

16th January 2023

By email only: [consultations@canterbury.gov.uk](mailto:consultations@canterbury.gov.uk)



## **RSPB comments on the Canterbury District Local Plan to 2045, January 2023**

The RSPB is grateful for the opportunity to comment on the **Canterbury District Local Plan to 2045**. We welcome the prominent position of biodiversity and habitat connectivity within the plan. We are pleased to see the wider **Vision for the district to 2045** (p.6) recognising the importance of landscapes and habitats emphasising the will to restore and enhance these in order to support the recovery of nature and increasing biodiversity. We also welcome the **Strategic objectives for the district (p.7)** to protect and enhance the environment and create a network of spaces to support wildlife and biodiversity. While these and other forward-looking statements are positive, we nonetheless have some serious concerns and would like to make the following comments.

The Canterbury area is an important area for nature conservation, reflected by the concentration of nationally and internationally designated wildlife sites. Of particular significance to the plans for growth in the district, and around Canterbury in particular, is the Chequer's Wood and Old Park Site of Special Scientific Interest (SSSI). This SSSI is designated due to its alder woodland, unimproved acidic grassland, a mosaic of other habitats including pedunculate oak-birch woodland and dense scrub, its uncommon plants, and its diverse breeding bird community<sup>1</sup>. Lowland dry acid grassland is a rare habitat, most such sites in the county having been lost to development, afforestation or agriculture.

A key part of the breeding bird assemblage is the important population of nightingales that nest within the site, with 34 territories recorded in 2022, a significant number, along with three turtle dove territories – very important numbers given how threatened both species are nationally (both are UK red-listed). The nightingale population is a key part of the nationally significant population in the wider Canterbury district. In addition to rare breeding birds, there is an exciting and diverse range of other flora and fauna. For example, clove-scented broomrape - a rare, Red-listed

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<sup>1</sup> <https://designatedsites.naturalengland.org.uk/PDFsForWeb/Citation/1003485.pdf>

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Schedule 8 flower - occurs on the border of the SSSI, one of only a very few populations in the country.

Canterbury Council has an important duty in its Local Plan to ensure this wonderful site, and these declining and culturally significant species, remains protected from the direct and indirect effects of development and infrastructure, such as residential dwellings, coming forward in the surrounding area.

The protection and enhancement of existing sites such as Chequer's Wood and Old Park SSSI and its turtle dove and nightingale population is key to protection of the area's important biodiversity, and therefore key to delivering on the **Vision for the district to 2045 (p.6)** to 'restore and enhance our important habitats and landscapes, supporting the recovery of nature and increasing biodiversity'. Given the importance of this site and others in the surrounding area, the RSPB therefore agrees with Policy DS18 (4), p.222, which sets out that the Council should not approve '*proposals 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)*'. Yet, in contradiction of this aim, protection of this significant biodiversity asset will be jeopardised if residential development is allowed too close to particularly biodiverse parts of the SSSI's boundary at the golf course driving range.

We also have concerns about the Eastern Movement Corridor if it is built through the northern part of the SSSI and Sturry Community Park. If these developments go ahead as indicated, the opportunity to undertake ambitious gains for nature, based on a connected, wildlife-orientated plan for the wider area, will have been missed. We set out our concerns in further detail below.

**Policy C15 - Chequer's Wood and Old Park SSSI.** It is deeply concerning to see, in **Policy C15**, the new proposals for approximately 74 houses on the Golf course driving range area: housing on this spur of land places an unacceptable level of risk to one of the best areas for the SSSI breeding bird assemblage, especially as a key area for breeding nightingale and turtle dove, as well as acid grassland, and a valuable population of clove-scented broomrape – both within the current boundaries of the SSSI and in the adjacent functionally linked land. As noted above, this would create direct and indirect pressures on the SSSI scrub breeding bird assemblage and botanical features, which form part of the reasons for the site's designation as a SSSI - for example through recreational disturbance and the impact of pets. Particularly given that the closest areas of the SSSI and adjacent woodland and scrub to the proposed new housing are hotspots for breeding nightingales and turtle doves, it is simply not possible to reconcile the proposals in **Policy C15** with the commitments to biodiversity and habitats elsewhere in the Local Plan, for example **P.7 Strategic objectives for the district**, to '*Protect and enhance our rich environment and valued landscapes*'. It is also contradictory to Policies elsewhere in the draft Local Plan, such as C15's aim to 'Provide 20% biodiversity net gain, in line with Policy DS21' (3b), and **Policy DS18**

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(4), p.222 which sets out that Council should not approve '*proposals 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)*'.

