Key Constraints Background Paper

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Gravesham Site Allocations and Development Management Policies DPD
Regulation 18 (Stage 1) consultation (April 2018)
Key Constraints Background Paper

Section 1 – Introduction

1.1 Gravesham Borough Council adopted its Local Plan Core Strategy in September 2014, this was preceded by Public Examination of the submitted plan which resulted in the Council proposing major and minor modifications to the submitted plan. Please see the Inspector’s report for further details.

1.2 As stated in the Inspector’s report non-technical summary, one of the main modifications to the plan was to:

“Reflect the Council’s decision to undertake a review of Green Belt boundaries across the borough, as part of the subsequent Site Allocations and Development Management Plan (Local Plan Part 2), and a new Strategic Housing Market Assessment.”

1.3 To inform the preparation of the Site Allocations and Development Management Policies Document, the Council will be undertaking a number of consultations, including two Regulation 18 consultations and a Regulation 19 consultation.

1.4 To inform this initial Regulation 18 consultation, the Council has sought to produce a number of documents that seek to expand the existing evidence base. This is to assist an informed debate with local communities, businesses and other stakeholders on how much development (whether it be for housing, businesses or other uses) can be delivered whilst balancing economic, social and environmental factors.

1.5 This document in itself is only concerned with identifying and setting out ‘key’ constraints to clearly distinguish land that may have development potential within the Borough and land which does not.

1.6 In this respect, whilst the extent of the Green Belt is identified below, this is a policy constraint and not an absolute constraint on development because national planning policy allows the extent of Green Belt to be reviewed at the time a Local Plan is being prepared or modified.

1.7 However, where Green Belt land is proposed for release to accommodate development, it is necessary to demonstrate there are ‘exceptional circumstances’ that warrant this. Whilst unmet need for development is capable of being deemed such an exceptional circumstance, this would need to be weighed against other planning considerations and the case made before an independent Planning Inspector at public examination.

1.8 This document should be read in conjunction with other evidence based documents prepared to support this consultation. Together these will inform the preparation of the Site Allocations and Development Management Policies document, which will be

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1 https://goo.gl/CDUlqG
2 https://goo.gl/YLUUuX
the document that inevitably sets out the Council’s position regarding the amount of future development that can be accommodated in the Borough and specific or broad locations for where this development should be delivered.

1.7 At this stage of preparation of the Site Allocations and Development Management Policies document, it has not been possible to take into account the recent publication by the Government of proposed draft revised National Planning Policy Framework (5 March 2018). This will however be fully taken into account at future consultation stages in the preparation of the policy document.

Section 2 – Defining Key Constraints

2.1 For the purposes of this paper, ‘key constraints’ are defined as being those areas where current national planning policy indicates that development should be restricted and where this can provide justification for not fully meeting identified development needs.5

2.2 Paragraph 14 of the National Planning Policy Framework (NPPF, 2012) states that Local Plans should meet objectively assessed needs for development, with sufficient flexibility to adapt to rapid change, unless:

- Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against policies in the Framework taken as a whole; or
- Specific policies in the Framework indicate development should be restricted.

2.3 The areas covered by policies which indicate that development should be restricted are contained in Footnote 9 to the Framework and include:

- Sites protected under the Birds and Habitats Directive (this includes Special Areas of Conservation, Special Protection Areas, Sites of Community Importance) and/or designated as Sites of Special Scientific Interest;
- Land designated as Green Belt;
- Local Green Space;
- Areas of Outstanding Natural Beauty, Heritage Coast or within a National Park (or the Broads Authority);
- Designated heritage assets; and
- Locations at risk of flooding or coastal erosion.

2.4 In addition paragraph 118 of the Framework advises that to conserve and enhance biodiversity, development should be refused if it results in the loss or deterioration of

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irreplaceable habitats such as ancient woodland. In addition the following wildlife sites should be given the same protection as European sites:

- Potential Special Protection Areas and possible Special Areas of conservation;
- Listed or proposed Ramsar sites; and
- Sites identified, or required, as compensatory measures for adverse effects on European sites, potential Special Protection Areas, possible Special Areas of Conservation, and listed or proposed Ramsar sites.

**Section 3 – Key Constraints Applicable in Gravesham**

3.1 **Special Areas of Conservation – (SAC) including Sites of Community Importance and Possible Special Areas of Conservation**

3.2 Special Areas of Conservation (SACs) are strictly protected sites designated under the EC Habitats Directive. Article 3 of the Habitats Directive requires the establishment of a European network of important high-quality conservation sites that will make a significant contribution to conserving the 189 habitat types and 788 species identified in Annexes I and II of the Directive (as amended). The listed habitat types and species are those considered to be most in need of conservation at a European level (excluding birds).

