



Habitats Regulations Assessment

Table 1: Proposed plan or project details

Title of project	Port of Ramsgate Replacement of Berth 4/5
Case reference	MLA/2022/00040
Applicant name	Thanet District Council
Type of licensable activity/ies	<p>Section 66 of the Marine and Coastal Access Act 2009:</p> <ol style="list-style-type: none">1. To deposit any substance or object within the UK marine licensing area, either in the sea or on or under the sea bed, from—<ol style="list-style-type: none">(a) any vehicle, vessel, aircraft or marine structure,(b) any container floating in the sea, or(c) any structure on land constructed or adapted wholly or mainly for the purpose of depositing solids in the sea.7. To construct, alter or improve any works within the UK marine licensing area either—<ol style="list-style-type: none">(a) in or over the sea, or(b) on or under the sea bed.8. To use a vehicle, vessel, aircraft, marine structure or floating container to remove any substance or object from the sea bed within the UK marine licensing area.
Location of works	See Annex 1.
Description of proposed project	<p><u>Dredging of berth pocket</u></p> <p>The existing berth pocket is currently maintained at -3.0m CD, however this will be increased to -4.5m CD with a capital dredge. Dredging will be undertaken using a split-hopper grab dredge barge. Dredged material will be disposed of at Pegwell Bay TH140 and Dover DV010.</p> <p><u>Decommissioning of existing berth.</u></p>

	<p>The majority of berth 4/5 has already been removed, however there are still 6 marine piles which require a licence to be removed. The existing 6 piles will be extracted using a vibratory piling hammer, if piles are unable to be pulled up they will be cut off. Extracted piles will be placed on the barge before being transported in to storage within Ramsgate for future use.</p> <p><u>Construction of replacement berth</u></p> <p>Installation of 4 piles using a crane and spud leg barge and vibratory piling hammer, if substrate is unsuitable for vibration piling at depth an impact piling hammer will be used, piling will have soft start measures in place.</p> <p>Floating pontoons will be installed using tug and safety boats.</p> <p>Two gangways to be placed using crane and spud leg barge.</p> <p>Finally, ancillary works and finishes will be done (cathodic protection, fenders, and bollards)</p> <p>It is not anticipated that the scale of aggregate operations will change as a consequence of Berth 4/5 being replaced. Activities are expected to be commenced at during May and terminate at the end of July</p>
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Table 2: Need for a Habitats Regulations Assessment (HRA)

<p>2.1 - Is the proposal directly connected with, or necessary to the management of a NSN site for the purpose of conserving the habitats or species for which the site is designated?</p>	<p>No</p>
<p>2.2 - Is it necessary to carry out a HRA?</p>	<p>Yes</p>
<p>For the reasons given in section 2.1 and 2.2, this proposal is considered to require HRA.</p>	

Table 3: Details of NSN site identified

Name of NSN site: Thanet Coast and Sandwich Bay Special Protection Area (SPA) - UK9012071
Is a licensable activity taking place within or near a NSN site: Activity is taking place approximately 650m East
Conservation advice package used: http://publications.naturalengland.org.uk/publication/6009926887407616
Date conservation advice was last accessed: 21/03/2022
Conservation objective(s): https://designatedsites.naturalengland.org.uk/Marine/MarineSiteDetail.aspx?SiteCode=UK9012071&SiteName=thanet&countyCode=&responsiblePerson=&SeaArea=&IFCAAarea=&HasCA=1&NumMarineSeasonality=3&SiteNameDisplay=Thanet%20Coast%20and%20Sandwich%20Bay%20SPA

Name of NSN site: Thanet Coast and Sandwich Bay Ramsar - UK11070.
Is a licensable activity taking place within or near a NSN site: Activity is taking place approximately 650m East
Conservation advice package used: https://jncc.gov.uk/jncc-assets/RIS/UK11070.pdf
Date conservation advice was last accessed: 21/03/2022
Conservation objective(s): <p>Thanet Coast and Sandwich Bay SPA conservation objectives have been used as a proxy as the designated features overlap for these two sites, the Ramsar is designated for 15 Red data book wetland invertebrates (these will be assessed within the supporting habitats for the SPA) and ruddy turnstone (<i>Arenaria interpres interpres</i>) which is also a designated species of the SPA.</p> https://designatedsites.naturalengland.org.uk/Marine/MarineSiteDetail.aspx?SiteCode=UK9012071&SiteName=thanet&countyCode=&responsiblePerson=&SeaArea=&IFCAAarea=&HasCA=1&NumMarineSeasonality=3&SiteNameDisplay=Thanet%20Coast%20and%20Sandwich%20Bay%20SPA

Name of NSN site: Thanet Coast Special Area of Conservation (SAC) - UK0013107
Is a licensable activity taking place within or near a NSN site: Activity is taking place approximately 100m East, disposal activities at Pegwell Bay disposal site will be ~900+ meters from the site.
Conservation advice package used: http://publications.naturalengland.org.uk/publication/5766780467281920
Date conservation advice was last accessed: 21/03/2022
Conservation objective(s): https://designatedsites.naturalengland.org.uk/Marine/MarineSiteDetail.aspx?SiteCode=UK0013107&SiteName=thanet&countyCode=&responsiblePerson=&SeaArea=&IFCAAarea=&HasCA=1&NumMarineSeasonality=0&SiteNameDisplay=Thanet%20Coast%20SAC

Likely Significant Effect (LSE)

