

## Habitat Regulation Assessment (HRA) Screening Matrix and Appropriate Assessment (AA) Statement for recreational disturbance

IMPORTANT NOTE: Undertaking the HRA process is the responsibility of the decision maker as the Competent Authority for the purpose of the Habitats Regulations. However, it is the responsibility of the applicant to provide the Competent Authority with the information required to complete this process.

<b>Application reference:</b>	OL/TH/20/0847
<b>Application address:</b>	Land On The North West And South East Sides Of Shottendane Road MARGATE Kent
<b>Application description:</b>	Outline application for the erection of up to 450 residential dwellings (including market and affordable housing), structural planting and landscaping, formal and informal public open space and children's play area, sustainable urban drainage, with vehicular access points, including associated ancillary works and operations, from Hartsdown Road, Shottendane Road and Manston Road including access
<b>Lead Planning Officer:</b>	Iain Livingstone
<b>HRA Date:</b>	29.10.2020

Part 1 – Details of the plan or project	
<b>European site or sites potentially impacted by planning application, plan or project:</b>	Thanet Coast and Sandwich Bay SPA and Ramsar site
<b>Is the planning application directly connected to the management of the site?</b>	No

Part 2 – HRA Screening Assessment
<b>Screening under Regulation 63(1)(a) of the Habitats Regulations – The Applicant should provide evidence to allow a judgement to be made as to whether there could be any potential significant impacts of the development on the integrity of the SPA / Ramsar site.</b>
<u>Thanet Coast and Sandwich Bay SPA / Ramsar site</u>
The Thanet Coast and Sandwich Bay Special Protection Area (SPA) is classified in accordance with the European Birds Directive which requires Member States to classify sites that are important for bird species listed on Annex 1 of the European Directive, which are rare and / or vulnerable in a European context, and also sites that form a critically important network for birds

on migration. The site is also listed as a Wetland of International Importance under the Ramsar Convention (Ramsar Site). For clarity, and the purpose of this assessment, 'European Sites' refers to both the SPA and Ramsar Site.

The Thanet Coast and Sandwich Bay SPA is used by large numbers of migratory birds. The site qualifies under Article 4.2 of the Birds Directive through supporting populations of European importance over-wintering Turnstone (*Arenaria interpres*) and European Golden Plover (*Pluvialis apricaria*). Research conducted in 2013 and 2014 found a drop in Turnstone numbers when compared to previous surveys. There is a body of evidence that supports recreational activity causing the disturbance of birds. In particular walking with dogs, predominantly in the intertidal area, close to roosts at high tide and with dogs off leads, are the most common disturbance stimuli. It is also this recreational activity which occurs in the highest volume and which is most likely to increase with increased housing.

Therefore impacts of recreational disturbance can be such that they affect the status and distribution of key bird species and therefore act against the stated conservation objectives of the European sites.

A 7.2km Zone of Influence has been identified to establish which future housing sites are likely to contribute to this recreational impact from a number of visitor surveys carried out since 2011. The proposed development is located within this Zone of Influence.

Following the CJEU ruling, avoidance or mitigation measures cannot be taken into account as part of the application at this stage of the HRA, and must be considered under an Appropriate Assessment stage of the HRA in part 3 of this document.

**Are there any other plans or projects that together with the planning application being assessed could result in a likely significant effect on the site when considered in-combination?**

Yes. All new dwellings built within 7.2km of the Thanet Coast and Sandwich Bay SPA and Ramsar Site, or other developments that could lead to an increased recreational pressure, could combine to have a likely significant effect on the SPA and Ramsar site.

**Would the proposal lead to a likely significant effect on the European sites, without mitigation measures either alone or in-combination? YES / NO (if yes, continue to part 3)**

### Part 3 – Appropriate Assessment

**Appropriate Assessment under Regulation 63(1) – if there are any potential significant impacts, the Applicant must provide evidence showing avoidance and/or mitigation measures to allow an Assessment to be made. The Applicant must also provide details which demonstrate any long-term management, maintenance and funding of any solution.**

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The project being assessed would result in a net increase of dwellings within the Thanet Coast and Sandwich Bay SPA and Ramsar site Zone of Influence. In line with Policies SP28 and SP29 of the Thanet Local Plan 2020, based upon the best available evidence a permanent likely significant effect on the SPA and Ramsar Site due to increased recreational disturbance as a result of the new development, is likely to occur. As such, in order to avoid and mitigate for an adverse effect on the integrity of the SPA and Ramsar Site, the development will need to include a package of avoidance and mitigation measures.

