plans – **Appendix 2**.

Assessment Summary

- 3.13 The Town Centre APP sets out the preferred policies for development within the central urban area of Dartford. The policies are focused on the development of commerce and housing within the urban envelope. This development will take place primarily on brownfield land and policies include requirements to minimise the impact of this regeneration work on the natural environment.

3.14 In summary, the key potential impacts on European sites from the AAP are:

- **Increased recreational pressures** – resulting from the planned for and predicted, population growth
- **Air quality issues** – potential localised impacts associated with housing development, construction activities, increased transportation and travel generally

3.15 The AAP policies set a clear strategic framework for addressing the potential impacts highlighted. In particular, the policies recognise the potential cumulative impacts of population growth on recreational areas, and include measures directed at improving the quality of, and accessibility to, town centre based recreation facilities. For example, the AAP sets out aims for improved leisure facilities in Central Park and the integration of walking routes with the River Darent_Valley Path providing easier access to Dartford Marshes, Brooklands Lakes and Ancient Woodlands Country Park.

3.16 The AAP is also cognisant of the potential impacts on air quality arising from both development activity and the increased travel that will result from population growth. The requirement for air quality management measures which will act in mitigation, is integral to the AAP.

Table 3 HRA Screening Table Summary		
European Sites within an [approx] 30 mile buffer zone	Designation	AA Required? ✓ Yes ✗ No ? Uncertain
Thames Estuary & Marshes	SPA, Ramsar	✗
North Downs Woodland	SAC	✗
Medway Estuary & Marshes	SPA, Ramsar	✗
Benfleet & Southend Marshes	SPA, Ramsar	✗

4.0 CONCLUSIONS

4.1 The screening process has shown that there are no significant impacts arising from the **Dartford Town Centre AAP** in relation to the four Natura 2000 sites examined and that no further Appropriate Assessment work is required.

4.2 Extant guidance advises that plans do not require Appropriate Assessment where they clearly would not have a significant effect on European sites. Good examples of plans not requiring AA are those that apply to areas which do not have European sites within or near their boundaries and/or where development is concentrated entirely in the urban environment– as at Dartford. In this case the AAP is directing development in an existing urban environment, using brownfield land and generating new public space, walking routes and Green Infrastructure. Additionally, the development at Dartford only accounts for 1/3 of the total development proposed across North Kent and is distant from the designated sites.

4.3 The AAP clearly sets out a range of mitigation measures [for example, the generation of new Green Infrastructure, providing open areas and new/ improved recreation facilities, promoting sustainable transport and travel, requiring sustainable design and construction methods, collocation of jobs and homes] which when implemented should all provide for a more

sustainable urban environment with a reduced ecological footprint that maintains and improves the environmental quality of the wider area.