In formulating the LSE alone and in-combination assessments, Natural England's Conservation Advice Packages, as outlined in Table 3, have been consulted and the following principles applied:

- The Advice on Operations (AoO) category of marine activities used is Ports and Harbours (construction) – Piling, Capital Dredging, and Capital Dredging Disposal
- Where available, the 'Advice on Operations' (AoO) matrix to determine pressures associated with the proposed activities that may potentially harm the qualifying habitat features and species of the sites has been used.
- Low risk pressures, unless there is evidence or site specific factors that increase the risk, or uncertainty on the level of pressure on a receptor, this pressure generally does not occur at a level of concern and should not require consideration as part of the assessment.
- Features deemed sensitive to pressures (medium and high risk) for both direct and indirect pathways are taken forward into the LSE assessment.
- The individual pressure/ feature interactions categorised as 'Not Sensitive' at the benchmark are not taken forward into the LSE assessment. The MMO considers that the impacts on these features as a results of the activities will be less than the benchmarks specified for these pressure/ feature interactions.

- For pressure/ feature interactions categorised as ‘Not Relevant’ these are not taken forward into the LSE assessment. The MMO considers that there is no interaction of concern between the pressure/ feature or the activity and the feature could not interact.
- Features deemed sensitive to pressures (medium and high risk) for both direct and indirect pathways are taken forward into the LSE assessment.
- Pressure/ feature interactions categorised as either ‘Insufficient Evidence’ or ‘Not Assessed’ have been taken forward into the LSE assessment in accordance with the precautionary principle.

Part 1 – Alone

Thanet Coast and Sandwich Bay SPA is being used as a proxy for the Thanet Coast and Sandwich Bay Ramsar features in order to help inform consideration of the Ramsar site, the below table highlights which Ramsar features are being assessed as proxy through the qualifying features of the SPA. The use of a proxy site is only used as a guide and relevant consideration is given directly to each site included within the HRA.

Table 4

Thanet Coast and Sandwich Bay Ramsar Criterion Features	Thanet Coast and Sandwich Bay SPA Qualifying Features and Supporting Habitats Proxy
Ramsar criterion 2: Supports 15 British Red Data Book wetland invertebrates	The following supporting habitats have been selected as proxy for the wetland invertebrates as impacts to the supporting habitats are likely to cause direct/indirect impacts to the invertebrates that live within or are dependent upon them. Support Habitat Coastal lagoon Freshwater and Coastal Grazing Marsh Salicornia and other annuals colonising mud and sand Atlantic salt meadows Spartina swards Intertidal rock Intertidal biogenic reef: mussel beds

	<p>Intertidal coarse sediment</p> <p>Intertidal mixed sediments</p> <p>Intertidal mud</p> <p>Intertidal sand and muddy sand</p> <p>Water column</p>
<p>Ramsar criterion 6 – species/populations occurring at levels of international importance:</p> <p>Ruddy turnstone <i>Arenaria interpres interpres</i></p>	<p>Qualifying Feature</p> <p>Turnstone (non-breeding)</p>

Table 5

Thanet Coast and Sandwich Bay SPA - UK9012071 and Thanet Coast and Sandwich Bay Ramsar - UK11070			
Pressure	Qualifying feature or species (include sub-features and supporting habitats)	LSE?	Justification
Above water noise	<p>Qualifying species</p> <p>Golden plover (non-breeding)</p> <p>Little tern (breeding)</p> <p>Turnstone (non-breeding)</p>	Yes	<p>The project methodology indicates that vibratory piling will be used but that there is the potential for impact piling to be used if required to drive the piles to the required depth. Impact piling has the potential to be a cause of disturbance to birds and therefore a LSE on the features of the site cannot be ruled out.</p> <p>Screen in to AA</p>
<p>Abrasion/disturbance of the substrate on the surface of the seabed</p> <p>Penetration and/or disturbance of the substratum below the surface of the seabed, including abrasion</p>	<p>Supporting Habitat</p> <p>Coastal lagoons</p> <p>Freshwater and coastal grazing marsh</p> <p>Salicornia and other annuals colonising mud and sand</p> <p>Atlantic salt meadows</p>	No	<p>The laying of spud legs for removal of piles, installation of new piles, and the piling of the piles themselves can all exert these pressures, however as the works are not taking place within the site there is no pathway for this pressure.</p> <p>No LSE expected.</p>

	<p>Spartina swards Intertidal rock Intertidal biogenic reef: mussel beds Intertidal coarse sediment Intertidal mixed sediments Intertidal mud Intertidal sand and muddy sand.</p>		
Barrier to species movement	<p><u>Qualifying species</u> Golden plover (non-breeding) Little tern (breeding) Turnstone (non-breeding) <u>Supporting Habitat</u> Freshwater and coastal grazing marsh Salicornia and other annuals colonising mud and sand Atlantic salt meadows Spartina swards Intertidal biogenic reef: mussel beds Water column</p>	No	<p>As no physical barriers are being erected there can be no possible physical barrier to species movement.</p> <p>While it is possible that noise may act as a barrier to species movement the works area is already within a busy harbour with a high baseline level of visual disturbance and background noise. As such, any species which would be disturbed by acoustic disturbance would already avoid the area when migrating. Additionally, the works area has a very small spatial footprint and would easily be circumnavigated by any migrating individuals. Furthermore, the programme of works allows for up to 2 weeks to complete the piling phase of the project, however with only 4 marine piles to drive it is unlikely that the whole period would be used for piling.</p> <p>No LSE expected.</p>
Changes in suspended solids (water clarity) Emergence regime changes, including tidal level change considerations	<p><u>Qualifying species</u> Little tern (breeding) <u>Supporting Habitat</u> Coastal lagoons Freshwater and coastal grazing marsh Salicornia and other annuals colonising mud and sand Atlantic salt meadows</p>	No	<p>The removal of piles, installation of piles, laying and removal of spud legs can all cause small scale temporary changes in suspended solids, however the capital dredge activity will disturb a significant volume of sediment. Due to the port infrastructure there is a physical barrier between the dredge works and the SPA/Ramsar site, meaning that for sediment to reach the most eastern extent of the site it would need to travel 2km (~600m east out of the harbour before doubling back to the west). The applicant highlights that any sediment which reaches the open sea would be rapidly dispersed once it leaves the sheltered harbour area. As a result it is not expected that sediment will reach the SPA/Ramsar site in concentrations high enough to cause any likely significant effects.</p>

