

Tonbridge and Malling Borough Council

Local Plan

**Habitats Regulations
Assessment:
Screening Report**

September 2016



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1. HABITATS REGULATIONS ASSESSMENT

1.1. Introduction

- 1.1.1 The purpose of the Habitats Regulations Assessment (HRA) of land use plans is to ensure that consideration is given to sites protected by European Directives as part of the development of planning policy.
- 1.1.2 The emerging Tonbridge and Malling Local Plan is a document which will contain the strategic policies, site allocations and development management policies which will influence development in the Borough until 2031.
- 1.1.3 This report presents the initial findings of the first stage of the HRA process, known as Screening. It identifies the likely potential significant adverse effects on protected European sites, both within the borough and those in close proximity, by development strategies set out in the Regulation 18 consultation document.

1.2. Legislation

- 1.2.1 The need for Habitats Regulations Assessment (also known as Appropriate Assessment) is set out within Article 6 of the EC Habitats Directive 1992. The Habitats Directive has been transposed into British Law by the Conservation of Habitats Regulations, which require plan-making authorities to appropriately assess the implications of their land use plans on European Sites. These include those designated as:
- Special Area of Conservation (SACs) – sites designated for flora, fauna and habitats of community interest under powers derived from the Habitats Directive;
 - Special Protection Areas (SPAs) – sites designated to conserve the habitat of protected wild birds to ensure their survival and reproduction in their area of distribution under powers derived from the Birds Directive (Directive 2009/147/EC);
 - Ramsar sites – wetland sites of global importance; and
 - Possible SACs, potential SPAs and proposed Ramsar sites.

1.3. The Process

- 1.3.1 In December 2012, draft guidance was produced by the Department for Environment Food & Rural Affairs on The Habitats and Wild Birds Directives in England and its seas. Although this has not been updated, it usefully sets out the process for undertaking HRA as:
- Stage 1 – Screening for likely significant effects

- Stage 2 – Appropriate Assessment
- Stage 3 – Derogations (alternative solutions and mitigation)

Screening

- 1.3.2 The Screening stage aims to identify whether a plan is likely to have a significant effect on a European Site and in doing so, determines whether subsequent stages of the HRA process are required.
- 1.3.3 As part of the Screening, the authority has to consider whether a significant effect is likely to occur, either solely as a result of the individual plan under consideration, or in combination with other plans (either currently in production or adopted).
- 1.3.4 Where there is insufficient information to assess whether a plan is likely or not to have a significant effect on a European Site, it should be assumed that a risk may exist. This approach is known as the 'precautionary principle' and would result in further Stage 1 assessment being undertaken at a later plan making stage when more information is available, or that the HRA proceeds to Stage 2.

Appropriate Assessment

- 1.3.5 If potential for significant effects is identified in Stage 1, then the HRA progresses to Stage 2 at which point appropriate assessment (AA) is carried out to establish the potential effects of the plan on the European Sites integrity. The AA will consider the sites qualifying features, its conservation objectives and they environmental conditions which support the site's integrity.
- 1.3.6 If it is found that a plan will impact on the sites integrity, then it will be necessary to proceed to Stage 3 in order to consider alternative solutions and mitigation measures to prevent negative impacts arising.

Alternative solutions and mitigation

- 1.3.7 Where significant effects are identified, alternative solutions or mitigation measures should be considered in order to fully cancel out any adverse effects of the plan on the European site. Where it is not possible to completely eradicate a plan's negative impacts, mitigation measures should ensure that the overall coherence of the network of European sites is protected.
- 1.3.8 In exceptional circumstances, an authority can implement a plan even when the HRA concludes that there would be a significant adverse effect on a Europeans site's integrity that could not be overcome by choosing alternative solutions or by mitigation, if the option is justified by 'imperative reasons of overriding public interest ' (IROPI). In these cases compensatory measures must be put in place to offset negative impacts.

