

Appropriate Assessment – Schedule of Comments and Swale Borough Council Responses

Title	Given Name	Family Name	Company / Organisation	Title	Number	Consultee Comment	Officers Response	ID
Mr	Nigel	Jennings	Natural England			We would agree with the conclusion that the SPD is unlikely to lead to significant adverse effects on the SPA and Ramsar.	Noted.	AA23
Miss	Rachael	Bust	The Coal Authority	Sittingbourne Town Centre and Milton Creek Appropriate Assessment		<p>Having reviewed your document, I confirm that we have no specific comments to make on this document at this stage.</p> <p>We look forward to receiving your emerging planning policy related documents; preferably in an electronic format. For your information, we can receive documents via our generic email address planningconsultation@coal.gov.uk, on a CD/DVD, or a simple hyperlink which is emailed to our generic email address and links to the document on your website.</p> <p>Alternatively, please mark all paper consultation documents and correspondence for the attention of the Planning and Local Authority Liaison Department.</p> <p>Should you require any assistance please contact a member of Planning and Local Authority Liaison at The Coal Authority on our departmental direct line.</p>	Noted.	AA2
Mr	Nigel	Jennings	Natural England	Sittingbourne Town Centre and Milton Creek Appropriate Assessment		The document makes reference to the delivery of 2,080 new homes whereas the SPD refers to the provision of 2,519 new homes (Appendix D, page 127).	Noted. A revised Appropriate Assessment is being prepared and will be reported further at the meeting.	AA8
Mr	Hugh	Gibbon		Paragraph	1.2.3	The last 2 sentences of 1.2.3 are completely	Noted. Whilst	AA1

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						<p>unintelligible. What is the difference between a Council's LDF Strategy and a Council's LDF Core Strategy ? You state that the Core Strategy will emerge. What does that tell me? Nothing. And what are the "parent" policies within the Local Plan" ?</p> <p>I think it might be a good thing if the Council decided in what order the following should happen:</p> <p>Policy / Strategy / Plan. Please note that a plan is a plan, it cannot be a statement of priorities, so "major transport priorities" should never have been included in the so-called "Kent and Medway Structure Plan", and the current Local Plan should not have included "generic development control policies".</p> <p>It might help if everyone in the Council's Planning Department, plus the elected members, went on an English Language course to learn how to use words to describe something simply, accurately and precisely. Take another example "The current Local Plan was adopted in 2008 and is saved until 2011." What do you actually mean by "saved" in this context? Or again "The Council's aim is to adopt an LDF Core Strategy from 2012". Where is this LDF Core Strategy to be adopted from? And then in the next sentence you state that this Core strategy is going to emerge. "Emerge"? Where from ? Elmley Marshes ?</p> <p>I have only read these two paragraphs and already I am</p>	<p>accepting that information such as this can be put in plain English, the terminology is part of the planning system which the Council has to work within. No change.</p>	

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						reeling with disbelief. If you really want input from Swale residents then you should avoid the inappropriate and incorrect use of jargon simply to fill up space.		
Mr	Nigel	Jennings	Natural England	Likely Significant Effects	3	<p>This section deals with the screening of likely significant negative effects on Natura 2000 sites. We would agree with the 'screening in' for consideration in the Appropriate Assessment recreational pressure, water resources, water quality and air quality; and the 'screening out' of coastal squeeze.</p> <p>However, we do not agree with the 'screening out' of Urbanisation impacts. These have been screened out on the basis that the SPD area is more than 500m from the nearest Natura 2000 site (The swale Special Protection Area (SPA) and Wetland of International Importance under the Ramsar Convention (Ramsar site)). However, the regulations also cover SPA birds when utilising adjacent habitats. The SPD area covers the southern end of Milton Creek which contains habitats (i.e. intertidal mudflats) that may be utilised by birds from the near by SPA. Therefore before urbanisation effects can be screened out surveys need to be carried out to ascertain the current usage of the area by SPA birds.</p>	Noted. A revised Appropriate Assessment is being prepared and will be reported further at the meeting.	AA9
Mr	Nigel	Jennings	Natural England	Blean Complex SAC	4	We would agree with the conclusions of the HRA that the development to be delivered by the SPD is unlikely to lead to adverse effects upon the SAC.	Noted.	AA11
Miss	Fay	Martin	RSPB	Paragraph	5.2.1	The list of features of European interest listed in this paragraph is incomplete, please refer to the JNCC website for the full list of qualifying features.	Noted. A revised Appropriate Assessment is being	AA5

