

ECOLOGICAL ASSESSMENT

G H DEAN & CO.
GREAT GROVEHURST FARM
GROVEHURST ROAD, KEMSLEY, KENT

REF. NO. 2488 / R01/REV A

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AUTHOR: CLAIRE BROWNE BSC (HONS):
REVIEWED & APPROVED BY: NICK TARDIVEL MSC CENV CMLI MIEEM

.Revision A

LLOYDBORE LTD
33 ST GEORGE'S PLACE
CANTERBURY
KENT, CT1 1UT

Tel: 01227 464340
Fax: 01227 464341

mail@lloyd bore.co.uk
www.lloyd bore.co.uk



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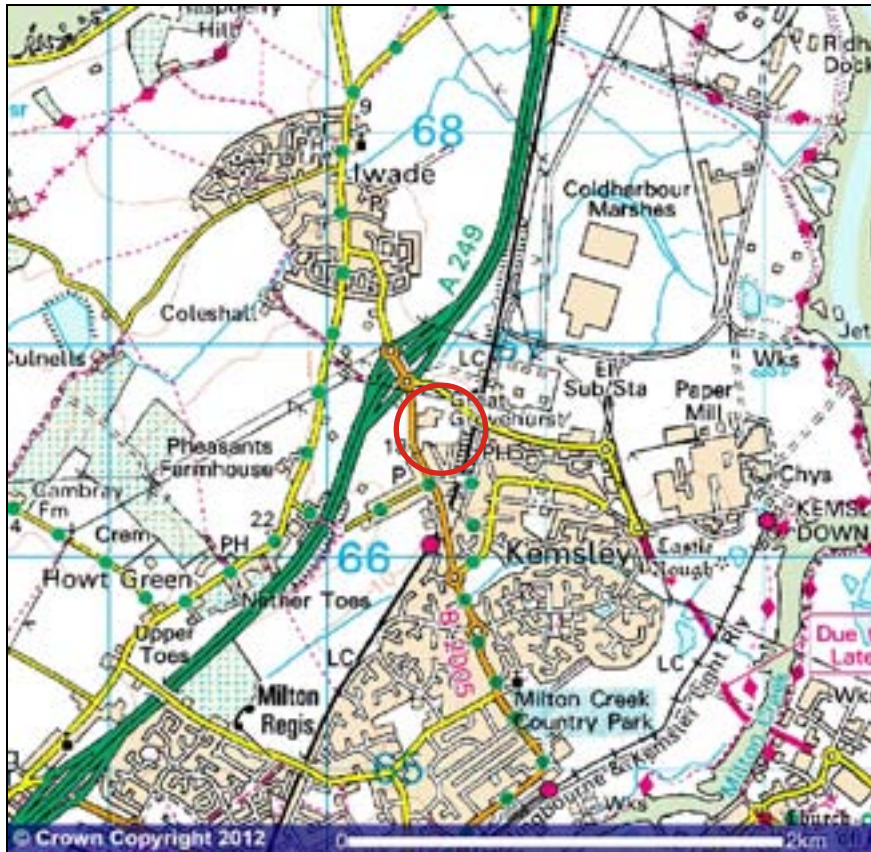
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1. INTRODUCTION

- 1.1 This report details the findings of an ecological assessment of the proposed residential development at Great Grovehurst Farm, Grovehurst Road, Kemsley, Kent. A subsidiary report titled 'Natural Green Space Provision Study' accompanies this report.
- 1.2 The site location and existing layout is shown in Sections 2.0 and 3.0. Photographs are included in Section 4.0.
- 1.3 The site is located within a wider area proposed for development referred to as the 'North-west Sittingbourne Strategic Allocation', within which there are 4 separate sites. The Great Grovehurst Farm site lies within the mid-section of the overall proposed development site, immediately north of a residential area of Kemsley and south-east of Iwade. The site is bordered to the west by Grovehurst Road, which gives way to another of the proposed development sites, 'Land at Pheasant Farm'. To the south of 'Land at Pheasant Farm' and the existing residential area of Kemsley, lies another of the North-west Sittingbourne Strategic Allocation sites, 'Land north of Quinton Road'. Immediately to the north of the Great Grovehurst Farm site, which is the focus of this report, is the busy Swale Way, beyond which lies the final North-West Sittingbourne Strategic Allocation site known as 'Great Grovehurst Farm (north of Swale Way)'. These sites can be seen in Section 3.0 and are labelled as following:
- Site 1 - Great Grovehurst Farm (north of Swale Way)
 - Site 2 - Great Grovehurst Farm (the site of focus for this report)
 - Site 3 - Land at Pheasant Farm
 - Site 4 - Land north of Quinton Road
- 1.4 The wider surrounding area comprises agricultural fields to the north and west and substantial residential areas to the south-east. The Swale Ramsar/SPA/SSSI site lies approximately 1km north-east of the Great Grovehurst Farm site.
- 1.5 It is understood that the proposals include the construction of up to 130 residential dwellings, including access and landscaping. G H Dean & Co. has requested an assessment of the site and the surrounding area to determine potential nature conservation interests on site and close to the site and the potential impacts of the development upon The Swale Ramsar/SPA/SSSI site.
- 1.6 This survey was undertaken to assess the presence and potential presence of species given protected status under current legislation. These species are listed in the schedules of the Conservation of Habitats and Species (Amendment) Regulations 2012 and of the Wildlife and Countryside Act 1981. Also assessed were species of principal importance for biodiversity conservation listed in Section 74(2) of the Countryside and Rights of Way Act 2000, and birds on the red and amber lists of birds of conservation concern (Appendix 1).
- 1.7 The survey findings are detailed in this report with consideration given to possible impacts of the proposed development on nature conservation interests of the site, in accordance with information relevant to the National Planning Policy Framework.

2. SITE LOCATION

The site location: TQ 905 666 (centre of site)

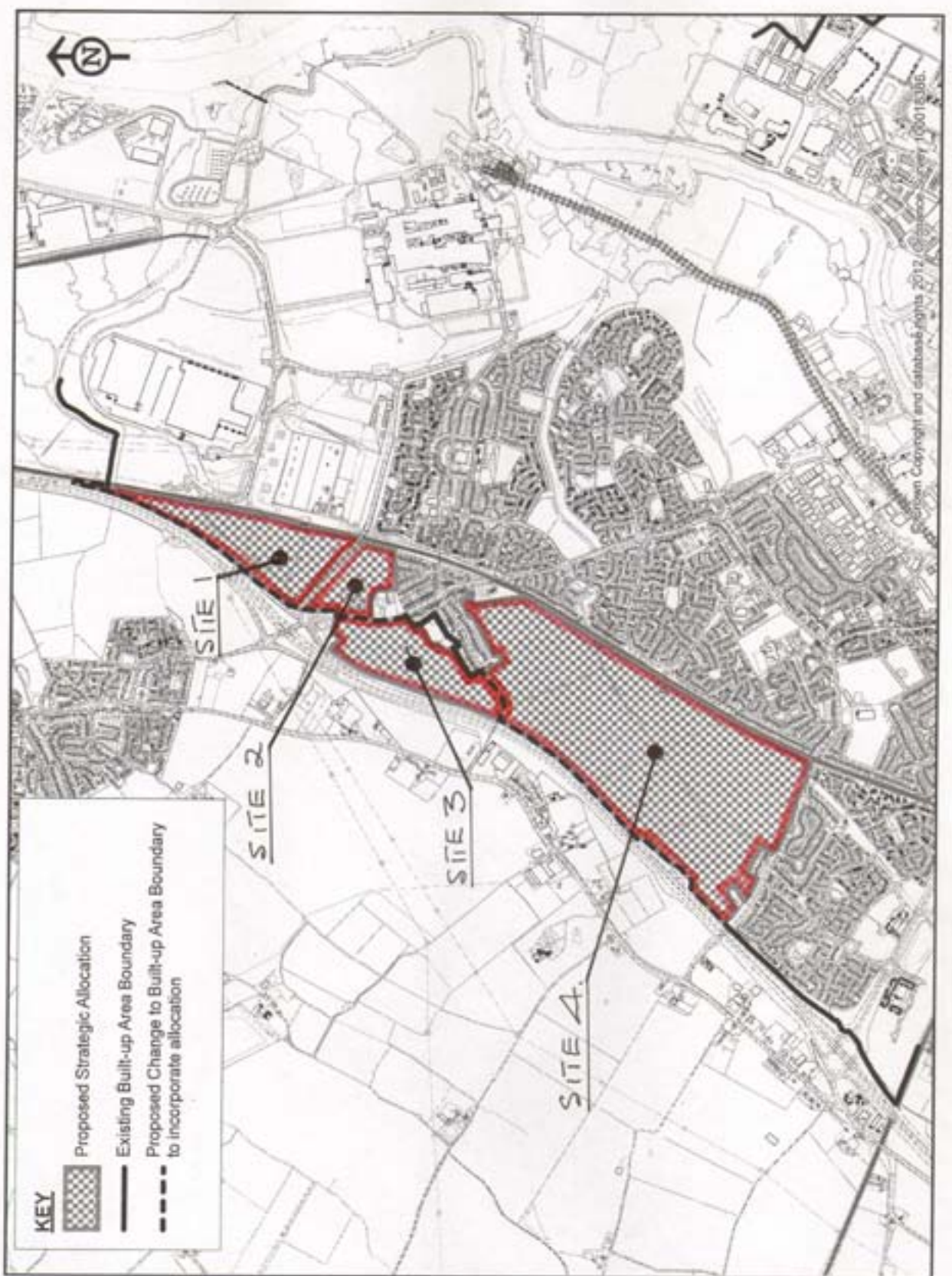


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3. SITE PLAN - GREAT GROVEHURST FARM (SITE 2)



4. SITE PLAN - NORTH-WEST SITTINGBOURNE STRATEGIC ALLOCATION



5. PHOTO SHEET



Image 1: Scrub and rubble to south of buildings and brownfield area.