#### Strategic Access, Management and Monitoring Plan for the Thanet Coast and Sandwich Bay SPA/Ramsar

The District Council has produced a Strategic Access, Management and Monitoring Plan for the Thanet Coast and Sandwich Bay SPA and Ramsar Site that will be applied to development within the identified Zone of Influence. Elements within the Plan are:

- Ongoing monitoring and surveys of the site, particularly with regard to visitors and bird numbers, which will be linked to the wardening programme;
- Wardening of the Thanet Coast and Sandwich Bay SPA and Ramsar Site;
- Signage and interpretation;
- Increased education.

The suite of strategic mitigation measures are being delivered through the Thanet Coast project, run by Thanet District Council working in partnership with conservation organisations in East Kent, to ensure that development, considered in-combination, does not have an adverse effect on the integrity of the European site. A per-dwelling tariff has been calculated using the total cost of delivering the mitigation measures in-perpetuity and the planned number of additional dwellings expected to be built in Thanet District.

Natural England has worked with the North-East Kent Local Planning Authorities to support them in preparing the SAMM Plan and the underpinning evidence base. Natural England agree that the mitigation measures to ensure additional impacts from recreational disturbance to the SPA and Ramsar Site are ecologically sound. As such, the Applicant does not need to provide their own evidence base on these aspects. Evidence must be submitted showing that a mitigation contribution payment will be made through a s106 agreement and the agreement will be signed prior to any permission being granted.

The applicant has submitted additional information (8th October 2020) to supplement the information submitted within the Environment Statement (which includes a Habitat Regulations Assessment) for the Council to be able to determine the significance of these impacts and the scope for mitigation. On the basis of the survey data provided in the submission, it is demonstrable that the site does not act as functionally linked land in relation to the designated sites.

In addition to the payment towards the SAMM, conditions would be in place for the landscape strategy to inform subsequent reserved matters applications, with a minimum of 4.4 hectares open space (potentially up to 6.48 hectares proposed), the upgrading of public footpath TM14 and provision of Trim Trail as identified within the submission documents to encourage dog walkers to use the environment created by the residential development. In relation to the potential increased mortality/disturbance at or adjacent to the development site, mitigation is proposed for a Homeowner information pack, specific planting and signage, which would be secured through planning conditions for any approval of the project.

#### **Part 4 – Summary of the Appropriate Assessment - To be carried out by the Competent Authority (the local planning authority) in liaison with Natural England**

Final conclusion:

Having considered the proposed mitigation and avoidance measures to be provided in-perpetuity through the secured contribution to the access and monitoring measures, as well as planning conditions, Thanet District Council conclude that with mitigation, the project will have no adverse effect on the integrity of the Thanet Coast and Sandwich Bay SPA or Ramsar, either alone or in-combination with other plans or projects.

**Natural England:**

**Summary of Natural England's comments (dated 28th October 2020):**

“DESIGNATED SITES [EUROPEAN] – NO OBJECTION SUBJECT TO SECURING APPROPRIATE MITIGATION This advice should be taken as Natural England's formal representation on appropriate assessment given under regulation 63(3) of the Conservation of Habitats and Species Regulations 2017 (as amended). You are entitled to have regard to this representation. With regard to European Sites, Natural England does not object to the granting of this permission subject to the advice given below. Natural England advises that the specific measures previously identified and analysed by your Authority to prevent harmful effects on coastal European Sites from increased recreational pressure should be applied to this proposed development at appropriate assessment. Your authority has measures in place to manage these potential impacts through the agreed strategic solution which we consider to be ecologically sound. Natural England is of the view that if these measures, including contributions to them, are implemented, they will be effective and reliable in preventing harmful effects on the European Site(s) for the duration of the proposed development. Providing that the appropriate assessment concludes that these measures must be secured as planning conditions or obligations by your authority to ensure their strict implementation for the full duration of the development, and providing that there are no other adverse impacts identified by your authority's appropriate assessment, Natural England is satisfied that this appropriate assessment can ascertain that there will be no adverse effect on the integrity of the European Site in view of its conservation objectives.”