

# ***Habitat Regulations Assessment of the Canterbury City Council draft Local Plan 2014***

*Assessment of implications of the draft Local Plan for European Sites under Regulation 102 of The Conservation of Habitats and Species Regulations 2010.*

## ***Introduction***

The Conservation of Habitats and Species Regulations 2010 (Habitat Regulations) have been produced in accordance with European Council Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora (the Habitats Directive). The Habitat Regulations relate to Special Protection Areas (SPA) and Special Areas of Conservation (SAC) amongst others. Listed or proposed Wetlands of International Importance under the Ramsar Convention (Ramsar sites) are also protected as a matter of government policy, paragraph 118 of the National Planning Policy Framework (NPPF) applies the same protection measures as those in place for European sites.

The Habitat Regulations require 'competent authorities' (in this case Canterbury City Council) to assess the implications of all plans and projects including land use local plans on SPA, SAC and Ramsar (NPPF 118) sites in consultation with the appropriate nature conservation body (in this case Natural England). Where the plan is likely to have a significant effect on a European site then the plan making authority must make an appropriate assessment of the implications (Regulation 102). The Habitat Regulations Assessment process is outlined in Regulations 61 and 62. A plan making authority has to provide sufficient information to the Appropriate Authority and a plan may not be adopted until it is ascertained that it will not affect the integrity of a European site except in instances where an imperative reason of overriding public interest can be shown.

Canterbury City Council carried out a Habitat Regulation Assessment of their local plan under Regulation 102(1) of the Conservation of Habitats and Species Regulations 2010. AMEC Foster Wheeler Environmental Consultants (Amec) produced a screening report which was followed up by an appropriate assessment in Topic Paper 3 (CDLP 10.4) – assessing the likely significant effect of bird disturbance from recreational use of the coast from increased housing and in-combination impacts on air quality and water quality. The Strategic Access Management and Monitoring Strategies (avoidance/mitigation strategy) (CDLP 10.10 and 10.11) outline the mitigation/avoidance required to ensure no likely significant effect on the bird population of the Thanet Coast and the Swale and the Statement of Common Ground with Natural England outlines the proposed modifications to the Local Plan resulting from the conclusions of the Appropriate Assessment. These documents taken together constitute the Habitat Regulation Assessment.

The overall conclusion of the assessment is that the policies (as proposed to be modified) along with the avoidance, monitoring and mitigation measures to be put in place will ensure that the development proposals outlined in the draft Local Plan will not have a likely significant effect on a European site or Ramsar site.

## ***Background***

The Canterbury City Council Core Strategy Options Report (CDLP 2.1) was published for consultation in January 2010. This was the result of the Futures Study 2006 (CDLP 1.9) and the Strategic Housing Market Assessment (CDLP 5.1) amongst other documents. The draft Local Plan (Preferred Option version) (CDLP 1.2) was published for consultation in June 2013, following a review of the futures work (CDLP 1.10), the Development Requirements Study (CDLP 1.6), Strategic Housing Land Assessment (CDLP 4.1-4.3) and the Employment Land Review (CDLP 7.3) along with other studies and the accompanying Sustainability Appraisals and Habitats Regulations Assessments. The

Canterbury District Local Plan Publication Draft 2014 (CDLP 1.1) was published for consultation on 5 June 2014 along with its sustainability appraisal.

### **Process**

Amec was instructed by Canterbury City Council (CCC) to undertake a Habitats Regulations Screening Assessment (HRA) of the potential for likely significant effects on European sites within and adjacent to Canterbury District arising from policies in the Preferred Option Consultation Draft of the CCC Local Plan 2013. Amec in their screening assessments outline the assessment process under the Habitat Regulations relating to plans or projects:

#### **Box 1.1 Outline of the HRA process relating to plans or projects**

**Stage 1, Screening** – for plans or projects that are not directly connected with or necessary for site management, this involves identifying the likely effects of the plan or project upon European Sites, either alone or in-combination with other projects or plans, and assessing whether these effects are likely to be significant. If likely significant adverse effects cannot be excluded on the basis of objective evidence (reflecting the Waddenzee judgement) it is necessary to undertake an Appropriate Assessment of the implications for the European Sites in view of the sites' conservation objectives.

**Stage 2, Appropriate Assessment** - where likely significant adverse effects cannot be avoided, this stage assesses the effects of the plan or project on the integrity of the relevant European Sites, either alone or in-combination with other projects or plans, with respect to the sites' structure and function, and its conservation objectives. Where it cannot be concluded that there will be no adverse effects on the integrity of any European Site, the Appropriate Assessment must also identify any potential mitigation for these effects and the implications for the assessment of effects on integrity. Following the Appropriate Assessment, permission can only be granted (without proceeding to Stage 3 below) if (again reflecting the Waddenzee judgement) there is no reasonable scientific doubt that there will be no adverse effect on the integrity of European Sites.