Image 2: Building at centre of brownfield area, running north to south.



Image 3: Wheat typical of majority of site. View towards eastern site boundary.



Image 4: Northern end of buildings on brownfield area.

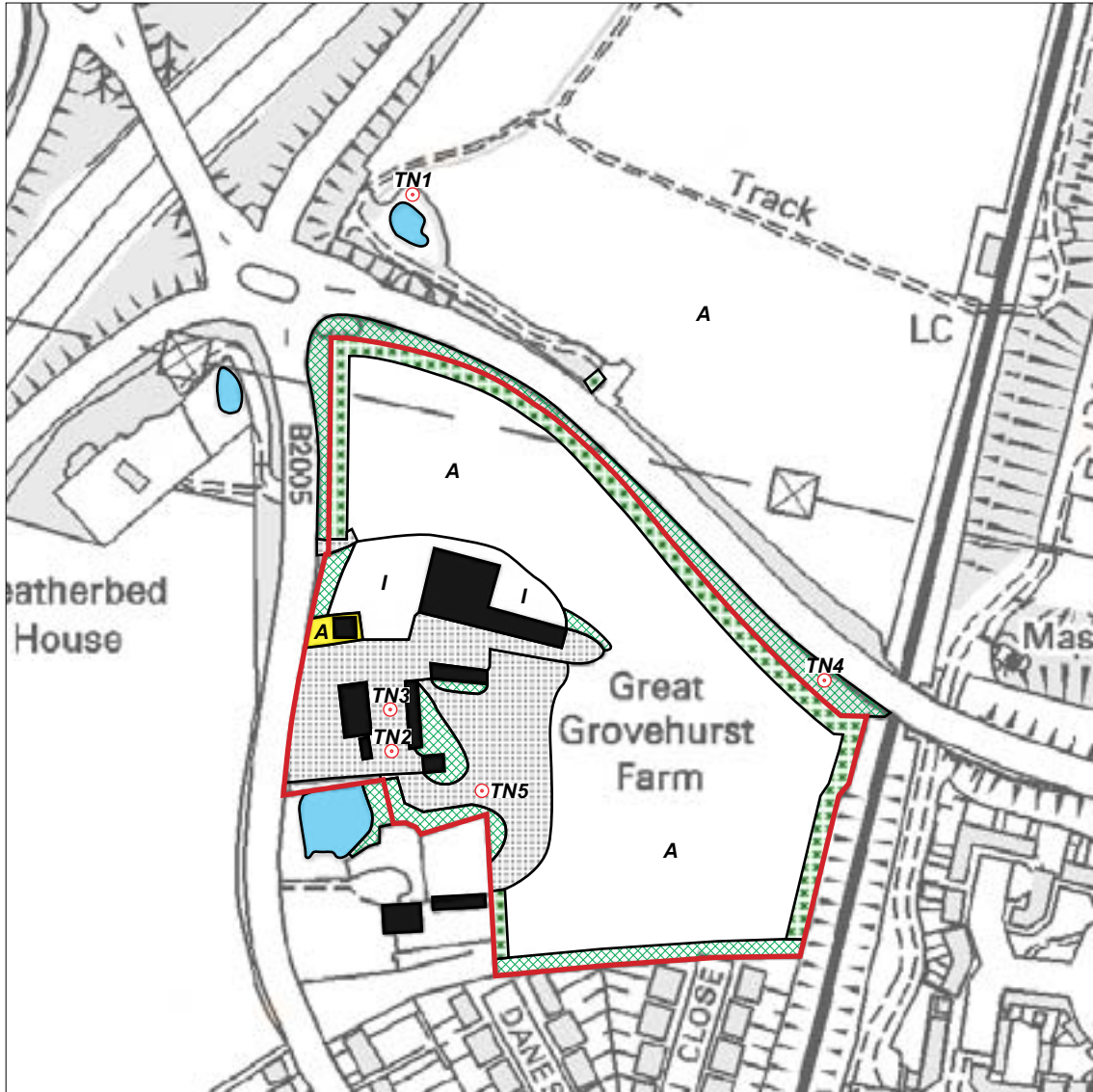


Image 5: View towards western site boundary, with Grovehurst Road lying to the right of the image.







Image 6: Hard surfacing at centre of brownfield area of site.





6. PHASE I HABITAT SURVEY PLAN





Legend

-  Site Boundary
-  J.1.2 - Amenity Grassland
-  B4 - Improved Grassland
-  J.1.1 - Arable

Legend

-  J.4 - Bare Ground
-  Building
-  A.2.1 - Dense / Continuous Scrub
-  A.2.2 - Scattered Scrub

-  G.1 - Standing Water
-  Target Note

7. THE SURVEY

Site:	Great Grovehurst Farm Grovehurst Road Kemsley Kent
Grid Reference:	TQ 905 666 (centre of site)
Date of Survey:	8 August 2012
Survey Requested:	Paul Sharp Associates
Surveyor:	Claire Browne BSc (Hons) (Licensed great crested newt worker) For and on behalf of Lloyd Bore Ltd.
Purpose of Survey:	To identify potential nature conservation interests
Survey Method:	Daytime inspection of accessible parts of the site including <ul style="list-style-type: none"> - areas of vegetation • To look for signs of protected species including <ul style="list-style-type: none"> - droppings / latrine sites - resting / roosting sites - footprints / tracks - signs of feeding
Time on Site:	11:00 - 12:30
Weather:	Warm, 21.5° C, light breeze, light rain briefly during survey but mostly dry, 90% cloud cover.
Data Search:	A data search was undertaken by the Kent and Medway Biological Records Centre. The data comprise records of all protected species, those listed within the Kent Red Data Book (KRDB), and all UK Biodiversity Action Plan (UKBAP) species that have been recorded within the 2km grid squares surrounding the survey site, or within 5km of the site for bats, a wide-ranging species. An Extended Phase I Habitat Survey was previously conducted by <i>ecosulis</i> in 2006 for the purpose of development of the site for housing. This report was provided by the client and was reviewed as part of the data search.
Limitations:	This assessment did not include detailed surveys for protected species. The assessment was made to determine the potential for the presence of protected species based on the character and nature of the site, its current use and location.

8. SURVEY FINDINGS

SITE DESCRIPTION

- 8.1 The site is located within a wider area proposed for development referred to as the 'North-west Sittingbourne Strategic Allocation', within which there are 4 separate sites. The Great Grovehurst Farm site lies within the mid-section of the overall proposed development site, immediately north of a residential area of Kemsley and south-east of Iwade. The site is bordered to the west by Grovehurst Road, which gives way to another of the proposed development sites 'Land at Pheasant Farm'. To the south of 'Land at Pheasant Farm' and the existing residential area of Kemsley, lies the 'Land north of Quinton Road' proposed development site. Immediately to the north of the Great Grovehurst Farm site is the busy Swale Way, beyond which lies the proposed development site 'Great Grovehurst Farm (north of Swale Way)'.
- 8.2 The wider surrounding area comprises agricultural fields to the north and west and substantial residential areas to the south-east. The Swale Ramsar/SPA/SSSI site lies approximately 1km north-east of the Great Grovehurst Farm site.
- 8.3 The survey site itself is currently accessed from Grovehurst Road and covers an approximate area of 4.8ha. The site is irregularly shaped with a brownfield area of buildings and hard-surfacing lying in the south-west corner. The majority of the site is arable, currently planted with wheat. The boundaries of the site are predominantly scrub. To the western boundary lies a house with a small, shortly mown lawn. Other improved grassland exists in the areas surrounding the buildings within the site. There are no water bodies within the Great Grovehurst Farm site but four water bodies exist within 500m of the sites boundaries, three of which lie within 100m. The Phase I Habitat Survey Plan in Section 6.0 shows the habitats within and immediately outside the site in further detail.
- 8.4 The survey site lies in close proximity to The Swale, an area noted for breeding and non-breeding birds, associated with wetland habitat, including Dark-bellied Brent Goose and Dunlin. In recognition of its importance for birds, The Swale is designated as a Site of Special Scientific Interest (¹SSSI) under the Wildlife and Countryside Act 1981, a Ramsar site (²Ramsar) and a Special Protection Area (³SPA) under the Conservation of Habitats and Species (Amendment) Regulations 2012.

¹ SSSI Site of Special Scientific Interest - Under the Wildlife and Countryside Act 1981, (Britain's domestic legislation to implement the Birds Directive) the Government has a duty to notify as an SSSI any land which in its opinion is of special interest for its flora, fauna, geological or physiographical features. SSSIs are thus Britain's best sites nationally for wildlife and geology. A SSSI is given certain protection against damaging operations, which must be authorised by English Nature. A SSSI also has a certain amount of planning protection. The Countryside and Rights of Way Act 2000 strengthened the Wildlife & Countryside Act, including giving English Nature greater powers to prevent damage to SSSIs.

² Ramsar site This is a wetland of international importance, as designated under the Ramsar Convention 1971. Development of these sites in England is allowed only in the rarest circumstances, according to Government guidance announced in November 2000. This will give Ramsar Sites 'broad equivalence' to Natura 2000 sites (SACs and SPAs).

³ SPA Special Protection Areas – these are designated under the EC Directive on the Conservation of Wild Birds (79/409/EEC), to safeguard the habitats of migratory birds and certain particularly threatened birds. SPAs and SACs share a limited amount of stronger protection than SSSIs as provided by the Conservation (Natural Habitats, &c) Regulations 1994. SPAs and SACs together form a network of protected sites across the EU called 'Natura 2000'. All SPA's are designated as SSSIs.

