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Our Ref

10th January 2022

Dear Sir or Madam

**The Conservation of Habitats and Species Regulations 2017
Request for Screening Opinion
Napier Barracks Shorncliffe Camp, Folkestone, CT20 3HN.**

Cushman and Wakefield (C&W) is instructed by the Home Office to submit this request for screening opinion, pursuant to the Conservation of Habitats and Species Regulations 2017 (hereafter known as the Habitats Regulations), in connection with a Special Development Order (SDO) for the temporary change of use of Napier Barracks (C2a) to Asylum Accommodation (sui generis).

Regulation 79 of the Habitats Regulations provides that:

*(1) A special development order may not grant planning permission for development which—
(a) is likely to have a significant effect on a European site (either alone or in combination with other plans or projects); and
(b) is not directly connected with or necessary to the management of the site.*

(2) A special development order may not grant planning permission for development which is likely to have a significant effect on a European offshore marine site (either alone or in combination with other plans or projects).

The following European sites are protected by the Habitats Regulations, and any proposals that could significantly affect them will require a Habitat Regulation Assessment (HRA).

- Special Areas of Conservation (SACs).
- Special Protection Areas (SPAs).

Any proposals affecting the following sites would also require an HRA because these are also protected by government policy:

- proposed SACs.
- potential SPAs.
- Ramsar¹ sites - wetlands of international importance (both listed and proposed).
- areas secured as sites compensating for damage to a European site.

For the purposes of the Habitats Regulations the proposed change of use by way of an application for an SDO is classed as a 'project' .

¹ Ramsar Sites are wetlands of international importance that have been designated under the criteria of the Ramsar Convention on Wetlands for containing representative, rare or unique wetland types or for their importance in conserving biological diversity.

Site Description

Napier Barracks (The Site) has been in continuous use as a military barracks since 1897 (as part of the wider Shorncliffe Garrison). The Site is currently in use as accommodation for asylum seekers. The Site has a secure boundary and gated entrance. The Barracks comprises a number of low rise (one storey) brick buildings. There are accommodation blocks, an ablution block, refectory, cinema, and lecture room. The general topography is flat, with a subtle slope to the south and in an easterly direction. Napier Barracks is situated within the urban area of Sandgate.

To the east of Napier Barracks is a pre-school (Jumping Jacks Pre School) and theatre (Tower Theatre). Beyond this to the east is a recently constructed housing development (Shorncliffe Heights). To the north there are playing fields including a cricket pitch. To the west is an existing MoD facility (Transport Support Unit). To the south is Burgoyne Barracks, Napier House and a running track (The Stadium), to the far south is Southgate Beach (2.4km). There is a local shop approximately 600m from the site. Further shops and amenities are available in Cheriton approximately 1.7km from the site.

Planning permission was granted for a hybrid scheme incorporating 906 dwellings on the wider Shorncliffe Garrison site on 17th December 2015 (ref: Y14/0300/SH). This scheme has been implemented and a substantial part of the development is complete (Shorncliffe Heights). Detailed planning permission was granted for residential development at Napier Barracks (as part of a larger site incorporating neighbouring Burgoyne Barracks) on 18th September 2020². The planning permission has not been implemented and the developer has recently secured approval for a non-material amendment application to amend the layout of the proposals³(granted 9th December 2021). Notwithstanding this, the SDO seeks the change of use of Napier Barracks for use as accommodation for asylum seekers.

Napier Barracks is accessed via the B2063. There are public transport links on B2063 which provide bus links to Folkestone. In addition, Folkestone West Railway Station is 2.4km from the site.

Context

A review of the government's Magic⁴ website has been undertaken in respect of European sites (as defined on page 1 of this letter). The nearest 'European' site to Napier Barracks is the Folkestone to Etchinghill Escarpment which is a Special Area of Conservation (SAC). This SAC is approximately 2.2km from the proposed development. The M20 Motorway and the Folkestone Eurotunnel Terminal⁵ are between the application site and the Escarpment (see Figure 1, p3). It is of note that there are no other 'European' sites in the vicinity of the proposed development site.