Experience from similar sites, such as the protection of important populations of ground-nesting heathland birds from the indirect effects of urban development in southern England, confirms an acceptance by decision-makers that it is generally not possible to mitigate the acute impacts of housing located in such close proximity to the protected sites. This is particularly the case with respect to the effects of cat predation, due to the tendency of cats to roam (in some cases considerable distances) from their homes, with fences and hedges presenting little obstacle to them doing so, and which in addition provide long-term challenges of maintenance and enforcement. The RSPB, for example, would never choose to fence areas of our own landholdings if other options were available, and only relies on fences in extreme and unavoidable cases, as fences are unreliable, expensive and time-consuming to maintain. Building new homes here means effectively locking in impacts in perpetuity and leaving those responsible for the management of the site in an eternal battle to protect one of the country's most important sites for nightingales. The introduction of a new, permanent threat to the environs of the SSSI impacted by the proposals therefore must and can be avoided.

Based on experience with similar sites and lowland heathland, the RSPB strongly advises that, in the absence of further evidence regarding the indirect effects of increased urbanisation, new residential development should be set well back from Chequer's Wood and Old Park SSSI boundary in order to prevent unmitigable effects such as the risk of predation and disturbance of birds such as nightingales, and other species such as reptiles, by domestic cats. In addition, a wide buffer zone would reduce a number of other well-documented urban effects, including recreational disturbance, noise, artificial light and uncontrolled fires. The housing suggested for the southern part of the golf course is too close to key breeding bird areas and rare plants and we recommend it be located considerably further back, ideally at least 400 metres from the SSSI boundary and key adjacent habitats. As far as we are aware there is no change to the evidence base concerning urban pressures on nightingales, with possible mitigatory measures being unreliable, of doubtful benefit, and costly and time-consuming to maintain in the long term. Therefore, we cannot support the draft proposals to locate new housing at the golf driving range, immediately adjacent to some of the key biodiverse areas of the SSSI and its environs, and we urge a rethink in order to find a suitable site. Indeed, we would advocate for a strengthening of the SSSI and its widening to include the important breeding bird populations, rare plants and habitats in the southwestern and southern section, including the northern end of the golf course driving range, and the northwest of the site with Sturry Community Park. This would help safeguard the SSSI for future generations, widen it to help protect scarce wildlife currently just outside, and make it more manageable and more robust in the face of external pressures. We also recommend that priority woodland covers not only for the north-east corner (2b), but instead across the north of the site.

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The RSPB therefore considers that the draft proposed development layout does not comply with the tests and robust policies set out under section 15 of the National Planning Policy Framework 2021 (NPPF) in relation to developments in proximity to Sites of Special Scientific Interest. For example, Paragraphs 179 and 180. goes on to require that: '*When determining planning applications, local planning authorities should apply the following principles:*

*a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;*

*b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;'*

It is our view that, based on the current evidence, locating housing at the golf driving range site so close to Chequer's Wood and Old Park SSSI will lead to an unmitigable adverse effect on the nightingale population and other species of the breeding bird assemblage, and therefore unless there can be shown to be no alternative less damaging locations for the development and exceptional circumstances that justify the damage to the SSSI, proposals for these areas will not comply with the NPPF. Removing this housing allocation from the golf course would be consistent with Canterbury District Council's duties in respect of the protection of SSSIs as described in Sections 28 to 33 of Part 2 Wildlife and Countryside Act 1981 (as amended) and Section 40 of the Natural Environment and Rural Communities Act 2006.

Unless robust new evidence is forthcoming to demonstrate that Old Park and Chequers Wood and its breeding bird population can be effectively and sustainably protected from the long-term, insidious impacts of further urbanisation, alternative sites must be identified for this relatively small quantity of new housing. We call on the Council to rethink its proposals for the golf course driving range and to use the opportunity to work with environmental NGOs such as the RSPB, Kent Wildlife Trust and the Woodland Trust to help maintain, strengthen and expand the SSSI as a jewel in Canterbury's crown. This would not only protect the SSSI's vulnerable nightingales and turtle doves from unmitigable impacts, but also ensure the long-term health of a fantastic recreational and cultural asset for the existing and new communities.