- 8.5 The habitat within the development site is dissimilar from the habitats for which the designated sites are recognised. In addition, it is considered that the species assemblages associated with The Swale are unlikely to occur within the survey site as the land on site does not support the same habitat types.
- 8.6 An Environmental Statement report, including results of an Ecological Scoping Survey conducted in 2011 has been published for the 'Great Grovehurst Farm (north of Swale Way)' site, which lies to the north of the proposed development site detailed in this report. This report is available on the Swale Borough Council planning website and is referred to at various points throughout this report.
- 8.7 It is considered that the site lies within an area of moderate potential for protected species and for general biodiversity interest.

EXTENDED PHASE I HABITAT SURVEY: TARGET NOTES (SEE MAP IN SECTION 6)

- TN1: Pond with full access. 1 adult grass snake was seen here during the scoping survey on 8 August 2012.
- TN2: Hard surfacing with ruderal species. Rubble mounds, piles of tyres and wooden pallets. This may offer suitable hibernating, foraging and basking habitat for reptiles and amphibians.
- TN3: Log piles and planks of wood along western side of building. May offer suitable reptile habitat.
- TN4: South facing bank immediately outside the site boundary. This may offer good potential basking and foraging habitat for reptiles.
- TN5: Many small, scattered patches of bare ground in amongst ruderal species and scrub, offering potentially suitable foraging and basking habitat for reptiles.

9. EXTENDED PHASE I HABITAT SURVEY - POTENTIAL NATURE CONSERVATION INTERESTS

FLORA

Under the Wildlife and Countryside Act 1981 as amended by the Countryside and Rights of Way Act 2000, it is an offence, with certain exceptions, to intentionally pick, uproot or destroy any wild plant listed in Schedule 8 of the Act or if not an authorised person, to intentionally uproot any wild plant not included in that Schedule. A small number of the listed plants also receive protection under the Conservation of Habitats and Species (Amendment) Regulations 2012.

- 9.1 Data obtained from KMBRC shows that there are no known records of significant flora within 1km of the survey site.
- 9.2 Species diversity within the survey area is relatively low. A small number of mature mixed conifers, including cypress (*Chamaecyprus spp.*) trees, hawthorn (*Crataegus monogyna*) and elder (*Sambucus nigra*) exist within the site boundaries to the west and south-west (Image 1). Scattered shrubs and immature trees exist alongside some of the buildings in the brownfield area (Image 6), but all are widespread and common species.
- 9.3 Around the site boundaries is a scrub layer, consisting predominantly of bramble (*Rubus fruticosus*) and common nettle (*Urtica dioica*) with other species such as elder (*Sambucus nigra*) and blackthorn (*Prunus spinosa*) also present. This scrub is dense along the southern site boundary and in the south-western corner of the site, where there are also piles of rubbish, rubble, tyres and wooden pallets (Image 1). Small patches of dense scrub also exist along the western site boundary and at the centre of the brownfield site (see Phase 1 Habitat Survey Plan). The remaining boundaries are dominated by scattered scrub and occasional bare ground.
- 9.4 The majority of the site is arable land, currently planted with wheat (Image 3). Other ruderal species located mainly around the site boundaries and to the south of the brownfield area include dock (*Rumex sp.*), perennial ryegrass (*Lolium perenne*), dandelion (*Taraxacum agg.*), ragwort (*Senecio sp.*), white clover (*Trifolium repens*), ribwort plantain (*Plantago lanceolata*) and hedge bindweed (*Calystegia sepium*). Ivy (*Hedera helix*) covers the part of the north-western end of one of the buildings within the site (Image 4).
- 9.5 No notable species were seen or are expected here. The site has generally low botanical interest and the proposed development would have no notable impact on floristic diversity in the locality.

MAMMALS

BATS

All bat species are protected under the Conservation of Habitats & Species (Amendment) Regulations 2012 and the Wildlife and Countryside Act 1981 as amended. Under this legislation, it is an offence to damage or destroy a breeding site or a resting place of any bat, or to deliberately capture, kill or disturb a bat.

Records obtained from the KMBRC show that 6 bat species have been recorded within 5km of the site: serotine (*Eptesicus serotinus*), Daubenton's (*Myotis daubentonii*), noctule (*Nyctalus noctula*), brown-long eared (*Plecotus auritus*), common pipistrelle (*Pipistrellus pipistrellus*) and soprano pipistrelle (*Pipistrellus pygmaeus*). Of these, serotine, brown-long eared, common pipistrelle and soprano pipistrelle have known roost sites within 5km of the site. The nearest roost is a maternity roost of common pipistrelle bats located 0.3km from the site. As such, the species listed above should be expected in the locality.

Surrounding habitat

- 9.6 An external inspection of the buildings and trees within the site was carried out as part of the scoping survey. No internal inspection has yet been carried out of the buildings present on site.
- 9.7 The areas surrounding the site including the extensive farmland, predominantly to the north and west, may provide very good potential habitat for bats and there are roosting opportunities in trees and buildings in the residential areas of the surrounding towns. The hedgerows in the surrounding area provide a moderate level of connectivity for commuting bats. These wider areas will not significantly be altered or impacted as a result of the development so these areas will remain as accessible for bats following any development as they are at the start of the survey.

Trees

- 9.8 There are a small number of mature mixed conifers, including cypress trees, along the western site boundary. The inspection was conducted from the ground and comprised an assessment of the trees to determine roosting and foraging opportunities for bats.
- 9.9 No obvious presence of bats was noted.
- 9.10 The mature trees are unlikely to provide roosting opportunities for bats.

Buildings

- 9.11 There are 6 main buildings within the site. All of the buildings are located within the brownfield area to the west of the site (Image 6). The main buildings include an Atcost barn to the north-east, a brick-built house to the north-west (Image 5), a brick and corrugated iron building to the north (Image 4) and 3 brick built buildings to the east, centre (Image 2) and west of the site.
- 9.12 The buildings on site were assessed externally during the scoping survey visit for potential for roosting bats and for signs of bat use. All buildings were in regular use at the time of inspection.

- 9.13 The house within the site has a pitched roof with closely fitting tiles. Whilst access points within the roof for bats are limited given the generally good state of repair, the house is thought to present possible roosting habitat for bats. The Atcost barn to the east of the site is in a reasonable state of repair and may offer limited foraging and roosting potential. The other buildings on site are all constructed of brick and corrugated iron sheeting and are in a moderate state of repair, but all have intact roofs. It is thought that these buildings may offer limited potential for roosting bats.
- 9.14 Overall, it is considered that, although the presence of a significant bat roost, such as a maternity roost is unlikely, the potential for occasional use of the buildings by itinerant bats in the summer months, should be taken into account prior to the start of works.
- 9.15 A further internal inspection of the buildings for the presence/likely absence of bats is recommended prior to the start of any development of the site in order to further ascertain the likelihood of the presence of bats. Bat activity surveys are also recommended prior to the commencement of any development works within the site. These should be carried out during the appropriate time of year (May-September).

BADGER

Badgers are protected under the Protection of Badgers Act 1992. It is illegal to kill, injure or disturb a badger or to damage a badger sett.

- 9.16 At the time of the survey visit there was no obvious evidence of a badger sett within the site or signs that badgers had visited the site to forage.
- 9.17 There are, however, records of an active badger sett on the land immediately adjacent to the eastern site boundary in the *ecosulis* report from 2006. This report also concluded that there was evidence that badgers were occasionally travelling onto the site, probably to forage. Access to the location of the previously noted badger sett was not possible during the survey on 8 August 2012. Dense vegetation along the site boundary at this location also prevented views to the sett from within the site.
- 9.18 There is still suitable badger habitat within the surrounding area, including nearby farmland. As badgers can range over several kilometres their occasional presence within the survey site cannot be entirely ruled out.
- 9.19 Given the past record for badger near the site boundary, further survey work for this species is recommended prior to commencement of development works in order to establish if badger are present within the site.

HEDGEHOG

The hedgehog is a Priority species as listed under the UK Biodiversity Action Plan (UKBAP). The UK BAP is the governments' response to the Convention of Biological Diversity signed in 1992 and targets the species and habitats most in need of conservation action.

- 9.20 Hedgehogs are often found in gardens and managed landscapes. Hedgehog is a Priority Species in the UK Biodiversity Action Plan. Objectives and targets for this species include maintenance of all existing populations and restoration of declining populations, including retention and enhancement of suitable habitat.

- 9.21 There are no recent records (within the last 10 years) of hedgehog being present within 1km of the survey site. However, this may be a reflection of low surveyor effort in the area rather than an indication of the absence of hedgehogs in the locality.
- 9.22 There is suitable habitat for hedgehogs within the survey site, such as the dense leaf litter layer within the boundary scrub belt. Consequently the potential presence of this species within the survey site cannot be entirely ruled out.
- 9.23 Precautionary mitigation is recommended to prevent injury to any hedgehogs that may be discovered during the development works.

REPTILES

Slow worms (Anguis fragilis), common lizard (Zootoca vivipara), adder (Vipera berus) and grass snake (Natrix natrix) are protected under the Wildlife and Countryside Act 1981 Sections 9(1) and 9(5) from deliberate injury, deliberate killing and trade.