1.4. Protected Sites

1.4.1 There are two European Sites within Tonbridge and Malling.

- North Downs Woodland SAC
- Peters Pit SAC

1.4.2 There are three further European Sites within 7km of the borough boundary and, taking a precautionary approach, should also be subject to the HRA process. These are:

- Queensdown Warren SAC
- Medway Estuary and Marshes SPA
- Medway Estuary and Marshes Ramsar.

1.4.3 Appendix 1 contains a map illustrating these sites.

2. SCREENING THE PROTECTED SITES

2.1. North Downs Woodland SAC

Site Area	287.55ha
Local Authority coverage	Tonbridge and Malling Borough Council, Gravesham Council, Medway Council, Maidstone Borough Council.
Site Description	This site consists of mature Beech forests and Yew woods on steep slopes. The stands lie within a mosaic of scrub and other woodland types and are the most easterly of the Beech woodland sites selected. Parts of the woods were affected by the storm of 1987. Small areas of unimproved chalk grassland are also present.
Qualifying Features	<i>Taxus baccata</i> woods of the British Isles (Yew-dominated woodland) <i>Asperulo-Fagetum</i> beech forests (Beech forests on neutral to rich soils) Semi-natural dry grasslands and scrubland facies: on calcareous substrates (<i>Festuco-Brometalia</i>) (Dry grasslands and scrublands on chalk or limestone)
Component SSSI Condition	Halling to Trottiscliffe Escarpment – all of the SSSI units within the SAC and adjacent to it, are in favourable condition or unfavourable - recovering condition with no identified threats to condition ¹ . Wouldham to Detling Escarpment – all of the SSSI units within the SAC and adjacent to it, are in favourable condition or unfavourable - recovering condition with no identified threats to condition ²
Conservation Objectives	Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring; <ul style="list-style-type: none"> • The extent and distribution of the qualifying natural habitats • The structure and function (including typical species) of the qualifying natural habitats,

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<https://designatedsites.naturalengland.org.uk/SiteDetail.aspx?SiteCode=S1003779&SiteName=Halling&countyCode=&responsiblePerson=>

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<https://designatedsites.naturalengland.org.uk/SiteDetail.aspx?SiteCode=S1001339&SiteName=wouldham&countyCode=&responsiblePerson=>

	<p>and,</p> <ul style="list-style-type: none"> The supporting processes on which the qualifying natural habitats rely
Pressures/Threats	<p>Public Access/Disturbance Forestry and woodland management Invasive species Air pollution: impact of atmospheric nitrogen deposition.</p>
Local Plan Implications (alone and in combination)	<p>There is the potential for the emerging Local Plan to result in increased traffic flows along the A229, which is in close proximity to the Wouldham to Detling Escarpment SSSI section of the SAC. These increased traffic flows may increase air pollution. Natural England already identify that nitrogen deposition exceeds site relevant critical loads³. The combination impacts of the TMBC Local Plan, along with the growth strategies of neighbouring authorities including Medway and Maidstone Councils may exacerbate this. In addition the proposed new Lower Thames Crossing may also increase traffic flows along the A229 in the long term which may also impact on this SAC. However, work by Natural England identifies that vegetation can be impacted by exposure to vehicle pollution at distances of up to 200m from roads, but that these impacts are greatest within the first 50-100m from roads⁴. Only the very western extent of the SAC (part of the Wouldham to Detling Escarpment SSSI) falls within 200m of the A229, and none falls within 50-100m. Therefore any increase in air pollution levels is only likely to have an impact on a very small area of the SAC, which is currently in favourable condition.</p> <p>There is also potential for the new Local Plan to result in increased public access to the natural environment from an increase in residential population of the Borough who may seek to access these sites for leisure purposes. At present, the threat is predominantly from off-road vehicles and all-terrain bikes coming off the Public Rights of Way (PROW). The precise impact of the Local Plan, both alone and in combination, is at present unknown but due to the precise nature of the threat, the direct impact is likely to be minimal. In addition limited growth is proposed in the north west of the borough,</p>

³ <http://publications.naturalengland.org.uk/publication/6363401429188608?category=6149691318206464>

⁴ <http://publications.naturalengland.org.uk/publication/6331846246793216>

	therefore possibly minimising impacts on the Halling to Trottiscliffe Escarpment SSSI section of the SAC.
Conclusion	The impact of the Local Plan on public access issues is unlikely to significantly impact the conservation objectives as mitigation could be incorporated to help manage impacts. There is potential for a negative impact on air pollution along the A229 corridor, however this is unlikely to significantly impact the conservation objectives due to the small area involved.