Policy C15, Chequer's Wood and Old Park SSSI: in summary, we call for:

- The removal of the C15 proposals to locate new housing at the golf driving range
- a buffer zone around the SSSI to help protect against future unsuitable developments or other impacts
- the Council to plan and advocate for the SSSI to be enhanced and extended

**Policy C16 - The Eastern Movement Corridor.** The RSPB is also very concerned about **Policy C16 – the Eastern Movement Corridor**. As the plan stands, there could be serious loss and damage to key habitats at Sturry Community Park and the Chequers Wood part of the SSSI due to the impact of the bypass on the alder carr woodland and other habitats. The integrity of the SSSI and important connected habitats must be protected, including from harm at its periphery. Alder carr woodland is scarce in Kent and is a key reason for the SSSI designation. The Local Plan

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proposals indicate that Sturry Road Community Park and potentially the SSSI will lose the particularly biodiverse land in the north and on its eastern flank, where a healthy population of turtle doves and other scarce species currently breed. We remain unconvinced about the overriding need for this new road and for the need for it to be located at this particular, biodiverse, spot. We consider sufficient evidence for excluding avoidance, as per the National Planning Policy Framework (NPPF) mitigation hierarchy, has not been demonstrated.

In addition to the above, the route of the proposed bypass is likely to have serious consequences for wildlife habitat in the woodland and heathland east of Fordwich (whose value for wildlife has not yet been properly assessed) and on the Fordwich water meadows south of the Sturry Road. We have further concerns about nitrogen deposition from vehicular pollution negatively impacting important habitats such as acid grassland, and the road damaging the connectivity of habitats. We have not seen mitigatory proposals and associated effectiveness evaluations such as cut and cover, extensive functionally linked land, natural regeneration with no pet access, or green bridges. We recommend an adequate buffer zone is placed around the SSSI and Sturry Community Park to safeguard the integrity of the SSSI and help reduce impacts from a new road.

Policy C16, The Eastern Movement Corridor: in summary, we call for:

- The integrity of the whole SSSI to be protected, including adjacent habitats and at its periphery, with a buffer zone around the SSSI to help protect the site
- Sturry Road Community Park habitats to be safeguarded
- Other locations for the new road to be explored, well away from the SSSI envelope

**Policy C26 - Land north of University of Kent.** RSPB wishes to raise concerns regarding conflict between this policy and the deliverability of Policy DS23 – The Blean Woodland Complex. Please refer to comments made in response to Policy DS23 below.

**Policy DS18:** we broadly agree with **Policy DS18 – Habitats and landscapes of national importance.** On p.223, we welcome the designation of Green Gaps where 'areas and sites which contribute to biodiversity, but which are not covered by national or international designations, but which require additional protections or where specific considerations will apply', between Canterbury and Sturry; between Sturry and Westbere; between Sturry and Broad Oak; and between Sturry and Fordwich.

We welcome the focus on connectivity and a landscape-scale approach in the Local Plan and would like to see strengthening connectivity improved between Old Park and Chequers Wood, Sturry Road Community Park, the Stour Valley wetlands of Fordwich and Westbere and Stodmarsh SSSI and Ramsar site. This would be in line with section 106 of the Environment Act 2021 on 'Local

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Nature Recovery Networks'. Connectivity should include ways of making roads safer and simpler to cross for wildlife, for example via green bridges.

**Policy DS21 – Supporting biodiversity recovery.** We broadly welcome the intentions outlined in this policy. In **3 (i) p.228**, '*Avoid or minimise biodiversity impacts*' we would like to see '*including to adjacent habitats and biodiversity*', or equivalent phrase, added to this requirement.

Regarding biodiversity net gain (BNG), this should emphasise avoidance of negative impacts on existing populations of species of local or national significance, such as nationally important populations of a species, and recognition that BNG is not acceptable if it overrides protection of existing scarce species for an increase in widespread, generalist species.

**Policy DS23 - The Blean Woodland Complex.** The RSPB are pleased to see a policy supporting the objectives of the Blean Woodland Complex. This directly aligns with the ambitions of the Wilder Blean Initiative, a partnership between KWT, the RSPB and Woodland Trust, which a biologically rich, extensive, connected, and resilient ancient woodland, managed through natural processes, where wildlife and people live harmoniously and provide hope for the future of protected areas across the UK.

We align ourselves with the Partners concerns raised on Policy DS23 which seeks out clarity on what area the Plan identifies as the Blean Woodland Complex. We ask you to visit KWTs response which includes a map that sets out the Blean Complex as considered by the Wilder Blean Initiative, and we also encourage you to align Policy DS23 to apply to this geographical area within the Canterbury district.

We also align with the concerns raised on Policy DS23(4) which refers to the land submissions, ones which were not included in the allocated sites and include potentially important connectivity links from existing woodland to the east and west of the A290. Without expansion south of Clowes Wood there will continue to be a bottleneck which restricts the movement of wildlife and is likely to threaten the deliverability achieving restoration, extension and connection of the Blean Woodland Complex.