The Folkestone to Etchinghill Escarpment comprises a 182 hectare linear site running east to west from Etchinghill to the outskirts of Folkestone (site reference: UK0012835). The site is one of the largest remaining areas of unimproved chalk downland in Kent and is designated as SAC due to the Annex I habitat of European importance it supports namely: Semi natural dry grassland and scrubland facies on calcareous substrates (Festuco Brometalia)(important orchid sites); Dry grasslands and scrublands on chalk or limestone (important orchid sites).

² Ref: Y19/0318/FH

³ Ref: 21/0630/FH/NMA

⁴ The MAGIC website provides authoritative geographic information about the natural environment from across government.

⁵ This international railway terminal is a hub for vehicles (including cars and lorries) to be loaded onto trains to use the channel tunnel.

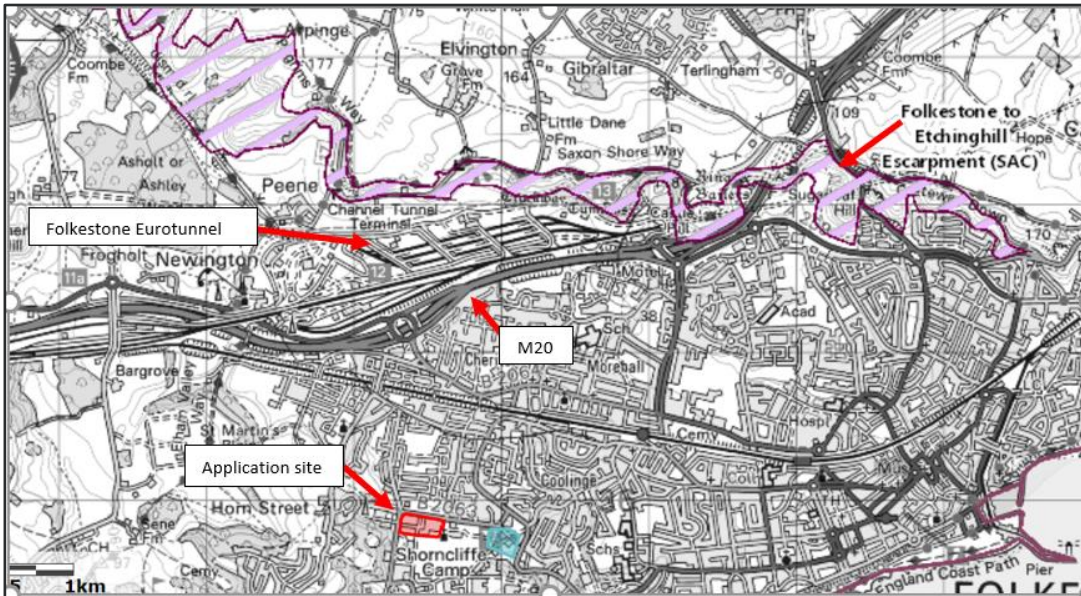


Figure 1 : Extract from Magic⁶ map

Natural England's objectives for the Folkestone to Etchinghill Escarpment are as follows:

Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring;

- *The extent and distribution of qualifying natural habitats*
- *The structure and function (including typical species) of qualifying natural habitats, and*
- *The supporting processes on which qualifying natural habitats rely.*

Cumulative Development

The Habitats Regulations state that the cumulative impact of other qualifying developments must be considered when screening developments. Qualifying developments are as follows:

- *applications for a new permission*
- *applications to change an existing permission*
- *granted permissions that have not begun or been completed*
- *granted permissions that need renewing*
- *plans that have been drafted but not yet adopted*

A proposal, alone or in combination with other proposals, could cause a significant effect on a European site if there is:

- *a reduction in the amount or quality of designated habitats or the habitats that support designated species*
- *a limit to the potential for restoring designated habitats in the future*
- *a significant disturbance to the designated species*
- *disruption to the natural processes that support the site's designated features*

Government guidance states that if there's no likely significant effect on the site, either alone or in combination, then an appropriate assessment is not required⁷.

⁶ The MAGIC website provides authoritative geographic information about the natural environment from across government.

⁷ <https://www.gov.uk/guidance/habitats-regulations-assessments-protecting-a-european-site#screening>

A search of the planning register has been undertaken for the Site and its immediate vicinity. It is acknowledged that there is planning permission for residential development at the Shorncliffe Garrison⁸ and that this is not yet completed as the reserved matters planning permission for Napier Barracks and Burgoyne Barracks North has not yet been implemented (refs: 21/0630/FH/NMA and Y19/0318/FH). It is therefore appropriate to consider the cumulative impact of the Shorncliffe Garrison residential development. This is considered in the assessment below.