**Stage 3, Assessment of alternatives** - if the Appropriate Assessment cannot conclude that there will be no adverse effect on the integrity of European Sites, there is a requirement to examine any alternatives to the plan (or part of the plan) or project (including sites or different approaches) with a view to determining whether there are any alternatives that will have no adverse effect or a lesser adverse effect on the integrity of European Sites. If alternatives exist, they should be subject to assessment under Stage 1 or 2 above, as appropriate, and if these have no (or a lesser effect) on European Sites then the plan or project cannot go ahead.

**Stage 4, Assessment where no alternatives exist** – if there are no alternative solutions that would have no (or a lesser effect) on European Sites then the plan or project can only proceed if there are imperative reasons of overriding public interest (IROPI). If this is the case, it will be necessary to implement measures to compensate for remaining adverse impacts.

Amec's screening (or stage 1) assessment of the Preferred Option Consultation draft of the Local Plan 2013 (CDLP 1.2) is titled CCC Habitats Regulations Assessment of the draft Local Plan report to inform screening for Appropriate Assessment May 2013 (Appendix 1). The screening report concluded that *"based on the current policy wording, the draft local plan is likely to result in significant effects on European sites..."* and recommended a number of revisions to policy text and the addition of a new strategic policy that did not permit development that may have an adverse effect on the integrity of a European site.

In consultation with Natural England amendments were made to the draft Local Plan, its policies and associated text to address these likely significant effects, as now presented in Canterbury District Local Plan Publication Draft 2014 (CDLP 1.1). Also visitor surveys and two coastal Strategic Access Management and Monitoring Strategies (SAMMs) were commissioned to provide mitigation and monitoring of the in-combination likely significant effects of increased recreation pressure on the coastal European sites resulting from housing allocations in the Publication Draft of the Local Plan. CDLP 10.10 Thames, Medway & Swale Estuaries Strategic Access Management and Monitoring Strategy 22.7.14 - Footprint Ecology (Appendix 2); CDLP 10.9 Thanet Coast & Sandwich Bay SPA Visitor Survey- Footprint Ecology (July 2014) (Appendix 3); and CDLP 10.11 Strategic Access Management and Monitoring Plan Canterbury section of the Thanet Coast and Sandwich Bay SPA Main Report and Appendix (Nov 14) by Hyland & Bayne can be found at Appendix 4.

The July 2014 HRA screening a report done by Amec, CDLP 10.5 Habitat Regulations Assessment of draft Local Plan June 2014 Amec (see Appendix 5), constituted a stage 1 or screening assessment of

whether or not there would be likely to be a significant effect on all European sites within and adjacent to the District arising from the Publication draft of the Local Plan. The report concluded that *“Based on the current wording the local plan is not likely to result in significant effects on European Sites”*.

Under Regulation 102(2) the appropriate conservation authority (Natural England) was consulted. Natural England responded that at the local plan level this was the opportunity to assess cumulatively some of the potential impacts and if they are found to have adverse effect on integrity to address this at the plan level rather than later when planning applications are received, as some of the impacts are only significant when assessed cumulatively i.e. air, water, recreation etc. The assessment carried out by Amec could be viewed as a screening document. In terms of Regulation 102(5) Natural England requested more information. Natural England stated that they needed the City Council to look in more detail at the impacts to determine whether they would impact the on integrity of the European sites within the district. Concerns were raised specifically about bird disturbance from recreational impacts along the coast, air pollution on the Blean and water quality on Stodmarsh and the Thanet coast.

In light of the concerns raised the City Council undertook a second stage or appropriate assessment in terms of Regulation 102(1) of the implications of the plan in light of the sites conservation objectives. This is detailed in Topic Paper 3 (Appendix 6) which considers each of the sites of international importance within and immediately adjacent to the district:

- The Thames, Medway and Swale Estuary and Marshes SPA and Ramsar;
- Thanet Coast and Sandwich Bay SPA and Ramsar;
- The Blean Complex SAC;
- Stodmarsh SAC, SPA and Ramsar;
- Tankerton Slopes and Swalecliffe SAC.

The Topic Paper looked at the range of potential likely significant effects in more detail to determine whether they would impact upon the integrity of the sites after mitigation measures were in place. The Topic Paper found that as a result of the assessment and proposed mitigation outlined in the SAMMs and associated suggested policy modifications it could be concluded that there would be no likely significant effect on the European sites.

This additional information then informed Amec’s November 2014 CDLP 10.8 Habitats Regulations Assessment to inform Screening for Appropriate Assessment (Appendix 7), which concluded in light of the additional studies that the policy wording in the draft Local Plan was not likely to result in a significant effect on European Sites.