3.3 A site becomes a site of community importance when it has been submitted and adopted by the European Commission as a Special Area of Conservation (SAC), but not yet designated by the government of the member state.

3.4 There is one Special Area of Conservation in Gravesham and no Sites of Community Importance or Possible Special Areas of Conservation.

- **Special Area of conservation (SAC) in Gravesham: North Downs Woodlands**

  SAC EU code: UK0030225
  Status: Designated Special Area of Conservation (SAC)
  Total Area of SAC (ha): 288.58 (including land outside of Gravesham)

  General site character :
  - Dry grassland, Steppes (14%)
  - Broad-leaved deciduous woodland (63%)
  - Coniferous woodland (23%)

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6 European sites include those designated under EU directives 79/409 EEC on the conservation of wild birds and the Habitats Directive 92/43/EEC
3.5 **Special Protection Areas – (SPAs) including potential SPAs**

3.6 Special Protection Areas are strictly protected sites classified in accordance with Article 4 of the EC Birds Directive, which came into force in April 1979. They are classified for rare and vulnerable birds (as listed in Annex I of the Directive), and for regularly occurring migratory species. There is one Special Protection Area in Gravesham and no potential Special Protection Areas.

- **Special Protection Area (SPA) in Gravesham: Thames Estuary and Marshes**

  Site code: UK9012021

  Status: Special Protection Area (SPA)

  Total Area of SPA (ha): 4802.47 (including land outside of Gravesham)

  Ecological information (referred to in Article 4 of Directive 2009/147/EC and listed in Annex II of Directive 92/43/EEC0:

  - Calidris alpina alpina (Dunlin)
  - Calidris canutus (Red Knot)
  - Charadrius hiaticula (Common ringed plover)
  - Circus cyaneus (Hen harrier)
  - Limosa limosa islandica (Black-tailed godwit)
  - Pluvialis squatarola (Grey plover)
  - Recurvirostra avosetta (Pied avocet)
  - Tringa (Tringa)

Other important species of flora and fauna:

- Waterfowl assemblage (Waterfowl assemblage)
3.6 **Sites of Special Scientific Interest**

3.7 The statutory nature conservation agencies have a duty under the Wildlife and Countryside Act 1981, as amended, to notify any area of land which in their opinion is 'of special interest by reason of any of its flora, fauna, or geological or physiographical features'.

3.8 There are five Sites of Special Scientific Interest within Gravesham, some of which extend beyond the Borough boundary and into neighbouring Boroughs. These include:

- **Cobham Woods SSSI**
  
  Total Area of SSSI (ha): 235.2

  Description: This woodland and old parkland is representative of woods in North Kent which occur in part on acidic Thanet Sands and in part on chalk soils. One nationally rare plant species occurs in the arable land close to the wood. An outstanding assemblage of plants is present at this site which is also of importance for its breeding birds including three species of woodpecker, nuthatch, treecreeper, hawfinch, and marsh tit.

  SSSI Condition: 66.63% Favourable and 33.37% Unfavourable - Recovering

- **Great Crabbles Wood SSSI**
  
  Total Area of SSSI (ha): 32.9

  Description: This site is representative of woods on North West Kent Tertiary sediments; these comprise a succession of strata over Upper Chalk ranging from Blackheath gravels to Woolwich loams and Thanet sands, which give rise to a range of soil types. Most of the woodland is mixed coppice under oak standards, with sweet chestnut as the dominant species. A number of scarce plants occur, including lady orchid Orchis purpurea and man orchid Aceras anthropophorum.

  SSSI Condition: 100% Unfavourable - Recovering

- **Halling to Trottiscliffe Escarpment SSSI**
  
  Total Area of SSSI (ha): 648.41

  Description: This site consists of an extensive area of the North Downs west of the Medway Gap. The site is representative of Chalk grassland in west Kent and beech woodland on the chalk. Outstanding assemblages of plants and invertebrates are present.
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SSSI Condition: 82.58% Favourable, 14.11% Unfavourable – Recovering and 3.30% Unfavourable - No change

- **Shorne and Ashenbank Woods SSSI**

  Total Area of SSSI (ha): 184.6

  Description: Shorne and Ashenbank Woods form a complex of ancient and plantation woodland, and include a variety of stand-types associated with Tertiary gravels, clays and sands. The site supports an important and diverse invertebrate fauna, especially its Coleoptera (beetles), Hemiptera (true bugs), and Odonata (dragonflies).