- 9.24 Records obtained from the Kent Reptile and Amphibian Group (KRAG) show that viviparous lizard, slow worm and grass snake have all been recorded within 1km of the survey site. Based on these known records, KRAG suggests that the presence of these species within the area of Great Grovehurst Farm is as follows:
- Viviparous lizard: HIGH
 - Slow worm: LIKELY
 - Grass snake: POSSIBLE
 - Adder: POSSIBLE
- 9.25 One adult grass snake was recorded basking next to the pond (TN1 on the Phase I Habitat Survey Plan) approximately 55m north of the survey site during the scoping survey on 8 August 2012. Based on this sighting, the likelihood of grass snake being present within the site is probably higher than originally estimated by KRAG.
- 9.26 The dense wheat cover of the majority of the site is sub-optimal for reptiles. However, the scrub, bare ground and rubble/rubbish piles around the site boundaries and in the south-western corner of the site respectively offer optimal habitat for reptiles. Additionally, the south-facing banks immediately outside the north-eastern site boundary offer good potential reptile habitat, as do the areas surrounding the three ponds within 100m of the site.
- 9.27 Given that the majority of the site is covered with wheat crop, it is unlikely that the site will support a high population of reptiles. None-the-less a low population of reptiles may be present within the site, particularly along the site boundaries and in the south-western corner.
- 9.28 Further survey work for reptiles is recommended prior to the start of any development works. This should be carried out at an appropriate time of year (late March - June and September).

AMPHIBIANS

Records obtained from KRAG indicate that there are 6 ponds within 1km of the site and common frog (*Rana temporaria*), marsh frog (*Pelophylax ridibundus*), smooth newt (*Lissotriton vulgaris*) and great crested-newt (*Triturus cristatus*) have all been recorded within 1km of the survey site. There is a well documented population of great crested newts on land around Iwade to the north-west.

GREAT CRESTED NEWT

These species are protected under the Wildlife and Countryside Act 1981. Of particular interest is the great crested newt (Triturus cristatus). This species is also protected under the Conservation of Habitats and Species (Amendment) Regulations 2012.

- 9.29 There are no water features within the site. However, there are three water bodies located within 100m of the site boundaries: one immediately adjacent to the south-western corner, one approximately 38m west of the north-western corner, and one approximately 55m north of the north-western corner. There are no further water bodies within 500m of the centre of the site. The site has potential suitable terrestrial habitat for amphibians, such as the dense and scattered scrub along the site boundaries and in the scrub and rubble/rubbish piles to the south-west corner of the site.
- 9.30 The pond lying immediately beyond the south-western site boundary is recorded as supporting a breeding population of great crested newts as well as smooth newts and common frog. Records of this population were obtained from the KMBRC records as well as information from the previous *ecosulis* report (2006). Full access to this pond was not possible during the scoping survey as it lies within private land, although one small section of the pond could be seen from the south-western site boundary. The small section of the pond visible during the survey contained no water, but this does not mean that other areas of the pond were dried out. It should be noted that water bodies subject to seasonal flooding will support breeding great crested newt populations.
- 9.31 Full access was possible to the pond north of the site (TN1 on the Phase I Habitat Survey Plan). This pond is known to act as a balancing pond and had water present during the site visit. The pond was densely covered with reeds but there was direct sunlight on the pond due to the absence of large, overhanging trees. There was one record from KRAG of great crested newt in this pond from 2004 and the 'EH Nicholl's Ltd. Nicholl's Transport Depot, Environmental Statement' report by URS Scott-Wilson, states that great crested newts were recorded in this pond in 2011 and constitute a "small" population as per Natural England guidelines. It is therefore considered likely that great crested newts will be present in this pond. An adult grass snake was also recorded basking next to this pond. This species predated amphibians.
- 9.32 The pond to the north-west of the site is located on private land and was not accessible during this visit. The pond is well hidden by trees and scrub and is located beyond security gates and fencing. There are no known amphibian records for this pond, but it unlikely to have been surveyed given its limited access. Given the recorded presence of great crested newts in the two nearby ponds, it is considered likely that great crested newts may be present in this pond if it provides suitable habitat.

- 9.33 The great crested newt is listed on Schedule 2 of the Conservation of Habitats and Species (Amendment) Regulations 2012 and as such is a European Protected Species. It will therefore be appropriate to carry out a more detailed survey and assessment of the potential impact of the development on populations of great crested newts in the area, prior to development commencing. This should include the three ponds located within 100m of the site and should be carried out at the appropriate time of year (March - June).

COMMON TOAD

The common toad is a Priority species as listed under the UK Biodiversity Action Plan (BAP). The UK BAP is the government's response to the Convention of Biological Diversity signed in 1992 and targets the species and habitats most in need of conservation action.

- 9.34 Common toads are often found in gardens and managed landscapes. The common toad is a Priority Species in the UK Biodiversity Action Plan. Objectives and targets for this species include maintenance of all existing populations and restoration of declining populations, including retention and enhancement of suitable habitat.
- 9.35 Common toads are more tolerant of dry shaded habitat than common frogs, and favour woodlands and damp habitat, but are also found on grassland. It is considered that the survey site provides suitable habitat for this species within the dense scrub, in particular, the scrub and leaf litter under the cypress trees on the south-western site boundary.
- 9.36 KRAG has predicted that the likely presence of common toad within the site is high. It is therefore recommended that the possible presence of this species within the survey site is taken into account during development works.

BIRDS

All wild birds, their nests and eggs are protected under the Wildlife and Countryside Act 1981 as amended by the Countryside and Rights of Way Act 2000 and it is an offence, with certain exceptions, to intentionally:

- *Kill, injure or take any wild bird.*
- *Take, damage or destroy the nest of any wild bird whilst it is in use or being built.*
- *Take or destroy the egg of any wild bird.*

- 9.37 There are few recent records for birds in the vicinity of the site dated within the last 10 years, with the exception of the survey detailed in the 'Nicholl's Transport Depot, Environmental Statement' report. This report concludes that the survey site (Great Grovehurst Farm (north of Swale Way)) does not contain suitable habitat to support birds of interest at the SPA.
- 9.38 At the Great Grovehurst location it is considered that there are few birds of interest to be seen and therefore nothing to attract recorders to the area.
- 9.39 It is of interest that there are no barn owl (*Tyto alba*) records more recent than 1971 and no skylark (*Alauda arvensis*) records since 1992. Nightingale (*Luscinia megarhynchos*) has been recorded at Kemsley in 2010 but there is no suitable habitat for this species within the Great Grovehurst Farm site.

- 9.40 During the site visit the following species were observed or heard on-site: blackbird (*Turdus merula*), woodpigeon (*Columba palumbus*), magpie (*Pica pica*) and house sparrow (*Passer domesticus*).
- 9.41 House sparrow is a ¹Red list species of conservation concern and a UK Biodiversity Action Plan species. It is likely that the above species, and others, may nest in suitable trees and shrubs on the site boundaries. The site may offer good potential for foraging birds in some circumstances depending on the crops grown.

Birds of Conservation Concern

¹ Red List – Red list species are those: That are Globally Threatened according to the IUCN criteria; those whose population or range has declined rapidly in recent years; and those that have declined historically and have not shown a substantial recent recovery.

- 9.42 The site is expected to support a small number of nesting birds of a limited range of species. However, if precautionary mitigation is undertaken, development works within the survey area will not be of significance to bird populations within the locality.
- 9.43 Nesting birds and their nests are protected from disturbance and consideration should be given to the timing and method for the demolition of the buildings and any trees or scrub to be removed. For most species, the bird breeding season is considered to be between mid-March and early August.
- 9.44 It is recommended that the possible presence of nesting birds be taken into account prior to the start of works on site.

INVERTEBRATES

A small number of invertebrates are protected under Conservation of Habitats and Species (Amendment) Regulations 2012 and the Wildlife and Countryside Act 1981 as amended. There are species of potential interest included in the schedules within the NERC Act 2006.

- 9.45 Records obtained from the KMBRC show that the only protected invertebrate species recorded within the locality, that is not specifically associated with marshland, is stag beetle (*Lucanus cervus*), which was recorded approximately 900m south-east of the survey site.
- 9.46 The potential invertebrate habitat within the survey site mainly comprises the mature trees and scrub/ ruderal habitats along the site boundaries and in the south-western corner of the site. Generally it is considered that this habitat provides limited potential for a varied and diverse invertebrate fauna and little potential for stag beetles.
- 9.47 The proposed development at Great Grovehurst Farm is unlikely to be of significance in respect of populations of invertebrates of note within the locality.
- 9.48 It is considered that the proposed development provides opportunity to enhance the biodiversity of the site, and therefore increase the opportunities for invertebrates in the locality.

OTHER CONSIDERATIONS

- 9.49 On the basis of the survey undertaken it is not expected that other protected species, such as dormouse, white-clawed crayfish, water-vole or otter, are present on the site due to a lack of suitable habitat on or connected to the site.
- 9.50 The site does not include any Biodiversity Action Plan Priority Habitats.

RECOMMENDATIONS

- 9.51 On the basis of the survey undertaken the possible presence of great crested newts, bats, reptiles, nesting birds, badger, hedgehogs and common toad should be considered when preparing development and management proposals for the site.

For these species, the following recommendations are made:

Great crested newts

- 9.52 On the basis of the survey undertaken, it is possible that the development might impact on great crested newts and their populations within the local area. Whilst the potential impact may be small, detailed survey work to assess the presence and likely population density of this species on and close to the site is recommended. Given the known population of breeding great crested newts in the pond to the south of the site, and the known population of great crested newts in the balancing pond to the north of the site, a detailed survey to assess the significance of the population of great crested newts in the locality is recommended. If access is permitted, ideally this survey work will include the three ponds located within 100m of the survey site.
- 9.53 Depending on the findings of this assessment, a European Protected Species Mitigation Licence may be required before development could proceed. With appropriate mitigation it is unlikely that a EPSM Licence application would be refused. The proposed development site provides generally poor terrestrial habitat for great crested newts.