Natural England agreed that the screening reports done by Amec together with the further assessment in Topic Paper 3 (including the SAMMs) produced by CCC constitute a Habitats Regulations Assessment. They have also agreed that with the mitigation and monitoring put forward for the coastal European sites and with the policy modifications proposed in the Statement of Common Ground (Appendix 8) that the Canterbury City Council Publication draft Local Plan will have no likely significant effect on a European site in terms of the Habitats Regulations 2010. Natural England withdrew their objection in terms of the HRA in a letter dated 19 December 2014.

As part of this ongoing consultation with Natural England, main modifications have been proposed by CCC and NE attached to CCC Matter 6 statements as outlined in the Statement of Common Ground dated 11 June 2014 (Appendix 8).

## **APPENDIX 1**

**CDLP 10.3 Appendix 1: Habitats Regulations Assessment of Draft Local Plan - Amec (May 2013)**

## **APPENDIX 2**

**CDLP 10.10 Appendix 2: Thames, Medway & Swale Estuaries SAMM Strategy (22.7.14) - Footprint Ecology**

## **APPENDIX 3**

**CDLP 10.9 Appendix 3: Thanet Coast & Sandwich Bay SPA Visitor Survey- Footprint Ecology (22 July 2014)**

## **APPENDIX 4**

**CDLP 10.11 Appendix 4: CCC SAMM Thanet Coast SPA Main Report (Nov 14) Hyland & Bayne**

**CDLP 10.11 Appendix 4: CCC SAMM Thanet Coast SPA Appendix (Nov 14) Hyland & Bayne**

## **APPENDIX 5**

**CDLP 10.5 Appendix 5: Habitats Regulations Assessment of Draft Local Plan- Amec (June 2014)**

## **APPENDIX 6**

**CDLP 10.4 Appendix 6: Topic Paper 3 Habitat Regulations Issues 19.11.2014 CCC**

## **APPENDIX 7**

**CDLP 10.8 Appendix 7: Habitats Regulations Assessment (Submission Stage of the of Draft Local Plan) - Amec (Nov 14)**

**APPENDIX 8**

**Canterbury City Council Matter 6 - APPENDIX 1 - Statement of Common Ground with Natural England**

**Canterbury District Local Plan 2014  
Examination**

**Statement of Common Ground**

**As agreed between  
Canterbury City Council  
and  
Natural England**

**11 June 2015**

### Introduction

1. ***This statement of Common Ground has been prepared jointly between Canterbury City Council and Natural England.***
2. ***This Statement sets out the confirmed points of agreement between Canterbury City Council (the Council) and Natural England with regard to the Canterbury District Local Plan 2014 (the Local Plan) and supporting evidence base, which will assist the Inspector during the Examination of the Local Plan.***

### Background

3. ***This Statement of Common Ground relates to the representation made by Natural England (emailed letter dated 18 July 2014) to Canterbury City Council's Local Plan Publication Draft June 2014 regarding a number of matters (see Appendix 1).***
4. The Council has published a Habitats Regulations Assessment (HRA) of the Plan (as submitted) which concluded that the plan is not likely to result in significant effects on European Sites alone or in combination with other plans and projects and complies with the requirements of the Habitats Directive. Natural England initially advised in their submission dated 18 July 2014 that they were not satisfied with the HRA as there was insufficient information to allow a conclusion of no likely significant effect on internationally designated sites to be drawn (see Appendix 1). Of particular concern was the lack of information in relation to air quality, water quality and recreational disturbance on internationally designated sites. In response to these concerns the Council researched each of these points in relation to each of the five SPA, SAC and Ramsar sites in Canterbury District, in consultation with Natural England and with advice from external experts, and produced Topic Paper N<sup>o</sup>3 Habitat Regulations Issues (CDLP 10.4). This addressed all of Natural England's concerns related to the Habitat Regulations and as a result they withdrew their objection on habitat regulation grounds in a letter dated 19 December 2014 (See Appendix 2). The Council has worked closely and consistently with Natural England to resolve the remainder of their concerns.
5. The Council and Natural England are now satisfied that the Local Plan as submitted is compliant with the requirements of the Habitat Regulations, as evidenced through the Council's HRA and Topic Paper No3. The modifications agreed in this statement of Common Ground with Natural England provide clarity and ensure the soundness of the Local Plan.

