Gravesham Borough Council

Response to Issues:

ISSUE 5: GREEN INFRASTRUCTURE/GREEN SPACE, SPORT AND RECREATION – Policies CS12, CS13
ENVIRONMENT POLICIES – Policies CS18, CS19, CS20

Issue 5 Questions (i)-(iii)

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Date: 23 August 2013
Issue 5: Green Infrastructure/Green Space, Sport and Recreation – Policies CS12 and CS13

i) Are the policies consistent with the NPPF and/or justified by clear and robust local evidence and, if not, what needs to be changed and why?

ii) Is policy CS12 consistent with national legislation and guidance and likely to prove effective in protecting European wildlife sites and enhancing existing and delivering new green infrastructure?

iii) Is policy CS13 based on a robust and up to date assessment of need and likely to prove effective in practice?

Relevant Background Documents

SCS-01 Proposed Submission Gravesham Local Plan Core Strategy December 2012
SCS-05 Proposed Submission Gravesham Local Plan Core Strategy – Representations Report May 2013
SCS-08 Conformity of the Submission Gravesham Local Plan Core Strategy with the National Planning Policy Framework and the Planning Policy for Traveller Sites May 2013
SCS-12 Local Plan Core Strategy Proposed Submission: Habitats Regulations Assessment December 2012
SCS-14a Proposed Submission Gravesham Local Plan Core Strategy Schedule of Proposed Minor Amendments May 2013
SCS-14b Proposed Submission Gravesham Local Plan Core Strategy Document May 2013 (tracked changes version)
SCS-14c Proposed Submission Gravesham Local Plan Core Strategy Appendices May 2013 (tracked changes version)
SCS-15 Correspondence with Respondents March 2013 to May 2013
HER-01 Gravesham Landscape Character Assessment May 2009
INF-04 Green Infrastructure Assets Baseline Report December 2009
OSSR-01 PPG17 - Open Space, Sport and Recreation Study 1 Report 2010
OSSR-02 PPG17 - Open Space, Sport and Recreation Study 2 Appendices 2010
REG-04 North Kent Phase 1 Bird Disturbance Interim Overarching Report July 2012
NAT-01 National Planning Policy Framework 2012

i) **Are the policies consistent with the NPPF and/or justified by clear and robust local evidence and, if not, what needs to be changed and why?**

1. The Council is of the view that the Core Strategy’s approach towards Green Infrastructure, Green Space, Sport and Recreation is consistent with the NPPF (NAT-01).
2. The Conformity of the Submission Gravesham Local Plan Core Strategy with the National Planning Policy Framework and the Planning Policy for Traveller Sites May 2013 (SCS-08) sets out how the Core Strategy is consistent with each paragraph of the NPPF (NAT-01). Paragraphs 75, 76, 109, 113, 115, 117 and 170 of the NPPF are particularly relevant to Green Infrastructure. Paragraphs 73 (see also below under “Justification for Policy CS13”) and 174 are particularly relevant to Green Space, Sport and Recreation.

3. Paragraphs 5.6.1 to 5.6.3 of the Core Strategy set out the key messages from the NPPF in respect of Green Infrastructure, Sport and Recreation and the Council considers that the subsequent approach in the supporting text and policies reflects these.

   ii) **Is policy CS12 consistent with national legislation and guidance and likely to prove effective in protecting European wildlife sites and enhancing existing and delivering new green infrastructure?**

4. The Council is of the view that the approach in the Core Strategy (including the proposed minor amendments) towards Green Infrastructure is consistent with the NPPF (see response to issue (i) above), appropriate and supported by the evidence.