	<p>Spartina swards Intertidal rock Intertidal coarse sediment Intertidal mixed sediments Intertidal mud Intertidal sand and muddy sand. Water column</p>		<p>No LSE expected.</p>
<p>Physical loss (to land or freshwater habitat)</p>	<p><u>Supporting Habitat</u> Coastal lagoons Freshwater and coastal grazing marsh Salicornia and other annuals colonising mud and sand Atlantic salt meadows Spartina swards Intertidal rock Intertidal biogenic reef: mussel beds Intertidal coarse sediment Intertidal mixed sediments Intertidal mud Intertidal sand and muddy sand. Water column</p>	<p>No</p>	<p>As the works are not taking place within the site there is no pathway for this pressure.</p> <p>No LSE expected.</p>
<p>Smothering and siltation rate changes (light) Smothering and siltation rate changes (heavy)</p>	<p><u>Supporting Habitat</u> Coastal lagoons Intertidal rock Intertidal biogenic reef: mussel beds Intertidal coarse sediment Intertidal mixed sediments</p>	<p>No</p>	<p>The removal of piles, installation of piles, laying and removal of spud legs can all cause small scale temporary changes in suspended solids, however the capital dredge activity will disturb a significant volume of sediment. Due to the port infrastructure there is a physical barrier between the dredge works and the SPA/Ramsar site, meaning that for sediment to reach to most eastern extent of the site it would need to travel 2km (~600m east out of the harbour before doubling back to the west). The applicant highlights that any sediment which reaches the open sea would be rapidly dispersed once it leaves the sheltered harbour area. As a result it is not expected that sediment will reach</p>

	Intertidal mud Intertidal sand and muddy sand.		the SPA/Ramsar site in concentrations high enough to be cause any likely significant effects. No LSE expected.
Underwater noise changes	<u>Qualifying species</u> Little tern (breeding) <u>Supporting Habitat</u> Intertidal rock Water column	Yes	The project methodology indicates that vibratory piling will be used but that there is the potential for impact piling to be used if required to drive the piles to the required depth. Sound waves from impact piling can travel very far underwater and have the potential to be a cause of disturbance to birds and therefore a LSE on the features of the site cannot be ruled out. LSE on little tern – Screen in to AA Due to the distance from the supporting habitats, as well as the physical barriers between the source and the receptors there is no reasonable pathway to the supporting habitat. Supporting habitat No LSE expected.
Vibration	<u>Supporting Habitat</u> Freshwater and coastal grazing marsh Salicornia and other annuals colonising mud and sand Atlantic salt meadows Spartina swards Water column	No	Due to the distance from the supporting habitats, as well as the physical barriers between the source and the receptors there is no reasonable pathway for vibrations to cause a likely significant effect. No LSE expected.
Visual disturbance	<u>Qualifying species</u> Golden plover (non-breeding) Little tern (breeding) Turnstone (non-breeding)	No	The applicant acknowledges that there may be increased visual disturbance as a result of mobilisation, site set-up, and the works themselves. However, works are in a busy port with lots of nearby activities and bird species likely habituated to any visual disturbance in the area.

	<u>Supporting Habitat</u> Water column		Given that the activities are taking place within a working harbour there is unlikely to be any impact from visual disturbance on the species or supporting habitat. No LSE expected.
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Table 6

Thanet Coast and Sandwich Bay SAC - UK0013107			
Pressure	Qualifying feature or species (include sub-features and supporting habitats)	LSE?	Justification
Abrasion/disturbance of the substrate on the surface of the seabed Penetration and/or disturbance of the substratum below the surface of the seabed, including abrasion	<u>Annex 1 Habitat</u> Reefs Intertidal rock Infralittoral rock Circalittoral rock	No	As the works are not taking place within the site there is no pathway for this pressure. No LSE expected.
Changes in suspended solids (water clarity) Emerging regime changes, including tidal level change considerations	<u>Annex 1 Habitat</u> Reefs Intertidal rock Infralittoral rock	No	Dredging works are expected to cause a localised increase in sediment concentrations within the harbour, with the potential for sediment to reach the entrance to the harbour. Figure 4 highlights the presence of infralittoral rock in the area, however intertidal rock is not located near the entrance to the harbour, instead being found on the intertidal zone to the west of the harbour. Additionally, the seawater in the area appears significantly more turbid in the wake of daily manoeuvring vessels and poor weather conditions that it has done during past dredge campaigns, with higher specific gravity of seawater containing disturbed sediments tending to fall back to the dredged bed. Therefore, due to the high amounts of activity in the harbour and baseline turbidity and natural sediment resettlement, it is considered that the small-scale dredge works proposed under this application will not result in changes in suspended solids.