### Agreed Matters

6. ***It is agreed that any likely significant effects on internationally designated sites resulting from the Local Plan have been adequately addressed by Topic Paper No3, the Strategic Access Management and Monitoring Plans (CDLP 10.4), the updated HRA and the amendments agreed to Policies SP7 and LB5. Therefore, it is agreed that the Local Plan will meet the requirements of the Habitats Regulations 2010 and that the Local Plan can be considered sound and legally compliant with national policy including the NPPF.***

7. *It is agreed that the Habitats Regulations Assessment has been undertaken in compliance with the Habitats Regulations 2010.*
8. *It is agreed and clearly demonstrated that the Local Plan will not result in any likely significant effects on any internationally important nature conservation/wildlife sites and that appropriate mechanisms have been put in place to mitigate any likely significant effects subject to amendments to Policies SP7 and LB5 listed below and in the schedules of additional and main amendments (Pg36 and 233 CDLP 1.1).*

Representation PV1366, 1369, 1396, 1400, 1401, 1402

9. *It is agreed that the Plan would be made sound and compliant with the Habitat Regulations, avoid any likely significant effects on internationally important wildlife sites and that suitable mitigation will be put in place by making the following main modification to Policy SP7 and additional modifications to the associated text to make the policy specific to the in-combination recreational pressure on coastal SPA and Ramsar Sites.*

Change N°	Page N°	Para / policy	Proposed Modifications ( <i>Underlined text added, <del>crossed through</del> text removed</i> )
AM	34	Para 1.80	<p><del>Habitat Regulations matters and mitigation measures.</del> <b><u>Strategic Access Management and Monitoring (SAMM) Mitigation Measures to address in-combination recreational impacts on the coastal SPA, and Ramsar sites</u></b></p> <p>The Council has taken into account the findings of its Sustainability Appraisal and Habitat Regulations Assessment work and the advice of Natural England, and has agreed a mitigation strategy with Natural England to deal with any potential likely significant effect of <u>resulting from new development in the District, from in particular recreational disturbance on the coastal SPA's and RAMSAR's resulting from the strategic sites allocated under SP3.</u> The Council has <del>also begun</del> <u>undertaken a series of visitor surveys to establish "zones of influence" for the sensitive coastal areas relative to the main areas of settlement, to be reviewed if monitoring indicates a need.</u></p>
AM	34	1.81	<p><del>The Mitigation strategies will be developed and implemented for the two coastal sites – Thanet Coast and Sandwich Bay SPA / Ramsar and the Swale SPA / Ramsar . for the strategic sites in the draft Plan They are likely to</del> <u>comprises the following measures:</u></p> <p>(1) Wardening of <del>the sensitive international wildlife sites,</del> <u>together with increased signage and education, to be funded by new development sites in perpetuity, in accordance with guidance to be prepared by the Council;</u></p> <p>(2) Ongoing monitoring and surveys <del>of sensitive sites across the District, particularly in relation to visitors and bird numbers,</del> <u>to be funded via the wardening programme (the results of the monitoring will be used to review the ongoing delivery of the mitigation);</u></p> <p>(3) Consideration of <u>any other measures shown to be as required or appropriate to mitigate recreational impacts of development, for example: where shown to be appropriate, provision of alternative natural green space could form part of the mitigation measures for the Swale SPA, (for the Swale SPA there is the potential need for SANGs to be provided on some strategic sites in addition to the access management measures identified),</u> <del>access management;</del></p> <p>(4) <u>The provision of open space on strategic development sites, as set out</u></p>

