Faversham Neighbourhood Plan

Report to Inform Habitats Regulations Assessment

Faversham Neighbourhood Plan Group

October 2022

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Quality information

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Table of Contents

Tables

1. Introduction

1.1 AECOM was appointed by Faversham Neighbourhood Plan Group to undertake a Report to Inform the Habitats Regulations Assessment (HRA) of the Faversham Neighbourhood Plan (FNP) 2022-2038. This is to inform the planning group and local council (Swale Borough Council, as competent authority) of the potential effects of Neighbourhood Plan (NP) development on European sites (Special Areas of Conservation, SACs, Special Protection Areas, SPAs, and Ramsar sites designated under the Ramsar convention), and how they are being, or should be, addressed in the draft NP.

1.2 The FNP contains policies on green spaces and the natural environment; on the community and leisure; on heritage and protection for historical features in the community; policies to encourage employment and others on transport addressing the needs of residents who have a variety of reasons to travel.

1.3 For the purpose of informing this report, policies contained within the Swale Local Plan, which is the current Local Plan at the time of writing (adopted in July 2017), and the Bird Wise North Kent Mitigation Strategy (January 2018) - in relation to recreational pressure from residential development have been referenced.

1.4 The objective of this report is to identify if any policies and/or site allocations proposed in the FNP have the potential to cause Likely Significant Effects (LSEs) and, where identified, adverse effects on the integrity of European sites, either in isolation or in combination with other plans and projects, and to determine whether site-specific or policy mitigation measures are required.

Local Context

1.5 Faversham is a civil parish in the Kent Borough of Swale. It is situated at the head of Faversham Creek, south of the Swale and off Watling Street, the historic corridor between London and Dover. The town is located 16km west of Canterbury, 27km east of Rochester, and 77km south-east of London.

1.6 The Parish includes the market town of Faversham and the historically distinct settlements of Ospringe to the south-west and Preston-next-Faversham to the south. The centre of the main settlement is located south of Faversham Creek and is formed by the crossing of West Street, East Street, Preston Street, and Court Street near Market Place.

1.7 The town has a railway station with direct links to London Victoria and St Pancras, Ebbsfleet, Dover, Rochester, Canterbury, and Ramsgate. It is served by several bus routes that connect to Sittingbourne, Ashford, Whitstable, and Canterbury. London Road and Canterbury Road in the Parish form part of the A2 corridor, and the M2 motorway bypasses the south of the built-up area.

1.8 Faversham has an extensive historic core whose rich architecture has been protected by a Conservation Area since 1971. Ospringe and Preston-next-Faversham have their own smaller Conservation Areas.

1.9 The Parish's main landmarks include: the churches of St Mary the Charity, St Catherine, St Mary Magdalene, and St Peter and St Paul; the Guildhall; the Faversham Almshouses; TS Hazard; and the Maison Dieu.

1.10 Faversham is home to a historic brewery, a shipyard, several cultural institutions including museums and a cinema, as well as a wide array of shops and restaurants. Markets are held on Tuesdays, Fridays, and Saturdays every week on Market Place under a Royal Charter from King Henry VIII granted in 1546. The Parish has a number of green spaces and lies in close proximity to the Kent Downs Area of Outstanding Natural Beauty (AONB).

Legislative Context

1.11 The UK left the EU on 31 January 2020 under the terms set out in the European Union (Withdrawal Agreement) Act 2020 ("the Withdrawal Act"). This established a transition period, which ended on 31 December 2020. The Withdrawal Act retains the body of existing EU-derived law within our domestic law. During the transition period EU law applies to and in the UK. The UK is no longer a member of the European Union. However, Habitats Regulations Assessment will continue as set out in the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019[1].

1.12 The HRA process applies the 'Precautionary Principle'[2] to European sites. Plans and projects can only be permitted having ascertained that there will be no adverse effect on the integrity of the European site(s) in question. Plans and projects with predicted adverse impacts on European sites may still be permitted if there are no alternatives to them and there are Imperative Reasons of Over-riding Public Interest (IROPI) as to why they should go ahead. In such cases, compensation would be necessary to ensure the overall integrity of the site network.

1.13 The need for Appropriate Assessment (**Box 1**) is set out in the Conservation of Habitats and Species Regulations 2017 (as amended).

Box 1: The legislative basis for Appropriate Assessment

Conservation of Habitats and Species Regulations 2017 (As Amended)

With specific reference to Neighbourhood Plans, Regulation 106(1) states that:

"A qualifying body which submits a proposal for a neighbourhood development plan must provide such information as the competent authority [the Local Planning Authority] may reasonably require for the purpose of the assessment under regulation 105… [which sets out the formal process for determination of 'likely significant effects' and the appropriate assessment']."

1.14 It is therefore important to note that this report has two purposes:

- To assist the Qualifying Body (Faversham Town Council) in preparing their plan by recommending (where necessary) any adjustments required to protect European sites, thus making it more likely their plan will be deemed

[1] these don't replace the 2017 Regulations but are just another set of amendments

[2] The Precautionary Principle, which is referenced in Article 191 of the Treaty on the Functioning of the European Union, has been defined by the United Nations Educational, Scientific and Cultural Organisation (UNESCO, 2005) as: *"When human activities may lead to morally unacceptable harm* [to the environment] *that is scientifically plausible but uncertain, actions shall be taken to avoid or diminish that harm. The judgement of plausibility should be grounded in scientific analysis".*

compliant with the Conservation of Habitats and Species Regulations 2017 (as amended); and

- On behalf of the Qualifying Body, to assist the Local Planning Authority (Swale Borough Council) to discharge their duty under Regulation 105 (in their role as 'plan-making authority' within the meaning of that regulation) and Regulation 106 (in their role as 'competent authority') and undertake the formal Habitats Regulations Assessment decision.

1.15 As 'competent authority', the legal responsibility for ensuring that a decision of LSEs is made, an 'Appropriate Assessment' (where required) is undertaken, and Natural England are consulted, falls on the local planning authority. However, they are entitled to request from the Qualifying Body the necessary information on which to base their judgment and that is a key purpose of this report.

1.16 Over the years, the term 'Habitats Regulations Assessment' (HRA) has come into wide currency to describe the overall process set out in the Habitats Regulations, from screening through to identification of IROPI. This has arisen in order to distinguish the overall process from the individual stage of "Appropriate Assessment". Throughout this report the term HRA is used for the overall process and restricts the use of Appropriate Assessment to the specific stage of that name.

1.17 In spring 2018 the 'Sweetman' European Court of Justice ruling[3] clarified that 'mitigation' (i.e., measures that are specifically introduced to avoid or reduce a harmful effect on a Europeansite that would otherwise arise) should **not** be taken into account when forming a view on likely significant effects. Mitigation should instead only be considered at the Appropriate Assessment stage. This HRA has been cognisant of that ruling.

Scope of the HRA

1.18 There are no standard criteria for determining the ultimate physical scope of an HRA of a Plan document. Therefore, in considering the physical scope of the assessment, we were guided primarily by the identified impact pathways (called the source-pathway-receptor model) rather than by arbitrary 'zones'. Current guidance suggests that the following international sites be included in the scope of assessment:

- All sites within the boundary of Faversham; and,
- Other sites shown to be linked to development within the Parish boundary through a known impact 'pathway' (discussed below).

1.19 Briefly defined, impact pathways are routes by which the implementation of a policy within a Neighbourhood Plan document can lead to an effect upon a European site. An example of this would be new residential development resulting in an increased population and thus increased recreational pressure, which could then affect European sites by, for example, disturbance of wintering or breeding birds.

1.20 Guidance from the Ministry of Housing, Communities and Local Government (MHCLG) states that the HRA should be 'proportionate to the geographical scope of the [plan policy]' and that 'an AA need not be done in any more detail, or using

[3] People Over Wind and Sweetman v Coillte Teoranta (C-323/17)

more resources, than is useful for its purpose' (MHCLG, 2006, p.6). More recently, the Court of Appeal ruled that providing the Council (competent authority) was duly satisfied that proposed mitigation could be 'achieved in practice' to satisfy that the proposed development would have no adverse effect, then this would suffice. This ruling has since been applied to a planning permission (rather than a Core Strategy document). In this case the High Court ruled that for 'a multistage process, so long as there is sufficient information at any particular stage to enable the authority to be satisfied that the proposed mitigation can be achieved in practice it is not necessary for all matters concerning mitigation to be fully resolved before a decision maker is able to conclude that a development will satisfy the requirements of Reg 61 of the Habitats Regulations'.

The Layout of this Report

1.21 **Chapter** Error! Reference source not found. of this report explains the m ethodology by which this HRA has been carried out, including the three essential tasks that form part of HRA. **Chapter 3** provides details of the relevant European sites, including conservation objectives and current pressures and threats. **Chapter 4** provides detailed background on the main impact pathways identified in relation to the Neighbourhood Plan and the relevant European sites. **Chapter 5** undertakes the screening assessment of Likely Significant Effects (LSEs) of the Plan's policies and site allocations. The Appropriate Assessment is undertaken in **Chapter 6**. The conclusions arising from the HRA process so far are provided in **Chapter 7**.

Quality Assurance

1.22 This report was undertaken in line with AECOM's Integrated Management System (IMS). Our IMS places great emphasis on professionalism, technical excellence, quality, environmental and Health and Safety management. All staff members are committed to establishing and maintaining our certification to the international standards BS EN ISO 9001:2015 and 14001:2015, ISO 44001:2017 and ISO 45001:2018. In addition, our IMS requires careful selection and monitoring of the performance of all sub-consultants and contractors.

1.23 All AECOM Ecologists working on this project are members (at the appropriate level) of the Chartered Institute of Ecology and Environmental Management (CIEEM) and follow their code of professional conduct (CIEEM, 2017).

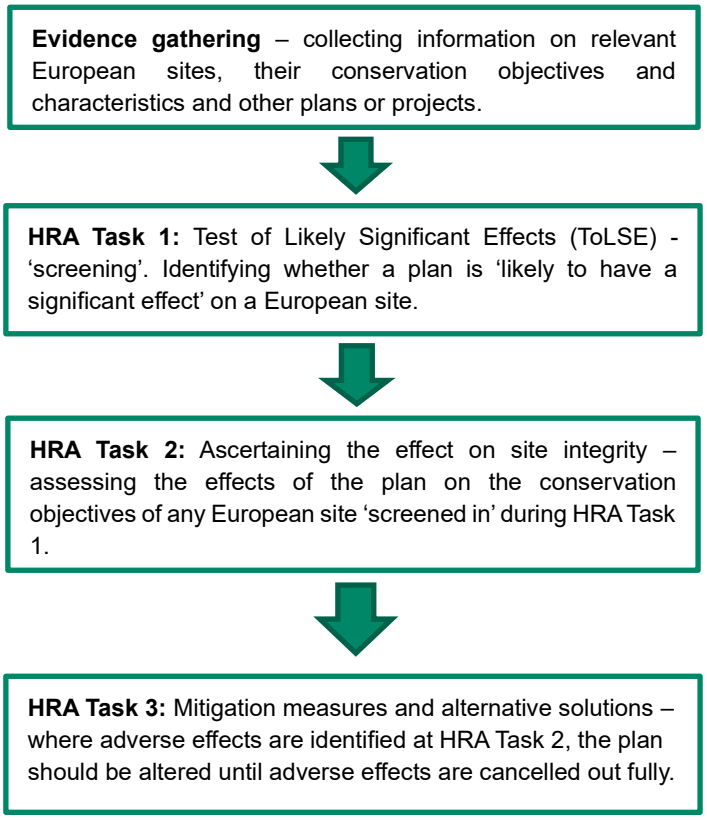
2. Methodology

Introduction to HRA Methodology

2.1 The HRA will be carried out with reference to the general EC guidance on HRA[4] and that of the UK government[5].

2.2 **Figure 1** below outlines the stages of HRA. The stages are essentially iterative, being revisited as necessary in response to more detailed information, recommendations and any relevant changes to the Plan until no significant adverse effects remain.

Figure 1. Four Stage Approach to Habitats Regulations Assessment. Source EC, 2011.



Description of HRA Tasks

HRA Task 1 – Test of Likely Significant Effects (ToLSE)/ Screening

2.3 Following evidence gathering, the first stage of any Habitats Regulations Assessment is a Test of Likely Significant Effects (ToLSE) test - essentially a brief, high-level assessment to decide whether the full subsequent stage known as Appropriate Assessment is required. The essential question is:

[4] European Commission (2001): Assessment of plans and projects significantly affecting Natura 2000 Sites: Methodological Guidance on the Provisions of Article 6(3) and 6(4) of the Habitats Directive.
[5] https://www.gov.uk/guidance/appropriate-assessment

"Is the project, either alone or in combination with other relevant projects and plans, likely to result in a significant effect upon European sites?"

2.4 The objective is to 'screen out' those plans and projects that can, without any detailed appraisal, be concluded to be unlikely to result in significant adverse effects upon European sites, usually because there is no mechanism for an adverse interaction.

2.5 The ToLSE is based on identification of the impact source, the pathway of impact to receptors and then confirmation of the specific European Site receptors. These are normally designated features but also include habitats and species fundamental to those designated features achieving favourable conservation status (notably functionally linked land outside the European site boundary).

2.6 In the Waddenzee case[6], the European Court of Justice ruled on the interpretation of Article 6(3) of the Habitats Directive, including that:

- An effect should be considered 'likely', "if it cannot be excluded, on the basis of objective information, that it will have a significant effect on the site" (para 44);
- An effect should be considered 'significant', "if it undermines the conservation objectives" (para 48); and
- Where a plan or project has an effect on a site "but is not likely to undermine its conservation objectives, it cannot be considered likely to have a significant effect on the site concerned" (para 47).

2.7 The ToLSE consists of two parts: Firstly, determining whether there are any policies that could result in negative impact pathways and secondly establishing whether there are any European Sites that might be affected. It identifies European designated sites that could be affected by the Plan and also those impact pathways that are most likely to require consideration.

2.8 It is important to note that the ToLSE must generally follow the precautionary principle as its main purpose is to determine whether the subsequent stage of 'Appropriate Assessment' (i.e., a more detailed investigation) is required.

HRA Task 2 – Appropriate Assessment

2.9 Where it is determined that a conclusion of 'no Likely Significant Effects' cannot be drawn, the analysis must proceed to the next stage of HRA known as Appropriate Assessment. Case law has clarified that 'Appropriate Assessment' is not a technical term. In other words, there are no particular technical analyses, or level of technical analysis, that are classified by law as belonging to Appropriate Assessment rather than ToLSE. Appropriate Assessment refers to whatever level of assessment is appropriate to form a conclusion regarding effects on the integrity (coherence of structure and function) of European Sites in light of their conservation objectives.

2.10 By virtue of the fact that it follows the ToLSE process, there is a clear implication that the analysis will be more detailed than undertaken at the previous stage. One of the key considerations during Appropriate Assessment is whether there is available mitigation that would entirely address the potential effect. In practice, the Appropriate Assessment would take any policies or allocations that could not

[6] Case C-127/02

be dismissed following the high-level ToLSE analysis and evaluate the potential for an effect in more detail, with a view to concluding whether there would actually be an adverse effect on site integrity (in other words, disruption of the coherent structure and function of the European site(s)).