			No LSE expected.
Physical loss (to land or freshwater habitat) Habitat structure changes – removal of substratum (extraction)	<u>Annex 1 Habitat Reefs</u> Intertidal rock Infralittoral rock Circalittoral rock	No	As the works are not taking place within the site there is no pathway for this pressure. No LSE expected.
Smothering and siltation rate changes (light) Smothering and siltation rate changes (heavy)	<u>Annex 1 Habitat Reefs</u> Intertidal rock Infralittoral rock Circalittoral rock	No	Dredging works are expected to cause a localised increase in sediment concentrations within the harbour, with the potential for sediment to reach the entrance to the harbour. Figure 4 highlights the presence of infralittoral and circalittoral rock in the area, however intertidal rock is not located near the entrance to the harbour, instead being found on the intertidal zone to the west of the harbour. Additionally, the seawater in the area appears significantly more turbid in the wake of daily manoeuvring vessels and poor weather conditions that it has done during past dredge campaigns, with higher specific gravity of seawater containing disturbed sediments tending to fall back to the dredged bed. Therefore, due to the scale and nature of the dredge works, and as sediment which reaches the open sea would be rapidly dispersed once it leaves the harbour, it is not expected that sediment will reach these habitats in concentrations high enough to cause any likely significant effects. No LSE expected.
Underwater noise changes	<u>Annex 1 Habitat Reefs</u> Intertidal rock	No	Due to the distance from the features (~340m on MAGiC) and the fact there is a land barrier between source and receptor the MMO concludes there is no pathway for the pressure. No LSE expected.

Part 2 – In-combination.

Projects considered for in-combination assessment

As LSE alone has been concluded for Thanet Coast and Sandwich Bay SPA and Thanet Coast and Sandwich Bay Ramsar no in-combination assessment has been carried out for these sites at LSE stage. All other impacts not taken through to AA were so minor that within a review of in-combination impacts, no other relevant projects were identified where a possible pathway for interaction could occur.

For the Thanet Coast SAC no Likely significant effect from the works has been identified from the project alone. An LSE in combination assessment has therefore been carried out for this site. The following pressures have been considered in the in-combination assessment

Smothering and siltation rate changes (light)

Changes in suspended solids (water clarity)

Table 7

Name of NSN site: Thanet Coast SAC - UK0013107		
Name of plan or project	Type of plan or project with compatible pressures	Other plan or project taking place within or near an NSN site?
L/2013/00011/17 - Thanet Export Cables L/2017/00033 - Thanet Export Cables	Construction of new works Maintenance of existing works	These projects go through the site. The export cable extends from east to west outside of the extent of the harbour area, while both projects are capable of increasing suspended sediment and siltation there is no pathway for sediment to reach the SAC in a concentration great enough to cause any impacts alone or cause a meaningful/significant contribution to any in-combination impacts. Therefore these projects have been screened out of in-combination. Screened out
L/2016/00086/1 – Maintenance dredging Ramsgate Harbour.	Navigational Dredging (maintenance) and Alternative use of dredged material	This project occurs within the harbour and not within the sites. Both of these projects occur within the harbour area, meaning they are both surrounded by physical barriers with the exception of the harbour entrance. The applicant highlights that outside the sheltered harbour

		<p>area suspended sediment concentrations are expected to be undetectable.</p> <p>This project has therefore been screened out of in-combination.</p> <p>Screened out</p>
L/2017/00149/1 - Ramsgate lifeboat station and Ramsgate beach lifeguard area	Maintenance of existing works	<p>Both activity sites sit outside the protected sites, the works are only minor maintenance works with small footprints which do not overlap the proposed works. As such these licences are unlikely to have any cumulative effects with any compatible pressures and so the project has been screened out of in-combination.</p> <p>Screened out</p>
L/2021/00217 – Southern Water: 10-year licence for minor maintenance works on coastal outfalls	Maintenance of existing works	<p>This project involves minor maintenance works of coastal outfalls on the coasts of the Isles of Wight, Hampshire, Sussex and Kent. The activities are minor works and of low impact and therefore there will be no pathway for in-combination impacts.</p> <p>The project has been screened out of in-combination.</p> <p>Screened out</p>

No in-combination effects have been identified for the Thanet Coast SAC.

Likely Significant Effect Conclusion

The MMO:

Has decided to carry out an appropriate assessment because significant effects alone could not be screened out.

The following feature/pressure interactions are being taken to appropriate assessment:

- Above water noise
- Under water noise

The following pressures have been screened out of requiring further consideration as no pathway exists from this project to the designated/supporting features or the pressure from this project is considered so small that any effects identified would be solely due to the other project:

- Abrasion/disturbance of the substrate on the surface of the seabed
- Penetration and/or disturbance of the substratum below the surface of the seabed, including abrasion
- Physical loss (to land or freshwater habitat)
- Barrier to species movement
- Changes in suspended solids (water clarity)
- Smothering and siltation rate changes (light)
- Vibration

Name of MMO officer: Emma Shore

Job Title: Marine Licensing Case Officer

Date: 21/03/2022

Appropriate Assessment

Below is the MMO's assessment of those aspects of the project that it was not possible to rule out the likelihood of significant effects on the designated sites listed in tables 6 and 7.