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							prepared and will be reported further at the meeting.	
Mr	Nigel	Jennings	Natural England	Paragraph	5.6.6	Paragraph 5.6.6 - we note that a study to measure the impact of recreational activity on birds around the estuary is currently being undertaken. Given the decline in bird numbers in recent years it is important that appropriate surveys and research is undertaken to quantify the effect of disturbance of various disturbance mechanisms on bird populations. Without this data it is not possible to ascertain the actual affect of increases in human population and disturbance nor the appropriate mitigation strategies.	Noted. A revised Appropriate Assessment is being prepared and will be reported further at the meeting.	AA10
Mr	Nigel	Jennings	Natural England	Paragraph	5.6.18	Section 5.6 re Water resources - it is noted that current water resources are fully committed but that Southern Water and the Environment Agency (EA) are putting in place strategies to improve efficiency etc. In order to rely on this to say that the SPD will not have an adverse effect on the SPA/Ramsar there should be a policy statement to say that no development will take place until the proposed plans/strategies have been implemented and that there is sufficient water capacity.	Noted. A revised Appropriate Assessment is being prepared and will be reported further at the meeting.	AA12
Miss	Fay	Martin	RSPB	Avoidance and Mitigation	5.7	The Appropriate Assessment (AA) acknowledges that Natural England's (NE) Accessible Natural Greenspace (ANG) standards were not developed to mitigate for adverse effects on European sites. We therefore do not feel it is appropriate to use these guidelines to calculate the size of green space that the AA proposes will minimise adverse effects on European sites. Rather, we recommend that the Suitable Alternative Natural	A revised Appropriate Assessment is being prepared and will be reported further at the meeting.	AA3

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						<p>Greenspace (SANG) guidelines be used.</p> <p>These guidelines were developed to mitigate for adverse effects of recreational pressure on the Thames Basin Heaths SPA, and are endorsed by the Thames Basin Heath Joint Strategic Partnership Board (the board is advised by organisations including NE and the RSPB). SANG should be provided on the basis of at least 8ha per 1,000 population, with the average occupancy rate assumed to be 2.4. Using these guidelines, the minimum green space required would be 35ha. SANG provision should be funded by developer contributions, and should take into account the cost of acquisition, upgrading, maintenance and management in perpetuity. Please refer to Thames Basin Heaths Special Protection Area Delivery Framework (2009), Thames Basin Heaths Joint Strategic Partnership Board, for further detail. It should be noted that SANG was developed to mitigate for adverse affects on heathland SPA.</p> <p>As pointed out in the AA, providing alternative green space can only partially mitigate for adverse effects on coastal SPAs, due to their intrinsic appeal for recreation. Therefore, additional mitigation such as access management and habitat management must be robust and deliverable to minimise adverse effects.</p>		
Mr	Nigel	Jennings	Natural England	Avoidance and Mitigation	5.7	<p>Section 5.7 Avoidance and Mitigation - we welcome the proposal to use Natural England's Accessible Natural Greenspace Standards (ANGSt). Please note that the calculation used in paragraph 5.7.4 uses 2,080 homes instead of the 2,519 referred to in the SPD.</p>	Noted. A revised Appropriate Assessment is being prepared and will be reported further at the meeting.	AA13

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						The Church Marshes Country Park will provide valuable alternative greenspace and should deflect some recreational use of the SPA/Ramsar. In order to maximise this potential it will be important to design access and paths to encourage users to this space.		
Mr	Nigel	Jennings	Natural England	Paragraph	5.7.6	Paragraph 5.7.6 refers to 'Strategic Green Space' Policy LV1 of Swale's Regeneration Framework, and the plan to deliver new wetland areas that will support the qualifying features of the European sites. Without details of these it is difficult to determine whether they would have any affect on reducing disturbance from waterborne recreation Given that the waterborne disturbance is a problem on inter-tidal habitats then the new wetland areas would have to be inter-tidal in areas where waterborne recreation is restricted.	Noted. A revised Appropriate Assessment is being prepared and will be reported further at the meeting.	AA14
Mr	Nigel	Jennings	Natural England	Paragraph	5.7.7	Paragraph 5.7.7 to 5.7.10 recommendations - we support the recommendations for alternative greenspace and contributing to the objectives of the Medway Estuary and Swale Estuary Partnership Strategy. However, we do not believe that it can be concluded that the SPD will unlikely to have a significant effect until research has been conducted on the causes of the decline of bird populations and the disturbance effects from terrestrial and water recreational activities.	Noted. A revised Appropriate Assessment is being prepared and will be reported further at the meeting.	AA15
Mr	Nigel	Jennings	Natural England	Paragraph	6.5.2	Paragraph 6.5.2 - we would agree with the conclusion that in-combination with other plans it is not possible to conclude that there will be no likely significant adverse effects on the SAC from recreational pressure.	Noted.	AA16
Mr	Nigel	Jennings	Natural England	Paragraph	6.5.7	Paragraph 6.5.7 - we would agree with the conclusion that in combination with other plans it is not possible to conclude that there will be no likely significant adverse	Noted.	AA17

