



## 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>	F/TH/19/0323
<b>Application address:</b>	Land On The North Side Of, Stirling Way, RAMSGATE, Kent
<b>Application description:</b>	Erection of 23no. 2 storey dwellings and a 3-storey building accommodating 15No. self-contained flats together with associated parking and landscaping
<b>Lead Planning Officer:</b>	Emma Fibbens
<b>HRA Date:</b>	17.11.2021

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
<p><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></p> <p><u>Thanet Coast and Sandwich Bay SPA / Ramsar site</u></p> <p>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.</p> <p>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</p>

importance over-wintering Turnstone (*Arenaria interpres*) and European Golden Plover (*Pluvialis apricaria*), and Little Tern (*Sterna albifrons*) (breeding season).

The European Site Objectives for the Thanet Coast and Sandwich Bay Special protection Area are to:

- Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the aims of the Wild Birds Directive, by maintaining or restoring; The extent and distribution of the habitats of the qualifying features
- The structure and function of the habitats of the qualifying features
- The supporting processes on which the habitats of the qualifying features rely
- The population of each of the qualifying features, and,
- The distribution of the qualifying features within the site.

The Natura 2000 data reference document (<https://jncc.gov.uk/jncc-assets/SPA-N2K/UK9012071.pdf>) outlines the following general site character:

Habitat Class	% Cover
Humid grassland, Mesophile grassland	2
Coastal sand dunes, Sand beaches, Machair	1
Shingle, Sea cliffs, Islets	1
Improved grassland	10
Tidal rivers, Estuaries, Mud flats, Sand flats, Lagoons (including saltwork basins)	83
Other arable land	3
Total Habitat Cover	100

An assessment of threats and pressures identified the following issues as high rank for negative impacts:

- Outdoor sports and leisure activities, recreational activities (inside)
- Pollution to groundwater (point sources and diffuse sources) (outside and inside)
- Invasive non-native species (outside and inside)
- Changes in biotic conditions (outside and inside)
- Human induced changes in hydraulic conditions (outside and inside)

The Thanet Coast and Sandwich Bay Ramsar site is designated as supporting 15 British Red Data book wetland invertebrates and as supporting species occurring at levels of international importance (Ruddy Turnstone, *Arenaria interpres*).

<https://jncc.gov.uk/jncc-assets/RIS/UK11070.pdf>

The site description in the citation reads "A coastal site, consisting of a long stretch of rocky shore, adjoining areas of estuary, sand dune, maritime grassland, saltmarsh and grazing marsh. The wetland habitats support 15 British Red Data Book invertebrates, as well as a large number of nationally scarce species. The site attracts internationally important numbers of turnstone *Arenaria interpres*, and nationally important numbers of nationally important wintering populations of four wader species: ringed plover, golden plover, grey plover and sanderling, as well as Lapland bunting. The site is used by large numbers of migratory birds."

The Natura 2000 data reference document (<https://jncc.gov.uk/jncc-assets/RIS/UK11070.pdf>) outlines the following wetland environment:

Wetland Types	% Area
Tidal flats	56
Rocky shores	15.5
Seasonally flooded agricultural land	15
Rivers / streams / creeks: permanent	10
Freshwater, tree-dominated wetlands	1
Sand / shingle shores (including dune systems)	0.9
Estuarine waters	0.8
Freshwater marshes / pools: permanent	0.6

Salt marshes	0.2
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Birds species identified as occurring at levels of national importance include:

- Ringed plover, *Charadrius hiaticula*
- Common greenshank, *Tringa nebularia*,
- Red-throated diver , *Gavia stellata*
- Great crested grebe , *Podiceps cristatus*
- European golden plover , *Pluvialis apricaria*
- Sanderling , *Calidris alba*

Other species recorded in a 2004 survey are outlined in the information sheet on the wetlands, including various invertebrate species.