Part 1 – Alone

Table 8

Name of designated site: Thanet Coast and Sandwich Bay SPA - UK9012071 and Thanet Coast and Sandwich Bay Ramsar - UK11070				
Pressure	Qualifying feature or species (include sub-features and supporting habitats)	Adverse Effect on Integrity on qualifying feature of species?	Justification	After mitigation, can you conclude no adverse effect on site integrity?
Above water noise	<p><u>Qualifying species</u> Golden plover (non-breeding) Little tern (breeding) Turnstone (non-breeding)</p>	Yes without mitigation	<p>The applicant has highlighted a 500m zone of influence for noise impacts as a result of this project, they have also stated that within chapter 7 that habitats which may be of value to little tern occur approximately 300m from the site boundary, these habitats being intertidal shoreline, which may be used as potential foraging grounds. Noise at this location is dominated by road traffic, with port activities being heard when there was no traffic. The applicant has conducted noise monitoring at a similar distance on the western edge of the harbour (site A1) (also the same direction as the closest potential intertidal foraging habitat), continuous ambient noise levels at the A1 where shown to be 52.3dB, with a max noise level of 68.5, noise modelling data shows that at a distance of 250m noise levels will have reduced to 56dB, which is within the ambient background noise levels indicating that there should be no significant impact from the works at the shoreline foraging locations. Open sea foraging locations are within 130m, meaning that there is potential for louder noise to occur in areas where little tern forage, as such it is proposed that soft-start</p>	<p>Yes, the following can be conditioned; Vibratory piling techniques must be used in the first instance, should impact piling be required soft-start procedures must be used to ensure incremental increase in pile power over a set time period until full operational power is achieved. The soft-start duration must be a period of not less than 20 minutes. Should piling cease for a period greater than 10 minutes, then the soft start procedure must be repeated.</p>

			<p>procedures are implemented to allow any birds within the area to move out to a distance of ~250m+. Due to the distance from the SPA and Ramsar noise levels are not expected to be noticeable above background levels within the site.</p> <p>Furthermore little tern are sensitive to disturbance, with breeding being dependent upon little disturbance and little predation, however Natural England advice highlights that no breeding attempts have been seen since 1990. Foraging occurs in shallow coastal waters in and around the Sandwich and the Pegwell Bay areas and in the lower reaches of the river Stour, where disturbance is lesser.</p> <p>Additionally, the Natural England advice on seasonality would indicate that the works will not occur during the overwintering period of Golden plover or Turnstone.</p> <p>The target for all species is to reduce disturbance frequency and/or intensity with disturbance being judged as follows:</p> <p>“Disturbance should be judged as significant if an action (alone or in combination with other effects) impacts on (water)birds in such a way as to be likely to cause impacts on populations of a species through either</p> <ol style="list-style-type: none"> I. changed local distribution on a continuing basis; and/or II. changed local abundance on a sustained basis; and/or III. the reduction of ability of any significant group of birds to survive, breed, or rear their young.” <p>The proposed works are applying best practice measures including vibrational piling where possible and soft start piling. These practices should minimise</p>	
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			<p>disturbance. Furthermore, as there are only 6 piles being removed and 4 piles to be driven into the ground it is expected that impacts will be temporary and should not have continuing or sustained effects. Should impact piling be required the MMO will ensure this mitigation is secured through the use of marine licence conditions for soft start piling, with the following condition secured on any marine licence granted for the works the MMO is able to conclude that there will be no adverse effect on site integrity:</p> <p>'Vibratory piling techniques must be used in the first instance, should impact piling be required soft-start procedures must be used to ensure incremental increase in pile power over a set time period until full operational power is achieved. The soft-start duration must be a period of not less than 20 minutes. Should piling cease for a period greater than 10 minutes, then the soft start procedure must be repeated.'</p>	
Underwater noise	Little tern	Yes without mitigation	<p>Little tern are sensitive to disturbance, with breeding being dependent upon little disturbance and little predation, however Natural England advice highlights that no breeding attempts have been seen since 1990. Foraging occurs in shallow coastal waters in and around the Sandwich and Pegwell Bay areas and in the lower reaches of the river Stour, where disturbance is lesser. As little tern are known to prefer areas with reduced disturbance, and have been recorded in the Sandwich and Pegwell Bay areas it is not expected that they will be present in large numbers in close proximity to the loud and busy harbour area, therefore sound would need to attenuate ~3000m (including the distance to go around the seawall (which in itself would lessen the distance over which the noise can travel). If birds are within the area then soft start procedures will ensure that they are not startled as noise will gradually get louder and will ensure no injury occurs.</p>	<p>Yes, the following can be conditioned:</p> <p>Vibratory piling techniques must be used in the first instance, should impact piling be required soft-start procedures must be used to ensure incremental increase in pile power over a set time period until full operational power is achieved. The soft-start duration must be a period of not less than 20 minutes. Should piling cease for a period greater than 10 minutes, then the soft start procedure must be repeated.</p>

			<p>The target for little tern is to reduce disturbance frequency and/or intensity with disturbance being judged as follows:</p> <p>“Disturbance should be judged as significant if an action (alone or in combination with other effects) impacts on (water)birds in such a way as to be likely to cause impacts on populations of a species through either</p> <ol style="list-style-type: none"> I. changed local distribution on a continuing basis; and/or II. changed local abundance on a sustained basis; and/or III. the reduction of ability of any significant group of birds to survive, breed, or rear their young.” <p>The proposed works are applying best practice measures including vibrational piling where possible and soft start piling. These practices should minimise disturbance. Furthermore, as there are only 4 piles to be driven into the ground it is expected that impacts will be temporary and should not have continuing or sustained effects. Should impact piling be required the MMO will ensure this mitigation is secured through the use of marine licence conditions for soft start piling, with the following condition secured on any marine licence granted for the works the MMO is able to conclude that there will be no adverse effect on site integrity:</p> <p>‘Vibratory piling techniques must be used in the first instance, should impact piling be required soft-start procedures must be used to ensure incremental increase in pile power over a set time period until full operational power is achieved. The soft-start duration must be a period of not less than 20 minutes. Should piling cease for a period greater than 10 minutes, then the soft start procedure must be repeated.’</p>	
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Part 2 – In-combination.