2.11 In 2018 the Holohan ruling[7] handed down by the European Court of Justice included among other provisions paragraph 39 of the ruling stating that '*As regards other habitat types or species, which are present on the site, but for which that site has not been listed, and with respect to habitat types and species located outside that site, … typical habitats or species must be included in the appropriate assessment, if they are necessary to the conservation of the habitat types and species listed for the protected area*' [emphasis added].

2.12 In evaluating significance, AECOM will rely on professional judgement as well as the results of bespoke studies, supported by appropriate evidence/data, and previous stakeholder consultation regarding the impacts of development on the European sites considered within this assessment.

HRA Task 3 – Mitigation

2.13 Where necessary, measures will be recommended for incorporation into the Plan in order to avoid or mitigate adverse effects on European sites. There is considerable precedent, both nationally and locally, concerning the level of detail that a Plan document needs to contain regarding mitigation for recreational impacts on European sites, for example. The implication of this precedent is that it is not necessary for all measures that will be deployed to be fully developed prior to adoption of the Plan, but the Plan must provide an adequate policy framework within which these measures can be delivered.

2.14 In evaluating significance, AECOM has relied on professional judgement and the Swale Borough Local Plan HRA regarding development impacts on the European sites considered within this assessment.

2.15 When discussing 'mitigation' for a Neighbourhood Plan document, one is concerned primarily with the policy framework to enable the delivery of such mitigation rather than the detail of the mitigation measures themselves since the Local Development Plan document is a high-level policy document. A Neighbourhood Plan is a lower-level constituent of a Local Development Plan.

Geographical Scope of the HRA

2.16 There are no standard criteria for determining the ultimate physical scope of an HRA. Rather, the source-pathway-receptor model should be used to determine whether there is any potential pathway connecting development to any European sites.

2.17 In the case of the FNP, an area extending to 10 km from the Parish boundary was selected in which European sites were identified. European sites where there is a pathway by which hydrological impact might occur were also included. A search radius of 10 km has been used for this analysis on the basis that any potential for pollution effects at greater distances is likely to be negligible due to dilution factors.

[7] Case C-461/17

Confirming Other Plans and Projects That May Act 'In Combination'

2.18 It is a requirement of the Regulations that the impacts of any land use plan being assessed are not considered in isolation but in combination with other plans and projects that may also be affecting the European site(s) in question.

2.19 In considering the potential for combined regional housing development to impact on European sites the primary consideration is the impact of visitor numbers – i.e., recreational pressure and urbanisation.

2.20 When undertaking this part of the assessment it is essential to bear in mind the principal intention behind the legislation i.e., to ensure that those projects or plans (which in themselves may have minor impacts) are not simply dismissed on that basis but are evaluated for any cumulative contribution they may make to an overall significant effect. In practice, in combination assessment is therefore of greatest relevance when the plan or policy would otherwise be screened out because its individual contribution is inconsequential.

2.21 The following plans are considered to have the potential to act in-combination with the FNP.

- The Swale Borough Local Plan (adopted July 2017) https://services.swale.gov.uk/media/files/localplan/adoptedlocalplanfinalwebversion.pdf
- Canterbury Local Plan (to 2031), adopted 2017.
- Medway Local Plan 2003. It is noted that Medway plan to publish a draft Local Plan (2019-2037) in 2022
- South East Water – Water Resources Management Plan, 2020 to 2080 https://cdn.southeastwater.co.uk/Publications/Water+resources+management+plan+2019/south-east-water-final-wrmp-2020-2080.pdf
- Southern Water – Water Resources Management Plan, 2020 to 2070 https://www.southernwater.co.uk/our-story/water-resources-planning/water-resources-management-plan-2020-70
- Kent Minerals and Waste Local Plan, adopted September 2020
- Kent Local Transport Plan (LTP4): Delivering Growth without Gridlock (2016-2031)
- Environment Agency and Defra - River Basin Management Plan Thames River Basin District, December 2018 https://www.gov.uk/government/publications/thames-river-basin-district-river-basin-management-plan

2.22 It should be noted that, while the broad potential impacts of these other projects and plans has been considered, we have not carried out full HRA on each of these plans – we have however drawn upon existing HRAs that have been carried out for surrounding authorities and plans.

2.23 Within this document, each policy and allocated site within the Neighbourhood Plan is subjected to HRA screening and is summarised in **Table 7**. Likely

Significant Effects are then scrutinised in more detail in the main body of the report and where necessary an Appropriate Assessment is then undertaken.

3. European Sites

3.1 In the case of the FNP, it has been determined that the European sites identified in Table 1 require consideration. The locations of these European sites in relation to the FNP boundary are illustrated in Appendix A, Figure 1A.

Table 1. European sites for consideration and their location in relation to Faversham Parish boundary

European site	Location and reason for inclusion
The Swale SPA/ Ramsar	**Within the FNP boundary.** Susceptible to recreational pressure, air quality reduction and birds may potentially use habitat within Faversham (supporting habitat).
Blean Complex SAC	**6 km east** Susceptible to air quality reduction.
Outer Thames Estuary SPA	**5.2 km north-east** Susceptible to noise and visual during winter and birds may potentially use habitat within Faversham (supporting habitat).
Tankerton Slopes and Swalecliffe SAC	**9.7 km north-east** Supporting habitat susceptible to air quality reduction.

Source: www.magic.defra.gov.uk

3.2 This was based upon a search of surrounding European sites and based on the vulnerabilities of the interest features of the European sites. All the above sites were subjected to the initial screening exercise. It should be noted that the presence of a conceivable pathway linking the Parish to a European site does not mean that likely significant effects will occur.

3.3 The reason for designation, conservation objectives and environmental vulnerabilities of the European sites are detailed below.

The Swale SPA/ Ramsar

Introduction

3.4 The Swale SPA/ Ramsar is a wetland of international importance, comprising intertidal mudflats, shell beaches, saltmarshes and extensive grazing marshes. It provides habitats for important assemblages of wintering wildfowl, and also supports notable breeding bird populations.

3.5 The Ramsar information sheet[8] states that The Swale comprises, “A complex of brackish and freshwater, floodplain grazing marsh with ditches, and intertidal saltmarsh and mudflat. These habitats together support internationally important numbers of wintering waterfowl. Rare wetland birds breed in important numbers.

[8] https://jncc.gov.uk/jncc-assets/RIS/UK11071.pdf [accessed 05/10/2022]

The saltmarsh and grazing marsh are of international importance for their diverse assemblages of wetland plants and invertebrates".

Reason for Designation

3.6 The **SPA** is designated for[9]:

During the breeding season:

- Avocet Recurvirostra avosetta
- Marsh harrier Circus aeruginosus
- Mediterranean gull Larus melanocephalus

Over winter:

- Avocet Recurvirostra avosetta
- Bar-tailed godwit *Limosa lapponica*
- Golden plover Pluvialis apricaria
- Hen harrier Circus cyaneus
- Black-tailed godwit Limosa limosa islandica
- Grey plover Pluvialis squatarola
- Knot Calidris canutus
- Pintail Anas acuta
- Redshank Tringa totanus
- Shoveler Anas clypeata
- Dark-bellied brent goose *Branta bernicla bernicla*
- Dunlin Calidris alpina alpina

On passage:

- Ringed plover Charadrius hiaticula

3.7 The SPA also qualifies under Article 4.2 of the Directive (79/409/EEC) by regularly supporting at least 20,000 waterfowl.

3.8 The **Ramsar** site is designated for:

Ramsar criterion 2: The site supports nationally scarce plants and at least seven British Red data book invertebrates.

Ramsar criterion 5: Assemblages of international importance: Species with peak counts in winter.

Ramsar criterion 6: Species/populations occurring at levels of international importance.

[9] http://publications.naturalengland.org.uk/file/4517156041523200 [accessed 05/10/2022]

Species with peak counts in spring/autumn:

- Common redshank Tringa totanus tetanus

Species with peak counts in winter:

- Dark-bellied brent goose *Branta bernicla bernicla*
- Grey plover *Pluvialis squatarola*, E Atlantic/W Africa -wintering

Species/populations identified subsequent to designation for possible future consideration under criterion 6:

Species with peak counts in spring/autumn:

- Ringed plover *Charadrius hiaticula*, Europe/Northwest Africa

Species with peak counts in winter:

- Eurasian wigeon *Anas penelope*, NW Europe
- Northern pintail *Anas acuta,* NW Europe
- Northern shoveler *Anas clypeata*, NW & C Europe
- Black-tailed godwit *Limosa limosa islandica*, Iceland/W Europe

Conservation Objectives[10]

"With regard to the SPA and the individual species and/or assemblage of species for which the site has been classified (the 'Qualifying Features' listed above*), and subject to natural change;*

Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the aims of the Wild Birds Directive, by maintaining or restoring;

- 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 population of each of the qualifying features, and,
- The distribution of the qualifying features within the site."

Current Pressures and Threats

3.9 The Site Improvement Plan[11] identifies the following pressures and threats to the SPA:

- Coastal squeeze
- Public access/ disturbance

[10] http://publications.naturalengland.org.uk/publication/5745862701481984 [accessed 05/10/2022]
[11] http://publications.naturalengland.org.uk/publication/6270737467834368 [accessed 05/10/2022]

- Invasive species
- Changes in species distribution
- Fisheries: commercial marine and estuarine
- Vehicles: illicit
- Air pollution: risk of atmospheric nitrogen deposition

Blean Complex SAC

Introduction

3.10 At Blean, hornbeam *Carpinus betulus* coppice occurs interspersed with pedunculate oak *Quercus robur* stands and introduced sweet chestnut *Castanea sativa*. Great wood-rush *Luzula sylvatica* is locally dominant in the woodland, and the characteristic greater stitchwort *Stellaria holostea* is found in more open patches. The stands have traditionally been managed as coppice and are one of the British strongholds for the heath fritillary butterfly *Mellicta athalea.*

Reason for Designation[12]

3.11 The SAC is designated for the following Annex I habitat:

- Sub-Atlantic and medio-European oak or oak-hornbeam forests of the *Carpinion betuli*. (Oak-hornbeam forests)

Conservation Objectives[13]

"With regard to the SAC and the natural habitats and/or species for which the site has been designated (the 'Qualifying Features' listed below), and subject to natural change;

Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring;

- The extent and distribution of qualifying natural habitats
- The structure and function (including typical species) of qualifying natural habitats, and
- The supporting processes on which qualifying natural habitats rely"

Current Pressures and Threats

3.12 The Site Improvement Plan[14] identifies the following pressures and threats to the SAC:

- Air quality: risk of atmospheric nitrogen deposition

[12] http://publications.naturalengland.org.uk/publication/5635542456729600 [accessed 05/10/2022]
[13] http://publications.naturalengland.org.uk/file/6568792784371712 [accessed 05/10/2022]
[14] http://publications.naturalengland.org.uk/file/4985875433783296 [accessed 05/10/2022]

Outer Thames Estuary SPA

Introduction

3.13 The Outer Thames Estuary SPA is located on the east coast of England between the counties of Norfolk (on the north side) and Kent (on the south side) and extends into the North Sea. The site comprises areas of shallow and deeper water, high tidal current streams and a range of mobile mud, sand, silt and gravely sediments extending into the marine environment, incorporating areas of sand banks often exposed at low tide. Intertidal mud and sand flats are found further towards the coast and within creeks and inlets inland down the Blyth estuary and the Crouch and Roach estuaries. The diversity of marine habitats and associated species is reflected in existing statutory protected area designations, some of which overlap or abut the SPA.

Reason for Designation[15]

3.14 The SPA is designated for its:

- Red-throated diver *Gavia stellate* (non-breeding)
- Common tern *Sterna hirundo* (breeding)
- Little tern *Sternula albifrons* (breeding)

Conservation Objectives[16]

"*The site's conservation objectives apply to the site and the individual species and/or assemblage of species for which the site has been classified (the "Qualifying features" listed above).*

The objectives are to ensure that, subject to natural change, the integrity of the site is maintained or restored as appropriate, and that the site contributes to achieving the aims of the Wild Birds Directive, by maintaining or restoring:

- 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 each of the qualifying features
- the distribution of qualifying features within the site"

Current Pressures and Threats

3.15 The Site Improvement Plan[17] identifies the following pressures and threats to the SPA:

[15] http://publications.naturalengland.org.uk/publication/4927106139029504 [accessed 18/10/2022]

[16] https://designatedsites.naturalengland.org.uk/Marine/MarineSiteDetail.aspx?SiteCode=UK9020309&SiteName=outer%20thames&countyCode=&responsiblePerson=&SeaArea=&IFCAArea=&HasCA=1&NumMarineSeasonality=3&SiteNameDisplay=Outer%20Thames%20Estuary%20SPA#hlco [accessed 18/10/2022]

[17] http://publications.naturalengland.org.uk/publication/4668757523824640 [accessed 18/10/2022]

- Fisheries: Commercial marine and estuarine.

3.16 The Outer Thames SPA Conservation Advice Package[18] identifies further pressures and threats to the SPA:

- Physical loss of supporting habitat
- Physical damage to supporting habitat
- Non-physical disturbance (noise and visual during winter)
- Toxic contamination e.g., large oil and chemical spills
- Non-toxic contamination e.g., through nutrient loading, organic loading and changes to the thermal regime
- Biological disturbance e.g., introduction of pathogens and non-native species; fishing; entanglement or wind turbine strike.

Tankerton Slopes and Swalecliffe SAC

Introduction

3.17 Fisher's estuarine moth *Gortyna borelii lunata* has a localised population distribution in the UK, due to its specific habitat requirements and is only found in two areas, the north Essex coast and the north Kent Coast. Tankerton slopes and Swalecliffe supports the majority of the north Kent population of this moth which is approximately 20% of the UK population. The site's north facing slopes are composed of London Clay and support a tall herb community dominated by the moth's food plant - hog's fennel (*Peucedanum officinale*), together with areas of neutral grassland also required by the species for egg laying.

Reason for Designation[19]

3.18 The SAC is designated for the following Annex II species:

- Fisher's estuarine moth

Conservation Objectives[20]

"With regard to the SAC and the natural habitats and/or species for which the site has been designated (the 'Qualifying Features' listed above), and subject to natural change;

Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring;

- The extent and distribution of the habitats of qualifying species
- The structure and function of the habitats of qualifying species
- The supporting processes on which the habitats of qualifying species rely

[18] Ibid
[19] http://publications.naturalengland.org.uk/publication/5658609703714816 [accessed 18/10/2022]
[20] Ibid

- The populations of qualifying species, and,
- The distribution of qualifying species within the site."

Current Pressures and Threats

3.19 There is no Site Improvement Plan for this SAC. The Tankerton Slopes and Swalecliffe SAC Conservation Objectives Supplementary Advice document[21] does not refer to any specific pressures and threats although it does recognise that the supporting habitat of the SAC feature is considered sensitive to changes in air quality.