The following factors are considered in the document to have a major impact on the site's ecological character:

- Vegetation succession (inside)
- Water diversion for irrigation/domestic/industrial use (inside and outside)
- Eutrophication (inside and outside)
- Pollution - pesticides/agricultural runoff (inside and outside)
- Recreational/tourism disturbance (inside)
- Urban use (unspecified development) (inside)

Research conducted by Sandwich Bay Bird Observatory Trust for the last 20 years and have shown an ongoing decline in wintering numbers of Turnstones (Walton & Hodgson, 2018)<https://eastkent.birdwise.org.uk/thanet-wader-survey-2020/> Recent surveys in 2019 and 2020 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.

Supplementary guidance advice on Conservation objectives identifies disturbance by human activity as affecting all three identified bird species, stating:

*“The nature, scale, timing and duration of some human activities can result in bird disturbance (defined as any human-induced activity sufficient to disrupt normal behaviours and / or distribution of birds in the absence of the activity) at a level that may substantially affect their behaviour, and consequently affect the long-term viability of the population. Such disturbing effects can for example result in changes to feeding or roosting behaviour, increases in energy expenditure due to increased flight, abandonment of nest sites and desertion of supporting habitat (both within or outside the designated site boundary where appropriate). This may undermine successful nesting, rearing, feeding and/or roosting, and/or may reduce the*

*availability of suitable habitat as birds are displaced and their distribution within the site contracts.*

*Disturbance associated with human activity may take a variety of forms including noise, light, sound, vibration, trampling, presence of people, animals and structures.”*

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 ((Bayne and Hyland, 2016)(Bayne and Hyland, 2014)).

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.

It is therefore considered that the proposal would result in an effect on species which would have implications for the conservation objectives of the SPA from residential development.

It is not considerate that there are any implications which would affect the conservation objectives of the SPA for habitat types and species outside the SPA boundaries.

**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.**

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 Policy 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 to reduce the frequency, duration and / or intensity of disturbance affecting roosting, nesting, foraging, feeding, moulting and/or loafing birds so that they are not significantly disturbed.

#### 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:

- Wardening of the Thanet Coast and Sandwich Bay SPA and Ramsar Site;
- Signage and interpretation;
- Increased education.

In addition, monitoring and surveys of the site, particularly with regard to visitors and bird numbers, is part of plan which will also linked to the wardening programme. This will inform further management measures depending on the effectiveness of the mitigation, looking at people's behaviour and bird numbers.

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 has either:

- Been made to the District Council to fund the access and monitoring measures through a Unilateral Undertaking
- Or will be made through a s106 agreement where Heads of Terms have been agreed and the agreement will be signed prior to any permission being granted..

The website of the project is here: <https://eastkent.birdwise.org.uk/>

A SAMMs officer working on the project was employed by Thanet District Council and Canterbury City Council in 2019. The management/business plan of the project is available here (published in 2021): <https://eastkent.birdwise.org.uk/wp-content/uploads/2021/01/Business-Plan-SAMM-3-1.pdf>

It is considered by virtue of the existing funding secured since 2015 and the appointment of SAMM's officer (carrying out duties since 2019) that this has demonstrated the efficacy of the project in mitigating the identified effects, as evidenced by the management plan and work on



the project here: <https://eastkent.birdwise.org.uk/>

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

Having considered the proposed mitigation and avoidance measures to be provided in-perpetuity through the secured contribution to the access and monitoring measures, Thanet District Council concluded that with mitigation, the project will have no adverse effect on the integrity of the European protected site.

Having made this appropriate assessment of the implications of the project for the site in view of that site's conservation objectives, and having consulted Natural England and fully considered any representation received (see below), the authority may now agree to the project under regulation 63 of the Conservation of Habitats and Species Regulations 2017.

**Natural England:**

**Summary of Natural England's comments:**

Additional note: A bespoke Habitat Regulations Assessment (HRA) may be required in certain situations for recreational disturbance. This template may form the basis of a more detailed HRA for developments such as those mentioned above.