			<p>in the Council's Development Contributions</p> <p>SPD, including new habitat areas, which contribute to habitat networks, provide alternative informal recreational opportunities (thereby contributing to quality of life, health benefits, potentially reducing pressure on the more sensitive designated sites and contributing to biodiversity gain), and to seek to create new links to the non-designated countryside. The Green Infrastructure Strategy will provide further guidance.</p>
AM	Pg35	1.82	<p><del>A</del>Detailed strategies setting out necessary contributions to an in-perpetuity funds and <del>required</del> detailed mitigation measures <del>is</del> <u>are</u> being prepared will be available, and contributions will need to be made in accordance with <del>that</del> <u>those</u> strategies. <del>As all</del> Housing sites <u>and other new development proposals</u> in the district <u>within the identified zone of influences</u>, that are likely to <del>have</del> <u>result in significant recreational effects alone or in-combination</u> on the international coastal wildlife sites, <del>it is anticipated that contributions will take the form of a flat rate tariff to address all the measures across the district.</del> <u>will be expected to contribute to a tariff to deliver the measures required to mitigate their effects.</u></p>
AM	Pg35	1.83	<p>The Council will <del>also</del> continue to work with the other north Kent and east Kent authorities to ensure that there is a joint approach to the consideration of cross-boundary effects, <u>implementation of mitigation and monitoring strategies</u>, and to the long-term development <u>and management</u> of green infrastructure in the area <u>to provide sustainable recreational areas for residents and, where shown to be appropriate, provision of alternative natural green spaces.</u> <del>Part of the contribution to wardening and other measures will be towards the funding of the North Kent marshes management arrangements</del></p>
AM	35	1.84	<p>On this basis, Natural England and the City Council are of the view that an Appropriate Assessment of the draft Canterbury District Local Plan under the Habitat Regulations <del>is not required.</del> <u>Development that contributes to the appropriate SAMM or other approved strategic measures will mitigate its impact and will not require Appropriate Assessment for recreational effects on that SPA or Ramsar.</u></p>
AM	35	1.85	<p><del>However, there may be</del> Other development proposals <u>may arise during the lifetime of the Plan, which might may have a likely significant effect on the international wildlife sites within or adjacent to the district and thesey proposals will also need to be assessed under the Habitats Regulations in line with Policy LB5 subject to the same provisions.</u> The following Policy is therefore applicable to all the allocated sites (particularly the strategic sites) in the Plan. <del>It should be noted that the current mitigation measures outlined in the coastal SAMMs have been designed to mitigate recreational impacts from the housing numbers proposed in the Local Plan. Any significant changes in housing numbers would require the reassessment of these measures and their ability to mitigate further impacts and may require additional measures.</del> Policy LB5 is <u>also applicable to all new development proposals.</u></p>
MM	36	SP7	<p><b>No development will be permitted, which may have an adverse effect on the integrity of <u>an the coastal sites being the Thanet Coast and Sandwich Bay SAG, SPA and Ramsar Site and Swale SPA and Ramsar</u>, alone, or in combination with other plans or projects, <u>through an increase in recreational disturbance on the over-wintering bird populations for which these sites are designated, and where it cannot be demonstrated that there would be no adverse effect on the integrity of the sites.</u> <u>As such the strategic development sites identified in the Plan and any other developments within the identified zone of influence, which would lead to an increase in recreational disturbance, are would therefore be required to fund, in-perpetuity, the following mitigation measures access management and monitoring measures to mitigate these impacts, including:</u></b></p>



			<p>(1) <del>Wardening of sensitive international wildlife sites the coastal SPA and Ramsar sites, signage and interpretation</del> , and increased education, <del>to be funded by the development in perpetuity;</del></p> <p>(2) Ongoing monitoring and surveys of <u>the sensitive sites in the district to, particularly with regard to visitors and bird numbers, which will be linked to funded via the wardening programmes;</u></p> <p>(3) <del>Consideration of</del> <u>Any other measures as shown to be required or appropriate to mitigate the effects of development; for example, where shown to be appropriate, provision of alternative natural green space could form part of the mitigation measures for the Swale SPA) access management;</u></p> <p><del>(4) The provision of open space on new sites, as set out in the Council's Development Contributions SPD.</del></p> <p>(4) Contributions will be made in accordance with the guidance prepared by the Council. <u>Any tariff will comprise a one off payment incorporating a levy for annual expenditure to operate the mitigation strategy and a portion for capital investment to fund wardening and mitigation measures in perpetuity.</u></p>
AM	Maps	Proposal map & inserts 3, 4, 5, 6	<i>Include the coastal Zones of Influence for mitigation identified in SP7 and the SAMMs for the Swale SPA /Ramsar and Thanet Coast and Sandwich Bay SPA /Ramsar.</i>

Representation PV1387, 1393, 1399

10. ***It is agreed that Policy SP5 sets out a strategic approach for the creation, protection, enhancement and management of networks for biodiversity and green infrastructure subject to some additional amendments to the supporting text that clarify the situation with respect to SANGs and a small amendment to the policy point 1 to give the policy more clarity.***

Change N°	Page N°	Para / policy	Proposed Modifications ( <i>Underlined text added, <del>crossed through</del> text removed</i> )
AM	32	1.71	The Council will expect all the allocated strategic sites to include <u>reasonable and proportionate</u> provision for new green infrastructure, <del>and to meet the requirements of the Habitat Regulations for alternative open space to protect international wildlife sites.</del> <u>to meet the recreational needs of the local residents, deliver sustainable development and support the health and wellbeing of residents.</u>
AM	32	SP5 (1)	<b><u>Provide measures to protect and enhance biodiversity and meet ensure that the requirements of the habitats regulations are met, and</u></b>

Representation PV1408, 1409

11. ***It is agreed that the text and policy EMP12 on supporting Rural Business is sound but an additional amendment needs to be made to paragraph 3.74 to include the setting of the AONB.***

Change N°	Page N°	Para / policy	Proposed Modifications ( <u>Underlined text added</u> , <del>crossed through text removed</del> )
AM	83	3.74	For sites within, <u>and affecting the setting of,</u> the Kent Downs AONB, regard should also be had to the AONB Landscape Design Handbook.