  SSSI Condition: 74.21% Favourable, 22.64% Unfavourable – Recovering and 3.15% Unfavourable - No change

- **South Thames Estuary and Marshes SSSI**

  Total Area of SSSI (ha): 5449.14

  Description: The South Thames Estuary and Marshes SSSI from Gravesend to the eastern end of the Isle of Grain forms a major component of the Greater Thames Estuary. The site consists of an extensive mosaic of grazing marsh, saltmarsh, mudflats and shingle characteristic of the estuarine habitats of the north Kent marshes. Freshwater pools and some areas of woodland provide additional variety and complement the estuarine habitats. The site supports outstanding numbers of waterfowl with total counts regularly exceeding 20,000. Many species regularly occur in nationally important\(^7\) numbers and some species regularly use the site in internationally important\(^8\) numbers. The breeding bird community is also of particular interest. The diverse habitats within the site support a number of nationally rare\(^9\) and scarce\(^10\) invertebrate species and an assemblage of nationally scarce plants.

  SSSI Condition: 95.28% Favourable, 2.35% Unfavourable – Recovering, 0.59% Unfavourable - No change and 1.79 Unfavourable – Declining

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\(^7\) Nationally important numbers corresponds to more than 1% of the British population.  
\(^8\) Internationally important numbers corresponds to more than 1% of the northwest European population.  
\(^9\) Species regarded as nationally rare are recorded from 1 — 15 of the 10 x 10km squares in Britain.  
\(^10\) Species regarded as nationally scarce are recorded from 16 — 100 of the 10 x 10km squares in Britain.
3.9 **Ramsar – including proposed Ramsar sites**

3.10 Ramsar sites are wetlands of international importance, designated under the 1971 Ramsar Convention. There is only one Ramsar site in Gravesham and no proposed Ramsar sites.

Ramsar in Gravesham: Thames Estuary and Marshes

Site code: UK11069

Status: Ramsar

Total Area of Ramsar (ha): 5588.59 (including land outside of Gravesham)

General overview of Ramsar site:

A complex of brackish, floodplain grazing marsh ditches, saline lagoons and intertidal saltmarsh and mudflat. These habitats together support internationally important numbers of wintering waterfowl. The saltmarsh and grazing marsh are of international importance for their diverse assemblages of wetland plants and invertebrates.
3.11 **Sites identified or required as compensatory measures for adverse effects on European Sites**

3.12 There are no such sites in Gravesham.

3.13 **Land currently designated as Green Belt**

3.14 Land defined in the Local Plan Core Strategy as Green Belt in order to prevent urban sprawl by keeping land permanently open. Under Paragraph 83 of the National Planning Policy Framework Green Belt boundaries should only be altered in exceptional circumstances through the Local Plan preparation process. As part of the Site Allocations and Development Management Document, work is being undertaken to identify if exceptional circumstances exist to warrant alterations to the Green Belt boundary in Gravesham. This will be informed by various pieces of work including a Green Belt Assessment, and if exceptional circumstances do exist this will require a full Green Belt review, which would be undertaken between the two Regulation 18 consultations.
3.15 **Local Green space**

3.16 Land designated as Local Green Space through local and neighbourhood plans in order to rule out new development. At present there no land in Gravesham has a Local Green Space designation.

3.17 **Areas of Outstanding Natural Beauty, Heritage Coast or within a National Park (or the Broads Authority)**

3.18 Land designated to be protected in relation to landscape and scenic beauty and where importance is placed on wildlife and cultural heritage conservation. Parts of the Borough are included within the Kent Area of Outstanding Natural Beauty (AONB) which in total the Kent AONB covers some 87,800 ha from the White Cliffs of Dover to the Surrey Border.

3.19 The rich landscape of the Kent Downs AONB is made up of diverse special characteristics and qualities which together distinguish it as a landscape of national and international importance and which are consistently identified and valued by the public, individuals, institutions, organisations and experts alike. The special characteristics and qualities of the Kent Downs Area of Outstanding Natural Beauty have been identified as:

- Dramatic landform and views
- Biodiversity-rich habitats
- Farmed landscape
- Woodland and trees
- A rich legacy of historic and cultural heritage
- Geology and natural resources
3.20 Designated Heritage Assets

3.21 Designated heritage assets are identified as including World Heritages Sites, Scheduled Monuments, Listed Buildings, Protected Wreck Sites, Registered Parks and Gardens, Registered Battlefields or Conservation Areas designated under the relevant legislation.