[21] http://publications.naturalengland.org.uk/publication/5658609703714816 [accessed 18/10/2022]

4. Pathways of Impact

4.1 In carrying out an HRA it is important to avoid confining oneself to effectively arbitrary boundaries (such as Local Authority boundaries) but to use an understanding of the various ways in which Land Use Plans can impact on European sites to follow the pathways along which development can be connected with European sites, in some cases many kilometres distant. Briefly defined, pathways are routes by which a change in activity associated with a development can lead to an effect upon a European site. It is also important to bear in mind CLG guidance which states that the AA should be '*proportionate to the geographical scope of the [plan policy]*' and that '*an AA need not be done in any more detail, or using more resources, than is useful for its purpose*' (CLG, 2006, p.6[22]).

4.2 Based upon Natural England Site Improvement Plans, the Blean Complex SAC Conservation Objectives Supplementary Advice document[23] and professional judgement, there are several impact pathways that require consideration regarding increased development within the FNP area and said European sites.

4.3 The following pathways of impact were considered relevant to the HRA of the Faversham Neighbourhood Plan.

- Public access/ recreational pressure;
- Functionally linked land;
- Noise and visual disturbance; Changes in air quality;
- Water resources
- Water quality

Background to Recreational Pressure

4.4 Potentially damaging levels of recreational pressure are already faced by many European sites. Recreational use of a site has the potential to:

- Cause disturbance to sensitive species such as wintering wildfowl;
- Prevent appropriate management or exacerbate existing management difficulties;
- Cause damage through erosion, trampling and fragmentation; and
- Cause eutrophication as a result of dog fouling.

4.5 Different types of European sites (e.g., coastal, heathland, chalk grassland) are subject to different types of recreational pressures and have different vulnerabilities. Studies across a range of species have shown that the effects from recreation can be complex.

[22] Department for Communities and Local Government. 2006. *Planning for the Protection of European Sites: Appropriate Assessment*. http://www.communities.gov.uk/index.asp?id=1502244
[23] http://publications.naturalengland.org.uk/publication/5635542456729600 [accessed 05/10/2022]

4.6 Disturbance effects for birds can have an adverse effect in various ways, with increased nest predation by natural predators as a result of adults being flushed from the nest and deterred from returning to it by the presence of people and dogs likely to be a particular problem. A literature review on the effects of human disturbance on bird breeding found that 36 out of 40 studies reported reduced breeding success as a consequence of disturbance[24]. The main reasons given for the reduction in breeding success were nest abandonment and increased predation of eggs or young. Over years, studies of other species have shown that birds nest at lower densities in disturbed areas, particularly when there is weekday as well as weekend pressure[25].

4.7 Studies have shown that birds are affected more by dogs and people with dogs than by people alone, with birds flushing more readily, more frequently, at greater distances and for longer (Underhill-Day, 2005). In addition, dogs, rather than people, tend to be the cause of many management difficulties, notably by worrying grazing animals, and can cause eutrophication near paths. Nutrient-poor habitats are particularly sensitive to the fertilising effect of inputs of phosphates, nitrogen and potassium from dog faeces[26].

4.8 Underhill-Day (2005) summarises the results of visitor studies that have collected data on the use of semi-natural habitat by dogs. In surveys where 100 observations or more were reported, the mean percentage of visitors who were accompanied by dogs was 54.0%.

4.9 However, these studies need to be treated with care. For instance, the effect of disturbance is not necessarily correlated with the impact of disturbance, i.e., the most easily disturbed species are not necessarily those that will suffer the greatest impacts. It has been shown that, in some cases, the most easily disturbed birds simply move to other feeding sites, whilst others may remain (possibly due to an absence of alternative sites) and thus suffer greater impacts on their population[27]. A recent literature review undertaken for the RSPB[28] also urges caution when extrapolating the results of one disturbance study because responses differ between species and the response of one species may differ according to local environmental conditions. These facts have to be taken into account when attempting to predict the impacts of future recreational pressure on international sites.

4.10 It should be emphasised that recreational use is not inevitably a problem. Many European sites are also National Nature Reserves or nature reserves managed by Wildlife Trusts and the RSPB. At these sites, access is encouraged and resources are available to ensure that recreational use is managed appropriately.

4.11 Where increased recreational use is predicted to cause adverse impacts on a site, avoidance and mitigation should be considered. Avoidance of recreational

[24] Hockin, D., M. Oundsted, M. Gorman, D. Hill, V. Keller and M.A. Barker (1992) – Examination of the effects of disturbance on birds with reference to its importance in ecological assessments. *Journal of Environmental Management*, **36**, 253-286.

[25] Van der Zande, A.N., J.C. Berkhuizen, H.C. van Letesteijn, W.J. ter Keurs and A.J. Poppelaars (1984) – Impact of outdoor recreation on the density of a number of breeding bird species in woods adjacent to urban residential areas. *Biological Conservation,* **30**, 1-39.

[26] Shaw, P.J.A., K. Lankey and S.A. Hollingham (1995) – Impacts of trampling and dog fouling on vegetation and soil conditions on Headley Heath. *The London Naturalist*, **74**, 77-82.

[27] Gill et al. (2001) - Why behavioural responses may not reflect the population consequences of human disturbance. *Biological Conservation,* **97**, 265-268

[28] Woodfield & Langston (2004) - Literature review on the impact on bird population of disturbance due to human access on foot. *RSPB research report* No. 9.

impacts at European sites involves locating new development away from such sites; Local Plans and other strategic plans, including Neighbourhood Plans, provide the mechanism for this. Where avoidance is not possible, mitigation will usually involve a mix of access management, habitat management and provision of alternative recreational space.

Bird Disturbance Study

4.12 A study was undertaken in 2010/2011 by Footprint Ecology[29], who looked at bird disturbance in North Kent. The study focused on recreational disturbance to wintering waterfowl on intertidal habitats and focused on part of the North Kent shoreline, stretching between Gravesend and Whitstable; encompassing three SPAs: the Thames Estuary and Marshes SPA, the Medway Estuary and Marshes SPA and the Swale SPA. The key findings of the study are as follows:

4.13 From 1,400 events (records of visitors in the bird survey areas) occurring within 200m of the birds, 3,248 species specific observations were noted of which:

- 74% resulted in no response.
- 13% resulted in a major flight.
- 5% resulted in a short flight.
- 5% resulted in a short walk.
- 3% resulted in an alert.

4.14 Dog walking accounted for 55% of all major flight observations with a further 15% attributed to walkers without dogs. After controlling for distance, major flights were more likely to occur when activities took place on the intertidal zone (compared to events on the water or events on the shore), when dogs were present, and the probability of major flight increased with the number of dogs present within a group.

4.15 There were significant differences between species with curlew *Numenius arquata* the species with the highest probability of major flight and teal and black-tailed godwit *Limosa limosa* the lowest.

4.16 Tide state was also significant with major flights more likely at high tide, after controlling for distance. There was also a significant interaction between distance and tide, indicating that the way in which birds responded varied according to tide.

North Kent Visitor Survey

4.17 A visitor survey was undertaken at the same time as the aforementioned bird survey by Footprint Ecology[30]. The key findings of the survey are as follows:

4.18 542 groups of visitors were interviewed representing information from 930 people with 502 dogs.

[29] D. Liley & H. Fearnley (Footprint Ecology), 2011. Bird Disturbance Study North Kent.
[30] Fearnley, H. & Liley, D. (2011). North Kent Visitor Survey Results. Footprint Ecology.

- 65% (345) interviewed groups were accompanied by at least one dog.
- 96% (521) interviewed groups were local residents who made their visit from home.
- 70% of visitors who arrive by foot made their visits either daily or most days (in comparison to 31% who arrive by car).
- 63% of visitors travelled to their visit location by car or van, 34% of visitors arrived by foot, 3% arrived by bicycle and 2% by public transport.
- 50% of visitors who arrived by car lived within 4.2km of their visit location.
- 23% of visitors stated they walked off the paths and onto the mudflats or the open beach. Of the 23% of visitors whose routes took them onto the mudflats 65% were accompanied by at least one dog.

4.19 The following European sites are considered susceptible to recreational pressures within the context of the FNP:

- Swale SPA and Ramsar

Background to Functionally Linked Land

4.20 While most European sites have been geographically defined to encompass the key features that are necessary for coherence of their structure and function, and the support of their qualifying features, this is not always the case. A diverse array of qualifying species including birds, bats and amphibians are not confined to the boundary of designated sites.

4.21 For example, the highly mobile nature of both wildfowl and heathland birds implies that areas of habitat of crucial importance to the maintenance of their populations are outside the physical limits of European sites. Despite not being part of the formal designation, this habitat is still integral to the maintenance of the structure and function of the interest feature on the designated site and, therefore, land use plans that may affect such areas should be subject to further assessment. This has been underlined by a recent European Court of Justice ruling (C-461/17, known as the Holohan ruling[31]) which in paragraphs 37 to 40 confirms the need for an Appropriate Assessment to consider the implications of a plan or project on habitats and species outside the European site boundary provided that those implications are liable to affect the conservation objectives of the site.

4.22 With regards to birds, areas of functionally linked land typically provide habitat for foraging or other ecological functions essential for the maintenance of the designated population e.g., high tide roost on coastal populations. Functionally linked land may extend up to the maximum foraging distance for the designated bird species. However, the number of birds foraging will tend to decrease further away from the protected site and thus the importance of the land to the maintenance of the designated population will decrease.

[31] The Holohan ruling also requires all the interest features of the European sites discussed to be catalogued (i.e., listed) in the HRA. That is the purpose of Appendix A.

4.23 Natural England Impact Risk Zones identify the typical distances that wintering waterfowl will travel from their SPAs to forage and the guidance that underlies those zones will be utilised in this HRA. The main document reference is:

- Natural England (2019). Impact Risk Zones Guidance Summary Sites of Special Scientific Interest Notified for Birds. Version 1.1

4.24 Relevant Impact Risk Zones are shown in Table 2:

Table 2. Natural England Impact Risk Zones for Designated Bird Features

Assemblage	Impact Risk Zone (foraging distance)
Wintering birds (except wintering waders and grazing wildfowl; wigeon and geese)	Up to 500m
Dabbling ducks such as teal, mallard and gadwall	Home ranges could extend beyond site boundaries at coastal sites, but less likely to do so at inland water bodies.
Wintering waders (except golden plover and lapwing), brent goose & wigeon	Maximum foraging distance is 2km
Wintering lapwing and golden plover	Maximum foraging distance is 15-20km. Golden plover can forage up to 15km from a roost site within a protected site. Lapwing can also forage similar distances. Both species use lowland farmland in winter and it is difficult to distinguish between designated populations and those present within the wider environment. Developments affecting functionally linked land more than 10km from the site are unlikely to impact significantly on designated populations.
Wintering white-fronted goose, greylag goose, Bewick's swan, whooper swan, pink-footed goose & wintering bean goose	Maximum foraging distance is 10km although studies have shown that pink-footed geese will fly 20km from their roosting site to feed[32]. A bespoke functional land IRZ has replaced the individual Birds 6/7 IRZs for sites supporting the following goose and swan species: pink-footed geese, barnacle goose, Bewick's swan, white-fronted goose and whooper swan. The IRZ is based on GIS distribution records of feeding pink-footed geese from a study undertaken for Natural England by the Wildfowl & Wetlands Trust33

[32] https://monitoring.wwt.org.uk/wp-content/uploads/2018/12/Mapping-feeding-Pinkfeet-in-England-Final-report-vFinal.Jan15-2.pdf [accessed 14/04/2021]
[33] Ibid

Assemblage	Impact Risk Zone (foraging distance)
	and the results of work undertaken by the British Trust for Ornithology to identify functionally connected habitat used by barnacle goose, Bewick's swan, white-fronted goose and whooper swan based on WeBS site and BirdTrack data and focuses on only the areas of land that we know are being used as functional habitat by designated populations

Source: Natural England (2019). Impact Risk Zones Guidance Summary Sites of Special Scientific Interest Notified for Birds. Version 1.1

4.25 The aforementioned Natural England document further identifies that for SSSIs designated for wintering waterfowl and waders (other than golden plover and lapwing) a maximum of 2km is appropriate for the identification of potential functionally-linked land for development with the exception of wind energy (3km) and airports (10km).

4.26 There is now an abundance of authoritative examples of HRA cases on plans affecting bird populations, where Natural England recognised the potential importance of functionally linked land[34].

4.27 Pertinent designated birds relating to The Swale SPA/ Ramsar and the Outer Thames Estuary SPA are shown in Table 3. Those habitats and food-stuffs that may be present within the FNP boundary are shown in bold.

Table 3. Habitat Preferences and Diet of Bird Features of the Swale SPA/ Ramsar and Outer Thames Estuary SPA

Designated Bird Feature	Habitat Preferences[35]	Diet[36]
Avocet	Mudflats, lagoons, sandy beaches	Invertebrates, especially insects, crustaceans, worms, but also small fish; sweeps bill from side to side, prey located by touch.
Common tern	Sandy seacoasts, in winter marshes, estuaries	Mostly fish, also crustaceans in some areas, mostly by plunge-diving 9offshore feeding)
Dark-bellied brent goose	Tundra, on migration marshes & estuaries	Eelgrass (*Zostera*), also vegetation by **grazing on land** or shallow water
Dunlin	Tundra, moor, heath, on migration estuaries & coasts	Invertebrates, located by sight and touch
Grey plover	Tundra, on migration **pasture** & estuaries	Summer, invertebrates, Winter primarily marine

[34] Chapman C & Tyldesley D. 2016. Functional linkage: How areas that are functionally linked to European sites have been considered when they may be affected by plans and projects – A review of authoritative decisions. Natural England Commissioned Reports 207: 73pp.
[35] Taken from British Trust of Ornithology BirdFacts https://www.bto.org/understanding-birds/birdfacts
[36] Ibid

Designated Bird Feature	Habitat Preferences[35]	Diet[36]
		worms, crustaceans and molluscs
Knot	Tundra, on migration coastal	Summer, insects and plant material, Winter Inter-tidal invertebrates, especially molluscs
Little tern	Seacoasts, rivers & lakes	Small fish and invertebrates, often hovers before plunge-diving
Redshank	Rivers, **wet grassland**, moors & estuaries	Invertebrates, especially **earthworms**, cranefly larvae (inland) crustaceans, molluscs, marine worms (estuaries)
Red-throated diver	Shallow ponds & lakes	Primarily fish, also frogs, large invertebrates
Ringed plover	Sandy areas with low vegetation, on migration estuaries	Summer, invertebrates, Winter primarily marine worms, crustaceans and molluscs

4.28 Generally, the identification of an area as functionally linked land is now a relatively straightforward process and it is reasonable to assume that a site <2 ha in size is unlikely to support a large enough population of birds (taking sightlines etc., into account) to constitute 1% of an SPA population. However, the importance of non-designated land parcels may not be apparent and could require the analysis of existing data sources to be firmly established. In some instances, data may not be available at all, requiring some further survey work.