Bats

- 9.54 On the basis of the survey undertaken it is considered unlikely that the proposed development will impact on any significant maternity roosts within the buildings and the trees are not likely to provide suitable roosting habitat.
- 9.55 On the basis of the survey undertaken it is deemed likely that bats may visit the site occasionally to forage around the trees and shrubs and the presence of a small number of roosting bats in the buildings cannot be fully ruled out.
- 9.56 In order to follow current good practice guidelines to avoid risk to bats and /or their roost sites An internal inspection of the buildings for signs of bats is recommended as well as the following:
- Evening and dawn bat activity surveys should be undertaken at the appropriate time of year (May – September) to confirm or reasonably discount the presence of bats as per Bat Conservation Trust (BCT) guidelines current at the time.
- 9.57 The recommendations for survey work should be in accordance with the guidance set out in the BCT – Bat Surveys Good Practice guidelines, published in 2012 and generally regarded as the basis for good practice by Natural England.

- 9.58 In the event that bats are found during development, work likely to impact on the bat(s) should stop and advice be obtained from an appropriately licensed bat consultant or from Natural England's Batline (0845 1300 228).
- 9.59 Depending on the findings of surveys or before disturbing any bats or bat roosts or impacting on access/exit from bat roosts, it may be necessary to apply for a European Protected Species Mitigation (EPSM) licence before commencing / continuing works on site. The licence will include provision for mitigation for bats to ensure safe roosting and timing of works to avoid disturbance at critical times during the life-cycle of the bats. For low impact situations, as may be reasonably expected at Great Grovehurst Farm, and subject to appropriate mitigation, it is unlikely that an EPSM Licence applied would be refused.

Badger

- 9.60 On the basis of the survey undertaken, the potential presence of badgers moving across the site to forage from time to time cannot be entirely ruled out.
- 9.61 In order to reduce the risk of harm to badgers that might move across the site, the following procedure is recommended during development works:
- Ramps, such as wooden planking, should be installed in any excavations left open overnight, to permit badgers, and other mammals such as hedgehogs, to climb out.

Reptiles

- 9.62 Reptiles, such as slow-worm, common lizard and grass snake, may potentially be present on the site boundaries where itinerant individual animals may occasionally visit the site from adjoining suitable habitat.
- 9.63 Prior to any development of the site it is recommended that further survey work to assess the likely impact of reptiles within the locality is carried out. In the first instance this should involve the placement of artificial cover objects (ACOs) around the site and 7 visits to assess the presence/ likely absence of reptiles within the site boundaries.

Birds

- 9.64 No Schedule 1 species, including barn owl (*Tyto alba*), are expected to nest on site.
- 9.65 There are buildings, trees and scrub within the site that may afford suitable habitat for nesting birds such that their potential presence cannot be entirely ruled out. The following recommendations are made:
- Development works should be timed to avoid the bird breeding season (late March to early August).
- 9.66 Any activities in the more open areas of the site could start at any time during the year but if starting during the breeding season then the following best practice is recommended.
- A pre-check around vegetation by a suitably qualified ecologist to ensure that there are no active nests.

- If active nests are found within or close to the working area then all works that would disturb the discovered nest should cease and the nest left undisturbed until after the young birds have fully fledged.

Hedgehog and Common Toad

- 9.67 Should any hedgehog or common toad be encountered during works then they should be moved to a nearby area of suitable habitat, such as rough grass or scrub and remain undisturbed for the duration of the works.

Biodiversity Enhancement

- 9.68 In order to retain and enhance the biodiversity interest of the proposed development site it is recommended that:
- As far as possible ecological features on the site should be protected. Trees that are not to be affected during the works at the site should be fenced off, or alternative measures used, in order to protect the roots from machinery and other damage.
 - Appropriate native tree and shrub species should, in preference, be planted within the site and along site boundaries.
 - Climbing plants are planted against fences and on the walls of buildings.
 - Bird nest boxes and bat boxes are included in the proposals, including installation discretely into new buildings.
- 9.69 If these enhancements are implemented as part of the proposed development it is expected that the overall biodiversity interest at the site would be improved.

10. SITE PROPOSALS IN RELATION TO THE SWALE RAMSAR/SPA/SSSI: IMPACT ASSESSMENT

INTRODUCTION

- 10.1 Natural England is known to require an Appropriate Assessment (Habitats Regulations Assessment) for the North West Sittingbourne allocation.
- 10.2 Under the Habitats Regulations, Appropriate Assessments are required to be carried out where a plan or project affects a Natura 2000 site. The Appropriate Assessment (AA) forms part of the wider Habitats Regulations Appraisal (HRA) and focuses exclusively on the qualifying interests of the Natura site affected and considers impacts on the conservation objectives of the site. AA is required when a plan or project affecting a Natura site:
- Is not connected with management of the site for nature conservation, and
 - Is likely to have a significant effect on the site (either alone or in combination with other plans or projects)
- 10.3 The main objective of the AA is to prove without reasonable scientific doubt that the integrity of the Natura site will not be adversely affected by the plan or project.

THE SWALE SPA

- 10.4 The conservation objectives of the Swale SPA are outlined below:

“With regard to the individual species and/or assemblage of species for which the site has been classified (“the Qualifying Features” listed below); avoid the deterioration of the habitats of the qualifying features, and the significant disturbance of the qualifying features, ensuring the integrity of the site is maintained and the site makes a full contribution to achieving the aims of the Birds Directive.

The “Qualifying Features” are:

- A046a *Branta bernicla bernicla*; Dark-bellied brent goose (Non-breeding)
 - A149 *Calidris alpina alpina*; Dunlin (Non-breeding)
 - Breeding bird assemblage
 - Waterbird assemblage
- 10.5 A full list of the conservation objectives of The Swale site can be found in Appendix 2 at the end of this report.
- 10.6 The results from this research have been combined with the ANGSt Guidelines to best inform the requirements and delivery of the creation of green space in line with potential development of the site. A summary of the guidance and application of ANGSt to the Great Grovehurst site can be found in Section 11 of this report and a detailed outline of natural accessible greenspace in the area surrounding the site is provided in the subsidiary ‘Natural Green Space Provision Study’ report.

POTENTIAL IMPACTS TO THE SWALE SPA

- 10.7 The potential impacts of increased development upon the SPA may include:
- Walkers – walkers across the SPA may cause disturbance to nesting and foraging birds. At The Swale this would include winter visitor and migrating birds, and particularly high tide roosts. This risk may be heightened on family walks where children and dogs are also present.
 - Cyclists - Cyclists may cause disturbance to nesting and foraging birds. At The Swale this would include winter visitor and migrating birds, and particularly high tide roosts.
 - Cats - Cats that enter the site on a regular basis are likely to have a high impact on ground nesting birds and those nesting in scrub/shrubs and trees.
 - Dogs – Dogs off the lead are likely to have a high impact upon ground nesting birds and may have an impact upon foraging birds, although this impact may be lower. At The Swale this would include winter visitor and migrating birds, and particularly high tide roosts.
- 10.8 General figures taken from the England Visits Leisure Survey (Countryside Agency, 2005) indicates that people typically travel:
- 10.8 miles (17.2 km) to visit a countryside site for the day;
 - 11.3 miles (18.1 km) to visit a woodland site for the day; and
 - 16 miles (25.5 km) to visit a coastal site for the day.
- 10.9 68% of journeys to the above sites were made by car and only 10% by foot.
- 10.10 Based on the general figures, the SPA is a coastal site and thus may typically attract visitors from up to 16 miles away, which would include the Great Grovehurst site. The majority of increased pressure is therefore likely to come from people travelling by car to the SPA.
- 10.11 A 'North-Kent Visitor Survey Results' Report was published in 2011 by Footprint Ecology. The aims of this report were to collect information on how visitors to the SPA use the site for recreation in order to identify the areas of the SPA under the greatest pressures. This information was gained through on-site visitor surveys involving direct counts of visitors and interviews with samples of visitors at various locations across the SPA. Included in the key findings were the following:
- 62% interviewed groups were dog walking.
 - 96% interviewed groups were local residents who had made their visit there from home.
 - 63% of visitors interviewed travelled to the site by car or van, 34% came by foot, 3% by bicycle and 2% by public transport.
 - 50% of visitors who arrived by car lived within 4.2km of their visit location and 50% of visitors who arrived by foot lived within 0.8km of their visit location.
 - 90% of visitors who arrived by foot lived within 2.7km of their visit location.
 - Interviewees were asked what features would be necessary to make another site attractive as an alternative and 63% responded 'nothing'. Of the remaining 37% of responses, 19% identified 'closer to home'; 18% indicated 'better path surfacing/improved path network' and 16% cited 'more dog friendly' as features which would attractive them to alternative locations.

ASSESSMENT OF IMPACT*Walkers*

- 10.12 The Swale SPA is extensive (6514.71 ha). Access for walkers is restricted to the upper margins and seawalls. There is limited pedestrian access to The Swale in the area around Kemsley. Impacts of walkers will mainly be during autumn and winter and periods of high tide and particularly when birds are concentrated in high tide roosts.
- 10.13 The footpath/cycle route through the 'Great Grovehurst Farm (North of Swale Way)' site connects the strategic housing allocation at Iwade to the strategic employment area at Kemsley. This shared footpath/cycle route does not link the Great Grovehurst Farm site to The Swale SPA.
- 10.14 Based on the findings of the 'North-Kent Visitor Survey' Report, it is likely that the majority of increased pressure on the SPA may be expected to come from people driving to the SPA to walk their dog rather than by people accessing the site by foot. This is made more likely given that there are no known pedestrian access routes in place that directly link the Great Grovehurst Farm site to the SPA. As Great Grovehurst lies 1km from The Swale, as the crow flies, or 5.2miles by road to the nearest designated car park, it should be expected that any future residents are more likely to drive, rather than walk, to the site.
- 10.15 The Saxon Shore Way long distance footpath follows the seawall on the southern edge of the protected area. At its nearest point to the Great Grovehurst Farm site, this lies approximately 1.8km east.
- 10.16 There is an extensive network of footpaths throughout The Swale SPA, which mitigates the impact of walkers on sensitive habitats, assuming that the majority of visitors do not stray from the designated walkways.
- 10.17 Given the existing high level of visitor volume and the fact that there are defined well-used footpaths, in the context of the proposed development, the impact of additional walkers alone is not considered to be significant.
- 10.18 Although walking in itself may have only a minor potential impact upon the interest features of the SPA, walking dogs poses a potentially more significant impact.