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						effects on the SAC from air quality.		
Mr	Nigel	Jennings	Natural England	Paragraph	6.6.7	Paragraph 6.6.7 - without an data on the current reasons for people to utilise the SAC for recreation and from where they originate it is difficult to conclude whether a local provision for greenspace will lead to a reduction in recreational use of the site. Therefore we do not agree with the conclusion due to lack of information.	Noted. A revised Appropriate Assessment is being prepared and will be reported further at the meeting.	AA18
Mr	Nigel	Jennings	Natural England	Paragraph	6.6.10	We agree with the conclusion in respect of travel and the air quality effects.	Noted.	AA19
Mr	Nigel	Jennings	Natural England	Peter's Pit SAC	7	We agree with the conclusion that there is unlikely to be a significant effect on the SAC from the SPD.	Noted.	AA20
Mr	Nigel	Jennings	Natural England	Paragraph	8.5.4	Paragraph 8.5.4, Air Quality - we would agree with the conclusion that the SPD is unlikely to lead to significant adverse effects on the Sac.	Noted.	AA21
Mr	Nigel	Jennings	Natural England	Avoidance and Mitigation	8.6	Recreational pressure Avoidance and Mitigation - the comments above re North Downs Woodlands also apply to this SAC. Without any data on the current reasons for people to utilise the SAC for recreation and from where they originate it is difficult to conclude whether a local provision for greenspace will lead to a reduction in recreational use of the site. Therefore we do not agree with the conclusion due to lack of information.	Noted. A revised Appropriate Assessment is being prepared and will be reported further at the meeting.	AA22
Miss	Fay	Martin	RSPB	Paragraph	9.2.1	The list of features of European interest listed in this paragraph is incomplete, please refer to the JNCC website for the full list of qualifying features	Noted. A revised Appropriate Assessment is being prepared and will be reported further at the meeting.	AA6

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Mr	Nigel	Jennings	Natural England	The SWALE SPA and RAMSAR	10	<p>The issues for The Swale SPA and Ramsar are the same as those for Medway Estuary and Marshes SPA and Ramsar and therefore our comments above are applicable to this section.</p> <p>It should also be borne in mind that these are the closest European/International sites to the SPD area being only 1.6km distant. It is therefore likely that there will be increased recreational usage especially if links to the countryside are improved i.e. a bridge across the creek linking to the Saxon Shore Way. Further study will therefore need to be undertaken to ascertain current usage of these links and the anticipated increase from both existing and new residents and whether alternative natural greenspace i.e. Church Marches Country Park would be likely to draw users away from the designated areas in view of their proximity..</p>	Noted. A revised Appropriate Assessment is being prepared and will be reported further at the meeting.	AA24
Miss	Fay	Martin	RSPB	Paragraph	10.2.1	The list of features of European interest listed in this paragraph is incomplete, please refer to the JNCC website for the full list of qualifying features	Noted. A revised Appropriate Assessment is being prepared and will be reported further at the meeting.	AA7
Miss	Fay	Martin	RSPB	Avoidance and Mitigation	10.7	The Appropriate Assessment (AA) acknowledges that Natural England's (NE) Accessible Natural Greenspace (ANG) standards were not developed to mitigate for adverse effects on European sites. We therefore do not feel it is appropriate to use these guidelines to calculate the size of green space that the AA proposes will minimise adverse effects on European sites. Rather, we recommend that the Suitable Alternative Natural	A revised Appropriate Assessment is being prepared and will be reported further at the meeting.	AA4

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						<p>Greenspace (SANG) guidelines be used.</p> <p>These guidelines were developed to mitigate for adverse effects of recreational pressure on the Thames Basin Heaths SPA, and are endorsed by the Thames Basin Heath Joint Strategic Partnership Board (the board is advised by organisations including NE and the RSPB). SANG should be provided on the basis of at least 8ha per 1,000 population, with the average occupancy rate assumed to be 2.4. Using these guidelines, the minimum green space required would be 35ha. SANG provision should be funded by developer contributions, and should take into account the cost of acquisition, upgrading, maintenance and management in perpetuity. Please refer to Thames Basin Heaths Special Protection Area Delivery Framework (2009), Thames Basin Heaths Joint Strategic Partnership Board, for further detail. It should be noted that SANG was developed to mitigate for adverse affects on heathland SPA.</p> <p>As pointed out in the AA, providing alternative green space can only partially mitigate for adverse effects on coastal SPAs, due to their intrinsic appeal for recreation. Therefore, additional mitigation such as access management and habitat management must be robust and deliverable to minimise adverse effects.</p>		
Mr	Nigel	Jennings	Natural England	Conclusions	11	<p>We agree with the recommendations for green infrastructure and accessible greenspace proposed by the report and access management to control/deflect usage of the protected sites. However, due to the absence of evidence on recreational disturbance and visitor numbers in respect of Medway Estuary and</p>	<p>Noted. A revised Appropriate Assessment is being prepared and will be reported further at the meeting.</p>	AA25

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						Marshes Spa and Ramsar and The Swale SPA and Ramsar we can not conclude that the SPD will not have likely significant adverse effects on the sites either alone or in combination with other plans and policies (and in combination in respect of the North Downs Woodlands SAC). We would therefore recommend that further evidence is gathered and assessed in order to inform appropriate avoidance/mitigation measures for any likely significant effects.		