- **World Heritage Sites**
  World Heritage Sites are sites, places, monuments or buildings of "Outstanding Universal Value" to all humanity both today and in the future. The World Heritage List includes a wide variety of exceptional cultural and natural sites, such as landscapes, cities, monuments, technological sites and modern buildings. There are no such sites in Gravesham and the nearest sites which are in London include Maritime Greenwich, the Tower of London, Houses of Parliament and Westminster Abbey.

- **Scheduled Monuments**
  Scheduled Monuments are historic buildings or sites that are included in the Schedule of Monuments kept by the Secretary of State for Culture, Media and Sport. The regime is set out in the Ancient Monuments and Archaeological Areas Act 1979. There are nine scheduled monuments in Gravesham:
  - Neolithic sites near Ebbsfleet - List Entry Number: 1004206
  - Aspdin's kiln - List Entry Number: 1004227
  - Gravesend Blockhouse - List Entry Number: 1005120
  - St Mary's Priory: an alien Benedictine priory 100m east of St Mary's Church - List Entry Number: 1010241
  - Deserted medieval manorial settlement of Cossington - List Entry Number: 1010710
  - Bowl barrow in Ashenbank Wood south of Cobham Park reservoir - List Entry Number: 1011011
  - Romano-British villa and 19th century reservoir in Cobham Park - List Entry Number: 1012964
  - New Tavern Fort, Gravesend, including Milton Chantry - List Entry Number: 1013658
  - World War II Heavy Anti-aircraft gunsite (TS15), 250m east of Cobhambury Farm - List Entry Number: 1020307

- **Listed Buildings**
  If a building is considered by the Secretary of State for Culture, Media and Sport to be of special architectural or historic interest it will be included in a list of such buildings. As of 2016 there were 376,470 listed buildings entries in England. Listed buildings are classified into 3 grades:
Grade I buildings are of exceptional interest. Just 2.5% of listed buildings are Grade I.

Grade II* buildings are particularly important buildings of more than special interest. 5.8% of listed buildings are Grade II*.

Grade II buildings are of special interest warranting every effort to preserve them. Over 90% of all listed buildings are in this grade.

As at June 2017 there were 321 listed building entries in Gravesham, please see the Historic England website [https://historicengland.org.uk/listing/the-list/](https://historicengland.org.uk/listing/the-list/) for further information.

- **protected wreck sites**

  The Historic England Archive contains over 40,000 records of wreck sites, documented losses and seabed archaeological features. Due to the combination of historically high volumes of shipping traffic, a long history of sea-faring and frequent rough seas, the density of shipwrecks in UK Territorial Waters is likely to be amongst the highest in the world.

  Historic wreck sites in UK territorial waters can be protected by designation under the Protection of Wrecks Act 1973, the Ancient Monuments and Archaeological Areas Act 1979 and the Protection of Military Remains Act 1986.

  Where a protected wreck site is within local authority boundaries then it will be considered a designated heritage asset for the purpose of the NPPF and offered the same level of protection in planning decisions as is afforded to scheduled monuments and highly graded listed buildings. Protected wreck sites beyond local authority boundaries will be considered a designated heritage asset for the purpose of the UK Marine Policy Statement. There are no protected wrecks within Gravesham.

- **registered parks and gardens**

  The majority of registered sites are, or were originally, the grounds of private houses, but public parks and cemeteries are also important categories.

  The Register was established in 1980 and there are currently around 1,635 sites included. The Register is held by Historic England and can be accessed through the National Heritage List for England.

  The decision as to whether a park or garden merits registration is based on an assessment by Historic England as to whether it can be said to be of "special historic interest". Historic England has published criteria against which sites are judged.

  Sites are graded I, II* or II along the same lines as listed buildings. 62% are graded as II, 27% are considered of more than special interest and graded II* and, 9% are of exceptional interest and are classified as Grade I. Applications to
register new sites and to deregister or amend the entry for an existing registered site are made to Historic England.

A registered park or garden is not protected by a separate consent regime, but applications for planning permission will give great weight to their conservation. The National Planning Policy Framework (NPPF) defines them as designated heritage assets and as such their conservation should be an objective of all sustainable development. Substantial harm to or total loss of a Grade II registered park or garden should be exceptional and for a Grade II* or I registered park or garden such loss or harm should be wholly exceptional.