Cyclists

- 10.19 Cycling is unlikely to be of significance to the SPA features of interest because cyclists would, in general stay on the cycle paths. The routes along the seawalls are not ideal for cyclists. Cycling access to the SPA from Great Grovehurst is limited, with no direct provision of cycling routes/bridleways from the Great Grovehurst Farm site.
- 10.20 Results from the 'North-Kent Visitor Survey' Report also show that cycling is not a common activity of visitors to the SPA.
- 10.21 The impact of cyclists on the SPA is considered negligible.

Cats

- 10.22 A study of the home range and activity patterns of free-roaming domestic cats (Horn, J, A. *et al*, 2011) has shown domestic cats wander an average range of just under 2ha. Calculated linearly this would suggest they would travel an average of approximately 150m.

- 10.23 Even if any domestic cats were to stray further from the proposed development, it is highly unlikely that they would travel the 1km required to reach The Swale SPA. Great Grovehurst Farm lacks good connectivity of suitable habitat for cats to travel to the SPA. Further, residential gardens and associated habitat within the proposed development site would be expected to provide adequate territory for cats.
- 10.24 The impact of domestic cat in this case, is considered negligible.

Dog Walking

- 10.25 Dogs are known to cause disturbance to birds in a number of ways; nesting adult birds displaced from their nests by dogs leave eggs and/or chicks exposed and signal to predators where nests are located. Energy that could be used for feeding or rearing young is used on flight responses to dogs, and birds regularly disturbed from feeding by humans and dogs may not gain sufficient weight for migration and subsequent breeding (Showler *et al.* 2010). The most likely disturbance of birds within The Swale is to wintering birds and high-tide roosts.
- 10.26 Several studies on the distances people are likely to walk to natural areas have been undertaken, giving an average distance of 2.2km by walkers with or without dogs.

Travelling by foot to the SPA

- 10.27 The proposed development site at Great Grovehurst Farm is approximately 1km south-west of The Swale as the crow flies. The distance likely to be covered by dog walkers travelling by foot to The Swale is thus likely to be greater than 1km. There are currently no public access paths directly linking the Great Grovehurst Farm site to The Swale. A recent strategic employment development within the Kemsley area is now linked to the strategic housing development at Iwade with the creation of pedestrian access through the 'Great Grovehurst Farm (North of Swale Way)' site and across the railway line to the north-east. This footpath does not link directly to the SPA. The shortest route by car from Great Grovehurst Farm to an accessible and designated car park of The Swale is 5.2miles. As such, dog-walking pressures from people travelling to the SPA by foot may not significantly increase with the proposed development at Great Grovehurst Farm. Any increase in pressure from dog walkers is likely to come from people travelling to the site by car, as highlighted in the 'North-Kent Visitor Survey' report.

Travelling by car to the SPA

- 10.28 In the absence of appropriate mitigation, a slight increase in dog-walking within The Swale SPA as a direct result of the proposed new development is expected, particularly as people may travel to the site by car. The main pressure likely to be experienced as a result of additional use of the site by dog walkers is the potential disturbance of feeding/roosting birds by dogs.
- 10.29 However, dog walkers are thought to be much more likely to use footpaths connecting the site to the Kemsley Recreation Ground, which lies approximately 500m south of the site and is 2.1ha in size. People willing to travel over 1km by foot or by car to walk their dogs are considered more likely to visit the Church Marshes Country Park, which already incorporates car parking and extensive dog walking facilities.

- 10.30 The optimal provision of facilities for dog walkers within the Kemsley Recreation Ground and Church Marshes Country Park is likely to provide suitable mitigation for any potential disturbance caused to the qualifying features of the SPA by dogs. It is more likely that people travelling to the SPA will be interested in its ornithological value rather than its value as a potential dog walking site, particularly as more suitable dog walking sites exist closer by. As such, the provision of increased awareness of, and access to, Kemsley recreation ground and the Church Marshes Country Park from the Great Grovehurst site should provide sufficient mitigation against potential detrimental impacts caused by dog walking on the SPA, at least in the short-term.
- 10.31 It is considered that the integration of a new accessible greenspace within the strategic allocation of the proposed development at 'Land at Pheasant Farm' will offer a long-term provision of mitigation against the impacts of dog-walking at the SPA. The provision of suitable dog-walking habitat within the 'Land at Pheasant Farm' site will be tied in with the necessary provision of natural greenspace according to Natural England ANGSt criteria. As such, the provision of this greenspace will be provided commensurate with timing of development works at Great Grovehurst Farm.
- 10.32 Any increase in the amount of dog-walking within The Swale SPA may impact on its conservation objectives. However, if the short- and long-term provisions outlined above are implemented, then impacts of dog walkers from the proposed development at Great Grovehurst Farm on the SPA will be minimised.

CONCLUSION AND MITIGATION RECOMMENDATIONS

- 10.33 The proposed development at Great Grovehurst Farm is located approximately 1km south-west of The Swale (SPA, SSSI, Ramsar) site.
- 10.34 Natural England is known to require an Appropriate Assessment (Habitats Regulations Assessment) for the North West Sittingbourne allocation.
- 10.35 Given that the proposed development will bring a new population (from up to 130 new residential dwellings) at the closest point to the protected area of The Swale, it is deemed possible that an increase in pressure on The Swale site may be a direct consequence of the development.
- 10.36 Walkers with dogs, travelling to the SPA by car, pose the greatest potential impact to the SPA as a result of the proposed development at Great Grovehurst Farm.
- 10.37 Mitigation for the potential impact of dog walkers on The Swale SPA is recommended in the short-term as a contribution towards improved signage and access to the Church Marshes Country Park. In the long-term, mitigation is recommended as provision of suitable dog walking facilities within the proposed ANGSt area within the 'Land at Pheasant Farm' site.
- 10.38 Providing that the short- and long-term mitigation strategies above are implemented, then no significant impact on the conservation objectives and the integrity of The Swale site is considered likely.

11. ACCESSIBLE NATURAL GREENSPACE STANDARD (ANGST) CREATION

BACKGROUND

- 11.1 The Accessible Natural Greenspace Standard (ANGSt) was originally based on the research into the minimum distance people would travel to the natural environment. The standard was reviewed in 2008 and guidance produced on how best to apply the ANGSt standard. The ANGSt standard is becoming more necessary with the emphasis of the National Planning Policy Framework PPS1 on 'Green Infrastructure' and green space now being considered a "necessity" rather than "amenity". The three underlying principles of ANGSt are to improve access to, naturalness of, and connectivity to green spaces. In the context of this proposed development site, the standard can therefore be applied for planning new spaces and protecting, enhancing and managing existing spaces.
- 11.2 In addition, a further consideration for the proposed development site is to create an area of public green space with easy access and sufficient appeal so as to encourage people to use this area in preference to the nearby Swale SPA, particularly for dog walking. The prime conservation interest of the Swale SPA is the presence of breeding birds afforded statutory protection under the Wildlife and Countryside Act 1981 as well as being listed on the BoCC. The concern is that additional human presence and a rise in dog-walking at the SPA may negatively impact on the bird species present. As such, any creation of a new, natural green space could also be used in this instance to combine mitigation requirements for the impacts of dog walking on the SPA.
- 11.3 ANGSt recommends that everyone, wherever they live, should have an accessible natural greenspace:
- of at least 2 hectares in size, no more than 300 metres (5 minutes walk) from home;
 - at least one accessible 20 hectare site within 2 kilometres of home;
 - one accessible 100 hectare site within 5 kilometres of home; and
 - one accessible 500 hectare site within 10 kilometres of home; plus
 - a minimum of 1 hectare of statutory Local Nature Reserves per thousand population.
- 11.4 These requirements can be met through different types of green space including local parks, greenways and footpaths, areas set aside for sustainable urban drainage systems, woodland and heathland. The guidelines also state that active management and promotion should be carried out to ensure that people know where their local green spaces are and that they feel comfortable using them. Provision for disabled people should also be taken into account in relation to physical access, information, interpretation and signage.
- 11.5 Whilst the purpose of the creation of an ANGSt site in this instance is to meet the above recommendations, it is also recommended to consider three other standards, which it would be desirable to incorporate into the plans:
- Six Acre Standard: Recommends that 6 acres (2.4ha) of recreational space is required for every 1000 people.
 - Towards a Level Playing Field: Using a toolkit devised by Sport England, forecasts can be made for future demand for pitches through an assessment of the number of teams generated per 1000 population in the local area.

- Woodland Access Standards: No person should live more than 500m from at least one area of accessible woodland of no less than 2ha in size and there should be at least one area of accessible woodland of no less than 20ha within 4km of people's homes.

