

Our ref: 597750/DS  
Your ref: FP/SCY/LDF15/Consultation

490263



29<sup>th</sup> November 2010

Mr M Ebbs  
Dover District Council  
Forward Planning  
White Cliffs Business Park  
Dover  
Kent  
CT16 3PG

**Kent Wildlife Trust**

Tyland Barn  
Sandling, Maidstone  
Kent ME14 3BD

Tel: (01622) 662012

Fax: (01622) 671390

Dear Mr Ebbs

### **Whitfield Urban Expansion Draft Masterplan for Public Consultation**

Thank you for consulting Kent Wildlife Trust regarding the Whitfield Masterplan SPD. We are particularly concerned with the validity of the HRA assessment and are unable to support the conclusions drawn for the following reasons.

#### **GI Planning and production of the Site Allocations Document**

The inspector stated within her report for the Core Strategy that more work is needed to ensure protection of the European designated sites: *"The development of the Green Infrastructure Framework will need to be undertaken prior to, or in conjunction with, masterplanning for the Strategic Allocations and finalisation of the Site Allocations Document in order to ensure that green infrastructure and Habitat Regulations Assessment issues are appropriately incorporated into those plans, which may themselves require their own Assessment."*

The Dover Green Infrastructure Framework does not appear to be sufficiently developed for there to be any certainty about its ability to address potential impacts of Whitfield and other strategic developments upon European designated sites. As I know you are aware the evidence is still being gathered in regards to the general Green Infrastructure with results no due until January 2011. The survey and other information needed to assess the impact on the Natura 2000 and Ramsar network has not been collected and appropriate mitigation for individual development impacts and in-combination effects have not been formulated. The Site Allocations DPD is not due to be published until 2012. Until the information has been gathered and analysed and resilient strategic mitigation measures agreed it is our opinion that the Whitfield Masterplan could not be adopted without a departure from Core Strategy policy.

#### **Nitrogen Deposition**

##### **Lydden and Temple Ewell SAC**

The Masterplan and the HRA state that there will be a 60% increase in the traffic along the A2 adjacent to Lydden and Temple Ewell Downs SAC with future plans for a possible Park and Ride within the locality of the SAC and a new roundabout and duelling of the A2. Sensitivity modelling



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undertaken by Peter Bretts Associates predict there will be a 1.3% increase in nitrogen deposition as a result of the increased traffic.

The Trust does not support the analysis within the HRA that this will have an insignificant impact on Lydden and Temple Ewell Downs SAC for the following reasons.

- Although it is the practice to disregard the first 1% there is no minimis level specified in European law. The HRA should assess the impact of the increase in Nitrogen deposition and ensure that appropriate measures are put in place to prove no impact on the SAC.
- The existing nitrogen deposition figure of 20.2kg/N/ha/yr shows that the site is already well within the parameters of the critical load as calculated by APIS. Therefore it is likely that damage is already occurring. The increase of 1.3% will intensify this damage especially when viewed in-combination with other developments within the area. Therefore rather than the increase in the nitrogen deposition being viewed as a small increase in the high levels of nitrogen already recorded on site as postulated in the HRA, this should be seen as yet further damage to a site already impacted by high nitrogen deposition, making appropriate measures to ensure no impact of paramount importance.
- Condition is assessed in regards to the SSSI features not those which qualify the site as an SAC. The condition of the site bears no relationship to the impacts caused by nitrogen deposition.
- There appears to be no assessment of the impacts of the proposed road works or the Park and Ride either within the Masterplan or the HRA.
- The proposed mitigation of a sustainable transport plan has not been assessed to ensure that implementation would lead to no impact on the SAC. Although the plan will hopefully reduce traffic on the A2 there is no evidence within either the Masterplan or the HRA as to the size of the reduction, whether this would lead to no impact on the SAC or how any residual impacts would be dealt with. We do not feel the case has been made that provision of a sustainable transport system will ensure no impact from increased NOx on the SAC.

To ensure conformity with the Conservation of Habitats and Species Regulations 2010 there should be a full analysis of the impacts caused by the predicted increase in nitrogen deposition on Lydden and Temple Ewell Downs SAC from the development planned within the Whitfield Urban Extension both individually and in-combination with other plans so measures can be implemented to ensure no impact on the SAC.

#### **Dover to Kingsdown Cliffs SAC**

The Trust does not agree with the conclusions within the HRA that there will be less than 1% increase in nitrogen deposition on Dover to Kingsdown Cliffs SAC as we cannot find any evidence for this assumption. Unlike Lydden and Temple Ewell Downs SAC no air quality monitoring has been undertaken, traffic data gathered or sensitivity modelling carried out. Therefore the statement that the increase in nitrogen deposition will **probably** not exceed 1% is not based on a reliable evidence base and would not be in conformity with the Conservation of Habitats and Species Regulations 2010.

Within the HRA there is an assumption that as shipping contributes a higher proportion of the NOx mitigation should be supplied by this industry alone. Although we agree that it is important that measures are formulated to ensure no impact from shipping, this does not absolve the developers from ensuring no impact from the proposed development at Whitfield.