**Biodiversity**

5. In relation to ensuring adequate protection for European wildlife sites, Natural England and the Kent Wildlife Trust consider that the recommendations of the Habitats Regulations Assessment (HRA) need to be included in the Core Strategy and preferably within the policy. The HRA suggests wording to be included in the supporting text on this matter (pages 19 and 20 of Local Plan Core Strategy Proposed Submission: Habitats Regulations Assessment December 2012 – SCS-12). The Council agrees that the recommendations of the HRA should be included in the supporting text to the policy and has included new paragraph 5.7.9a as a proposed minor change accordingly. Kent Wildlife Trust has accepted this proposed change (page 26 of Correspondence with Respondents March 2013 to 20 May 2013 – SCS-15). The Council considers that the policy in the Core Strategy already gives sufficient protection to European wildlife sites in paragraph 5.7.23 and has not proposed any changes to it. It should also be noted that European wildlife sites are also Sites of Special Scientific Interest which are protected under the Wildlife and Countryside Act 1981 (see paragraphs 1.1 – 1.4 of the Green Infrastructure Assets Baseline Report December 2009 – INF-04).

6. Lafarge Cement UK considers that the approach to seeking mitigation for recreational needs from new developments to reduce visitor pressure and potential for bird disturbance in Special Protection Areas and Ramsar sites is not currently justified by the evidence. This respondent considers that the wording of paragraph 5.7.9 should be revised to refer to a future single issue policy review in conjunction with a number of other Councils in North Kent. The Council has now made available the North Kent Phase 1 Bird Disturbance Interim Overarching Report July 2012 (REG-04). This was not published when the Council invited representations on the Proposed Submission Core Strategy December 2012 (SCS-01). This reached a number of conclusions including:
   - There have been marked declines in the number of birds using the three SPAs.
   - Disturbance is a potential cause of the declines.
• Access levels are linked to local housing...Given the results of disturbance work to date and the likely scale of change in the future, it is not possible to rule out any likely significant effects on the integrity of the European sites as a result of increased housing. A suite of mitigation measures are therefore necessary to avoid potential adverse effects caused by future development.

• All activities (i.e. the volume of people) are potentially likely to contribute to additional pressure on the SPA sites and should be addressed within mitigation plans. Dog walking, and in particular dog walking with dogs off leads, is currently the main cause of disturbance and therefore should be a focus for mitigation.

• Development within 6km of access points to the SPAs is particularly likely to lead to increase in recreational use of the SPAs.

• Beyond 6km from access points onto the SPA, large developments or large scale changes to housing levels will also result in increased recreational use.

• Development beyond 6km (excluding large sites) can be potentially screened out of assessments and assumed to have no likely significant effect on European sites. For development that does fall within 6km (or large sites beyond 6km) it will not be possible to demonstrate no adverse effect on integrity of the European sites and mitigation measures will need to be considered.

In view of the above, the Council considers that there is evidence to seek mitigation for recreational needs from new developments to reduce visitor pressure and potential for bird disturbance in Special Protection Areas and Ramsar sites. The wording of paragraph 5.7.9, including the proposed minor changes, reflects that agreed with Natural England (page 1560 of Proposed Submission Gravesham Local Plan Core Strategy Representations Report May 2013 – SCS-05).

7. The Environment Agency considers that there needs to be a clearer policy on protected species so that developers are aware that this is a material consideration in the planning process. The Council considers that the policy in the Core Strategy already gives sufficient protection to protected species in paragraphs 5.7.24 and 5.7.25 and has not proposed any changes to it. However, the Council has proposed some minor changes to the supporting text in paragraph 5.7.12 to make clear that ecological surveys and mitigation strategies should be carried out prior to seeking planning permission where applicable.