Representation PV1442

12. ***It is agreed that the introductory text in relation to the section on Conservation and Enhancement is sound but an addition to the introductory text of Paragraph 10.22 would bring it in line with the Lawson White paper on biodiversity.***

Change N°	Page N°	Para / policy	Proposed Modifications ( <u>Underlined text added</u> , <del>crossed through text removed</del> )
AM	232	10.22	<u>However</u> , sites designated in the District for their international, national and local importance, <del>however</del> , form a critical part of the District's strategy for habitat and species protection <u>and as such wherever possible should be protected, buffered and linked to form a network of habitats. together.</u>

Representation PV1445, 1366, 1370, 1443, 1445, 1446, 1447, 1449, 1450, 1451, 1452

13. ***It is agreed that the Local Plan would be made sound and compliant with the Habitat Regulations and the NPPF, subject to making the following main modification to Policy LB5 to include the provision for mitigation of any likely significant effects as the general provisions for mitigation are agreed to be removed from Policy SP7. It is agreed that the amendments to Policy LB5 will ensure, the avoidance of any likely significant effect on International Wildlife sites, and, that it provides appropriate and effective mechanisms for mitigation in accordance with the requirements of the Habitat Regulations and NPPF.***
14. ***In consultation with Natural England some additional modifications to the section of the Local plan addressing internationally designated sites (Paragraphs 10.23-10.39) have been agreed that would ensure accuracy, provide clarity and up to date text in line with the findings of Topic Paper N°3 (CDLP 10.4) and the recent SAMMs (CDLP10.10 and 10.11).***
15. ***It is agreed that Policy LB6 be amended to include Marine Conservation Zones for accuracy.***

Change N°	Page N°	Para / policy	Proposed Modifications ( <u>Underlined text added</u> , <del>crossed through text removed</del> )
AM	232	10.25	Other sites <u>within a 15km radius of</u> <del>which lie close to the</del> Canterbury District include: <ul style="list-style-type: none"> <li>• <u>Dover to Kingsdown Cliffs SAC;</u></li> <li>• <u>Folkestone to Etchinghill Escarpment SAC;</u></li> <li>• <u>Lydden and Temple Ewell Downs SAC;</u></li> <li>• <u>Margate and Long Sands SAC;</u></li> <li>• <u>Parkgate Down SAC;</u></li> <li>• <u>Medway Estuary and Marshes SPA/Ramsar;</u></li> <li>• <u>Outer Thames Estuary SPA;</u></li> </ul>

			<ul style="list-style-type: none"> <li>• Thanet Coast SAC;</li> <li>• <u>Sandwich Bay SAC</u></li> <li>• <u>North East Kent European Marine Site</u>;</li> <li>• <u>The Swale SPA/Ramsar</u>;</li> <li>• <u>Swale and Medway European Marine site</u>;</li> <li>• Wye and Crundale Downs SAC.</li> </ul>
AM	233	10.30	<p>If there is a risk of a significant effect of a plan or a project on one of these internationally designated sites <u>that cannot be mitigated for or avoided</u>, development proposals will require an Appropriate Assessment under the Habitats Regulations 2010 (as amended), to determine whether or not they would have an adverse effect on the integrity of the site either alone or <u>in-combination</u>. Under European legislation, the City Council as a competent authority has a duty to exercise its functions to ensure that these sites are maintained in a favourable condition. <u>The Conservation Objectives for each European site should be referred to when assessing what, if any, potential impacts a plan or project may have and what mitigation may be effective.</u></p>
MM	Pg233	LB5	<p><b>Sites of international nature conservation importance must receive the highest levels of protection. No development will be permitted which may have an adverse <u>effect impact</u> on the integrity of an SAC, SPA or Ramsar site, alone or in combination with other plans or projects, as it would not be in accordance with <u>the Habitat Regulations 2010</u> and the aims and objectives of this Local Plan. <u>Where a likely significant effect of a plan or projects' effects on European sites a SAC, SPA or Ramsar site, alone or in-combination, cannot be excluded screened out during Habitat Regulations Assessment as not likely to be significant</u> Screening, an Appropriate Assessment in line with the Habitats Regulations Directive and associated regulations will be required.</b></p> <p><b><u>Any development (plan or project) considered likely to have a significant effect on a SAC, SPA or Ramsar site will need early consultation with Canterbury City Council and any other appropriate Statutory Consultee or authority as to the likely impacts and to identify appropriate mitigation as necessary. Where mitigation measures are agreed by the Council, the development will be required to fund and/or implement such mitigation measures as agreed. Any residual impacts may still require in-combination assessment.</u></b></p> <p><b><u>In the event that the Council is unable to conclude that there will be no adverse effect on the integrity of any <del>European</del> internationally designated site, the plan, or project will be refused unless the tests of no alternative sites and the imperative reasons of overriding public interests in accordance with regulation 62 of the Habitats Regulations 2010 (as amended) are proven.</u></b></p>
AM	233	10.31	<p><del>... no likely significant effect should result.</del> <u>the likelihood of a significant impact would be avoided.</u></p>
AM	234	10.35	<p><del>To date, Advice from Natural England is that the planned quantum of housing in the Canterbury and Thanet Districts is likely to result in a significant effect on the bird interest (over-wintering Turnstones) of the Thanet Coast and Sandwich Bay SPA and Ramsar site from increased recreational disturbance associated with new housing. They have advised that Aa 'zone of influence' is has been identified to establish which future housing sites are most likely to contribute to this recreational impact. Access management, awareness raising and education delivered through a wardening scheme have been identified as appropriate mitigation to reduce impacts on Turnstones during their over wintering period (Oct- End March)8 months)</del> with further monitoring to ensure that these measures</p>