2.2. Peters Pit SAC

Site Area	28.30ha
Local Authority coverage	Tonbridge and Malling Borough Council
Site Description	Peter's Pit is an old chalk quarry situated in the North Downs, with large ponds situated amongst grassland, scrub and woodland. The ponds have widely fluctuating water levels and large great crested newt <i>Triturus cristatus</i> populations have been recorded breeding here.
Qualifying Features	<i>Triturus cristatus</i> (Great crested newt)
Component SSSI Condition	Peter's Pit - all of the SSSI units within the SAC and adjacent to it, are in favourable condition with no identified threats to condition ⁵ .
Conservation Objectives	Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring; <ul style="list-style-type: none"> • The extent and distribution of the habitats of qualifying species • The structure and function of the habitats of qualifying species • The supporting processes on which the habitats of qualifying species rely • The populations of qualifying species, and, • The distribution of qualifying species within the site.
Pressures/Threats	None at present.
Local Plan Implications (alone and in combination)	The potential impact of the Local Plan is likely to be minimal as there is limited potential for growth in close proximity to the site and public access is limited.

⁵ <https://designatedsites.naturalengland.org.uk/SiteDetail.aspx?SiteCode=s1001745>

Conclusion	The impact of the Local Plan is unlikely to significantly impact the conservation objectives.
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2.3. Queendown Warren SAC

Site Area	14.28ha
Local Authority coverage	Maidstone Borough Council
Distance from Tonbridge & Malling boundary	c. 6km
Site Description	This site hosts the priority habitat type “orchid rich sites”. Queendown Warren contains an important assemblage of rare and scarce species, including Early Spider-orchid <i>Ophrys sphegodes</i> , Burnt orchid <i>Orchis ustulata</i> and Man orchid <i>Aceras anthroporum</i> .
Qualifying Features	Semi-natural dry grasslands and scrubland facies: on calcareous substrates (<i>Festuco-Brometalia</i>) (important orchid sites). (Dry grasslands and scrublands on chalk or limestone, including important orchid sites).
Component SSSI condition	Queendown Warren - all of the SSSI units are in favourable condition with no identified threats to condition ⁶ .
Conservation Objectives	Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring; <ul style="list-style-type: none"> • The extent and distribution of qualifying natural habitats • The structure and function (including typical species) of qualifying natural habitats, and • The supporting processes on which qualifying natural habitats rely
Pressures/Threats	Species decline Habitat fragmentation Air pollution: risk of atmospheric nitrogen deposition.
Local Plan Implications (alone and in combination)	The Local Plan is unlikely to directly impact on species decline and habitat fragmentation as the site lies outside of the borough. There is some potential for indirect in combination impacts on air pollution as a result of increased traffic along the M2, which is in relatively close proximity to the SAC. In addition the proposed new Lower Thames

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<https://designatedsites.naturalengland.org.uk/SiteDetail.aspx?SiteCode=S1001523&SiteName=queendown&countyCode=&responsiblePerson=>

	<p>Crossing may also increase traffic flows along the M2. Work by Natural England identifies that vegetation can be impacted by exposure to vehicle pollution at distances of up to 200m from roads, but that these impacts are greatest within the first 50-100m from roads⁷. Only the very eastern extent of the SAC falls within 200m of the M2, and none falls within 50-100m. Therefore any increase in air pollution levels is only likely to have an impact on a very small area of the SAC, which is currently in favourable condition.</p>
Conclusion	<p>There may be some potential to negatively impact on air pollution along the M2 corridor as a result of an increase in population. However Natural England identify that although nitrogen deposition exceeds the site-relevant critical load for ecosystem protection, the sensitive features are currently considered to be in favourable condition and therefore the impact is unlikely to significantly impact the conservation objectives due to the small area involved.</p>