4.29 The Outer Thames Estuary SPA interest features are primarily coastal birds and off-shore feeders. This European site can therefore be **screened out** from this impact pathway.

4.30 The following European sites are considered susceptible to loss of Functionally Linked Land in the context of the FNP:

- Swale SPA and Ramsar

Background to Noise and Visual Disturbance

4.31 As detailed in the Recreational Pressure section above, human activity can affect birds either directly (e.g., through causing them to flee) or indirectly (e.g., through damaging their habitat). Human activity can also lead to behavioural changes (e.g., alterations in feeding behaviour, avoidance of certain areas etc.) and physiological changes (e.g., an increase in heart rate) that, although less noticeable, may ultimately result in major population-level effects by altering the balance between immigration/birth and emigration/death[37].

[37] Riley, J. 2003. Review of Recreational Disturbance Research on Selected Wildlife in Scotland. Scottish Natural Heritage.

4.32 Recreational pressure is not the only potential source of disturbance. Construction work taking place immediately adjacent to the designated site or functionally linked land could cause disturbance and displacement of the designated birds. While any impact relating to demolition and construction activities will be temporary (in that birds would return once construction work ceased and the disturbance stimulus was removed) the resulting effect on population survival could be significant if it occurs during the winter/passage period and prevents birds from using feeding areas on which they rely. It should be noted that operational activities are unlikely to be temporary in nature and thus the impact of these activities could result in a more sever adverse reaction from designated bird features.

4.33 The degree of impact that varying levels of noise will have on different species of bird is poorly understood except that a number of studies have found that an increase in traffic levels on roads does lead to a reduction in the bird abundance within adjacent hedgerows - Reijnen et al (1995) examined the distribution of 43 passerine species (i.e., 'songbirds'), of which 60% had a lower density closer to the roadside than further away. By controlling vehicle usage they also found that the density generally was lower along busier roads than quieter roads[38].

4.34 A recent study on recreational disturbance on the Humber[39] assesses different types of noise disturbance on waterfowl referring to studies relating to aircraft (see Drewitt 1999[40]), traffic (Reijnen, Foppen, & Veenbaas 1997)[41], dogs (Lord, Waas, & Innes 1997[42]; Banks & Bryant 2007[43]) and machinery (Delaney et al. 1999; Tempel & Gutierrez 2003). These studies identified that there is still relatively little work on the effects of different types of water-based craft and the impacts from jet skis, kite surfers, windsurfers etc. (see Kirby et al. 2004[44] for a review). Some types of disturbance are clearly likely to invoke different responses. In very general terms, both distance from the source of disturbance and the scale of the disturbance (noise level, group size) will both influence the response (Delaney et al. 1999[45]; Beale & Monaghan 2005[46]). On UK estuaries and coastal sites, a review of WeBS data showed that, among the volunteer WeBS surveyors, driving of motor vehicles and shooting were the two activities most perceived to cause disturbance (Robinson & Pollitt 2002)[47].

4.35 Additionally, animals can be disturbed by the movement of ships. For instance, a DTI study of birds of the North West coast noted that: "*Divers and scoters were absent from the mouths of some busier estuaries, notably the Mersey... Both species are known to be susceptible to disturbance from boats, and their relative*

[38] Reijnen, R. et al. 1995. The effects of car traffic on breeding bird populations in woodland. III. Reduction of density in relation to the proximity of main roads. Journal of Applied Ecology 32: 187-202
[39] Helen Fearnley Durwyn Liley and Katie Cruickshanks (2012) Results of Recreational Visitor Survey across the Humber Estuary produced by Footprint Ecology
[40] Drewitt, A. (1999) Disturbance effects of aircraft on birds. English Nature, Peterborough.
[41] Reijnen, R., Foppen, R. & Veenbaas, G. (1997) Disturbance by traffic of breeding birds: evaluation of the effect and considerations in planning and managing road corridors. Biodiversity and Conservation, 6, 567-581.
[42] Lord, A., Waas, J.R. & Innes, J. (1997) Effects of human activity on the behaviour of northern New Zealand dotterel Charadrius obscurus aquilonius chicks. Biological Conservation, 82,15-20.
[43] Banks, P.B. & Bryant, J.V. (2007) Four-legged friend of foe? Dog-walking displaces native birds from natural areas. Biology Letters, 3, 611-613.
[44] Kirby, J.S., Clee, C. & Seager, V. (1993) Impact and extent of recreational disturbance to wader roosts on the Dee estuary: some preliminary results. Wader Study Group Bulletin, 68, 53-58.
[45] Delaney, D.K., Grubb, T.G., Beier, P., Pater, L.L.M. & Reiser, H. (1999) Effects of Helicopter Noise on Mexican Spotted Owls. The Journal of Wildlife Management, 63, 60-76.
[46] Beale, C.M. & Monaghan, P. (2005) Modeling the Effects of Limiting the Number of Visitors on Failure Rates of Seabird Nests. Conservation Biology, 19, 2015-2019.
[47] Robinson, J.A. & Pollitt, M.S. (2002) Sources and extent of human disturbance to waterbirds in the UK: an analysis of Wetland Bird Survey data, 1995/96 to 1998/99: Less than 32% of counters record disturbance at their site, with differences in causes between coastal and inland sites. Bird Study, 49, 205.

scarcity in these areas... may in part reflect the volume of boat traffic in these areas"[48].

4.36 Three of the most important factors determining the magnitude of disturbance appear to be species sensitivity, proximity of the disturbance source and timing/ duration of the disturbance. Generally, the most disturbing activities are likely to be those that involve irregular, infrequent, unpredictable loud noise events, movement or vibration of long duration. Birds are least likely to be disturbed by activities that involve regular, frequent, predictable, quiet patterns of sound or movement or minimal vibration. The further any activity is from the birds, the less likely it is to result in disturbance.

4.37 An increasing amount of research on visual and noise disturbance of waterfowl from construction (and other activities) is now available. Both visual and noise stimuli may elicit disturbance responses, potentially affecting the fitness and survival of waterfowl and waders. Noise is a complex disturbance parameter requiring the consideration of multiple parameters, including the fact that it is not described on a linear scale, its nonadditive effect and the source-receptor distance. A high level of noise disturbance constitutes a sudden noise event of over 60 dB or prolonged noise of over 72 dB. Bird responses to high noise levels include major flight or the cessation of feeding, both of which might affect the survival of birds if other stressors are present (e.g., cold weather, food scarcity).

4.38 Generally, research has shown that above noise levels of 84 dB waterfowl show a flight response, while at levels below 55 dB there is no effect on their behaviour. These two thresholds are therefore considered useful as defining two extremes. The same authors have shown that regular noise levels should be below 70 dB at the bird, as birds will habituate to noise levels below this level. Generally, noise is attenuated by 6 dB with every doubling of distance from the source. For example, impact piling, which is a particularly noisy construction process of approximately 110 dB at 0.67 m from source, will therefore reduce to 67 – 68 dB by 100 m away from the source. The loudest construction noise will therefore have fallen to below disturbing levels by 100 m, and certainly by 200 m, away from the source even without mitigation.

4.39 Visual disturbance is generally considered to have a higher impact than noise disturbance as, in most instances, visual stimuli will elicit a disturbance response at much greater distances than noise. For example, a flight response is triggered in most species when they are approached to within 150 m across a mudflat. Visual disturbance can be exacerbated by workers operating equipment outside machinery, undertaking sudden movements and using large machinery. Some species are particularly sensitive to visual disturbance, including curlew (taking flight at 275 m), redshank (at 250 m), shelduck (at 199 m) and bar-tailed godwit (*Limosa lapponica*) (at 163 m).

4.40 For the purpose of this assessment, a buffer of 300m has been used for visual and noise disturbance effects. On this basis, impacts from this pathway on the Outer Thames Estuary SPA, which is located 5.2km north-east of the FNP boundary, have been **screened out.**

4.41 The following European sites are considered susceptible to visual and noise disturbance within the context of the FNP:

[48] DTI (2006). Aerial Surveys of Waterbirds in Strategic Wind Farm Areas: 2004/05 Final Report

- Swale SPA and Ramsar

Changes in Air Quality

4.42 Current levels of understanding of air quality effects on semi-natural habitats are not adequate to allow a rigorous assessment of the likelihood of significant effects on the integrity of key European sites.

4.43 The main pollutants of concern for European sites are oxides of nitrogen (NOx), ammonia (NH3) and sulphur dioxide (SO2) and are summarised in Table 4. NOx can have a directly toxic effect upon vegetation. In addition, greater NOx or ammonia concentrations within the atmosphere will lead to greater rates of nitrogen deposition to soils. An increase in the deposition of nitrogen from the atmosphere to soils is generally regarded to lead to an increase in soil fertility, which can have a serious deleterious effect on the quality of semi-natural, nitrogen-limited terrestrial habitats. [49] [50].

Table 4. Main Sources and Effects of Air Pollutants on Habitats and Species

Pollutant	Source	Effects on habitats and species
Sulphur dioxide (SO_2)	The main sources of SO_2 are electricity generation, and industrial and domestic fuel combustion. However, total SO_2 emissions in the UK have decreased substantially since the 1980's. Another origin of sulphur dioxide is the shipping industry and high atmospheric concentrations of SO_2 have been documented in busy ports. In future years shipping is likely to become one of the most important contributors to SO_2 emissions in the UK.	Wet and dry deposition of SO_2 acidifies soils and freshwater and may alter the composition of plant and animal communities. The magnitude of effects depends on levels of deposition, the buffering capacity of soils and the sensitivity of impacted species. However, SO_2 background levels have fallen considerably since the 1970's and are now not regarded a threat to plant communities. For example, decreases in Sulphur dioxide concentrations have been linked to returning lichen species and improved tree health in London.
Acid deposition	Leads to acidification of soils and freshwater via atmospheric deposition of SO_2, NOx, ammonia and hydrochloric acid. Acid	Gaseous precursors (e.g., SO_2) can cause direct damage to sensitive vegetation, such as lichen, upon deposition.

[49] Wolseley, P. A.; James, P. W.; Theobald, M. R.; Sutton, M. A. **2006.** Detecting changes in epiphytic lichen communities at sites affected by atmospheric ammonia from agricultural sources. Lichenologist 38: 161-176
[50] Dijk, N. **2011.** Dry deposition of ammonia gas drives species change faster than wet deposition of ammonium ions: evidence from a long-term field manipulation Global Change Biology 17: 3589-3607

Pollutant	Source	Effects on habitats and species
	deposition from rain has declined by 85% in the last 20 years, which most of this contributed by lower sulphate levels. Although future trends in S emissions and subsequent deposition to terrestrial and aquatic ecosystems will continue to decline, increased N emissions may cancel out any gains produced by reduced S levels.	Can affect habitats and species through both wet (acid rain) and dry deposition. The effects of acidification include lowering of soil pH, leaf chlorosis, reduced decomposition rates, and compromised reproduction in birds / plants. Not all sites are equally susceptible to acidification. This varies depending on soil type, bed rock geology, weathering rate and buffering capacity. For example, sites with an underlying geology of granite, gneiss and quartz rich rocks tend to be more susceptible.
Ammonia (NH_3)	Ammonia is a reactive, soluble alkaline gas that is released following decomposition and volatilisation of animal wastes. It is a naturally occurring trace gas, but ammonia concentrations are directly related to the distribution of livestock. Ammonia reacts with acid pollutants such as the products of SO_2 and NO_X emissions to produce fine ammonium (NH_4+) - containing aerosol. Due to its significantly longer lifetime, NH_4+ may be transferred much longer distances (and can therefore be a significant trans-boundary issue). While ammonia deposition may be estimated from its atmospheric concentration, the deposition rates are strongly influenced by	The negative effect of NH_4+ may occur via direct toxicity when uptake exceeds detoxification capacity and via N accumulation. Its main adverse effect is eutrophication, leading to species assemblages that are dominated by fast-growing and tall species. For example, a shift in dominance from heath species (lichens, mosses) to grasses is often seen. As emissions mostly occur at ground level in the rural environment and NH_3 is rapidly deposited, some of the most acute problems of NH_3 deposition are for small relict nature reserves located in intensive agricultural landscapes.

Pollutant	Source	Effects on habitats and species
	meteorology and ecosystem type	
Nitrogen oxides (NO_x)	Nitrogen oxides are mostly produced in combustion processes. Half of NO_X emissions in the UK derive from motor vehicles, one quarter from power stations and the rest from other industrial and domestic combustion processes. In contrast to the steep decline in Sulphur dioxide emissions, nitrogen oxides are falling slowly due to control strategies being offset by increasing numbers of vehicles.	Direct toxicity effects of gaseous nitrates are likely to be important in areas close to the source (e.g. roadside verges). A critical level of NOx for all vegetation types has been set to 30 ug/m^3. Deposition of nitrogen compounds (nitrates (NO_3), nitrogen dioxide (NO_2) and nitric acid (HNO_3)) contributes to the total nitrogen deposition and may lead to both soil and freshwater acidification. In addition, NOx contributes to the eutrophication of soils and water, altering the species composition of plant communities at the expense of sensitive species.
Nitrogen deposition	The pollutants that contribute to the total nitrogen deposition derive mainly from oxidized (e.g. NO_X) or reduced (e.g. NH_3) nitrogen emissions (described separately above). While oxidized nitrogen mainly originates from major conurbations or highways, reduced nitrogen mostly derives from farming practices. The N pollutants together are a large contributor to acidification (see above).	All plants require nitrogen compounds to grow, but too much overall N is regarded as the major driver of biodiversity change globally. Species-rich plant communities with high proportions of slow-growing perennial species and bryophytes are most at risk from N eutrophication. This is because many semi-natural plants cannot assimilate the surplus N as well as many graminoid (grass) species. N deposition can also increase the risk of damage from abiotic factors, e.g. drought and frost.
Ozone (O_3)	A secondary pollutant generated by photochemical reactions involving NOx,	Concentrations of O_3 above 40 ppb can be toxic to both

Pollutant	Source	Effects on habitats and species
	volatile organic compounds (VOCs) and sunlight. These precursors are mainly released by the combustion of fossil fuels (as discussed above). Increasing anthropogenic emissions of ozone precursors in the UK have led to an increased number of days when ozone levels rise above 40 ppb ('episodes' or 'smog'). Reducing ozone pollution is believed to require action at international level to reduce levels of the precursors that form ozone.	humans and wildlife and can affect buildings. High O_3 concentrations are widely documented to cause damage to vegetation, including visible leaf damage, reduction in floral biomass, reduction in crop yield (e.g. cereal grains, tomato, potato), reduction in the number of flowers, decrease in forest production and altered species composition in semi-natural plant communities.

Source: Information summarised from the Air Pollution Information System (http://www.apis.ac.uk/)

4.44 Sulphur dioxide emissions are overwhelmingly influenced by the output of power stations and industrial processes that require the combustion of coal and oil. Ammonia emissions are dominated by agriculture, with some chemical processes also making notable contributions. As such, it is unlikely that material increases in SO_2 emissions will be associated with the FNP.