Projects considered for in-combination assessment

Table 9

Name of NSN site: Thanet Coast and Sandwich Bay SPA - UK9012071, Thanet Coast and Sandwich Bay Ramsar - UK11070.		
Name of plan or project	Type of plan or project with compatible pressures	Other plan or project taking place within or near an NSN site?
<p>L/2013/00011/17 - Thanet Export Cables</p> <p>L/2017/00033 - Thanet Export Cables</p>	<p>Construction of new works</p> <p>Maintenance of existing works</p>	<p>These projects go through the site. The projects are not considered to result in any compatible pressures for above water noise or underwater noise.</p> <p>The export cable extends from east to west outside of the extent of the harbour area, while both projects are capable of increasing suspended sediment and siltation there is no pathway for sediment to reach the SPA or Ramsar site in a concentration great enough to cause any impacts alone or cause a meaningful/significant contribution to any in-combination impacts.</p> <p>These projects are not expected to create any significant noise or barriers to species movement.</p> <p>Therefore these projects have been screened out of in-combination.</p> <p>Screened out as no pathway identified.</p>
<p>L/2016/00086/1 – Maintenance dredging Ramsgate Harbour.</p>	<p>Navigational Dredging (maintenance) and Alternative use of dredged material</p>	<p>This project occurs within the harbour and not within the sites. The project is not considered to result in any compatible pressures for above water noise or underwater noise.</p> <p>Both of these projects occur within the harbour area, meaning they are both surrounded by physical barriers with the exception of the harbour entrance. The</p>

		<p>applicant highlights that outside the sheltered harbour area suspended sediment concentrations are expected to be undetectable.</p> <p>These projects are not expected to create any significant noise or barriers to species movement.</p> <p>This project has therefore been screened out of in-combination.</p> <p>No adverse effect identified</p>
L/2017/00149/1 - Ramsgate lifeboat station and Ramsgate beach lifeguard area	Maintenance of existing works	<p>Both activity sites sit outside the protected sites, the works are only minor maintenance works with small footprints which do not overlap the proposed works. As such these licences are unlikely to have any cumulative effects with any compatible pressures and so the project has been screened out of in-combination.</p> <p>Screened out as no pathway identified.</p>
L/2021/00217 – Southern Water: 10-year licence for minor maintenance works on coastal outfalls	Maintenance of existing works	<p>This project involves minor maintenance works of coastal outfalls on the coasts of the Isle of Wight, Hampshire, Sussex and Kent. The activities are minor works and of low impact and therefore there will be no pathway for in-combination impacts.</p> <p>No adverse effect identified.</p>

As all identified projects have been screened out, either due to incompatible pressures or because the scale and type of works are considered to be too minor to result in in-combination impacts. No in-combination effects have been identified.

Appropriate Assessment Conclusion

This is a record of the appropriate assessment required by regulation 63 of The Conservation of Habitats and Species Regulations 2017 and undertaken by the Marine Management Organisation in respect of the proposed project outlined in table 1.

The LSE alone assessment concluded that the proposed project would be likely to have a significant effect on the following NSN sites:

- Thanet Coast and Sandwich Bay SPA - UK9012071
- Thanet Coast and Sandwich Bay Ramsar - UK11070

This was due to the pressures of underwater noise changes and above water noise.

An alone and in-combination appropriate assessment has been undertaken of the implications of the proposal in consideration of the applicable conservation objectives.

The MMO has concluded that the proposed project would not have an adverse effect on the integrity of the following sites, either alone or in-combination with other plans or projects:

- Thanet Coast and Sandwich Bay SPA - UK9012071
- Thanet Coast and Sandwich Bay Ramsar - UK11070

This conclusion is dependent on mitigation being secured by the following condition being secured in a marine licence which would mitigate both underwater noise changes and above water noise impacts:

'Vibratory piling techniques must be used in the first instance, should impact piling be required soft-start procedures must be used to ensure incremental increase in pile power over a set time period until full operational power is achieved. The soft-start duration must be a period of not less than 20 minutes. Should piling cease for a period greater than 10 minutes, then the soft start procedure must be repeated.'

Natural England was consulted on the appropriate assessment [date(s)] and to which the MMO has had regard. The conclusions of this appropriate assessment [are/are not] in accordance with the advice and recommendations of Natural England. [If the conclusions are not in accordance with Natural England advice or recommendations. Ensure that justification is provided.](#)

Name of MMO officer: Emma Shore

Job Title: Marine Licensing Case Officer

Date: 21/03/2022

Annex 1

Full location information (including site coordinates) is available on the MMO's Public Register. A map detailing the proposed project site(s) is below.