The proposed mitigation of a sustainable transport plan has not been assessed to ensure that implementation would lead to no impact on the SAC. Although the plan will hopefully reduce

traffic there is no evidence within either the Masterplan or the HRA as to the size of the reduction, whether this would lead to no impact on the SAC or how any residual impacts would be dealt with. We do not feel the case has been made that provision of a sustainable transport system will ensure no impact from increased NOx on the SAC.

To ensure conformity with European legislation information should be obtained as to the current levels of NOx on site with modelling undertaken as with Lydden and Temple Ewell Downs SAC. Once a reliable estimate of possible individual and in-combination impacts is ascertained there should be a full analysis of the impacts both individually and in-combination with other plans so measures can be implemented to ensure no impact on the SAC.

### **Folkstone to Etchinghill Escarpment**

Like the previous site there is again no bespoke transport or air quality monitoring undertaken to inform the assessment of impact from the traffic generated as a result of plans within the Masterplan and therefore no reliable evidence exists on which to base the assumption that there will be no impact on this site in relation to increased traffic.

The proposed mitigation of a sustainable transport plan has not been assessed to ensure that implementation would lead to no impact on the SAC. Although the plan will hopefully reduce traffic on the A2 there is no evidence within either the Masterplan or the HRA as to the size of the reduction, whether this would lead to no impact on the SAC or how any residual impacts would be dealt with. We do not feel the case has been made that provision of a sustainable transport system will ensure no impact from increased NOx on the SAC.

To ensure conformity with European legislation information should be obtained as to the current levels of NOx on site with modelling undertaken as with Lydden and Temple Ewell Downs SAC. Once a reliable estimate of possible individual and in-combination impacts is ascertained there should be a full analysis of the impacts both individually and in-combination with other plans so measures can be implemented to ensure no impact on the SAC.

### **Conclusion –Air Quality**

In conclusion the Trust does not agree that the HRA has demonstrated that it is beyond reasonable doubt that the proposed mitigation of a sustainable transport system would reduce nitrogen deposition to negligible levels. In relation to Lydden and Temple Ewell Downs SAC it has been shown that there is likely to be an increase of 1.3%, above negligible levels even if the Natural England guidance is used. Despite this analysis there are no proposals within the HRA to ensure no impact on the SAC and in its present form the Masterplan does not pass the test of no impact set out in the Conservation of Habitats and Species Regulation 2010 and is not in conformity with European legislation.

In the case of Dover to Kingston Cliffs SAC and Folkestone to Etchinghill Escarpment there has been no bespoke transport or air quality monitoring undertaken and no analysis of impact on the SACs. Therefore the conclusions that there will be no impact are based on assumptions only. In its present form the Masterplan does not pass the test of no impact set out in the Conservation of Habitats and Species Regulation 2010 and is not in conformity with European legislation.

### **Recreational Pressure**

#### **Lydden and Temple Ewell SAC**

It is the Trust's opinion that the results of the visitor survey carried out on Lydden and Temple Ewell cannot reliably assess the recreational pressure on the SAC as:-

- The survey did not follow a valid statistical method which would estimate the likely increase in pressure.
- It is not clear how the conclusion that there would be no impact was reached when analysis of the results suggests that there is already pressure on the SAC from dog walkers and that as 75% of visitors come from the immediate area. This is likely to increase as a result of the Masterplan.

Leaving aside the inadequacies of the methodology and analysis, there are a number of other discrepancies within the analysis of impact contained within the HRA.

- There is no assessment of the impact on the SAC from visitor pressure within the HRA and therefore no appropriate mitigation can be reliably formulated.
- The visitor survey shows there are currently 50 people visiting the SAC per day of which 87.4% were accompanied by dogs. 22.9% or 11.5 people were from Whitfield. A 400% increase would mean an extra 46 people and 40 dogs will visit the site each day as a result of the Masterplan. The HRA states that this is a small number and so the impact will be unlikely to affect the integrity of the site. The Trust disagrees with this analysis. As owners of Lydden and Temple Ewell the Trust has already noted that dog fouling and lack of dog control is having an impact on the SAC and this impact would be doubled.
- The above calculations have been based on an estimate of 2.4 people per household. However WUE is being marketed as a development to cater for families and therefore the estimate of 2.4 people per household seems low when many of the properties are likely to be 3 or 4 bed dwellings. The Trust would question the accuracy of these figures.
- The HRA states that there is unlikely to be an in-combination impact as there are no other developments within 4km. However the visitor survey shows that 25% of the visitors came from more than 4km away. Therefore there could be an in-combination impact with other developments and this should be fully assessed within the HRA to ensure the full impact on the site is assessed. An in-combination impact is absent from the HRA in its present form.
- Paragraph 3.28 states that Lydden and Temple Ewell Downs SAC is unlikely to be close to capacity however there is no evidence as to how this conclusion has been reached.
- The HRA suggests that the proposed Green Infrastructure is adequate mitigation for recreational impact on the SAC from WUE. However within the Masterplan there are no details as to the area within the development that is to be recreated as open grassland habitat. Although the Trust would agree that alternative space may provide part of a mitigation package along with other measures for this to be effective the habitat created would need to reflect that present within the SAC. The Masterplan details extensive areas of woodland, wetland and tree belts and hedgerows but does not specify in any detail the nature or extent of grassland to be created. As 30% of the respondents of the visitor survey stated that their main reason for visiting the SAC was because of its wildlife, beauty and isolation it is unlikely that an urban Green Infrastructure would be able to provide appropriate mitigation alone. If people are not offered a similar experience the Green Infrastructure is likely to be of less value.