4.45 NO_x emissions, however, are dominated by the output of vehicle exhausts (more than half of all emissions). Within a 'typical' housing development, by far the largest contribution to NO_x (92%) will be made by the associated road traffic. Other sources, although relevant, are of minor importance (8%) in comparison[51]. Emissions of NO_x could therefore be reasonably expected to increase as a result of greater vehicle use as an indirect effect of the FNP.

4.46 According to the World Health Organisation, the critical NO_x concentration (critical threshold) for the protection of vegetation is 30 μgm^{-3}; In addition, ecological studies have determined 'critical loads'[52] of atmospheric nitrogen deposition (that is, NO_x combined with ammonia NH_3) for key habitats within European sites.

Local Air Pollution

4.47 According to the Department of Transport's Transport Analysis Guidance, "Beyond 200m, the contribution of vehicle emissions from the roadside to local pollution levels is not significant"[53].

[51] Proportions calculated based upon data presented in Dore CJ et al. 2005. UK Emissions of Air Pollutants 1970 – 2003. UK National Atmospheric Emissions Inventory. http://www.airquality.co.uk/archive/index.php

[52] The critical load is the rate of deposition beyond which research indicates that adverse effects can reasonably be expected to occur

[53] www.webtag.org.uk/archive/feb04/pdf/feb04-333.pdf

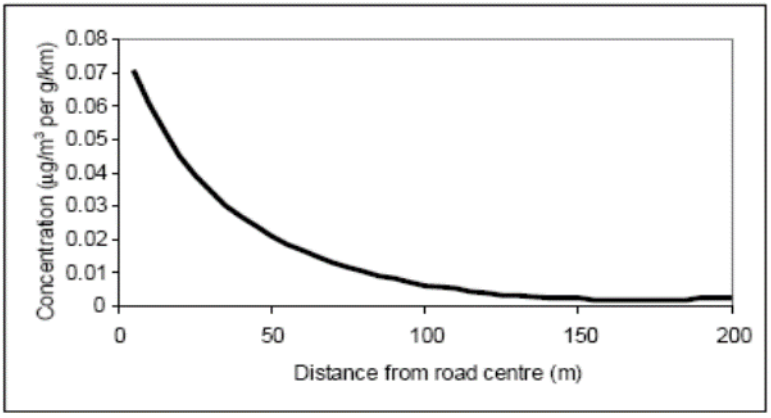


Figure 2: Traffic contribution to concentrations of pollutants at different distances from a road (Source: www.dft.gov.uk/ha/standards/dmrb/vol11/section3/ha20707.pdf)

4.48 This is therefore the distance that has been used throughout this HRA in order to determine whether European sites are likely to be significantly affected by development under the FNP. Blean Complex SAC is c.430m from Thanet Way/ A299 and Tankerton Slopes and Swalecliffe SAC is c.2.km from this same main road. Swae SPA/ Ramsar is c.1.5km from the A2, London/ Canterbury Road. Air quality has not been identified as a pressure/ threat to the site integrity of the Outer Thames SPA.

4.49 On this basis, this pathway has been **screened out** for all relevant European sites and will not be considered further in this report.

Water Resources

4.50 Faversham is located within an area of serious water stress (see Figure 3). Development within the Parish over the plan period will increase water demand.

4.51 According to the Environment Agency's North Kent & Swale Abstraction Licensing Strategy (February 2013[54]), the catchment is groundwater dominated. The fluvial network in this area is not characterised by a distinctive river, instead by spring-fed and surface-fed streams. These flow across the low-lying land of the Swale/Medway Marshes and into the Swale estuary. The Chalk and the Tertiaries provide a significant source of baseflow to the spring-fed streams, and surface-fed streams are reliant on rainfall.

4.52 The marshes along the North of the area are managed according to water level rather than flow. General practice is to keep water levels high in the marshes during the summer to allow for wet fencing or for abstraction to take place from ditches and streams. In the winter, levels are kept low to reduce flood risk. This is carried out by Water Level Management Plans.

4.53 The Water Companies relevant to Faversham are Southern Water and South East Water. Southern Water provides wastewater treatment to all of Swale (within

54 https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/289868/LIT_1815_765a21.pdf [accessed 18/12/2020]

which Faversham lies) and supplies water to Sittingbourne, Sheppey and the west of the borough. South East Water provides water to the east of the borough.

4.54 Southern Water and South-East Water both adopted their latest Water Resource Management Plans in 2019. To demonstrate soundness and to enable adoption, both Plans were assessed in accordance with the Habitats Regulations and a conclusion of no adverse effect on the integrity of any European designated site reached.

4.55 Water supply to support additional housing within Faversham does not therefore need to be considered within the FNP HRA and **this pathway can be screened out.**

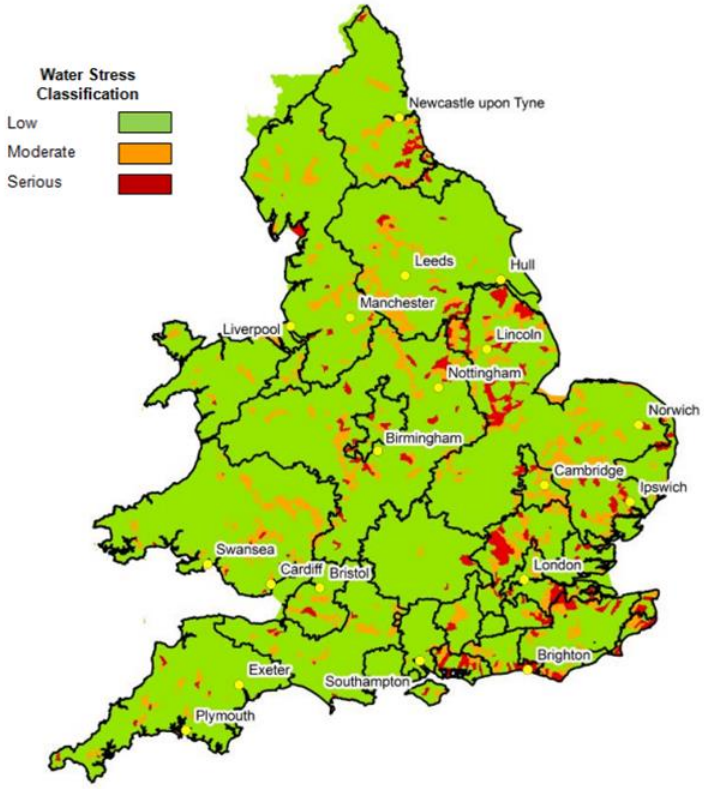


Figure 3: Areas of water stress in England and Wales[55]

Water Quality

4.56 Increased amounts of housing or business development can lead to reduced water quality of rivers and estuarine environments. Sewage and industrial effluent discharges can contribute to increased nutrients on European sites leading to unfavourable conditions. There is a Waste Water Treatment Works at Faversham,

4.57 The quality of the water that feeds European sites is an important determinant of the nature of their habitats and the species they support. Poor water quality can have a range of environmental impacts:

- At high levels, toxic chemicals and metals can result in immediate death of aquatic life, and can have detrimental effects even at lower levels,

[55] Figure adapted from Environment Agency. 2013. Water stressed areas – final classification https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/244333/water-stressed-classification-2013.pdf.

including increased vulnerability to disease and changes in wildlife behaviour. Eutrophication, the enrichment of plant nutrients in water, increases plant growth and consequently results in oxygen depletion. Algal blooms, which commonly result from eutrophication, increase turbidity and decrease light penetration. The decomposition of organic wastes that often accompanies eutrophication deoxygenates water further, augmenting the oxygen depleting effects of eutrophication. In the marine environment, nitrogen is the limiting plant nutrient and so eutrophication is associated with discharges containing available nitrogen.

- Some pesticides, industrial chemicals, and components of sewage effluent are suspected to interfere with the functioning of the endocrine system, possibly having negative effects on the reproduction and development of aquatic life.
- For sewage treatment works close to capacity, further development may increase the risk of effluent escape into aquatic environments. In many urban areas, sewage treatment and surface water drainage systems are combined, and therefore a predicted increase in flood and storm events could increase pollution risk.

4.58 However, Under the Environmental Damage (Prevention and Remediation) (England) Regulations 2015 and the Environmental Permitting (England and Wales) Regulations 2016, it is illegal to pollute watercourses. Individual planning proposals will undergo Preliminary Ecological Appraisal (PEA) or Environmental Impact Assessment (EIA), if identified as Schedule 1 or Schedule 2 proposals by the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. As such, water quality protection measures must by law be introduced on any scheme that could affect the water quality of the river or coastal environment, irrespective of whether part of that environment is designated as an SAC or SPA. This pathway can therefore be **screened out.**

Summary of Impact Pathways to be Taken Forward

4.59 Having considered the impact pathways identified at paragraph 4.3, those shown in Table 5 will be taken to the next stage in the HRA process, the 'Test of Likely Significant Effects' (ToLSEs).

Table 5. Impact pathways and relevant European sites

Impact pathway	European site (s) potentially affected
Recreational pressure	Swale SPA and Ramsar
Loss of functionally linked land	Swale SPA and Ramsar
Noise and visual disturbance	Swale SPA and Ramsar The Outer Thames Estuary SPA
Changes in air quality	N/A – pathway screened out
Water resources	N/A – pathway screened out

Impact pathway	European site (s) potentially affected
Water quality	N/A – pathway screened out

5. Test of Likely Significant Effects (ToLSEs)

Introduction

5.1 When seeking to identify relevant European sites, consideration has been given primarily to identified impact pathways and the source-pathway-receptor approach, rather than adopting a purely 'zones'-based approach. The source-pathway-receptor approach is a standard tool in environmental assessment. In order for an effect to occur, all three elements of this mechanism must be in place. The absence or removal of one of the elements of the mechanism means there is no possibility for an effect to occur. Furthermore, even where an impact is predicted to occur, it may not result in significant effects (i.e., those which undermine the conservation objectives of a European site). Briefly defined, pathways are routes by which a change in activity can lead to a significant effect upon a European site.

5.2 The likely zone of impact (also referred to as the likely 'zone of influence') of a plan or project is the geographic extent over which significant ecological effects are likely to occur. The zone of influence of a plan or project will vary depending on the specifics of a particular proposal and must be determined on a case-by-case basis with reference to a variety of criteria, including:

- the nature, size / scale and location of the plan;
- the connectivity between the plan and European sites, for example through hydrological connections or because of the natural movement of qualifying species;
- the sensitivity of ecological features under consideration; and,
- the potential for in-combination effects.

Approach to Faversham Neighbourhood Plan Policy Screening

5.3 There are 29 policies within the FNP, 13 of which relate to allocated sites. Policies were screened out of having likely significant effects on a European site where any of the following reasons applied:

- they are environmentally positive;
- they will not themselves lead to any development or other change;
- they make provision for change but could have no conceivable effect on a European site. This can be because there is no pathway between the policy and the qualifying features or a European site, or because any effect would be positive;
- they make provision for change but could have no significant effect on a European site (i.e., the effect would not undermine the conservation objectives of a European site); or,

- the effects of a policy on any particular European site cannot be ascertained because the policy is too general. For example, a policy may be screened out if, based on absence of detail in the policy, it is not possible to identify where, when, or how the policy may be implemented, where effects may occur, or which sites, if any, may be affected.

5.4 Any 'criteria-based' policy (i.e., those that simply list criteria with which development needs to comply) or other general policy statements that have no spatial element were also screened out. Likewise, policies that simply 'safeguard' an existing resource (e.g., existing green infrastructure or mineral resources) by preventing other incompatible development, were also screened out.

5.5 The appraisal therefore focussed on those policies with a definable spatial component. Having established which policies required scrutiny by virtue of being spatially defined, consideration was given as to whether likely significant effects could be dismissed due to a lack of connectivity to any European site for one of the following reasons:

- a potentially damaging activity may occur as a result of the policy but there is no pathway connecting it to a European site (due to distance, for example);
- there are no European sites vulnerable to any of the activities that the policy will deliver; or,
- the policy will not result in any damaging activities.

Results of Policy Screening

5.6 The results of the ToLSEs arising from the policies of the FNP are presented in Table . Where a policy is shaded green, there are no linking impact pathways to European sites and LSEs can be excluded. Where the screening outcome is shaded orange, LSEs cannot be excluded and the policy is screened in for Appropriate Assessment.

5.7 Of the 29 FNP Policies, 13 policies were considered to have the potential to result in likely significant effects either alone or in combination with other plans and projects as they relate to allocated sites.

Approach to Site Allocation Screening

5.8 The site allocations contained within the FNP, and shown in Table 6 and Appendix A, Figure A.1 have been reviewed and all possible impact pathways which could arise from each allocation identified. These sites are in addition to the 13 sites allocated for residential development in the adopted Swale Local Plan, resulting in an additional 371 dwellings bringing the total to 2,100 dwellings, an increase of 21.3% dwellings above the Local Plan.

Table 6. Faversham NP Site Allocations

Allocated site (including site reference)	Size (ha)	Current land use	Proposed land use	IMC	Distance from European site(s)
Swan Quay, Belvedere Road (18/029)	0.25	Brownfield	Mixed use, commercial and residential	11	- 571m south-west of the Swale SPA/ Ramsar
Queen Court Farmyard, Water Lane (18/079)	1.75	Redundant farmyard	Residential	77	- 1.9km south of the Swale SPA/ RAMSAR -
Former Coach Depot, Abbey Street (CNP3)	0.1	Brownfield	Mixed use, commercial and residential	5	- 171m south-west of the Swale SPA/ Ramsar
Ordnance Wharf, Brent Road (CNP2)	0.1	Brownfield	Mixed use, commercial and residential	5	- 870m south-west of the Swale SPA/ Ramsar - 6.8km south-west of Outer Thames Estuary SPA.
Fentiman's Yard, New Creek Road (FNP1)	0.1	Brownfield	Mixed use, commercial and residential	7	- 121m south-west of the Swale SPA/ Ramsar
The Railway Yard, Station Road (FNP10)	0.73	Brownfield	Residential	33	- 1km south of the Swale SPA/ Ramsar
Chaff House and Car Park, North Lane (FNP11)	0.06	Brownfield	Mixed use, commercial and residential	3	- 662m south-west of the Swale SPA/ Ramsar .
Former White Horse Car Park Site, North Lane (FNP12)	0.08	Brownfield	Residential	4	- 848m south-west of the Swale SPA/ Ramsar

Allocated site (including site reference)	Size (ha)	Current land use	Proposed land use	IMC	Distance from European site(s)
BMM Weston Ltd (parcel 1b) Land at Brent Road (FNP15)	0.09	Redundant factory accommodation	Residential	4	- 686m south-west of the Swale SPA/ Ramsar
BMM Weston Ltd (parcel 1c) Land at Brent Road (FNP16)	0.16	Redundant factory accommodation	Residential	7	- 822m south-west of the Swale SPA/ Ramsar
BMM Weston Ltd (parcel 2) land at Brent Road (FNP17)	1	Redundant Offices within large grounds	Residential	45	- 719m south-west of the Swale SPA/ Ramsar
BMM Weston Ltd (parcel 3) land at Brent Road (FNP18)	0.38	Car park	Mixed use, commercial and residential	17	- 694m south-west of the Swale SPA/ Ramsar
Former Frank and Whittsome Site, Belvedere Road (FNP3)	0.2	Brownfield	Mixed use, commercial and residential	9	- 536m south-west of the Swale SPA/ Ramsar
Rear Access Land to Market Inn (FNP13)	0.02	Infill	Residential	1	- 811m south-west of the Swale SPA/ Ramsar
Kiln Court and Osborne Court (FNP4)	2.3	Brownfield - former care home	Residential	104	- 1km south of the Swale SPA/ Ramsar
Beaumont Davey Close, Ashford Road (FNP5)	0.42	Brownfield	Residential	19	- 1.6km south-west of the Swale SPA/ Ramsar
97-103 Ashford Road (18/169)	32	Greenfield	Residential	20	- 2.1km south-west of the Swale SPA/ Ramsar

Allocated site (including site reference)	Size (ha)	Current land use	Proposed land use	IMC	Distance from European site(s)
TOTAL	**39.74**			**371**	

** IMC = indicative maximum capacity based on 45 dwellings per ha*
Source: FNP Group

5.9 Consideration was given to the qualifying features of identified European sites, including their ecology, vulnerabilities, the site conservation objectives, and the way in which development may prevent a site from meeting its conservation objectives. On this basis, European sites which could be subject to likely significant effects from each allocation were identified.

