

CPRE Kent

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Swale Borough Local Plan - Matter 6: Environmental issues

6.1 The Natural Environment / Green Infrastructure (ST1, CP7, DM28, DM29)

(i) Does Policy CP7 provide a robust framework for protecting the borough natural environment.

1. This policy works together with Policy DM28 to protect the designated wildlife sites and CPRE (Kent) has not, therefore, objected to this policy. The Inspector may wish to note, however, that in order for the plan to robustly meet the requirements of the Habitats Directive, Parts 4 and 5 of the policy would strictly read:

4. "Ensure that there is no adverse effect on the integrity of an SAC, SPA or Ramsar site, alone or in combination with other plan and projects, as it would not be in accordance with the aims and objectives of this Local plan.

5. "Require the completion of project specific Habitats Regulations Assessment, in accordance with Policy DM28, to ensure there are no likely significant effects upon any European designated site. For sites within 6km of the North Kent Marshes development must contribute to its Strategic Access Management and Monitoring Strategy".

2. CPRE Kent note a number of other changes in this regard, proposed to policies CP5 and CP6 as potential modifications. The following text might assist with appropriate terminology:

"Decisions on whether to grant planning permission will be subject to the requirements of the Habitat Regulations and, in particular, whether a plan or project is likely to have a significant effect on an SAC, SPA or Ramsar, either on its own or in combination with other plans or projects. Where a significant effect is likely, an appropriate assessment must be made. The conclusion of such an assessment should enable the Council to ascertain whether the proposed plan or project would have an adverse effect on the integrity of a site. The integrity of a site is the coherence of its ecological structure and function, across its whole area that enables it to sustain the habitat, complex of habitats and/or levels of populations of the species for which it was classified".

Matter 6

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Representation
Numbers:

LP272, LP276, LP335,
LP341, LP346, LP349.

(ii) Should CP7 criterion 7 recognise that biodiversity and landscape enhancement should be considered together.

3. CPRE Kent would support reference to biodiversity and landscape. Swale Borough Council has been proactive in this regard and have included biodiversity network opportunities in their Landscape Character and Biodiversity Appraisal published in 2011. This follows the themes of the Living Landscape approach to landscape scale biodiversity conservation and enhancement, championed by the Wildlife Trusts.

(iii) Should CP7 criterion 8 draw the attention to the importance of local sites within the biodiversity network?

4. Although CPRE Kent would support reference to local sites in criterion 8 of the policy, this change would also necessitate a reference to the wide range of designations, including SSSI's, RNR's, LNR's etc and the designation hierarchy. It may be more appropriate in this case to rely on Policy DM28.

6.2 The Habitats Regulations Assessment Mitigation (ST1, CP7, 7.7.43 – 7.7.81, Statement 9, DM28)

(i) What is the current status of SAMMS?

5. CPRE Kent understands this is to benefit from some review (to consider the appropriateness of the 6km zone and the £223.58 per dwelling tariff). The letter from Natural England dated 17th August 2015 sets out the current status and the need for an 'interim approach' to be adopted.

6. In terms of potential changes to the housing target, CPRE Kent would like to draw the attention of the Inspector to the following issue (also set out in Matter 4).

7. Although the Council and the Inspector can conclude that any uncertainties about possible future in-combination effects were adequately dealt with by mitigation measures, it is necessary to first be satisfied about the safeguarding measures before any in-combination effects can arise. The scale of an increase in housing delivery from 10,800 to 14,800, must raise questions about the adequacy of mitigation proposed in the SAMM (which was designed to a housing requirement in the Swale Borough of 10,800 homes).

8. It is the view of CPRE Kent that an increase of housing development of this quantum would require further review of the SAMMS to ensure that management and mitigation measures necessary to conclude 'no likely significant effect' are identified to the satisfaction of Natural England and other competent authorities. To wait for deterioration to occur would not constitute adequate protection for the purposes of the Habitats Directive, and would risk delivery of housing elsewhere in the North Kent.

9. The Swale BC HRA, published in October 2015 has re-considered this issue, as a result of a potential 're-base' of the plan period. Clearly the views of Natural England and the North Kent Environmental Group of planning authorities will need to be sought on the conclusions of the HRA, to determine if they are satisfied that the existing SAMMS continues to be an appropriate and viable mechanism to deliver management of recreation pressure. **It is understood that the North Kent Planning Group have commissioned an additional study to consider the to consider the appropriateness of the 6km 'zone of influence' and the £223.58 per dwelling tariff, and potential changes to Council housing targets should be considered in this work. This is an essential and precautionary safeguard, which should take into account the cumulative impacts of changes to housing targets in all the affected LA's.**

(ii) Do Paragraphs 7.7.71 (BOA) Maps and 7.7.75 (GGKM) make cross reference to appropriate, up to date information outside the plan.