			are effective. Given the level of housing coming forward these measures <del>are may be</del> required in-perpetuity, unless further evidence suggests otherwise or other mitigation can be shown to reduce the impact on the site from future housing. <del>For example the provision of green infrastructure may well have a role in reducing the pressure on sensitive coastal sites, and if this can be evidenced such an approach could be used to mitigate for this recreational pressure.</del>
AM	235	10.37	<u>The Blean Complex Special Area of Conservation SAC - The main interest feature of this site is the oak hornbeam forest. Lack of coppice management and deterioration in air quality are considered to be the main vulnerabilities for this important woodland. The Council is currently considering (as part of its Habitat Regulations Screening) whether the local plan proposals are likely to have a significant negative effect on the Blean SAC. Proximity to roads of sensitive habitat and any lack of barriers between the road and the habitat to air pollution are key issues. The probable impact of predicted Annual Average Daily Traffic (AADT) along the Blean Road (A290) (which is within 200m of the SAC) resulting from housing allocations in the Local Plan has been calculated using the approach set out in the Design Manual for Road and Bridges. This result concluded that there was unlikely to be a significant impact on the Blean SAC resulting from air pollution from increased housing, in particular nitrogen deposition . In particular</u> However, it is important that there are no further decreases in air quality or other impacts to the detriment of sensitive parts of the site. <del>Proximity to roads of sensitive habitat, and any barriers to air pollution are key issues under consideration.</del> Recreation levels at the Blean SAC will need to be monitored, but it is not currently a particular concern, due to the current access management and educational programme on this site. The Council will work with the managers (RSPB, KWT) of the site to understand any potential impacts from future developments.
AM	235	10.39	The Council will produce <del>a</del> Strategic Access, Mitigation and Monitoring Plans <u>for the two European coastal SPAs/Ramsars designated sites in the Canterbury District, that will be applied to development within the identified zones of influence of those Natura 2000 sites to ensure that no adverse t effect will result from recreational disturbance from development proposed under the Plan. This will include tariff setting and essential mitigation to be agreed with Natural England and other appropriate authorities. This is to ensure in-combination effects are considered and development is made fairly charged responsible for mitigation costs.</u>
AM	236	LB6	<b><u>Planning permission will not be granted for development which would materially harm the scientific or nature conservation interest, either directly, indirectly or cumulatively, of sites designated as a site of Special Scientific Interest (SSSI), or National Nature Reserve (NNR) and Marine Conservation Zones (MCZ) for their nature conservation, geological, or geomorphological value. Support will be given for enhancement.</u></b>

Representation PV1454

16. ***It is agreed that an additional amendment be made to Paragraph 10.40 to make clear that the Thanet Coast SSSI is designated for biological as well as geological reasons.***

Change N°	Page N°	Para / policy	Proposed Modifications <i>(Underlined text added, crossed through text removed)</i>
AM	236	10.40	There are two sites in the Canterbury District which are <u>also</u> notified as SSSI for their geological interest: Sturry Pit and Thanet Coast ( <u>notified for both biological and geological features</u> ).

Representation PV1457

17. ***It is agreed that Natural England support the sections of the Local Plan relating to Landscape Scale Biodiversity Networks (Paragraphs 10.48-10.53) and Protected Habitats Outside Designated Areas and Protected Species in (Paragraphs 10.54 to 10.70) and that the Local Plan provides adequate information on and protection of these, subject to an additional amendment being made to Paragraph 10.50 to highlight the need to make the landscape permeable to species and reduce barriers to movement.***

Change N°	Page N°	Para / policy	Proposed Modifications ( <u>Underlined text added</u> , <del>crossed through text removed</del> )
AM	239	10.50	... ,and projects which seek to enhance biodiversity, <u>improve permeability and remove barriers to species movement</u> , within Canterbury district, will be supported.

Representation **PV1461, 1463, 1464, 1465**

18. It is agreed that Policy LB9 adequately addresses the need for protection, mitigation, enhancement and increased connectivity for species and habitats of principal importance subject to the amendments below to make clear the need for appropriately provided and paid for mitigation to improve the clarity of the policy.