There are two registered parks and gardens in Gravesham, these being:

- Cobham Hall, List Entry Number: 1000182, Grade: II*
- Gravesend Cemetery, List Entry Number: 1001633, Grade: II*

- Registered Battlefields

Historic England maintains a Register of Historic Battlefields. There are currently 46 sites on the Register. Like registered parks and gardens, registered battlefields are not subject to a separate consent regime, but they are considered designated heritage assets under the NPPF and therefore, as with parks and gardens, great weight should be given to their conservation and substantial harm or total loss of a registered battlefield should be wholly exceptional. There are no Registered Battlefields in Gravesham.

- Conservation Areas

Local planning authorities are obliged to designate as conservation areas any parts of their area that are of special architectural or historic interest, the character and appearance of which it is desirable to preserve or enhance. Local planning authorities also have a duty to review past designations from time to time to determine if any further parts of their area should be conservation areas.

Conservation area designation introduces a general control over the demolition of unlisted buildings and provides a basis for planning policies whose objective is to conserve all aspects of character or appearance, including landscape and public spaces, that define an area’s special interest. There are approximately 7,000 conservation areas in England, with 23 of these being in Gravesham. The 11 rural conservation areas were reviewed in 2016 and adopted in February 2017, the 12 urban conservation areas were last reviewed in 2009 and it is anticipated that these will be reviewed again in the near future.

3.22 **Locations at risk of flooding or coastal erosion**

3.23 Areas at risk of flooding are where inappropriate development should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere. For these purposes:

- “areas at risk of flooding” means land within Flood Zones 2 and 3; or land within Flood Zone 1 which has critical drainage problems and which has been notified to the local planning authority by the Environment Agency;
- “flood risk” means risk from all sources of flooding - including from rivers and the sea, directly from rainfall on the ground surface and rising groundwater, overwhelmed sewers and drainage systems, and from reservoirs, canals and lakes and other artificial sources.

3.24 In terms of ‘flood risk’ all zones are categorised in terms of the probability of river and sea flooding (ignoring the presence of defences), as set out below:

- Flood Zone 1 – Low probability
- Flood Zone 2 – Medium probability
- Flood Zone 3a – High probability
- Flood Zone 3b – The functional floodplain

3.25 Various forms of development are allowed in areas designated as Flood Zones 1 and 2, however little to no development is advised in Flood Zones 3a and 3b. Development within Flood Zones 2 and 3 in particular normally require Flood Risk Assessment and are subject to the NPPF Sequential and Exception Tests as set out in national Planning Practice Guidance.  

3.26 It should be noted that the plan below only shows the modelled Environment Agency flood risk from tidal flood events. Other sites may be susceptible to flood risk from other sources, including fluvial, pluvial and groundwater.

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3.27 **Ancient Woodland**

3.28 Ancient woodlands are woods that have existed since 1600AD, and pre-date the time when planting became common.

3.29 Some ancient woods may even link back to the original woodland that covered the UK around 10,000 years ago, after the last Ice Age. These woods cover only around 2 per cent of the land area of the UK. As ancient woods have developed over such long timescales, they have unique features such as relatively undisturbed soils and communities of plants and animals that depend on the stable conditions ancient woodland provides, some of which are rare and vulnerable. They are also living history books, with features such as mediaeval boundary banks, charcoal hearths, and old coppice stools, that tell us how woodland was used in centuries past.
4.0 Key constraints applied to the Rural Area

4.1 Gravesham Borough’s boundary extends into the River Thames. However, for the purposes of identifying those parts of the rural area where they apply, the borough’s boundary has been limited to the land area only. Looked at in this way results in the area of the borough being around 9,901 hectares of which 1,892 hectares (19%) is identified as being urban (i.e. Gravesend and Northfleet) and 8,009 hectares (81%) is rural.

4.2 Some of the key constraints identified earlier in this document overlap, therefore when these (excluding Green Belt) are applied to the rural area it results in 5,258 ha (53%) of the rural area being covered by one or more of the categories of key constraints.

4.3 When Green Belt policy is also applied, it results 9,551 ha (96%) of the rural area being covered by one or more of the key constraints.

4.4 These figures are presented with and without Green Belt policy applied because under national planning policy it is the only constraint that can be altered through the Local Plan making process. As set out in Section 1 above, for this to occur it would be necessary to demonstrate ‘exceptional circumstances’ that would warrant such a change. The plans below show the extent of such constraints in Gravesham both with and without current Green Belt policy applied. Whether or not ‘exceptional circumstances’ exist that would justify amending the Green Belt in Gravesham will be further considered following the outcome of the current consultation.