

## Appendix 2:

### Environmental Impact Assessment (Forestry) (England and Wales) Regulations 1999

## Jeskyns Farm

### Summary of the reasons for the Forestry Commission's decision to give consent:

#### 1. Policy background:

1.1. The Government's approach to sustainable forestry is outlined in the *UK Forestry Standard* (published in 1998). The Government's priorities for forestry in England are outlined in the *England Forestry Strategy* (also published in 1998) and include the following programmes pertinent to this case:

*1.1.1. Forestry for Recreation, Access and Tourism – which identifies what can be done to promote more and better-quality public access to woodlands. The programme looks at opportunities for woods and forests to be used for a wide range of recreational pursuits as well as supporting the tourist industry.*

*1.1.2. Forestry for the Environment and Conservation – identifies the role that woodlands can play in conserving and enhancing the character of our environment and our cultural heritage, and in delivering the Government's nature conservation, biodiversity and climate change objectives.*

and

*1.1.3. Forestry for Economic Regeneration – identifies the opportunities for woodlands to play a more strategic role in land-use planning through restoring former industrial land and creating a green setting for future urban and urban fringe development.*

1.2. In this case the proposals aim to establish green space on the site, some of which will be woodland, which will:

(a) help extend the green infrastructure of the Thames Gateway;

(b) provide opportunities for informal recreation close to Gravesend, which complement the wider range of facilities available nearby; and

(c) significantly enhance the ecological value of the site and provide some compensation for habitats lost to development in the Thames Gateway.

## **2. Summary of the applications evolution:**

- 2.1. The overall Environmental Impact Assessment process has included detailed surveys of the site, extensive consultation with interested parties (at the Screening, Scoping and Consultation stages) and the preparation of a detailed Environmental Statement. This process has highlighted a considerable range of constraints and aspirations which the applicant has sought to take into account in developing and evolving their design.
- 2.2. The Environmental Statement (ES) prepared by the applicant's consultants considered the impact of the proposals on these issues and outlined both the mitigation which is already included within the application and in some cases suggested additional mitigation which might be considered. A range of comments were received from both organisations and individuals during the formal consultation period. The applicants were asked to consider how, in the light of these comments, they might wish to revise their proposals and a further meeting was held with representatives of organisational consultees to explain and review these changes. A copy of the applicants 'response to issues raised during consultation' can be seen in appendix 3.

## **3. Explanation of the Forestry Commission's decision and the conditions attached:**

- 3.1. The Environmental Impact Assessment Regulations require the competent authority (in the case of afforestation, deforestation, forest roads or forest quarries this is the regulatory arm of the Forestry Commission) to consider the impacts of the proposals on:

- i. human beings, fauna and flora;*
- ii. soil, water, air, climate and the landscape;*
- iii. material assets and the cultural heritage; and*
- iv. the interaction between the factors mentioned in i. to iii. above*

- 3.2. The following paragraphs outline:

- (i) the conditions which are attached to the approval;
- (ii) the main reasons and considerations on which the decision is based; and
- (iii) a description, where necessary, of the main measures to avoid, reduce and, if possible, offset the major adverse effects of the project.

- 3.3. **Time constraints on approval:** The Regulations require that the approval is time limited

Hence, approval is subject to the following conditions:

**Conditions (a):** 'The work must be started between the 21 July 2006 and 21 July 2011'; and

**Conditions (b):** 'No work shall be carried out after 21 July 2016'.

3.4. **Area approved for afforestation:** The area proposed for afforestation has changed as the many issues affecting the site have been considered. The details of some of the work will be subject to changes outlined in subsequent conditions and annotated on the plan but the plan outlines the layout of the areas to be afforested and the main site features. Hence:

**Condition (c):** Afforestation should be carried out only on the areas outlined on the plan attached at Appendix 1 (note: this is a revised version of that enclosed in the Environmental Statement and includes further changes which the applicant has proposed in the light of comments received during consultation).

### **3.5. Impacts on human beings:**

#### ***(a) Population:***

3.5.1. The objective of the proposals is to provide greater access to open space for local people to enhance health and wellbeing in a general area where significant population growth is planned. In this respect it is clear that the broad proposal offers major potential public benefits. However, the most direct impact of the proposals will be on those living adjacent or close to the site. Hence the direct impacts on the historic village of Cobham have been considered very carefully.