Change N°	Page N°	Para / policy	Proposed Modifications ( <u>Underlined text added</u> , <del>crossed through text removed</del> )
MM	244	Policy LB9	<p><b>All development should avoid a net loss of biodiversity/nature conservation value and actively pursue opportunities to achieve a net gain, particularly where:</b></p> <ol style="list-style-type: none"> <li>1. There are wildlife habitats/species identified as Species or Habitats of Principal Importance;</li> <li>2. There are habitats/species that are protected under wildlife legislation;</li> <li>3. The site forms a link between or buffer to designated wildlife sites.</li> </ol> <p><b>This will be secured by:</b></p> <ol style="list-style-type: none"> <li>a. Ensuring that <u>development</u> site evaluation is undertaken to establish the nature conservation value of <u>the proposed</u> development sites. Developers will be expected to carry out appropriate ecological survey/s and present <u>outline proposals</u> for mitigation and enhancement prior to <u>the</u> determination of a planning application. Planning permission will only be granted where the City Council is satisfied that <u>the avoidance and mitigation measures proposed can give an effective means to conserve and enhance and</u> represent an appropriate response to the habitat or species interest of the site. Where on-site mitigation is not possible, <u>as a last resort, compensatory adequate compensatory</u> <del>habitat enhancement</del>, creation schemes or other measures will be required to ensure that the impacts of the development on valued natural features and wildlife have been offset to their fullest practical</li> </ol>

			<p>extent.</p> <p>b. In some cases, where wildlife impacts are significant, it may be necessary to find an alternative location for the development <u>if a suitable alternative location cannot be found the application may be refused</u>. For European protected species, planning permission will only be granted where the three tests set out in the Habitats Regulations are satisfied.</p> <p>c. <del>b.</del> Delivering positive opportunities for habitat restoration and creation through the development process: identifying, safeguarding and managing existing and potential land (or landscape features of major importance for wild flora and fauna) for nature conservation as part of development proposals, particularly where a connected series of sites can be achieved.</p> <p>Development which may harm (either directly or indirectly) Habitats or Species of Principal Importance will only be permitted if:</p> <ul style="list-style-type: none"> <li>• <del>e.</del> there are no reasonable alternatives and there are clear demonstrable social or economic benefits of the development which clearly outweigh the need to safeguard the site or species; and</li> <li>• <del>d.</del> adequate mitigation, <del>and</del> <u>compensation and enhancement</u> measures are provided when damage to biodiversity interests are unavoidable.</li> <li>• <u>The long term security of the mitigation area is secured to ensure the site is protected against future development.</u></li> <li>• <u>The long term management of the habitats and funding for its implementation are provided by the applicant to ensure the habitats or populations of species are conserved and enhanced in the long term.</u></li> </ul> <p>Any mitigation measures must be within the control of the developer. The developer must take responsibility for ensuring mitigation measures are fully implemented.</p>
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Representation PV1467

19. ***It is agreed that an additional amendment be made to Paragraph 10.75 to include all the ecosystem services well maintained woodlands provide.***

Change N°	Page N°	Para / policy	Proposed Modifications ( <u>Underlined text added, <del>crossed through text removed</del></u> )
AM	245	10.75	Woodland can also help to maintain air quality and the balance of carbon dioxide in the atmosphere <u>and provide</u> ; <del>shading, water attenuation, soil preservation and increased biodiversity.</del>

Representation PV1468

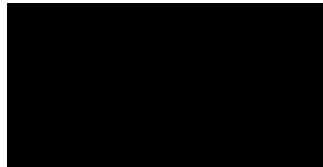
20. ***It is agreed that an additional amendment be made to Paragraph 10.77 to highlight that standing advice on the management and protection of Ancient woodland is available from Natural England and the Forestry Commission.***

Change N°	Page N°	Para / policy	Proposed Modifications ( <i>Underlined text added, <del>crossed through text removed</del></i> )
AM	245	10.77	<u>Natural England and the Forestry Commission have standing advice available and an assessment guide for dealing with ancient woodland and development has also been produced.</u>

Representation PV1470, 1471

***It is agreed that policies LB12 and LB13 are sound, legally compliant and supported by Natural England.***

Agreement

<b>Signed on behalf of Canterbury City Council</b>		
<b>Name and Position</b>	<b>Signature</b>	<b>Date</b>
<b>Ian Brown</b> <b>Assistant Director, Planning and</b> <b>Regeneration</b>		<b>12.6.2015</b>

<b>Signed on behalf of Natural England</b>		
<b>Name and Position</b>	<b>Signature</b>	<b>Date</b>
<b>Patrick McKernan</b> <b>Senior Adviser – Sussex and Kent</b> <b>Team</b>		<b>11.6.2015</b>