Assessment

In screening the development, the Habitat Regulations require the competent authority to consider whether the proposals are likely to have a significant effect on a European Site (either alone or in combination with other plans or projects). This assessment covers the proposed use of the Napier Barracks site for asylum accommodation and the planning permission for residential development at Shorncliffe Garrison (ref: Y14/0300/SH).

The Folkestone to Echinghill Escarpment is over 2km from the Site with the M20 Motorway and the Folkestone Eurotunnel terminal between them (see Figure 1, p3). It is considered that these two major pieces of infrastructure effectively divorce the Escarpment from the Site. It is appreciated that walkers could reach the escarpment (using existing paths) within 4km of the Site, however, it is unlikely that visitor numbers to the Escarpment will increase much as part of the proposed development. A Screening Opinion Report was prepared and submitted to Folkestone and Hythe District Council as part of the Hybrid planning permission for the Shorncliffe Garrison site (ref: Y14/0300/SH). This report found that the residential development would not have a significant effect on the European site as a result of recreational pressures. This screening opinion was accepted by Folkestone and Hythe District Council on 25.06.2015. It is considered that overall (taking into account the cumulative impact) there is no likelihood of a significant effect on the European site as a result of recreational pressures.

Similarly, there is unlikely to be a significant impact on air quality as a result of the proposals at Napier Barracks as none of the residents will have a car or motorbike and the proposed vehicle movements will not be dissimilar to the Site's previous use as a military barracks. The impact on Air Quality for the wider neighbouring residential development was also assessed as part of the Screening Opinion Report. The Report found that the residential development would not result in a material significant effect on air quality in respect of the European site. It is considered that overall (taking into account the cumulative impact) there is no likelihood of a significant effect on the European site as a result of air quality.

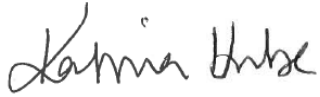
Conclusion

It is considered that the proposals are unlikely to have a significant effect on the Folkestone to Echinghill Escarpment (SRA) either alone or in combination with the residential development of the wider Shorncliffe Garrison site. The proposed development is not expected to affect the integrity of the European Site. It is therefore considered that an Appropriate Assessment is not required.

⁸ References: Y14/0300/SH.

I trust that the above is in order, however, should you have any questions or wish to discuss in more detail please do not hesitate to contact me.

Yours sincerely

A handwritten signature in black ink that reads "Katrina Hulse". The signature is written in a cursive, flowing style.

Katrina Hulse MRTPI
Partner | Development & Planning
Cushman & Wakefield Debenham Tie Leung Limited

Appendix A – References

- Site Location Plan: Drawing ref:20:01
- The Conservation of Habitats and Species Regulations 2017
<https://www.legislation.gov.uk/ukxi/2017/1012/contents>
- Guidance Habitats Regulations Assessments: Protecting a European site:
<https://www.gov.uk/guidance/habitats-regulations-assessments-protecting-a-european-site#screening>
- Magic Website: <https://magic.defra.gov.uk/>
- European Site Conservation Objectives for Folkestone to Etchinghill Escarpment Special Area of Conservation Site Code: UK0012835 Natural England – dated 27/11/18:
<http://publications.naturalengland.org.uk/publication/6261005457817600>
- Folkestone to Etchinghill Escarpment SRA Entry: Joint Nature Conservation Committee (JNCC⁹):
<https://jncc.gov.uk/jncc-assets/SAC-N2K/UK0012835.pdf>
- Landsearch Report for Napier Barracks – Landmark (Promap) Generated 16/12/21.
- Habitat Regulations Assessment Screening Information Report -submitted with Planning Permission ref: Y14/0300/SH for residential development at Shorncliffe Garrison.
- Folkestone and Hythe Response to Screening Information Report dated 25th June 2015 (included in Committee Report for Planning Permission ref: Y14/0300/SH) for residential development at Shorncliffe Garrison.

⁹ JNCC is the public body that advises the UK Government and devolved administrations on UK-wide and international nature conservation.