10. CPRE Kent notes that both the Habitats Survey and BOA maps have been updated. A new Kent Habitats Survey was published in 2012 and new BOA statements and maps were approved for publication by the Kent Nature Partnership in 2012.

(ii) Does DM28 provide a clear appropriate strategy for protecting biodiversity, especially with regard to internationally designated sites?

11. CPRE Kent refers the Inspector to the comments made above at matter 6.1(i). The following paragraph might assist for clarity to ensure the terminology is used correctly:

"Decisions on whether to grant planning permission will be subject to the requirements of the Habitat Regulations and, in particular, whether a plan or project is likely to have a significant effect on an SAC, SPA or Ramsar, either on its own or in combination with other plans or projects. Where a significant effect is likely, an appropriate assessment must be made. The conclusion of such an assessment should enable the Council to ascertain whether the proposed plan or project would have an adverse effect on the integrity of a site. The integrity of a site is the coherence of its ecological structure and function, across its whole area that enables it to sustain the habitat, complex of habitats and/or levels of populations of the species for which it was classified".

6.3 Green spaces and conserving / enhancing the landscape (ST1, CP7, DM18, DM24, ST5, ST6, DM25)

(i) Does DM18 provide an accurate list of the Borough's local green spaces?

12. No Comment

(ii) Does Policy DM18 provide a robust strategy to protect Green Space

13. CPRE Kent (**LP335**) is seeking the following amendment to the policy to ensure the criteria do not undermine their long term protection:

"The following sites, as shown on the Policies Map, are designated as areas of Local Green Space:

[insert table 7.5.2]

"In accordance with national planning policy these areas will be afforded long-term protection from development and development within them will only be accepted in very special circumstances. Development that undermines the special significance of the area to the local community and the reason why it was designated will not be permitted."

(iii) Is the level of protection for valued landscapes, set out in the criteria in Policy DM24, consistent with the NPPF?

14. CPRE Kent is satisfied that the level of protection for valued landscapes, set out in the criteria in Policy DM24 are consistent with the NPPF.

(iv) Is the definition of Local Countryside Gaps through Policies ST5, ST6 and DM25 consistent with the NPPF?

(v) Should DM25 name the individual settlements on Western Sheppey?

15. CPRE Kent welcomed the reinstatement of this Policy in the Plan. We would ask, though, that for consistency that point 3 is redrafted to be more specific as is done in point 12 of Policy ST6 (**LP342**).

16. Amend point 3 to read as follows: "3. Minster, Halfway, Queenborough and Sheerness."

(vi) Should DM25 be extended to cover the gap between Minster and Eastchurch on Eastern Sheppey?

17. This proposal would respond to concerns about the eastern movement of development beyond Minster, and in particular the gap between Minster and Eastchurch. CPRE would be supportive of this proposal, subject to the outcomes of consultation.

(vii) Does the Plan address the significance of the Kent Downs AONB?

18. CPRE Kent has no further comment to make on policy DM24 (**LP341**).

6.4 Flood Risk

19. CPRE has no comment to make in response to these questions.

6.5 Agricultural Land (ST1, ST7, DM31)

(i) Is the Plan consistent with NPPF Paragraph 12?

20. CPRE Kent is satisfied that that Policy DM31 is consistent with the NPPF (LP349).

21. CPRE Kent supports the important reference to viability of agricultural land holdings and welcomes the Council's new publication 'Value of Best and Most Versatile Agricultural Land in Swale' which considers the significant economic contribution of BMV agricultural land.

22. CPRE Kent has concerns about the loss of agricultural land in the Borough, particularly when this is allied with reduced capacity on brownfield sites (such as at Queenborough and Rushenden). CPRE Kent believe that in the case of Swale Borough, a managed approach to housing land is essential. Some restraint on the availability of greenfield sites will encourage development of brownfield land because there is likely to be a consequent impact on viability of doing so. Swale is one of the weakest property markets in Kent and release of substantial amounts of greenfield land will not serve to support urban regeneration ambitions.

23. CPRE Kent believe that the potential new housing requirement (SBC/PS/31 2015) would result in more losses of economically important agricultural land and reduce the viability of more sustainable sites. This would not amount to sustainable development.

6.6 Heritage (4.1.62 – 4.1.62, ST1, ST5, ST6, ST7, CP8, DM32, DM33)

(i) Is Policy CP8 clear, effective and consistent with the NPPF?

24. CPRE Kent notes the important concerns about references to 'preserve' and (or) 'enhance' heritage assets. 'Preserve and, where appropriate, enhance or reveal' is suggested as an appropriate alternative. Although 'sustain' (as proposed by the Council) is used in the NPPF, the above suggestion may nevertheless be more appropriate, subject to the views of Heritage England.

(ii) Is the reference to historic landscapes in CP7 coherent?

25. To give clarity, CPRE Kent would be pleased to see reference to Kent Historic Landscape Characterisation in the supporting text, explaining its relevance to green infrastructure.