5.10 Where a clear or potential pathway was identified by which impacts could give rise to likely significant effects on the qualifying features of a European site, in the absence of any mitigation, the site allocation was screened in. Furthermore, since the purpose of HRA screening is to constitute an initial sift without undertaking detailed technical analyses, the assessment erred on the side of caution and screened in likely significant effects on European sites unless there was a high degree of confidence that they could be dismissed.

Results of Site Allocation Screening

5.11 The results of the ToLSEs arising from the site allocations of the FNP are presented in Table 7. Where an option is shaded green, there are no linking impact pathways to European sites and LSEs can be excluded. Where the screening outcome is shaded orange, LSEs cannot be excluded and the allocation is screened in for Appropriate Assessment.

5.12 Of the 17 FNP site allocations, all were considered to have the potential to result in likely significant effects, both alone and/or in combination with other plans and projects due to their proximity to European sites, most notably Swale SPA/ Ramsar.

Table 7. Screening table of the policies included in the Faversham Neighbourhood Plan

Policy number/ name	Policy summary (full policy details can be found in the NP document)	Likely Significant Effects Screening Assessment
Faversham Town Centre		
FAV1: Faversham Town Centre	1. Development in the Town Centre will be supported where it would complement or enhance its vitality and viability, including the following uses: a. retail, food and drink, personal services, offices and other uses in Use Class E; b. recreational, community, or cultural uses; c. tourist or visitor attractions and facilities; d. other uses that help to diversify the Town Centre's economy. 2. Conversion of upper floors in commercial properties to residential uses, visitor accommodation or business uses, including co-working and enterprise space, will be supported. 3. Support for development in clauses 1 and 2 is subject to: a. Maintaining active frontages and uses open to the public in ground floor units on main shopping streets; b. There being no adverse impacts on the amenity or viability of existing town centre uses. c. Preserving or enhancing the historic character of the town centre, having regard to Policies FAV10 and FAV11.	**No likely significant effect, screened out.** This is an economic policy that maintains Faversham town centre and supports redevelopment of existing multi-use spaces on the condition that alternative provision is made, however it does not provide exact locations. The provision of retail outlets, entertainment and arts in town centres has no bearing on European sites and there are no pathways linking this policy to European sites. Potential future developments will be considered at the planning stage to ensure they comply with this policy, the NPPF and other relevant policies.

Policy number/ name	Policy summary (full policy details can be found in the NP document)	Likely Significant Effects Screening Assessment
	4. Redevelopment of the following multi-use external spaces will only be supported where a similar alternative provision is made nearby: a. Central Car Park Bank Street; b. Queen's Hall Car Park, Forbes Road; c. Partridge Lane/Thomas Road Car Park, North Road; d. Institute Road Car Park, Institute Road	
Residential Development		
FAV22: Housing Development	1. Residential development will be supported where it comprises the following: a. Infill development for gaps within existing building frontages; b. Redevelopment of existing buildings, providing it does not involve the demolition of heritage assets; c. The sensitive refurbishment of existing buildings, including heritage assets. 2. Support for such schemes is subject to: a. There being no loss of public amenity space, including grassed areas, trees and paths; b. Meeting the requirements of FAV7 and FAV10	**No likely significant effect, screened out.** The policy does not itself lead to development, but it supports residential development provided certain criteria are met. The policy does not provide a quantum and / or location of residential growth. There are no pathways linking this policy to any European sites. Developments will be considered at the planning stage to ensure they comply with this policy, the NPPF and other relevant policies.
FAV3: Residential Mix and Standards	1. Residential schemes should include a mix of accommodation to meet local housing	**No likely significant effect, screened out.**

Policy number/ name	Policy summary (full policy details can be found in the NP document)	Likely Significant Effects Screening Assessment
	need, including: a. accommodation suitable for families (3 bedrooms) as a predominant part of the mix; b. smaller accommodation (2 bedrooms or less) suitable for first-time buyers or renters or those seeking to downsize; c. accommodation suitable for older people and those with limited mobility. 2. Affordable housing provision should include: a. 66% affordable rent; b. 34% affordable ownership. 3. Support will be given to affordable housing provision that remains available in perpetuity, including First Homes and community-led housing. 4. Affordable housing should: a. be provided as an integral part of housing schemes and be tenure blind; or b. If there are planning reasons for affordable housing provision to be provided separately from the scheme, it should be provided nearby and within Faversham Parish, to meet local need.	The policy does not itself lead to development, but it supports developments that increases the supply of certain housing needs within the neighbourhood. There are no pathways linking this policy to any European sites. Developments will be considered at the planning stage to ensure they comply with this policy, the NPPF and other relevant policies.

Policy number/ name	Policy summary (full policy details can be found in the NP document)	Likely Significant Effects Screening Assessment
	5. Broadband super-fast connectivity must be provided within new-build development, including for all new dwellings, so as to be ready as local services are upgraded. 6. Residential development should include design and landscape features to reduce its carbon impact and promote biodiversity, meeting the requirements of Policies FAV7 and FAV10	
Movement and Sustainable Transport		
FAV4: Mobility and Sustainable Transport	1. Development that generates additional journeys must be supported by a balanced mix of transport provision, including sustainable and active travel options, avoiding over-reliance on cars, proportionate to the scale and nature of the development. 2. Development should provide direct and convenient pedestrian and cycle links to surrounding facilities, including provision of new crossings where necessary, and the layout and design of development should prioritise walking and cycling within the site, meeting the requirements of Policy FAV10. 3. Development must be designed to accommodate the needs of people with a range	**No likely significant effect, screened out.** This is a strategic policy that provides support for sustainable transport modes, such as walking, cycling and public transport. This policy is important because it is likely to help reduce the car-based commuter traffic resulting from the FNP. This could benefit European sites that are sensitive to atmospheric pollution. There are no pathways linking this policy to any European sites. Developments will be considered at the planning stage to ensure they comply with this policy, the NPPF and other relevant policies.

Policy number/ name	Policy summary (full policy details can be found in the NP document)	Likely Significant Effects Screening Assessment
	mobilities or impaired vision. 4. Secure and covered storage for cycles and scooters must be provided for all development that would generate additional travel, including all new dwellings. 5. Electric charging points for motor vehicles and cycles should be provided for all new homes and new or expanded employment accommodation.	
FAV5: Critical Road Junctions	1. For development that impacts on junctions with identified safety and/or capacity issues, schemes will only be supported where there is no severe impact, taking account of any mitigation measures that are incorporated into the scheme. These junctions are: • A2 Canterbury Road/ A251 Ashford Road/ Preston Grove and A2 Canterbury Road & London Road/ B2041 The Mal. (To be considered as a combined junction); • A2 Canterbury Road/ Preston Avenue; • A2 London Road/Upper St Ann's Road and A2 London Road/ Brogdale Road (To be considered as a combined junction); • Bramblehill Road/ Church Road; • Forbes Rd with Athelstan Road;	**No likely significant effect, screened out.** This is a development management policy and does not allocate sites for development but highlights junctions where developers may need to consider and incorporate safety and capacity measures. There are no pathways linking this policy to any European sites. Developments will be considered at the planning stage to ensure they comply with this policy, the NPPF and other relevant policies.

Policy number/ name	Policy summary (full policy details can be found in the NP document)	Likely Significant Effects Screening Assessment
	• Forbes Rd with Briton Road; • London Road/Kingsnorth Road and London Road/ Canute Road and A2 London Road/ Access to The Abbey School and Abbey Sport Centre (To be considered as a combined junction); • Love Lane/ Whitstable Road/ Graveney Road; • Love Lane/ Windermere; • Love Ln with Canterbury Road; • Newton Rd with Gatefield Lane; • North Lane/ Partridge Lane; • Oare Road with Ham Road; • Ospringe Road/South Road with Lower Road; • Preston Ave with Canterbury Road; • Quay Lane/ Court Street/ Abbey Street/ Church Street; • South Road with Napleton Rd/Cross Lane; • The Mall with Forbes Road; • Western Link Road/Bysing Wood Road; • Whitstable Road/ East Street/ Orchard Place/ Park Road; • Whitstable Road/ Gaskin Road.	
FAV6: Footpaths, Bridleways and Cycleways	1. Development not to encroach onto footpaths, bridleways or cycleways or have any significant adverse impacts on their setting, amenity, safety or accessibility.	**No likely significant effect, screened out.** This is a general policy which does not promote or support any specific development but is designed to protect, enhance and expand the green

Policy number/ name	Policy summary (full policy details can be found in the NP document)	Likely Significant Effects Screening Assessment
	2. Opportunities should be taken to improve the setting, amenity, safety and accessibility of existing footpaths, bridleways and cycleways. 3. A priority for allocation of developer contributions should be to provide new footpaths, links between existing footpaths and to improve the quality and accessibility of footpaths, including between the Town Centre and surrounding countryside.	infrastructure network within the Faversham area. There are no pathways linking this policy to any European sites.
Environment		
FAV7: Natural Environment and Landscape	1. Development must have no adverse impacts on green or blue infrastructure, including designated landscapes, nature recovery networks, habitat distinctiveness, wildlife and nature corridors, ecology, tidal marshes, and the Westbrook Chalk Stream, Cooksditch and Thorn Creek (see plans NEL1; NEL2; NEL3; NEL4). 2. Development must create an overall net gain in biodiversity of 20%, including through positive features in its design and landscaping. 3. Loss of green or natural landscape through development must be balanced though	**No likely significant effect, screened out.** This is a development management policy aimed at protecting and enhancing the natural environment and does not specifically allocate sites for development. There are no pathways linking this policy to any European sites.

Policy number/ name	Policy summary (full policy details can be found in the NP document)	Likely Significant Effects Screening Assessment
	provision of green infrastructure, landscaping, planting and net gains to wildlife and biodiversity in the design and layout of development. 4. Trees, woodland and hedges must be retained and be incorporated into the layout and landscape design of development proposals. Where loss of trees, woodland or hedges is unavoidable, replacements should be provided nearby, using native species, to create a similar level of amenity. 5. Landscaping and planting should use native species.	
FAV8: Flooding and Surface Water	1. Development must have no significant adverse impact on risk of flooding and should take opportunities to improve flood water disposal. 2. Development will not be supported if it would compromise infrastructure to prevent flooding or the management of flooding incidents. 3. New-build development must include sustainable drainage features as an integral part of the landscape and green infrastructure, to avoid adverse impacts from surface water run-off.	**No likely significant effect, screened out.** This policy is a strategic development management policy that sets out the criteria for developers to plan for flooding and surface water run-off. It is essentially positive policy. There are no pathways linking this policy to European sites.

Policy number/ name	Policy summary (full policy details can be found in the NP document)	Likely Significant Effects Screening Assessment
	4. Hard ground surface treatments must be permeable to allow water to penetrate.	
FAV9: Air Quality	1. Development must have no significant adverse impact on local air quality. 2. Development within or affecting the A2 Air Quality Management Areas must include features to avoid any worsening of air quality or to improve air quality. 3. Development that generates additional car journeys should include tree planting using native species or other design or landscape features to help improve air quality.	**No likely significant effect, screened out.** This policy is a strategic development management policy that sets out the criteria for developers to plan for air quality. It is also essentially an air quality positive policy. There are no pathways linking this policy to European sites.
Design		
FAV10: Sustainable Design and Character	1. New-build development or extensions to existing buildings must complement the existing townscape character of the surrounding area in terms of scale, massing, height and set-back from the road, including complementing the predominant 2-3 storey character of the area. 2. Landscape infrastructure and a high-quality public realm must be an integral part of the design and layout, meeting the requirements of Policy FAV7.	**No likely significant effects, screened out.** This policy will not lead to development, instead it requires developments to be sustainable and of a high quality. There are no pathways linking this policy to any European sites. Developments will be considered at the planning stage to ensure they comply with this policy, the NPPF and other relevant policies.

Policy number/ name	Policy summary (full policy details can be found in the NP document)	Likely Significant Effects Screening Assessment
	3. The design and layout of development must prioritise pedestrian convenience, creating a permeable layout, with connections to surrounding pathways, countryside, community facilities, public transport routes the Town Centre and the Creek. 4. The design and layout of development must take account of the needs of people with limited mobility. 5. Development must provide low front enclosures and active building elevations to street frontages, to create overlooking and natural surveillance. 6. Materials must be durable with a high standard of finish and support will be given to the use of local or recycled materials or construction and materials with low embodied energy and superior environmental performance. 7. Creative and innovative design will be supported, especially where it involves superior environmental performance, water efficiency and reduction of carbon impact.	

Policy number/ name	Policy summary (full policy details can be found in the NP document)	Likely Significant Effects Screening Assessment
	8. Development should avoid any adverse impact on residential properties through intrusive, excessive or poorly designed lighting.	
Historic Buildings and Places		
FAV11: Heritage	1. Heritage-led regeneration and the adaptation and reuse of historic buildings will be supported, providing such works preserve or enhance the character or appearance of conservation areas and preserve listed buildings and their setting. 2. In applying Policy FAV10 within the historic Faversham Town Centre, development should complement the townscape character of the main shopping streets based on rear-of pavement frontages. 3. Development must have no adverse impact on: a. The rural setting of Faversham Town Centre and Syndale, Ospringe, Preston-nextFaversham, and Faversham Conservation Areas, including the open land between the Ham marshes and Bysingwood; b. Non-designated heritage assets, including heritage associated with maritime, agriculture, brick-making, gunpowder, brewing, war or other 20th century heritage; c. Urban Archaeological Zones (see plan reference Faversham Urban Archaeological	**No likely significant effects, screened out.** This policy will not lead to development itself but instead sets out requirements for developments in order to maintain the local heritage of Faversham by conserving and enhancing its character and appearance and ensuring the long term survival of heritage assets. There are no pathways linking this policy to any European sites. Developments will be considered at the planning stage to ensure they comply with this policy, the NPPF and other relevant policies.