3.5.2. The applicant has taken note of issues raised during scoping and located the main body of woodland and key infrastructure in the north west of the site so that it offers easiest access to the population of Gravesend and minimises the impact on the village of Cobham. In addition the applicant has discussed the proposals with immediate neighbours and revised the layout of shrubs, trees, tracks and seating adjacent to neighbours land to minimise adverse impacts.

3.5.3. The proposals also include many of the ideas and suggestions raised by local people during a series of scoping meetings in 2005 including water features and traditional orchards.

3.5.4. As an educational resource the site will provide major opportunities to increase the understanding and appreciation of the rural environment and its management needs.

3.5.5. We appreciate the concerns that the proposals do not include toilet facilities but note that toilets are available at Shorne Country Park and that temporary facilities can be hired to cope with particular events. Their inclusion also has the potential to bring a range of problems that other consultees have highlighted. We conclude that their inclusion would have both positive and negative impacts and they are not essential at this time. However, in the longer term much will depend on how the site, and the use of the wider area, develops.

#### ***(b) Traffic and Highways:***

3.5.6. The assessment of traffic flows undertaken as part of the Environmental Statement predicts that the impacts of additional traffic generated by site users will be limited. However, consultees have expressed concern about the potential impacts particularly on the village of Cobham and the narrow public roads adjacent to the site. The assessment, carried out by traffic specialists, provides the best estimate of what the traffic flows of the site will be, however, we appreciate that the actual impacts will only become clear as the site is developed. Hence the ongoing evaluation, review and management of the site will be essential to ensure that adverse impacts on local communities are minimised.

3.5.7. Approval is subject to the following conditions:

**Condition (d):** Signage should be designed to discourage access via the village of Cobham. A plan for signposting access to the site will be agreed with the highways authorities to direct access to the site via the Henhurst Lane junction from the A2. A plan to be agreed and implemented (subject to the realignment of the A2) before the site is formally opened to the public. All promotional literature pertaining to the site is to reinforce this principle.

**Condition (e):** As outlined in the application, a site management plan should be prepared for the site following the best practice outlined by the Green Flag Award. This should be completed by end March 2008 and reviewed at least every two years.

### **3.6. Impacts on fauna and flora:**

- 3.6.1. The site was formerly high intensity arable farmland from which most of the historic hedgerows and woodland had been removed. However, surveys included in the Environmental Statement identified that parts of the site are currently used as nesting and winter feeding for rare species such as corn bunting and skylark. In addition badgers and brown hares are active in some areas and the site may retain small populations of reptiles and amphibians.
- 3.6.2. The establishment of a less intensive management regime on the site will increase the site's ecological diversity considerably. In developing the design the applicants have sought to include a range of habitat types. However, consultees have queried whether the proposals provide the greatest ecological benefit possible and whether the proposals seek to mitigate for the loss of ecologically valuable sites in other parts of the Thames Gateway.
- 3.6.3. It is clear that the design has evolved from an initial concept which included 70% of the site being woodland to the design considered in the Environmental Statement which includes less than 20% woodland, significant areas of scrub, grassland, traditional orchards and hedgerows. This mixture of habitats offers significant potential but its future value will depend greatly on how these habitats evolve over time which depends on how they are managed. For instance establishment of species rich grassland on former arable sites such as this requires time and an iterative approach to management. Development of the site management plan will require reference to a range of habitat and species specialists to identify the most appropriate management regimes for the site (encompassed in condition (e)).
- 3.6.4. Public access to the site has the potential to cause habitat disturbance, in particular from dogs. See paragraph 3.14.1 included in the section on 'Interaction between these factors'.
- 3.6.5. Overall we believe the proposals, once implemented, will increase the ecological diversity and carrying capacity of the site considerably. However, due care must be taken to minimise the potential for adverse impacts on existing species using the site, particularly during the implementation phase.