To ensure conformity with European legislation the above issues will need to be analysed within the HRA and appropriate measures devised to ensure no impact on the SAC.

### **Dover to Kingston Cliffs SAC**

The Trust does not feel it is appropriate for the visitor survey information for Lydden and Temple Ewell to be extrapolated to Dover to Kingston Cliffs SAC as this site is likely to provide a very different experience and therefore may attract people from further away. At present the HRA provides no evidence to support the assumption that this site will not be visited by the residents of WUE and therefore cannot prove beyond reasonable doubt that there will be no impact on Dover to Kingston Cliffs SAC. It is important that visitor surveys are carried out on Dover to Kingston Cliffs SAC to ascertain where the local visitors are coming from, if this information is not available from the National Trust, to ensure that appropriate measures are incorporated into the Masterplan and there is no impact on the SAC.

Within the HRA there is an incomplete analysis of data obtained from the National Trust which suggests that there is already an impact on this site from the local population. Of 214,174 visitors per year 33% visit the site to watch the boats. These are all local. A further 33% walk along the cliffs and these visitors are made up of locals and tourists. In the light of these statistics we feel that it is imperative that reliable figures are obtained so a thorough assessment can be made within the HRA regarding impact from the WUE and appropriate measures formulated to ensure no impact on this site.

To ensure conformity with European legislation the above information should be collected and analysed within the HRA and appropriate measures devised to ensure no impact on the SAC.

### **Sandwich Bay SPA and Ramsar**

Here again there is little evidence supplied to back up the assumption of levels of recreational pressure on Sandwich Bay SPA and Ramsar sites. The survey which is being relied on to estimate numbers of local residents visiting the site is based on the figures collected for Thanet Coast SPA and Ramsar site. To ensure an accurate assessment of additional recreational pressure and resulting bird disturbance data should be collected within the site itself as to the visitor numbers, the location and distance travelled and the type of recreation they are engaged in. It will also be important to undertake a bird survey to assess the impact on bird behaviour from different recreational activities. If this data is collected there will then be a firm evidence base on which to assess the impacts of recreational pressure on the sites and appropriate measures can be formulated to ensure beyond reasonable doubt that there is no impact on the above sites.

In regards to the proposed mitigation within the HRA states that this issue should be dealt with strategically. We agree with the need for a strategic evaluation of impact and therefore do not feel that the Masterplan should be agreed before the green infrastructure and Site Allocations DPD have been adopted and appropriate district or East Kent wide mitigation formulated. The HRA also states that a contribution be secured from Whitfield. However the Masterplan does not provide details of the proposed mitigation.

To ensure conformity with European legislation the above information should be collected and analysed within the HRA and appropriate measures devised to ensure no impact on the SPA and Ramsar sites or the bird species that use them.

### **Conclusion-Recreational Pressure**

In conclusion the Trust does not feel that there is adequate information collected to fully assess the impacts of recreational pressure on the Natura 2000 and Ramsar network. Although the Green Infrastructure may have a part to play in mitigating recreational pressure on the SACs we do not feel that this mitigation is likely adequate alone. The details as to the extent and nature of grassland habitat to be created, is unclear within the Masterplan and the HRA and it cannot therefore be

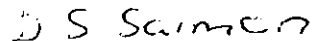
proved beyond doubt that this alone will ensure no impact on the SACs. More information is also needed in regards to visitor numbers and bird disturbance to ensure a resilient assessment can be made regarding impact from the WUE and in-combination impacts and therefore it cannot be proved beyond doubt that the Masterplan will not impact on the birds for which the sites are designated.

**Natural habitat and Protected and BAP species**

We would question the claim within the SPD that there is limited faunal and flora interest on site. The ecological work undertaken so far has noted that there is a variety of protected species and Species of Principal Importance on site, most of which are associated with grassland and farmland. Currently no mitigation has been considered for these species within the Masterplan. The Masterplan will need to include a full assessment of on-site biodiversity interest including detailed surveys for a range of species and identify such on-site and off-site mitigation and compensation which may be necessary to ensure that the requirements of PPS9 - that planning decisions protect and enhance biodiversity – will be met.

We would value an opportunity to discuss the above issues further.

Yours sincerely



Debbie Salmon  
(Conservation Officer, Policy and Planning)