Figure 1. Map showing the Thanet Coast and Sandwich Bay SPA and Ramsar sites

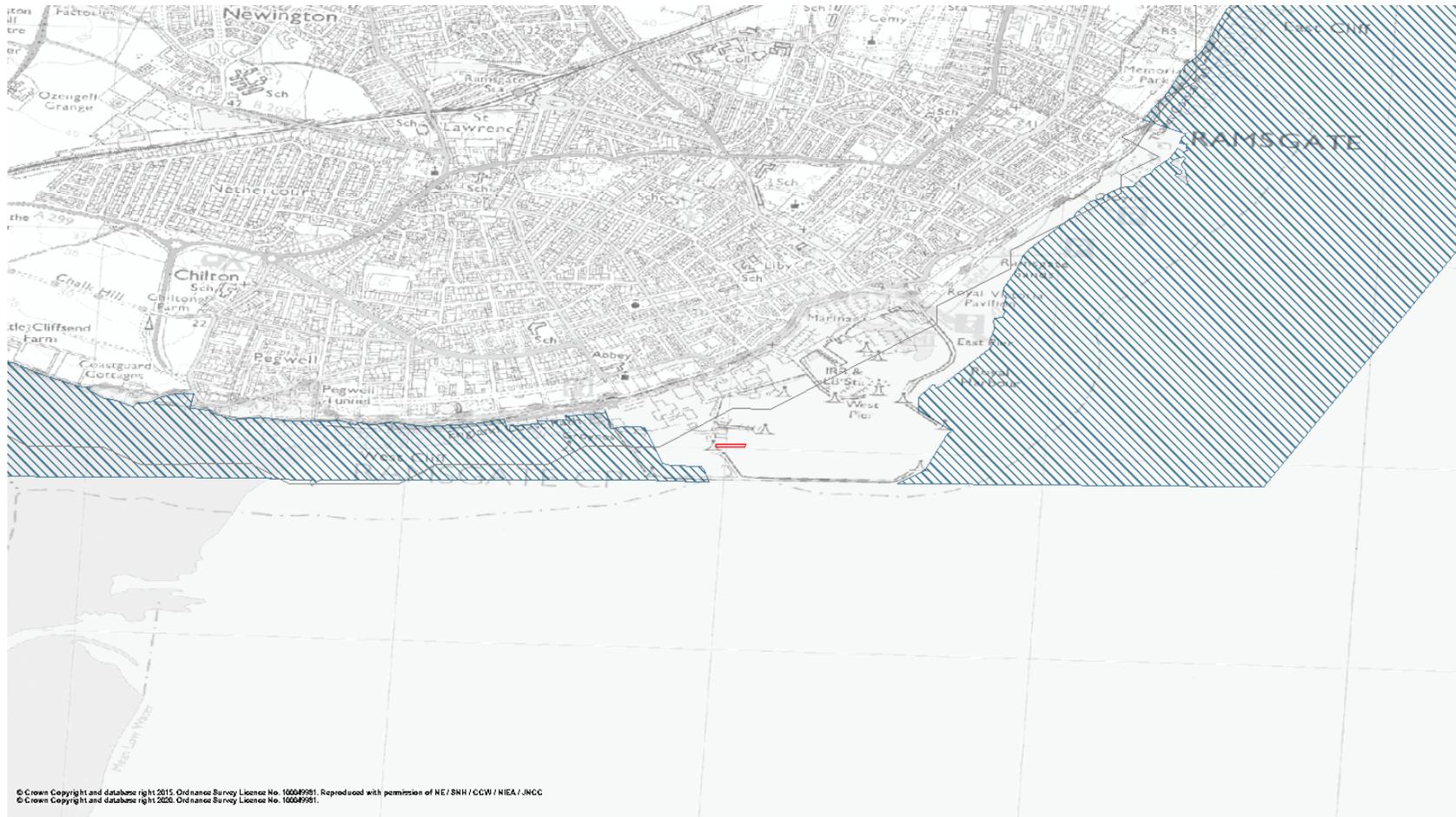


Figure 2. Map showing the Thanet Coast SAC

Annex 2

MAGiC