**Policy C24: Strategic wetland mitigation.** Land to the south of Sturry Road – new Sturry Wetlands protected area appears positive, but we have concerns about the impact of the Eastern Movement Corridor bisecting the area and would need to see more evidence of how this would work for biodiversity. '*Planning permission will be granted for a wetland subject to the walking and cycling route being sensitively accommodated or relocated*' (p.78): the Council needs to demonstrate that paths will be carefully sited so as not to create excess disturbance or vandalism, for example, which could seriously lower the wildlife potential of the area.

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**Policy W5 – Land at Brooklands Farm.** We have serious concerns about adding housing to this location, due to the already significant problems of sewage pollution downstream at Long Rock SSSI. Development here cannot be permitted to add to the already damaging aquatic pollution at the SSSI, including during times of heavy rain or flooding.

### **Consideration of Turtle Doves in the Canterbury Local Plan**

Turtle dove (*Streptopelia turtur*) is a RSPB priority species due to the significant population decline both in the UK and across its breeding range. The turtle dove is the UK's fastest declining breeding bird and is threatened with global as well as national extinction (IUCN Red List of Endangered Species and UK Red List of Conservation Concern). Turtle doves have declined by 98% between 1967 and 2018.

RSPB is a lead partner on the Operation Turtle Dove partnership which seeks to offer practical evidence-based solutions to halt the decline of turtle doves across England. The foundation of this work is based on working with landowners and communities in areas that still support breeding populations of turtle doves, which are known as Turtle Dove Friendly Zones (TDFZs). There are 29 zones across England, 12 of which are in Kent and 4 of which fall within the Canterbury District (See figure 1)

In addition to this project, we are seeking out opportunities to work with local authorities to ensure that strong consideration is given to protecting and enhancing turtle dove habitat in development planning. This is essential to do across their remaining range, and in key landscapes from which they have recently disappeared. Adults are known to be site faithful, development pressures can lead to encroachment on existing breeding and foraging habitats and can restrict potential for recovering the species. We have recently welcomed the inclusion of the TDFZs within the Dover DCs Green and Blue Infrastructure Strategy May 2022 and we are aware that Canterbury's TDFZs were used to help inform the sustainability appraisal of sites for the current consultation. We are looking to progress these conversations with the Council on how we can further work together on protecting and enhancing turtle doves through development planning. We look forward to expanding our work with the Council on this.

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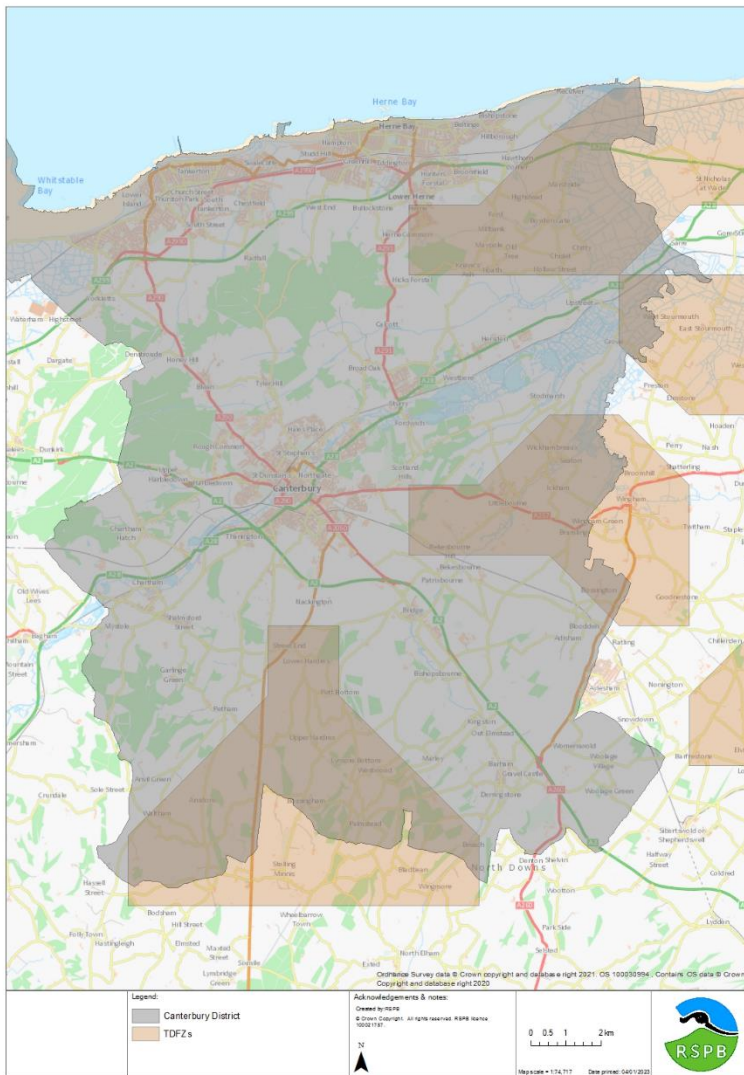
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**Figure 1 Canterbury's Turtle Dove Friendly Zones**