11.6 Further to this, ANGSt sites offer potential to improve biodiversity in the area as well as the health, education and community cohesion of local people. Where possible, these additional features of ANGSt sites should be incorporated into the plans and design. According to the ANGSt 'Nature Nearby' Guidelines (2010):

"In dense urban areas where the ANGSt criteria are not achievable in the foreseeable future, the emphasis will be on improving the quality, naturalness, usability and access of existing spaces. ANGSt is however a minimum recommended standard, and provision above this level should not be regarded as surplus."

APPLICATION

11.7 The proposed development on the Great Grovehurst Farm site is to build up to 130 new homes on this area of approximately 4.7ha. Based on figures from the Office of National Statistics, 2011, an average of 2.4 people are present per household. Based on these approximations, the new development of 130 homes is likely to lead to an additional 312 people living in the area.

11.8 As detailed in the subsidiary 'Natural Green Space Provision Study' report, the ANGSt criteria have been met with one exception: the provision of an accessible green space of at least 2ha in size within 300 metres from peoples' homes. This should be taken into account alongside the need to provide favourable dog walking facilities for people living in the new development, in order that The Swale SPA does not suffer negatively from the proposals.

RECOMMENDATIONS

- 11.9 The potential options for the creation of an ANGSt site are listed here:
- Provision of green space area within the Great Grovehurst Farm site.** Given that the green space is required to be 2ha in size, if it was created entirely within the Great Grovehurst Farm site this would leave approximately 2.7ha available for the immediate building of homes. Subsequent construction of additional homes within the remainder of the Great Grovehurst Farm site would have to be timed with development of greenspace within the other 3 sites in order that suitable green space is available at all times to occupied homes within the Great Grovehurst Farm site. This would require appropriate phasing of works in line with the other sites as per the following options.
 - Provision of green space area within the 'Great Grovehurst Farm (north of Swale Way)' site.** An area of open green space of approximately 4.2ha is proposed along the western edge of the 'Great Grovehurst Farm (north of Swale Way)' site, which lies to the north of the proposed development site. If the timing of the works for this site coincide to provide this accessible greenspace when new residential dwellings are occupied within the Great Grovehurst Farm site, then this would fulfill the ANGSt requirements of providing 2ha of accessible green space within 300m of the proposed new dwellings. This is of course assuming that suitable pedestrian access between the two sites is improved.

- c. **Provision of green space area within the 'Land at Pheasant Farm' site.** This site is approximately 10.7ha in size, of which 7.42ha may be considered as accessible green space with footpaths connecting this area to the other sites. This site would serve to act as the green space for the homes built across all 4 sites within the wider proposals. However, the phased timing of the provision of this green space would need to be tied in with the timing of residents moving into any new homes on the proposed Great Grovehurst Farm site. Should the land owners agree to a minimum of 2ha at the northern end of the 'Land at Pheasant Farm' site being developed as green space to coincide with development of housing on the Great Grovehurst Farm site, this may be suitable within the preferred timescale. The green space area within the 'Land at Pheasant Farm' site would then need to be increased in line with timing of further homes being developed within the wider site.

This may also provide some suitable provision for dog walking, although the Church Marshes Country Park, some 52ha in size and 1.2km from the site at the nearest point, is thought likely to provide the most suitable dog walking provision in line with mitigation proposals for the SPA. Any dog walking provisions within the green space proposed at the 'Land at Pheasant Farm' site would therefore be an additional bonus beyond the likely requirements of mitigation for dog walkers on the SPA.

- d. **Contribution to improving the quality, naturalness, usability and access of existing spaces.** Given that this does not include the creation of the required 2ha of greenspace within 300m of the site, these recommendations must be used in addition to one of those listed above:
- The provision of good signage to nearby greenspaces such as the Kemsley recreation ground and Church Marshes Country Park.
 - The provision of additional footpaths making access to existing greenspaces easier and with reduced travel time on foot.
 - The contribution towards improving access for people with disabilities to existing nearby greenspaces.
 - The contribution towards an improvement in the level of enjoyability to be gained from existing greenspaces. This may include extra provision of recreational facilities, improvements to community engagement or enhancements to biodiversity within existing greenspace areas.
 - The contribution towards advertisements of accessible natural greenspaces in the locality.

Whilst these contributions towards improving access to and enjoyment of existing greenspaces may aid fulfillment of ANGSt criteria, the provision of additional and accessible greenspace a minimum of 2ha in size and located within 300m of the proposed residential development, must be planned within the Great Grovehurst Farm site or the wider development across all 4 sites.

- 11.10 Whilst the need for creation of an ANGSt site and the provision of dog walking mitigation for the SPA are both likely requirements for the proposed development, the provision of a new ANGSt site may simultaneously alleviate the mitigation required for dog walkers. It is considered that if a 2ha ANGSt area is created within 300m of the planned new homes, then dog walkers are considered more likely to use the ANGSt than walk beyond 1km to the SPA. Further, the Church

Marshes Country Park is located within 2km of the proposed development site and this already offers suitable and expansive dog walking facilities beyond the average length of a dog walk of 2.2km. It may therefore be that if recommendations made in section 11.9d are implemented then no creation of new dog walking space will be required in order to mitigate against the impacts of dog walkers on the SPA.

CONCLUSION AND MITIGATION RECOMMENDATIONS

- 11.11 As outlined in detail in the Annex Report 'Natural Green Space Provision Study', the only ANGSt criteria not currently met by the proposals is the provision of an area of at least 2ha within 300m from the proposed development at Great Grovehurst Farm. It is considered that the optimal solution is that detailed in section 11.9 c. This would involve the provision of accessible natural greenspace in excess of the required 2ha within 300m of the Great Grovehurst Farm site. This would enable the project to meet and exceed the minimum ANGSt requirements.
- 11.12 Dog-walkers travelling by car pose the greatest potential impact to the SPA as a result of the proposed development at Great Grovehurst Farm. Mitigation to reduce the recreational pressure, that is, the contribution to an accessible green space, which simultaneously meets ANGSt recommendations, would assist to reduce this impact. Alternatively, dog walking pressures on the SPA could be reduced by improved access and signage to the Church Marshes Country Park, which already provides dog walking facilities in excess of the average 2.2km dog-walk.
- 11.13 The potential impact of dog walkers on the SPA will be diffused somewhat by the number of other recreational sites in the locality. The creation of a new ANGSt site within the wider North-west Sittingbourne Strategic Allocation may simultaneously offset the potential increase in recreational pressure upon The Swale from the proposed development at Great Grovehurst Farm. Providing this extra provision of accessible greenspace is created and made available at the commencement of occupancy within the dwellings proposed at the Great Grovehurst Farm site, or improvements to access to Church Marshes Country Park are implemented, the impacts of the increased human population in the locality are considered to be minimal on the Swale SPA and all ANGSt requirements will be met.

12. OVERALL SUMMARY AND CONCLUSIONS

- 12.1 An ecological assessment was undertaken in respect of the proposed residential development at Great Grovehurst Farm, Kemsley, Kent.

Impact assessment in relation to The Swale SPA/Ramsar/SSSI

- 12.2 The Great Grovehurst Farm site lies approximately 1km south-west of The Swale SPA/SSSI/Ramsar site. An assessment was made of the potential impact of development at Great Grovehurst Farm on the protected SPA.
- 12.3 It should be noted that there is no habitat suitable for the known breeding birds listed as qualifying features for the SPA (Eurasian Marsh Harrier, Mediterranean Gull and Avocet), within the Great Grovehurst site.
- 12.4 Walkers with dogs pose the greatest potential impact to high tide roost sites within the SPA and associated bird species of interest as a result of the proposed development at Great Grovehurst Farm. This potential impact is, however, likely to be reduced by the lack of easy pedestrian access to the SPA from the proposed development site.
- 12.5 Any additional sites suitable for walkers with dogs, such as Church Marshes Country Park, are likely to act as a buffer to the SPA, reducing the potential recreational impact upon The Swale.
- 12.6 Contribution to an ANGSt site in the area would further assist to mitigate this potential impact.

ANGSt Study

- 12.7 It is recommended that an agreement is sought with landowners of the 'Land at Pheasant Farm' site in order that their proposed green space area is developed as an ANGSt site for the proposed residential development. This site lies within 300m of the proposed residential development at Great Grovehurst Farm, so providing it covers an area greater than 2ha (which current plans exceed) and suitable accessibility is created between the two sites, all ANGSt criteria will be met.

Site Survey

- 12.8 As is routine, in order to determine the potential impact on biodiversity, of proposed new developments, a site scoping survey was undertaken at the land at Great Grovehurst Farm. This included an assessment of the potential for protected species and species and habitats of conservation interest within and adjacent to the survey site.
- 12.9 As there are ponds within 500m of the survey site, further survey work to determine the potential impact upon great crested newts is recommended. The surveys for this species would include detailed surveys of water bodies within 500m of the Great Grovehurst Farm site. This would include up to 6 evening and early morning surveys at the appropriate time of year, ideally April and May, of those waterbodies shown to have definite or potential populations of great crested newts.
- 12.10 Given the recorded presence of reptiles within the locality, further survey work to determine the presence/likely absence of reptiles within the site is recommended prior to commencement of any development works. This should involve the placement of ACOs around the site and at least 7 subsequent visits during late March - June and September.

- 12.11 Due to the records of bat species within the locality and the potential presence of a small number of roosting bats within the buildings on site and the use of the wider site by foraging and commuting bats, further survey work is recommended. This should involve an internal inspection of all of the buildings within the site as well as evening and dawn bat activity surveys to be carried out at the appropriate time of year (May – September).
- 12.12 Precautionary mitigation measures are recommended for badgers, hedgehogs, common toad and nesting birds. No detailed surveys are proposed for these species.
- 12.13 The proposed development at Great Grovehurst Farm provides the opportunity to enhance the site for wildlife. A mosaic of houses with gardens will offer better biodiversity opportunities than the crop field, which currently incorporates the majority of the site.