Thanet Coast and Sandwich Bay SPA Habitats

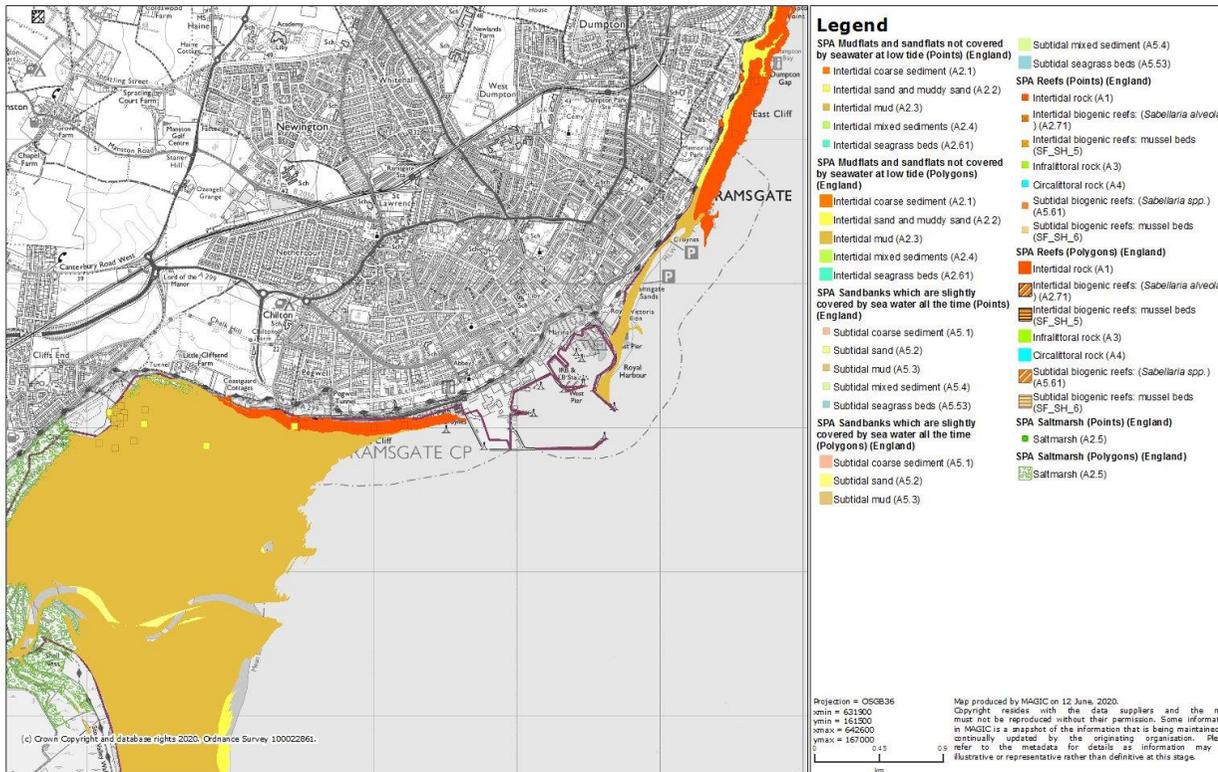


Figure 3. Map of SPA features

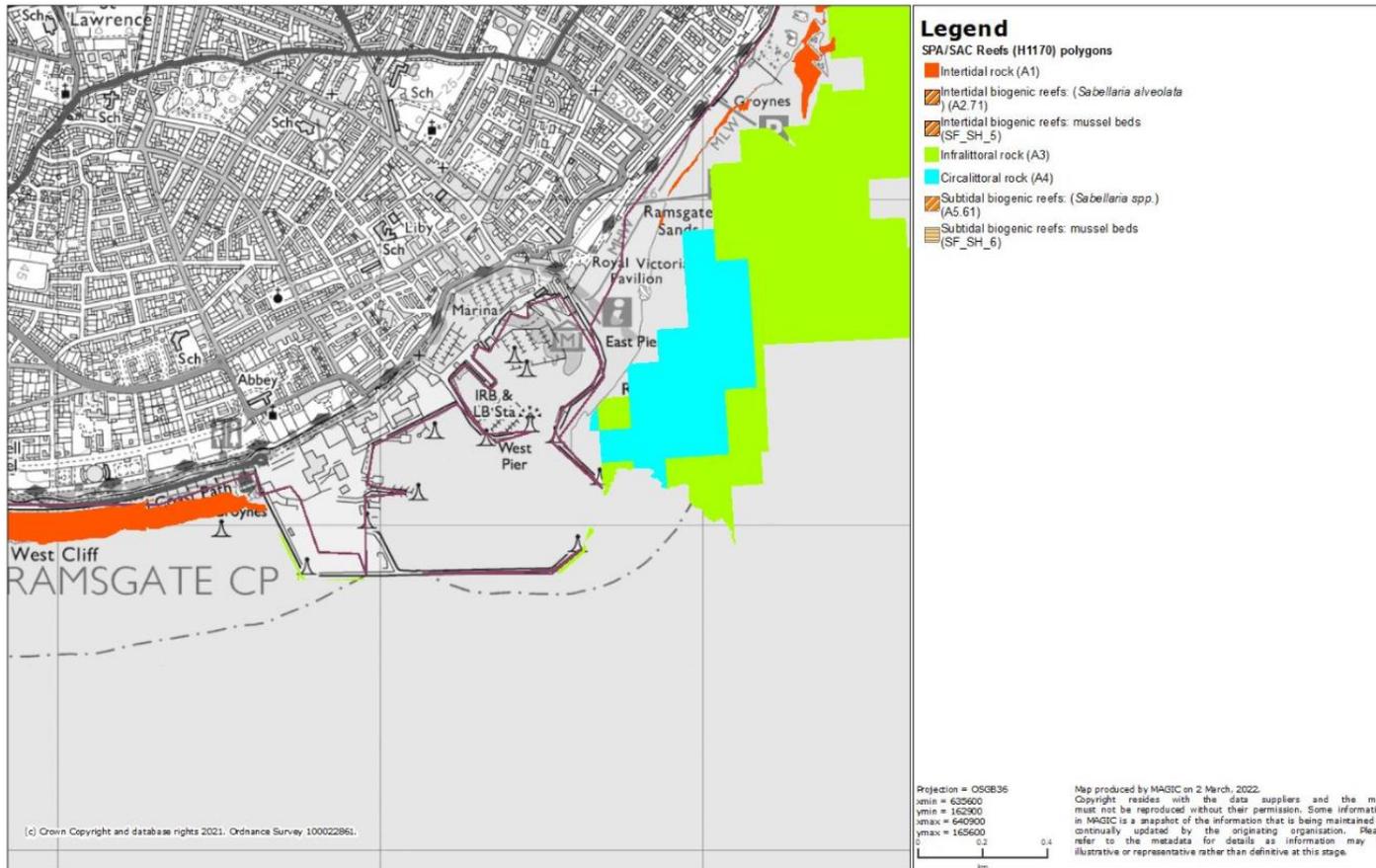


Figure 4. Map of SAC features