24. Medway Estuary and Marshes SPA/Ramsar

Site Area	4686.32ha
Local Authority coverage	Medway Council, Swale Borough Council
Distance from Tonbridge & Malling boundary	c. 6km
Site Description	<p>A complex of rain-fed, brackish, floodplain grazing marsh with ditches, and intertidal saltmarsh and mudflat. These habitats together support internationally important numbers of wintering waterfowl. Rare wetland birds breed in important numbers. The saltmarsh and grazing marsh are of international importance for their diverse assemblages of wetland plants and invertebrates.</p>
Qualifying Features	<p>Avocet (<i>Recurvirostra avosetta</i>), Breeding Avocet (<i>Recurvirostra avosetta</i>), Non-breeding Breeding bird assemblage, Breeding Dark-bellied Brent goose (<i>Branta bernicla bernicla</i>), Non-breeding Dunlin (<i>Calidris alpina alpina</i>), Non-breeding Grey plover (<i>Pluvialis squatarola</i>), Non-breeding Red Knot (<i>Calidris canutus</i>), Non-breeding Little tern (<i>Sternula albifrons</i>), Breeding Northern Pintail (<i>Anas acuta</i>), Non-breeding</p>

⁷ <http://publications.naturalengland.org.uk/publication/6331846246793216>

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	Common Redshank (<i>Tringa totanus</i>), Non-breeding Ringed plover (<i>Charadrius hiaticula</i>), Non-breeding Common Shelduck (<i>Tadorna tadorna</i>), Non-breeding Waterbird assemblage, Non-breeding
Component SSSI condition	Medway Estuary and Marshes - all of the SSSI units in the SPA/Ramsar within 7km of TMBC, and those SSSI units immediately adjacent, are in unfavourable - recovering condition but with no identified threats to condition ⁸
Conservation Objectives	The objectives are to ensure that, subject to natural change, the integrity of the site is maintained or restored as appropriate, and that the site contributes to achieving the aims of the Wild Birds Directive, by maintaining or restoring: <ul style="list-style-type: none"> • The extent and distribution of the habitats of the qualifying features • The structure and function of the habitats of the qualifying features • The supporting processes on which the habitats of the qualifying features rely • The populations of qualifying features • The distribution of qualifying features within the site.
Pressures/Threats	Public Access/Disturbance Invasive species Changes in abiotic and biotic conditions. Dredging. Erosion.
Local Plan Implications (alone and in combination)	The Local Plan will not directly impact on dredging, erosion, invasive species or abiotic/biotic conditions as the site lies outside of the borough. There is some potential for in an increase in public access for recreational purposes as a result of future growth, both alone and in combination with other neighbouring authorities, as increases in population may increase the number of visitors to such a site which may increase disturbance to species.
Conclusion	There may be some potential for increased recreational access to impact on the site through disturbance of species. However Natural England identify that bird numbers have declined significantly across the SSSIs for reasons which are not clear and management is in place to maintain the habitat required to support the assemblage of wintering and breeding. Therefore the Local Plan,

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<https://designatedsites.naturalengland.org.uk/SiteDetail.aspx?SiteCode=S1000244&SiteName=medway&countyCode=&responsiblePerson=>