3.6.6. **Farmland Birds:** The Environmental Statement (ES) includes surveys which identify that the site is used by a number of farmland birds. Of particular significance is the use of the site by corn buntings for both nesting and winter feeding. We believe that the significance of this species is higher than outlined in the ES and that the maintenance of winter feeding is crucial to maintaining its current level on the site. Hence we conclude that part of the site should be maintained to provide winter feeding for corn buntings.

3.6.7. Approval is subject to the following condition:

**Conditions (f):** The habitat mix for the site should be extended to include an area (of at least 4 ha) to be managed to provide key winter feeding for farmland birds which should include provision for the large seeds (such as barley) needed by corn buntings. The most suitable location appears to be the area west of Henhurst Road (area identified for condition (f) on the plan included at appendix 1), but alternative locations are acceptable if agreed with farmland bird specialists and the Conservator.

3.6.8. **Amphibians, reptiles, brown hares and dormice:** The Environmental Statement noted that amphibians, reptiles and dormice may be present in, and adjacent to, certain existing hedges and neighbouring woodland, and also that brown hares use the site. The applicant has sought to lay out the path network to minimise the disturbance of existing hedges and adjacent woodland. We conclude that once established the site will provide a greater diversity of habitats than present at this time which will mitigate against the adverse affects of disturbance. However, during implementation care must be taken to minimise the chances of adverse impacts on individual animals and best practice applied in respect of all species subject to protection under the Wildlife and Countryside Act.

### **3.7. Impacts on soil:**

3.7.1. In general the change from arable to woodland and grassland will not adversely affect the agricultural potential of the soil structure (over time the increase in organic matter will improve it). The introduction of hardened surfaces for the car park, paths and tracks will reduce the area slightly but these features could be removed and the area returned to agriculture if ever required.

3.7.2. Approval is hence subject to the following condition:

**Condition (g):** In constructing the ‘hard features’ outlined in the proposals:

- Layout will follow the plan, subject to changes outlined in the annotations, shown in appendix 1;
- Porous surfaces are used on all paths and tracks except the car park;
- Soil stripping is minimised, but where inevitable this is relocated avoiding the mixing of top and sub soils; and
- The detailed design of hard surfaces and water features are agreed with the Environment Agency.

### **3.8. Impacts on water:**

3.8.1. The significant reduction in the use of fertilisers and herbicides associated with the afforestation and ongoing management of other habitats will have a positive impact on the quality of water percolating to the underlying aquifer.

### **3.9. Impact on air quality:**

3.9.1. The proposals result in limited positive or negative impact.

### **3.10. Impacts on climate:**

3.10.1. There will be changes to the microclimate of the site which will benefit biodiversity plus a small amount of carbon sequestration. While it is ecologically sensible to establish trees and shrubs using local seed sources there are a range of opinions as to the impact of climate change on locally native species in the medium to long term. Hence it is strongly recommended that the applicants include small sections of woodland planted with trees and shrubs whose origins are further south in mainland Europe in order that the respective response to climate change can be monitored. The location of such 'plots' should be at the western extremities of the site.

### **3.11. Impacts on landscape and visual environment:**

3.11.1. There are a significant range of factors affecting both the landscape character and the visual impact of the proposals. In its current form the site offers wide and open views from local roads, footpaths and neighbouring properties which may be perceived as attractive or unattractive depending on individual preferences. The more intimate landscape of the eastern section of the site is reflected in it being included in the Kent Downs Area of Outstanding Natural Beauty (AONB). It is clear that the design seeks to enhance the local landscape by:

- (a) siting the major area of woodland along the northern section of the site where it will align with Ashenbank Woods and help screen the A2 and Channel Tunnel Rail Link (CTRL); and
- (b) establishing a traditional field structure which complements the character of the AONB.

3.11.2. However, responses to consultation indicate a preference for a design which reflects well managed farmland rather than a 'country park' landscape.

3.11.3. Having considered this view the applicant has further modified the design to emphasise features which help to maintain the agricultural character of the western, southern and eastern sections of the site. These changes include revisions to the layout of the area west of Henhurst Road.

3.11.4. The benefits of the proposals for access and education have been outlined earlier (see paragraphs 3.5.1 & 3.5.4) but it is clear that there are further benefits if the design emphasises the agricultural background to the area. Hence a degree of mitigation against the perception of the country park is desirable.