Policy number/ name	Policy summary (full policy details can be found in the NP document)	Likely Significant Effects Screening Assessment
	Zone). 4. The design and layout of development must take account of views towards St Mary's Church and Davington Priory. 5. Historic shopfronts or surviving features from historic shopfronts should be preserved. 6. New shopfronts in historic buildings should complement the character of the building and the reinstatement of historic shopfronts will be supported.	
Community Facilities		
FAV12: Health, Recreation and Community	1. Support will be given to new recreational and community facilities, including healthcare and sports facilities, in the following locations: a. In and around Faversham Town Centre; b. Where there are existing clusters of community facilities; c. In easy walking distance of existing housing; d. As part of new housing development. 2. Support for development under clause 1 is subject to there being no significant adverse impacts on the amenities of residential properties or on the historic or natural environments.	**No likely significant effects, screened out.** This policy will not lead to development as it does not allocate specific sites, however it does support the development of new community facilities where appropriate. There are no pathways linking this policy to any European sites. Possible future developments will be considered at the planning stage to ensure they comply with this policy, the NPPF and other relevant policies.

Policy number/ name	Policy summary (full policy details can be found in the NP document)	Likely Significant Effects Screening Assessment
	3. For housing schemes, the design of recreational space and play facilities should take account of the needs of people of all ages, including children and teenagers. 4. The loss of community facilities, including pubs and sports facilities, will be supported only where similar or better facilities are provided in close proximity, or where it can be demonstrated that continuing use is non-viable. 5. Local community facilities of particular value include: a. Alexander Centre, Preston Street; b. Assembly Rooms, Preston Street; c. Post Office, East Street. 6. Development must support active travel, meeting the requirements of Policies FAV10 and FAV4.	
Local Green Space		
FAV13: Local Green Space	1. The following spaces are designated as Local Green Space: LGS/001 – Playing field and play area at the Windermere Estate; LGS/002 – Land adjacent to New Creek Road; LGS/003 – Playing area and pitch at junction of Bysing Wood Road and Giraud Drive;	**No likely significant effects, screened out.** This policy will not lead to development as it does not allocate sites but seeks to protect Faversham's green spaces. Access to a network of high-quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities, while also bringing wider nature benefits and supporting efforts to address climate change.

Policy number/ name	Policy summary (full policy details can be found in the NP document)	Likely Significant Effects Screening Assessment
	LGS/004 – Crab Island, Front Brents; LGS/005 – Fields from Upper Brents towards Faversham Creek; LGS/006 – Woodlands at Wildish Road; LGS/007 – Former play area off Wallers Road and rear of Lion Field; LGS/008 – Playing area and field at Lower Road/ Bensted Grove. 2. Development should not encroach onto Local Green Space, unless: a. It is specifically required to support the community use of the space; b. It is small in scale and discreetly located so that it would not compromise the open or green character of the space; c. Its design complements the green character of the space. 3. Development adjacent to Local Green Space or affecting its setting must have no adverse impact on the amenity, safety, or accessibility of the space.	There are no pathways linking this policy to any European sites.

Renewable Energy

Policy number/ name	Policy summary (full policy details can be found in the NP document)	Likely Significant Effects Screening Assessment
FAV14: Local Renewable Energy Schemes	1. Local renewable energy schemes will be supported, subject to there being no significant adverse impact on: a. The amenities of residential properties; b. Faversham's historic and natural environments. 2. Support will be given to inclusion of microgeneration features in new residential schemes.	**No likely significant effects, screened out.** This policy supports opportunities to enhance energy production from renewable sources however, while positive, this policy is unlikely to be relevant to European sites. Specifically, the policy does not provide a quantum and / or location of such developments. There are no pathways linking this policy to European sites.
Faversham Creek		
FAV15: Faversham Creek Policy Area	1. Development will be supported within the Faversham Creek Policy Area where it comprises: a. uses that enhance the economic, leisure, maritime or recreational use of the Creek, including visitor facilities; b. uses set out in FAV16 within the Maritime Gateway Heritage Area. c. uses specified in relevant site allocation policies (FAV17, FAV19, FAV20, FAV21, FAV23, FAV24, FAV25, FAV26, FAV27, FAV28); 2. Loss of existing employment uses will only be supported where it can be demonstrated that the use is economically unviable.	**No likely significant effects, screened out.** This is a development management policy and it does not provide a quantum and / or location of such developments. There are no pathways linking this policy to European sites. Possible future developments will be considered at the planning stage to ensure they comply with this policy, the NPPF and other relevant policies.

Policy number/ name	Policy summary (full policy details can be found in the NP document)	Likely Significant Effects Screening Assessment
	3. Development must have no significant adverse impact on the creek and its setting, also meeting the requirements of Policy FAV7. 4. Development must have no adverse impact on public access to the waterfront and should take opportunities to improve access, link to existing footpaths and provide moorings. 5. Development must complement the character of the Faversham Creek area, including the predominant 3-storey building height of buildings, meeting the requirements of Policy FAV10. 6. Development must conserve the Creek's heritage assets and their settings, meeting the requirements of Policy FAV11. 7. Development must have no adverse impact on the water quality of the Creek, including impacts from surface water or other water discharge, and considering impacts on protected sites downstream. 8. Development must have no significant adverse impact on the operations of existing	

Policy number/ name	Policy summary (full policy details can be found in the NP document)	Likely Significant Effects Screening Assessment
	commercial uses	
FAV16: Maritime Gateway Heritage Regeneration Area	1. The use, reuse and refurbishment of historic buildings and development to provide hospitality, leisure, assembly, recreation, tourism and visitor and community related uses will be supported, including those relating to maritime and brewing activities. 2. Residential development will be supported, only where it is part of a mixed-use scheme which includes predominantly the uses set out in clause 1 of this policy. 3. Support for development is subject to: a. Meeting the requirements of FAV15; b. The scheme complementing or enhancing and not harming the tourism and visitor potential of the area	**No likely significant effects, screened out.** This is a development management policy and it does not provide a quantum and / or location of such developments. There are no pathways linking this policy to European sites. Possible future developments will be considered at the planning stage to ensure they comply with this policy, the NPPF and other relevant policies.
Site Allocations (including site reference and indicative maximum capacity based on 45 dwellings per ha)		
FAV17 Swan Quay, Belvedere Road (18/029)	1. Swan Quay is allocated for mixed uses, as follows: a. Offices, workshops and other uses in Use Class E; b. Residential Development (Use Class C3); c. A gallery and other uses in Use Class D1. 2. Development should: a. preserve or enhance the existing listed building and curtilage buildings and	**Potential for likely significant effects, screened in.** This policy allocates a 0.25ha brownfield site for mixed use development, including approximately 11 dwellings and associated infrastructure. The site lies 571m from the Swale SPA/ Ramsar therefore this policy must be considered through an Appropriate

Policy number/ name	Policy summary (full policy details can be found in the NP document)	Likely Significant Effects Screening Assessment
	their settings; b. complement the character of the Faversham Conservation Area, including retention of buildings and features that contribute to its special architectural or historic interest. 3. Development should create good connectivity with Town Quay and Belvedere Road. 4. Development should include the retention of the existing slipway and access to it, unless it can be demonstrated that it is no longer required. 5. Development must take account of the high risk of flooding and include appropriate mitigation and avoid putting uses vulnerable to flood damage at ground floor level.	Assessment as there is the potential for likely significant effects in terms of the following pathways on the SPA/ Ramsar: • Recreational Pressure (Functionally linked land has been screened out due to existing habitat type being unsuitable for SPA features and size. Visual and noise disturbance has been screened out as >300m from the SPA/ Ramsar).
FAV18 Queen Court Farmyard, Water Lane (18/079)	1. Queen Court Farmyard (see Plan **) is allocated for residential development. 2. Development should: a. enhance the setting of listed buildings adjacent to the site; b. complement the character of the Ospringe Conservation Area; c. leave the dry riverbed undeveloped, as part of the landscape design of the site; d. take account of the site lines to listed barns and Queen Court farmhouse	**Potential for likely significant effects, screened in.** This policy allocates a 1.75ha redundant farmyard for residential development, comprising approximately 77 dwellings and associated infrastructure. The site lies 1.9km from the Swale SPA/ Ramsar therefore this policy must be considered through an Appropriate Assessment as there is the potential for likely significant effects in terms of the following pathways on the SPA/ Ramsar: • Recreational Pressure

Policy number/ name	Policy summary (full policy details can be found in the NP document)	Likely Significant Effects Screening Assessment
	from Water Lane and Mutton Lane. 3. Development must take account of the medium risk of flooding and include appropriate mitigation and avoid putting uses vulnerable to flood damage at ground floor level.	(Functionally linked land has been screened out due to existing habitat type being unsuitable for SPA features and size. Visual and noise disturbance has been screened out as >300m from the SPA/ Ramsar).
FAV 19 Former Coach Depot, Abbey Street (CNP3)	1. Former Coach Depot (see Plan **) is allocated for mixed uses, as follows: a. Offices, workshops and other uses in Use Class E; b. Residential development (Use Class C3). 2. Development should provide active frontages at ground floor level, including uses open to the public. 3. The development should provide safe and convenient pedestrian access into the development. 4. Development should: a. enhance the setting of listed buildings around the site; b. complement the character of the Faversham Conservation Area, including retention of buildings and features that contribute to its special architectural or historic interest. 5. Development should include a public walkway along the Creek edge. 6. Development must take account of the high risk of flooding and include	**Potential for likely significant effects, screened in.** This policy allocates 0.1ha brownfield land for mixed use development, including approximately 5 dwellings and associated infrastructure. The site lies 171m from the Swale SPA/ Ramsar therefore this policy must be considered through an Appropriate Assessment as there is the potential for likely significant effects in terms of the following pathways on the SPA/ Ramsar: • Recreational Pressure • Visual and Noise Disturbance (Functionally linked land has been screened out due to existing habitat type being unsuitable for SPA features and size).

Policy number/ name	Policy summary (full policy details can be found in the NP document)	Likely Significant Effects Screening Assessment
	appropriate mitigation and avoid putting uses vulnerable to flood damage, including habitable rooms, at ground floor level.	
FAV20 Ordnance Wharf, Brent Road (CNP2)	1. Ordnance Wharf (see Plan **) is allocated for mixed uses, as follows: a. Offices and workshops (Use Class E); b. Residential development (Use Class C3); c. A community hall or other community uses (Use Class F2). 2. Development should: a. enhance the setting of listed buildings around the site, including the Purifier; b. complement the character of the Faversham Conservation Area, including retention of features that contribute to its special architectural or historic interest; c. preserve the 18th Century wharf walls and stone crane base; d. take account of the site line towards St Mary's Church, Davington Priory; e. use design and layout and appropriate construction techniques to avoid the loss of archaeological remains. 3. Development should include a public walkway along the Creek edge.	**Potential for likely significant effects, screened in.** This policy allocates 0.1ha brownfield land for mixed use development, including approximately 5 dwellings and associated infrastructure. The site lies 870m from the Swale SPA/ Ramsar therefore this policy must be considered through an Appropriate Assessment as there is the potential for likely significant effects in terms of the following pathways on the SPA/ Ramsar: • Recreational Pressure (Functionally linked land has been screened out due to existing habitat type being unsuitable for SPA features and size. Visual and noise disturbance has been screened out as >300m from the SPA/ Ramsar).

Policy number/ name	Policy summary (full policy details can be found in the NP document)	Likely Significant Effects Screening Assessment
	4. Development must take account of the high risk of flooding and include appropriate mitigation and avoid putting uses vulnerable to flood damage, including habitable rooms, at ground floor level	
FAV21 Fentiman's Yard, New Creek Road (FNP1)	1. Fentiman's Yard (see Plan **) is allocated for residential development (Use Class C3). 2. Development should include sufficient parking provision to avoid additional street parking in the vicinity of the site. 3. Development should: a. enhance the setting of listed buildings around the site; b. complement the character of the Faversham Conservation Area. 4. Development must take account of the high risk of flooding and include appropriate mitigation and avoid putting uses vulnerable to flood damage, including habitable rooms, at ground floor level.	**Potential for likely significant effects, screened in.** This policy allocates 0.1ha brownfield land for mixed use development, including approximately 7 dwellings and associated infrastructure. The site lies 121m from the Swale SPA/ Ramsar therefore this policy must be considered through an Appropriate Assessment as there is the potential for likely significant effects in terms of the following pathways on the SPA/ Ramsar: • Recreational Pressure • Visual and Noise Disturbance (Functionally linked land has been screened out due to existing habitat type being unsuitable for SPA features and size).
FAV22 The Railway Yard, Station Road (FNP10)	1. The Railway Yard (see Plan **) is allocated for Residential development (Use Class C3). 2. Development should include design measures to mitigate noise and vibration from the nearby railway. 3. The development must not be occupied unless a new footway is provided to link the	**Potential for likely significant effects, screened in.** This policy allocates 0.73ha brownfield land for residential development comprising approximately 33 dwellings and associated infrastructure. The site lies 1km from the Swale SPA/ Ramsar therefore this policy must be considered through an Appropriate

Policy number/ name	Policy summary (full policy details can be found in the NP document)	Likely Significant Effects Screening Assessment
	development to Station Road. 4. Development must take account of the high risk of flooding and include appropriate mitigation and avoid putting uses vulnerable to flood damage, including habitable rooms, at ground floor level.	Assessment as there is the potential for likely significant effects in terms of the following pathways on the SPA/ Ramsar: • Recreational Pressure (Functionally linked land has been screened out due to existing habitat type being unsuitable for SPA features and size. Visual and noise disturbance has been screened out as >300m from the SPA/ Ramsar).
FAV23 Chaff House and Car Park, North Lane (FNP11)	1. Chaff House and Car Park (see Plan **) is allocated for mixed use, as follows: a. Offices, retail, workshops (Use Class E); b. Visitor Centres (Use Class F1); c. Hotel or visitor accommodation (Use Class C1); d. Residential development, (Use Class C3). 2. Residential development will be supported for upper floors only, due to flood risk considerations. 3. Development should: a. enhance the setting of listed buildings around the site, including the Training Ship Hazard and Shepherd Neame Brewery; b. complement the character of Faversham Conservation Area, including through the retention of buildings and features that make a positive contribution to its special	**Potential for likely significant effects, screened in.** This policy allocates 0.06ha brownfield land for mixed use development, including approximately 3 dwellings and associated infrastructure. The site lies 662m from the Swale SPA/ Ramsar therefore this policy must be considered through an Appropriate Assessment as there is the potential for likely significant effects in terms of the following pathways on the SPA/ Ramsar: • Recreational Pressure (Functionally linked land has been screened out due to existing habitat type being unsuitable for SPA features and size. Visual and noise disturbance has been screened out as >300m from the SPA/ Ramsar).