## Results of National Turtle Dove Survey

Last year the RSPB and partners organised the first national turtle dove survey for England which further helps to focus our work. In Kent this was run by the Kent Ornithological Society in partnership with the RSPB. The results of the survey have further highlighted the importance of Kent for turtle doves, showing that Kent supports approximately a third of the total England population with approx. 700 territories recorded in Kent. Within Kent itself, East Kent is the stronghold for turtle doves within the county.

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While the data gives a good indication of known turtle dove territories it does not offer a complete picture. We would therefore advice including in the plan that a breeding bird survey is carried out on any development that is proposed within a TDFZ or an area with known turtle doves or containing good quality turtle dove nesting habitat, to ensure the plan is consistent with national policy (National Planning Policy Framework).

### **Sites in close proximity to turtle dove territories**

We have overlaid turtle dove territory data with the proposed sites in the Canterbury Draft Local Plan (using data from the 2021 National Turtle Dove Survey and supporting data from BTO BirdTrack), to see if any developments pose a risk to known turtle dove territories.

We have begun our search by looking at proposed sites which contain recent records of turtle dove territories within a 1km area; this includes **Policy C8** - Milton Manor House, **Policy C14** – Land north of Bekesbourne Lane at Hoath Farm, **Policy R8** – Land to the west of Rattington Street, **Policy R10** – Milton Manor Concrete Batching Plant and **Policy R12** – Bread and Cheese Field.

We would like to work with Canterbury on how further consideration can be provided for turtle doves with regards to these proposed developments, RSPB can assist in writing a set of measures that can be included in these policies, see below for mitigation guidance.

### **Turtle Dove Mitigation Guidance**

1. Detailed proposals should aim to **protect areas of scrub and mature hedgerows** suitable for nesting habitat. If destroyed, this habitat can take up to 20 years to establish and become suitable for nesting.
2. Detailed proposals should aim to ensure **foraging habitat is available** and managed correctly (food shortage is the main factor triggering declines on their breeding grounds). Alongside this, fresh water sources should be retained and managed sympathetically
3. Where known breeding birds occur, detailed proposals should feature: **nesting habitat, foraging areas and a freshwater source within 300 metres**. Studies have shown that recently fledged turtle doves will rarely venture more 300 metres from the nest site (Dunn et al. 2016) and at this stage are likely to:

I. be very vulnerable to predation. With increased human habitation it is possible there may be adverse effects from generalist predators (e.g. cats) that tend to congregate near to human habitat. (Dunn et al. 2016) and

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II. incur poor body condition if there is insufficient food nearby in the form of natural arable plant species (as opposed to anthropogenic food resources such as garden bird seed mixes and brassicas) (Dunn et al. 2018).

As well as maintaining what habitat is already present for turtle doves within the Canterbury TDFZs, we recommend looking at opportunities to further expand/create areas of suitable habitat to ensure the long-term preservation and prosperity of this species within the Canterbury district. Further information can be found; [www.operationturtledove.org](http://www.operationturtledove.org) ('helping your turtle doves').

## Conclusion

It is encouraging to see many biodiversity-focussed policies, including awareness of landscape-scale habitat enhancement and plans for improving connectivity between biodiverse sites. The Council now has a rare opportunity to properly secure the future of Chequer's Wood and Old Park SSSI and its important botanical and bird life. Strengthening the SSSI protection and aiming to expand its borders, creating a broad buffer zone and removing the housing proposals for the golf driving range would remove some of the most damaging, unmitigable threats to the habitats and wildlife present and would show the Council is serious about its vision. The EMC route and its impacts will also need to be reconsidered. Doing so would enable the Council to embrace the remarkable and valuable nature of this important place, securing a biodiverse, nature-rich future for the current and future residents of Canterbury.

We trust that this information is helpful. Please do not hesitate to get in touch should you have any questions regarding this response or points of clarity you might require. We reserve the right to amend our position should any further information be presented.

Yours sincerely,

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## References:

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