3.11.5. Approval is hence subject to the following condition:

**Condition (h):** *In preparing the site management plan the applicant considers management regimes, site signage, orchard layout and hard track designs which seek to minimise the perception of a country park and emphasise the agricultural character of the area.*

### **3.12. Impacts on material assets:**

3.12.1. We believe that there will be limited negative impacts on material assets such as neighbouring properties. As mentioned earlier (paragraph 3.5.2) the applicant has taken time and care to discuss the detailed design of the proposals on land adjacent to neighbouring properties and has adapted the design to address the reasonable concerns of individuals. While in most cases it has been possible to mitigate against the potential adverse impacts of public access provision through the incorporation of hedges, areas of shrubs and/or the relocation of site infrastructure some concerns understandably remain.

3.12.2. We conclude that the overall benefits of the proposals outweigh the remaining issues of concern, but encourage both the applicant and neighbours to maintain dialogue as the site evolves.

### **3.13. Impacts on cultural heritage (Archaeology):**

3.13.1. Surveys and the Environmental Statement have revealed that the site and the surrounding area has a complex history. Historic maps, records and aerial photographs have revealed how the landscape has changed and indicate parts of the site which may retain significant archaeological remains. As a consequence the applicants have worked with Kent County Council archaeologists to agree a phased approach to ensure that features of archaeological interest are not damaged by the construction of 'hard features' such as the car park, the ponds and the tracks nor by tree roots.

3.13.2. Approval is hence subject to the following condition:

**Condition (i):** That the Phased Archaeological Evaluation Strategy agreed with Kent County Council is implemented and adhered to during the establishment and management of the site.

### **3.14. Interaction between these factors:**

3.14.1. **Public access vs fauna:** Both the Environmental Statement and consultees have noted the potential conflict between the use of the site by the public and the disturbance this may bring, particularly from dogs, to fauna using the site now and in the future. In particular the uncontrolled roaming of dogs could lead to disturbance of ground nesting birds and brown hares. The majority of the public is sensitive to the needs of wildlife if they understand what these are. Hence the potential for disturbance can be reduced significantly by providing information to users and seeking their support in controlling dogs during the bird nesting season.

3.14.2. Overall we conclude that the ecological carrying capacity and habitat diversity which the proposals will provide outweighs the disturbance. However, we believe the potential for disturbance can be reduced by good user education.

3.14.3. Approval is hence subject to the following condition:

**Condition (j):** The management of public access, including dogs, to minimise wildlife disturbance is considered in detail in the Site Management Plan.

3.14.4. **Public access vs traffic movements:** While many visitors to the site will drive to the car park there are much greater benefits to public health and well being if the site can be accessed directly on foot or by cycle. The population of Gravesend has the greatest potential to gain from such direct access but this will depend on developments associated with the realignment of the A2. We conclude that to further mitigate for the increase in traffic movement the applicant should work with neighbours to facilitate pedestrian and cycle access from Gravesend.

3.14.5. Approval is hence subject to the following condition:

**Condition (k):** That the applicant works closely with neighbouring landowners to encourage and manage informal access to the rural environment and in particular to establish safe pedestrian and cycle access from southern Gravesend.

3.14.6. **Public access - equestrian use of the site:** The proposals include provision for equestrian access to the site which is provided as a discrete route to minimise the dangers of horses and pedestrians using the same route. Consultees asked that consideration be given to providing parking for horse boxes at the car park. However, the proposals include the provision of a height barrier at the entrance to the car park to minimise the opportunity for inappropriate access to the site (also a major concern of consultees). This barrier would also prevent the use of the site by horse boxes. Consequently we believe the additional benefits which such parking would provide do not outweigh the potential problems. Nevertheless we appreciate that suitable parking is an ongoing concern for equestrian users and recommend that this issue is considered in the preparation of the site management plan.

3.14.7. **General:** There is considerable interaction between the above factors. This is demonstrated in the way the design has evolved over the past 18 months from initial thoughts, to formal consultation to the plan illustrated in Appendix 1. The Management Plan will also have to seek a balance between the many factors affecting this site. We believe the plan illustrated in Appendix 1, subject to minor revisions indicated by the annotations, is a reasonable balance between these factors.