Landscape

8. The Kent Downs AONB Unit considers that the views from and the setting of the Kent Downs Area of Outstanding Natural Beauty should be recognised. The Council agrees and has included proposed minor changes to SO9 and paragraphs 5.7.13, 5.7.19 and 5.7.26 of the Core Strategy accordingly. The Unit has accepted these proposed changes (page 15 of Correspondence with Respondents March 2013 to 20 May 2013 – SCS-15). Paragraph 5.7.13 of the Core Strategy makes clear that the AONB is designated because of its scarp slope, amongst other things, and the views from the escarpment are important. Page 38 of the Kent Downs AONB Management Plan (REG-15) makes clear that the long arc of the North Downs chalk ridge is the most dominant element of the AONB, consisting of the steep, south-facing scarp slope rising above the Gault clay vale below. It also refers to the spectacular views offered along the chalk escarpment across the low Weald, the river valleys and the towns below. This ridge runs along the southern boundary and also lies to the south east of the Borough (see the landform and drainage plan on page 6 of the Gravesham Landscape Character Assessment May 2009 – HER-01). Gravesham’s
landscape character areas are shown on page 17 of this document. These include Vigo Scarp-top woodlands in the southernmost part of the Borough. The location of the chalk ridge in relation to the Borough’s boundary means that the setting of the AONB is relevant to Gravesham Borough and justifies these minor changes to the Core Strategy text.

9. CPRE Protect Kent considers that the Special Landscape Area designation should be retained. Special Landscape Areas were landscapes of county-wide importance originally designated through Kent Structure Plan policies. They are no longer being taken forward on a county-wide basis and a number of adopted Core Strategies in Kent refer instead to the landscape character approach. A Gravesham Landscape Character Assessment has been produced (HER-01) in accordance with paragraph 170 of the NPPF. The Core Strategy uses the landscape character approach as this is a broader approach which covers the whole of the rural area and the more open and undeveloped parts of the urban area.

10. CPRE Protect Kent considers that the tranquillity of the rural area needs to be recognised. The parts of the Borough which are identified as the most tranquil are within the Green Belt and partly within the Kent Downs Area of Outstanding Natural Beauty where relevant policies in the Kent Downs Area of Outstanding Natural Beauty Management Plan also apply (REG-15). As policy CS02 of the Core Strategy makes clear that the extent of the Green Belt will be maintained and protected from inappropriate development, it is not considered necessary to refer to tranquillity.

Other Issues

11. The Port of London Authority considers that references to improved access along the River Thames should refer to “where practicable” to reflect that this may need to be diverted around wharves. The Council supports the principle of a continuous pedestrian and cycle link along the River Thames. The implementation of this does not necessarily mean that it will run directly along the river at all points. Clearly this would not be feasible where there are existing operations such as wharves and it would need to be diverted inland to avoid such facilities.

iii) **Is policy CS13 based on a robust and up to date assessment of need and likely to prove effective in practice?**

12. The Council is of the view that the Core Strategy’s approach towards Green Space, Sport and Recreation is consistent with the NPPF (see also see response to issue (i) above), appropriate and supported by the evidence.

13. Sport England considers that the Gravesham PPG17 – Open Space, Sport and Recreation Study 2010 (OSSR-01 and OSSR-02) does not provide a robust and up-to-date assessment of need as required by paragraph 73 of the NPPF (NAT-01). This means that there is a risk that the policy could not be justified and deemed unsound. Sport England wants the references to the PPG17 study in the Core Strategy removed.

14. There has been some correspondence between the Council and Sport England on this issue (pages 39-50 of Correspondence with respondents March 2013 to May 2013 – SCS-15). As a result, the Council has included proposed minor
changes to paragraph 5.8.3 of the supporting text and paragraph 5.8.7 of the policy. However, Sport England maintains its objection.

15. The Gravesham PPG17 study went through various iterations following comments from Sport England and the Council believed that the final version took on board those comments at the time. It was produced in 2010 and was based on the previous South East Plan growth figures for the Borough. The Council recognises that this study is now somewhat out of date but considers that it provides sufficient evidence to support the approach in policy CS13. The Council intends to carry out further work to inform future Local Plan documents and is willing to work with Sport England on this. This commitment is given in the proposed minor changes to paragraph 5.8.3 of the Core Strategy.

16. Paragraph 5.8.8 of policy CS13 allows for green space, playing pitch and sports provision standards to be established. Appendix 5 Policy Delivery and Monitoring makes clear that these standards will be included in the Site Allocations and Development Management Policies DPD.