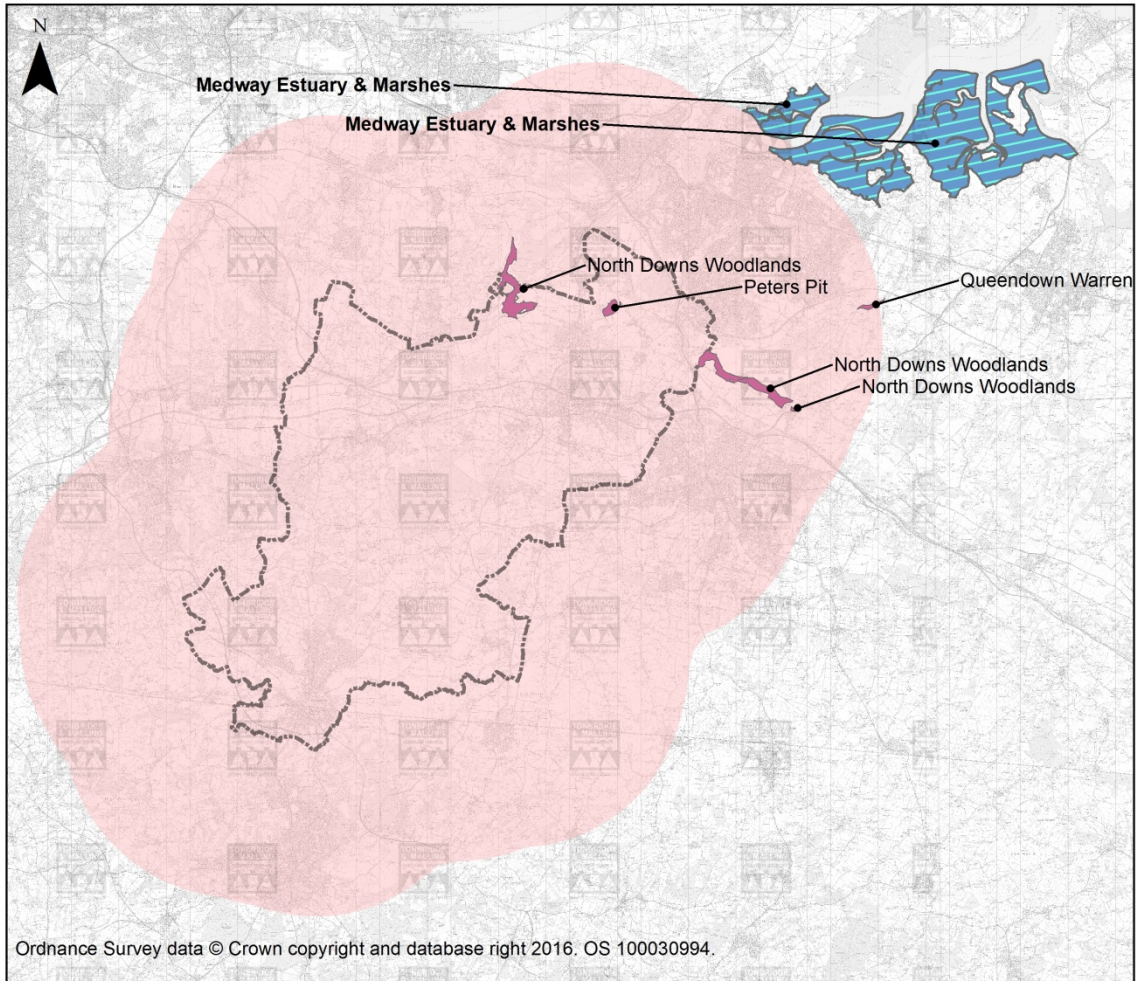
	alone or in combination, is unlikely to significantly impact on the conservation objectives.
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25. Conclusion

- 2.5.1 This report has considered the potential impact that the emerging Tonbridge and Malling Local Plan could have on European sites as part of the screening stage of the Habitats Regulations Assessment (HRA). In doing so it has taken into consideration the information available on the nature of the sites and reasons for their respective designations, whilst having regard to the precautionary principle and the in combination effects with other plans.

- 2.5.2 Through this screening process, we have been able to determine that there would be no likely significant effects of the emerging Local Plan on the conservation objectives of any of the protected sites either within the borough or in close proximity to it. Therefore an Appropriate Assessment is not required.

APPENDIX 1



Legend

- Special Area of Conservation
- Special Protection Area
- Ramsar
- 7km buffer
- Tonbridge & Malling District