Biodiversity enhancement

- 12.14 It is considered that the proposed development offers opportunities to enhance the biodiversity of the site. To achieve this it is recommended that:
- *The mature trees are retained where possible.*
 - *Native plant species, including trees and shrubs of local provenance, should be planted on site, particularly to augment perimeter hedgerows.*
 - *Where possible, consideration should be given to habitat connectivity. At present there are few hedgerows and tree lines on site. Planting native species hedgerows that join with other lines of vegetation or trees throughout the landscape would be beneficial.*
 - *Areas of post-development grassland should be planted with a wildflower mixture, or grassland mixture with benefit to wildlife (such as a mix with a high clover percentage) where appropriate.*
 - *Habitat creation would be beneficial for wildlife and should be taken into consideration. For example, creating ponds and a wildflower meadow.*

13. REFERENCES

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14. APPENDIX 1 - PROTECTED SPECIES LEGISLATION (GENERAL NOTES)

- 14.1 The legal protection of animals and plants in the United Kingdom is mainly provided for by:
- The Wildlife & Countryside Act 1981 as amended by the Countryside and Rights of Way Act 2000,
 - The Habitats and Species Directive (92/43/EC) enacted through the The Conservation of Habitats and Species (Amendment) Regulations 2012.

The level of protection for each species varies according to the conservation status of the species.

- 14.2 There are in addition a number of other relevant, but more specific Acts, such as:
- The Protection of Badgers Act 1992.
- 14.3 The Countryside and Rights of Way Act 2000 supplemented existing legislation for wildlife protection by prohibiting reckless acts that result in the killing or injuring of protected species.
- 14.4 The Natural Environment and Rural Communities Act 2006 requires that every public authority in exercising its functions must have regard as far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity. Section 41 of this Act requires the Secretary of State to have prepared lists of species and habitats which are considered to be of principal importance for the purpose of conserving biodiversity [The UK Biological Action Plan (BAP) species].
- 14.5 Great crested newt, dormouse and all bats are among the species afforded the highest level of protection. These species are listed in Schedule 2 of the 2012 (Amendment) Regulations and in Schedule 5 of the Wildlife & Countryside Act 1981. For example for bats the legislation makes it illegal to:
- Intentionally or deliberately kill, injure or capture (or take) bats;
 - Deliberately disturb bats (whether in a roost or not);
 - Recklessly disturb roosting bats or obstruct access to their roosts;
 - Damage or destroy bat roosts;
 - Possess or transport a bat or any part of a bat, unless acquired legally;
 - Sell (or offer for sale) or exchange bats, or parts of bats.

The legislation requires that development works affecting these species are subject to a licence granted by an appropriate authority. This authority is currently The Wildlife Licensing Office of Natural England.

- 14.6 All wild birds (birds in a wild state resident in or visiting Great Britain) and their nests and eggs are protected under the Wildlife & Countryside Act 1981. Particular emphasis is given to the protection of breeding birds. With certain exceptions, it is an offence to:
- Kill, injure or take wild birds;
 - Take, damage or destroy the nest of wild birds while in use or being built;
 - Take or destroy the eggs of wild birds;

- Disturb wild birds listed in Schedule 1 when nest building or at a nest containing eggs or young, or disturb dependent young of wild birds.
- 14.7 Reptiles, including common lizards, slow-worms and grass snakes, are protected under the Wildlife & Countryside Act 1981 against deliberate killing, injuring and sale (Sub-Sections 9 (1) and 9 (5)). These species are listed in Schedule 5 of the Act.
- 14.8 In April 2008, water voles were given full protection under Section 9 of the amended 1998 Wildlife and Countryside Act of 1981. It is an offence to:
- Kill, injure or take water voles;
 - Intentionally or recklessly damage, destroy or obstruct access to any structure or place which water voles use for shelter or protection;
 - Disturb water voles while they are using such a place.
- 14.9 A small number of invertebrates including some species of beetle, cricket, butterfly and moth, are protected under Section 9, Schedule 5 of the amended 1998 Wildlife and Countryside Act of 1981 against deliberate killing, injuring and taking.
- 14.10 A number of plant species are protected under Section 13 of the amended 1998 Wildlife and Countryside Act of 1981. It is an offence to intentionally pick, uproot or destroy any wild plant listed in Schedule 8 of the Act. The list includes both higher plants including several of the rarer orchids and lower plants including several mosses and lichens.

National Planning Policy Framework

- 14.11 In addition to primary legislation, the government published the National Planning Policy Framework on 27 March 2012 to make the planning system less complex and more accessible. Within this, Chapter 11 is headed - Conserving and enhancing the natural environment (Sections 109 to 125). Of particular relevance here are the following statements:
- That the planning system should contribute to and enhance the natural and local environment by, amongst other things, ‘ minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government’s commitment to halt the overall decline in biodiversity,’ (Section 109)
 - Local planning authorities should set criteria based policies against which proposals for any development on or affecting protected wildlife, ... will be judged. (Section 113)
 - When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles: (Section 118)
 - If significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequate mitigated, or, as a last resort, compensated for, then planning permission should be refused.
 - Opportunities to incorporate biodiversity in and around developments should be encouraged.
- 14.12 It should also be noted that the presumption in favour of sustainable development (para. 14 of the Framework) does not apply where development requiring appropriate assessment under the Birds or Habitats Directives is being considered, planned or determined. (Section 119)

- 14.13 It should be noted that Planning Policy Statement (PPS9) Biodiversity and Geological Conservation, has been replaced by the NPPF. However, the Dept. of Central and Local Government have confirmed that, although ODPM Circular 06/2005 is referenced in the NPPF only in relation to site hierarchy (Para 113), it remains valid in its entirety (Informative from the IEEM: 2 April 2012). This Circular provides guidance as to how planning officers should deal with protected species issues.
- 14.14 Guidance has also been issued by the European Commission in respect of projects significantly affecting Natura 2000 sites, (SPA's and SAC's) Methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC (2001) and Guidance document on the strict protection of animal species of Community interest under the Habitat Directive 92/43/EEC (2007).
- 14.15 Under Section 41 of the Natural Environment and Rural Communities Act 2006, the Secretary of State for Environment, Food and Rural Affairs has prepared a list, identifying the living organisms (species) and habitats which the Secretary of State, following consultation with the statutory nature conservation advisers, Natural England, considers to be of principal importance for the conservation of biological diversity in England, in accordance with the 1992 UN Convention on Biological Diversity [BAP species and habitats].
- 14.16 The list includes a range of species including birds, mammals, fish and invertebrates, higher and lower plants. The list is to be kept under review and revisions will be made as necessary at 5 year intervals as part of the progress reports on the Biodiversity Strategy for England. The most recently list was published in August 2007.
- 14.17 Though not part of legislation there are in addition published lists of species of conservation concern which may include some but not all BAP species. For example:

Birds of Conservation Concern

- 14.18 The UK's leading non-governmental bird conservation organisations have agreed the priorities for bird conservation after reviewing the status of all bird species in the UK, Channel Islands and Isle of Man. This approach followed that of the government's steering Group on biodiversity and lead to the publication during 1996, of a list of Birds of Conservation Concern. This list is reviewed and was updated during 2002.
- 14.19 The list is divided into three sections: red, amber and green. The red list includes species that are of greatest concern and deserve urgent, effective conservation action. Amber list species are of medium conservation concern, while green list species must, at least, be monitored.

Red Data Species

- 14.20 These are those species which are currently recognised as being rare and most threatened.
- 14.21 Some of these species have restricted distributions or limited population sizes because of their ecological requirements. Others were once common in the countryside but have declined in numbers and /or range.

15. APPENDIX 2 - CONSERVATION OBJECTIVES OF THE SWALE SPA/SSSI/RAMSAR SITE



**European Site Conservation Objectives for
The Swale Special Protection Area
Site Code: UK9012011**

With regard to the individual species and/or assemblage of species for which the site has been classified ('the Qualifying Features' listed below);

Avoid the deterioration of the habitats of the qualifying features, and the significant disturbance of the qualifying features, ensuring the integrity of the site is maintained and the site makes a full contribution to achieving the aims of the Birds Directive.

Subject to natural change, to maintain or restore:

- 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 the qualifying features;
- The distribution of the qualifying features within the site.

Qualifying Features:

A046a *Branta bernicla bernicla*; Dark-bellied brent goose (Non-breeding)
A149 *Calidris alpina alpina*; Dunlin (Non-breeding)
Breeding bird assemblage
Waterbird assemblage

Additional Qualifying Features Identified by the 2001 UK SPA Review:

A054 *Anas acuta*; Northern pintail (Non-breeding)
A056 *Anas clypeata*; Northern shoveler (Non-breeding)
A081 *Circus aeruginosus*; Eurasian marsh harrier (Breeding)
A082 *Circus cyaneus*; Hen harrier (Non-breeding)
A132 *Recurvirostra avosetta*; Pied avocet (Breeding)
A132 *Recurvirostra avosetta*; Pied avocet (Non-breeding)
A137 *Charadrius hiaticula*; Ringed plover (Non-breeding)
A140 *Pluvialis apricaria*; European golden plover (Non-breeding)
A141 *Pluvialis squatarola*; Grey plover (Non-breeding)
A143 *Calidris canutus*; Red knot (Non-breeding)
A156 *Limosa limosa islandica*; Black-tailed godwit (Non-breeding)
A157 *Limosa lapponica*; Bar-tailed godwit (Non-breeding)
A162 *Tringa totanus*; Common redshank (Non-breeding)
A176 *Larus melanocephalus*; Mediterranean gull (Breeding)

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