Policy number/ name	Policy summary (full policy details can be found in the NP document)	Likely Significant Effects Screening Assessment
	architectural or historic interest; c. take account of views towards the tower of the Grade I listed St Mary of Charity church; d. be designed to take account of the visibility of the TS Hazard building. 5. Development must take account of the high risk of flooding and include appropriate mitigation and avoid putting uses vulnerable to flood damage, including habitable rooms, at ground floor level.	
FAV24 Former White Horse Car Park Site, North Lane (FNP12)	1. The Former White Horse Car Park (see Plan **) is allocated for residential development, (Use Class C3). 2. Residential development will be supported for upper floors only, due to flood risk considerations. 3. Development should: a. enhance the setting of listed buildings around the site; b. complement the character of Faversham Conservation Area. 6. Development must take account of the high risk of flooding and include appropriate mitigation and avoid putting uses vulnerable to flood damage, including habitable rooms, at ground floor level.	**Potential for likely significant effects, screened in.** This policy allocates 0.08ha brownfield land for residential development comprising approximately 4 dwellings and associated infrastructure. The site lies 848m from the Swale SPA/ Ramsar therefore this policy must be considered through an Appropriate Assessment as there is the potential for likely significant effects in terms of the following pathways on the SPA/ Ramsar: • Recreational Pressure (Functionally linked land has been screened out due to existing habitat type being unsuitable for SPA

Policy number/ name	Policy summary (full policy details can be found in the NP document)	Likely Significant Effects Screening Assessment
		features and size. Visual and noise disturbance has been screened out as >300m from the SPA/ Ramsar).
FAV25 BMM Weston Ltd (parcel 1b and 1c) Land at Brent Road (FNP15 and FNP16)	1. The BMM Weston parcels 1b and 1c are allocated for residential development (Use Class C3). 2. Development should: a. enhance the setting of listed buildings around the site; b. complement the character of Faversham Conservation Area; c. take account of views of the Grade I listed St Mary's Church, Davington Priory from Bridge Street/Swing Bridge. 3. Development must take account of the high risk of flooding and include appropriate mitigation and avoid putting uses vulnerable to flood damage, including habitable rooms, at ground floor level.	**Potential for likely significant effects, screened in.** This policy allocates 0.09ha and 0.16ha respectively of redundant factory accommodation for residential development comprising a total of 7 dwellings and associated infrastructure. The sites lie 686m and 822m from the Swale SPA/ Ramsar therefore this policy must be considered through an Appropriate Assessment as there is the potential for likely significant effects in terms of the following pathways on the SPA/ Ramsar: • Recreational Pressure (Functionally linked land has been screened out due to existing habitat type being unsuitable for SPA features and size. Visual and noise disturbance has been screened out as >300m from the SPA/ Ramsar).
FAV26 BMM Weston Ltd (parcel 2) land at Brent Road (FNP17)	1. BMM Weston Parcel 2 (see Plan **) is allocated Residential development (Use Class C). 2. Development should: a. Include the retention of the BMM Weston Office Building; b. enhance the setting of listed buildings around the site;	**Potential for likely significant effects, screened in.** This policy allocates 1ha of redundant offices and grounds for residential development comprising 45 dwellings and associated infrastructure. The site lies 719m from the Swale SPA/ Ramsar therefore this policy must be considered through an Appropriate

Policy number/ name	Policy summary (full policy details can be found in the NP document)	Likely Significant Effects Screening Assessment
	c. complement the character of Faversham Conservation Area, including the brick wall to the site boundary; d. take account of the topography and prominence of the site.	Assessment as there is the potential for likely significant effects in terms of the following pathways on the SPA/ Ramsar: • Recreational Pressure (Functionally linked land has been screened out due to existing habitat type being unsuitable for SPA features and size. Visual and noise disturbance has been screened out as >300m from the SPA/ Ramsar).
FAV27 BMM Weston Ltd (parcel 3) land at Brent Road (FNP18)	1. BMM Weston Parcel 3 (see Plan **) is allocated for mixed use development, as follows: a. Commercial, business and services (Use Class E); b. Residential development (Use Class C); c. Community Uses. 2. Development should: a. enhance the setting of listed buildings around the site; b. complement the character of Faversham Conservation Area; c. take account of views of the Grade I listed St Mary's Church, Davington Priory from Bridge Street/Swing Bridge. 3. Development must take account of the high risk of flooding and include appropriate mitigation and avoid putting uses vulnerable to flood damage, including habitable rooms, at ground floor level.	**Potential for likely significant effects, screened in.** This policy allocates a 0.38ha car park for mixed use, commercial and residential development comprising 17 dwellings and associated infrastructure. The site lies 694m from the Swale SPA/ Ramsar therefore this policy must be considered through an Appropriate Assessment as there is the potential for likely significant effects in terms of the following pathways on the SPA/ Ramsar: • Recreational Pressure (Functionally linked land has been screened out due to existing habitat type being unsuitable for SPA features and size. Visual and noise disturbance has

Policy number/ name	Policy summary (full policy details can be found in the NP document)	Likely Significant Effects Screening Assessment
	4. The layout and design of the scheme should take account of the Public Right of Way running along the southern edge of the site between Bridge Road and Flood Lane.	been screened out as >300m from the SPA/ Ramsar).
FAV28 Former Frank and Whittsome Site, Belvedere Road (FNP3)	1. Former Frank and Whittsome Site (see Plan **) is allocated for mixed use development, as follows: a. Offices and workshops (Use Class E); b. Residential development (Use Class C); c. Live/work units. 2. The retention and/or expansion of creative workshops, studios and exhibition space is encouraged. 3. Development should: a. complement the character of Faversham Conservation Area, including retention of the buildings and features that make a positive contribution to its special architectural or historic interest; b. enhance the setting of listed buildings around the site.	**Potential for likely significant effects, screened in.** This policy allocates 0.2ha brownfield land for mixed use, commercial and residential development comprising 9 dwellings and associated infrastructure. The site lies 536m from the Swale SPA/ Ramsar therefore this policy must be considered through an Appropriate Assessment as there is the potential for likely significant effects in terms of the following pathways on the SPA/ Ramsar: • Recreational Pressure (Functionally linked land has been screened out due to existing habitat type being unsuitable for SPA features and size. Visual and noise disturbance has been screened out as >300m from the SPA/ Ramsar).
FAV29 Other Sites (FNP13, FNP4, FNP5, 18/169)	1. The following sites are allocated for residential development (see Plans **): a. Rear Access Land to Market Inn; b. Kiln Court and Osborne Court; c. Beaumont Davey Close, Ashford Road;	**Potential for likely significant effects, screened in.** This policy allocates the following: a) 0.02ha infill land for 1 residential dwelling, 811m from the Swale SPA/ Ramsar

Policy number/ name	Policy summary (full policy details can be found in the NP document)	Likely Significant Effects Screening Assessment
	d. 97-103 Ashford Road. 2. Suitable safe access must be provided for vehicles, cycles and pedestrians.	b) 2.3ha brownfield land for 104 residential dwellings, 1km from the Swale SPA/ Ramsar c) 0.42ha brownfield land for 19 residential dwellings, 1.6km from the Swale SPA/ Ramsar d) 32ha greenfield land for 20 residential dwellings, 2.1km from the Swale SPA/ Ramsar. This policy must be considered through an Appropriate Assessment as there is the potential for likely significant effects in terms of the following pathways on the SPA/ Ramsar: • Recreational pressure • Loss of functionally linked land (Visual and noise disturbance has been screened out as all sites are >300m from the SPA/ Ramsar).

Source: Faversham Town Council

6. Appropriate Assessment

6.1 The law does not prescribe how an appropriate assessment should be undertaken or presented but the appropriate assessment must consider all impact pathways that have been screened in, whether they are due to policies alone or to impact pathways that arise in combination with other projects and plans. That analysis is the purpose of this section. The law does not require the 'alone' and 'in combination' effects to be examined separately provided all effects are discussed.

6.2 While growth in Faversham is unlikely to affect The Swale SPA/Ramsar site when considered by itself, when considered in combination with growth being delivered in other local authorities within 6km of the SPA/Ramsar site (and elsewhere within Swale Borough), it could result in a likely significant effect.

6.3 The HRA screening exercise undertaken in Table 7 indicates that 13 NP Policies, which encompass all site allocations, were considered to pose Likely Significant Effects for European sites 'in combination' with other projects and plans due to contributing to recreational pressure within 6km of The Swale SPA/Ramsar site. In addition, two allocations were considered to have potential for likely significant effects on the SPA/Ramsar via noise or visual disturbance during construction, while one was considered to pose a risk of in combination effects on The SPA/Ramsar site through loss of functionally linked land.

Recreational Pressure

6.4 All 13 site allocations have the potential to result in recreational pressure on the Swale SPA/ Ramsar in combination with growth elsewhere within 6km of the SPA/Ramsar site including elsewhere in Swale Borough. In accordance with the Bird Wise North Kent Mitigation Strategy[56], all residential development within 6km of the North Kent Bird sites could result in an adverse effect on the integrity of the SPA as a result of increased recreational pressure. The strategic Mitigation Strategy is funded by developer contributions. It provides for a range of mitigation and avoidance strategies. As such to ensure no adverse effects on the integrity of the designated sites occurs, any net new residential development within 6km of the North Kent Bird sites will be required to contribute to the Mitigation Strategy and provide the appropriate financial contributions.

6.5 Policy FAV7: Natural Environment and Landscape, which is aimed at protecting and enhancing the natural environment, states "Development must have no adverse impacts on green or blue infrastructure, including designated landscapes, nature recovery networks, habitat distinctiveness, wildlife and nature corridors, ecology, tidal marshes, and the Westbrook Chalk Stream, Cooksditch and Thorn Creek…."

6.6 **It is recommended that the wording of Policy FAV7 be expanded slightly to clearly reference a requirement that developers must demonstrate no adverse effects on the integrity of designated sites through the provision**

[56] https://northkent.birdwise.org.uk/wp-content/uploads/2018/02/Mitigation-Strategy.pdf [accessed 19/10/2022]

of project specific HRAs and contributions to the Bird Wise North Kent Mitigation Strategy.

Visual and Noise Disturbance

6.7 The following site allocations have been identified to be located within such a distance from the Swale SPA/ Ramsar that development has the potential to result in visual and noise disturbance, primarily during construction:

- FAV 19 Former Coach Depot, Abbey Street (CNP3)
- FAV21 Fentiman's Yard, New Creek Road (FNP1)

6.8 The following paragraphs provide the Appropriate Assessment of these allocations in relation to visual and noise disturbance and where required, provide recommendations.

FAV 19 Former Coach Depot, Abbey Street (CNP3)

6.9 This site is located 171m from the Swale designated sites, it is 0.1ha in size and situated on brownfield land. From review of freely available online imagery, the site lies within an already built-up area and appears to have been cleared therefore no demolition works are anticipated. There also appears to be a wall between the site and the Creek, providing a potential temporary visual buffer to future construction activities.

FAV21 Fentiman's Yard, New Creek Road (FNP1)

6.10 This site is located 121m from The Swale designated sites, it is 0.1ha in size and situated on brownfield land. From review of freely available online imagery, the site lies within an already built-up area and is bounded on all sides by existing buildings providing a visual barrier between the site and the SPA/ Ramsar.

6.11 Policy FAV7: Natural Environment and Landscape, which is aimed at protecting and enhancing the natural environment, states "Development must have no adverse impacts on green or blue infrastructure, including designated landscapes, nature recovery networks, habitat distinctiveness, wildlife and nature corridors, ecology, tidal marshes, and the Westbrook Chalk Stream, Cooksditch and Thorn Creek…."

6.12 **For Policies FAV19 and FAV21 with potential to cause visual and noise disturbance it is recommended that the site allocation policy wording be strengthened by making a clear requirement that developers must demonstrate no adverse impacts on The Swale SPA/Ramsar site from construction period noise or visual disturbance, as well as complying with the other requirements of Policy FAV7.**

Functionally Linked Land

6.13 The following allocation has been identified to be located within a land parcel that has the potential to provide habitat that could support a significant population of designated bird species, and thus could act as functionally linked land:

- FAV29 18/169: 97-103 Ashford Road

6.14 This site is located 2.1km from The Swale designated sites, it is 32ha in size and situated in a greenfield site. From review of freely available online imagery, the site appears to comprise ruderal vegetation with scrub and scattered trees. It is bounded to the north (notably looking towards The Swale) by a plot of land comprising more mature trees, thereby greatly reducing the potential to offer sight lines for SPA/ Ramsar birds and to the west by residential properties, thereby presenting disturbance. As such the allocation is very unlikely to act as functionally linked land for the SPA/Ramsar site, with larger, more suitable areas of habitat being present to the west.

6.15 Moreover, the SPA/ Ramsar is designated for wintering waders which according to NE's Impact Risk Zones have a maximum foraging distance is 2km (with the exception of golden plover). Site allocation 18/169 is just beyond this distance at 2.1km.

6.16 As such, it is concluded that this site allocation will not result in the loss of functionally linked land.

7. Conclusions and Recommendations

Conclusions

7.1 HRA was undertaken of The Faversham Local Plan (August 2022 V5.4). A Test of Likely Significant Effects was undertaken of Plan policy and site allocations in relation to the following European sites and impact pathways:

- The Swale SPA/Ramsar: Recreational pressure, functionally linked land, visual and noise disturbance, air quality, water quality
- Outer Thames Estuary SPA: Visual and noise disturbance
- Blean complex SAC: Air quality
- Tankerton Slopes and Swalecliffe SAC: Air quality

7.2 Following the Test of Likely Significant Effects, Appropriate Assessment was undertaken of potential linking impact pathways that could not be screened out and were identified to potentially result in an adverse effect on the integrity of a European site.

7.3 Following Appropriate Assessment it was concluded that the Council may require further information or bespoke mitigation measures from developers in order to inform the HRA process and ensure that there will be no adverse effects on the Swale SPA/ Ramsar in terms of recreational pressure and/ or visual and noise disturbance during construction.

Recommendations

7.4 **It is recommended that the wording of Policy FAV7 be expanded slightly to clearly reference a requirement that developers must demonstrate no adverse effects on the integrity of designated sites through the provision of project specific HRAs and contributions to the Bird Wise North Kent Mitigation Strategy.**

7.5 **For Policies FAV19 and FAV21 with potential to cause visual and noise disturbance it is recommended that the site allocation policy wording be strengthened by making a clear requirement that developers must demonstrate no adverse impacts on The Swale SPA/Ramsar site from construction period noise or visual disturbance, as well as complying with the other requirements of Policy FAV7.**

7.6 With the addition of such wording it could then be concluded that the FNP provides sufficient protective policy framework to ensure no adverse effects on site integrity as a result of increased recreational pressure from new residential development stemming from the Plan.

Appendix A

A.1 Figure A.1

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