

Land off Canterbury Road West (Phase 2), Cliffsend - *Shadow* Habitat Regulations Assessment (HRA) Appropriate Assessment

Monson Homes Ltd

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Contents

SUMMARY	VI
APPROPRIATE ASSESSMENT SUMMARY	VI
1. INTRODUCTION	1
1.1 BACKGROUND.....	1
1.2 PROJECT DESCRIPTION.....	1
1.3 SITE DESCRIPTION.....	1
1.4 NATURAL ENGLAND COMMENTS.....	1
2. HABITATS REGULATIONS ASSESSMENT PROCESS	2
2.1 NEED FOR HRA.....	2
2.2 METHOD.....	3
2.3 APPROACH TO SCREENING FOR LSE.....	3
2.4 IN-COMBINATION EFFECTS.....	4
3. SANDWICH BAY SAC	5
3.1 INTRODUCTION.....	5
3.2 REASON FOR DESIGNATION.....	5
3.3 CONSERVATION OBJECTIVES.....	5
3.4 THREATS AND PRESSURES.....	5
3.5 CONSIDERATION OF LIKELY SIGNIFICANT EFFECTS (ALONE).....	6
3.6 CONCLUSION.....	8
4. THANET COAST SAC	9
4.1 INTRODUCTION.....	9
4.2 REASON FOR DESIGNATION.....	9
4.3 CONSERVATION OBJECTIVES.....	9
4.4 THREATS AND PRESSURES.....	9
4.5 CONSIDERATION OF LIKELY SIGNIFICANT EFFECTS (ALONE).....	10
4.6 CONCLUSION.....	11
5. THANET COAST AND SANDWICH BAY SPA	12
5.1 INTRODUCTION.....	12
5.2 REASON FOR DESIGNATION.....	12
5.3 CONSERVATION OBJECTIVES.....	13
5.4 THREATS AND PRESSURES.....	13
5.5 WINTER BIRD SURVEYS.....	14
5.6 CONSIDERATION OF LIKELY SIGNIFICANT EFFECTS (ALONE).....	15
5.7 CONCLUSION.....	18
6. THANET COAST AND SANDWICH BAY RAMSAR SITE	19
6.2 CONCLUSION.....	20
7. CONCLUSION OF STAGE 1 SCREENING	21
8. APPROPRIATE ASSESSMENT: SANDWICH BAY AND THANET COAST SAC	22
8.1 CURRENT ISSUES AND THREATS TO INTEREST FEATURES.....	22
8.2 RECREATIONAL PRESSURE AND URBANISATION.....	22
8.3 ASSESSMENT OF EFFECTS.....	23
8.4 CONCLUSION.....	24
9. APPROPRIATE ASSESSMENT: THANET COAST AND SANDWICH BAY SPA / THANET COAST AND SANDWICH BAY RAMSAR	25
9.1 CURRENT ISSUES AND THREATS TO INTEREST FEATURES.....	25
9.2 RECREATIONAL PRESSURE AND URBANISATION.....	27

9.3 CONCLUSION	33
10. REFERENCES.....	35
APPENDIX 1: MAP OF THE DESIGNATED SITES CENTRED AROUND THE PROPOSED DEVELOPMENT SITE	37
APPENDIX 2: NON-SPA USED BY GOLDEN PLOVER	38
APPENDIX 3: NATURAL ENGLAND PLANNING CONSULTATION	39
APPENDIX 4: KENT COUNTY COUNCIL ECOLOGICAL ADVICE SERVICE RESPONSE	42

Summary

Ecus Limited (Ecus) was commissioned by Monson Homes Ltd to deliver a *shadow* Habitats Regulations Assessment (HRA) for a land parcel (Phase 2) off Canterbury Road West, Cliffsend, Kent, centred at National Grid Reference: TR 34426 64820.

A search for 'Habitats Sites' within 10 km (extended to 20 km for bats) of the proposed development Site identified five Sites, namely: Sandwich Bay Special Area of Conservation (SAC), Thanet Coast SAC, Thanet Coast and Sandwich Bay Special Protection Area (SPA) and the Thanet Coast and Sandwich Bay Ramsar site.

This report is a record of the Screening Stage (Stage 1) and Appropriate Assessment Stage (Stage 2) of a *shadow* HRA.

Stage 1 identifies if the proposed development will have any Likely Significant Effects (LSE) on the interest features of any of the above Habitat Sites.

The HRA Screening illustrates that, without the implementation of mitigation to reduce the disturbance by recreational use, all the above Habitat Sites could incur LSE from the proposed development.

Stage 2 of HRA, 'Appropriate Assessment' is included here to discuss and determine the appropriate mitigation to reduce to an acceptable level, the recreational disturbance on these protected sites.

Appropriate Assessment Summary

The interest features of the Sandwich Bay SAC are all outside of the Thanet District Council (TDC) area. Whilst several ongoing pressures and threats are identified for the Site's interest features, the exposure of the interest features to the effects of the TDC Local Plan is likely to be limited (certainly in comparison with the Dover District Council (DDC) Local Plan). Furthermore, the TDC Local Plan has limited scope to prevent or moderate local effects on the important sand dune features of the SAC, except through general policies designed to encourage recreation close to allocation sites (e.g. SP24 (Green Infrastructure)). However, the development includes measures that are likely to help moderate effects on this Site, as far as the Local Plan can and so no adverse effects would be expected alone or in combination.

In addition, a proposal being considered by the Government this year (2023), is the introduction of a new building code which will ensure that all new housing developments will have to include EV-ready charging stations. The Local Government Support Programme helps local authorities decarbonise transport, improve air quality and increase electric vehicle adoption. The programme is fully funded by the Department for Transport and available to all local authorities across England. The development could include charging points which would reduce Nitrogen oxides (NOx) emissions, further reducing pressures on the SAC.

The wide-scale and regional nature of recreational pressures means that the possibility of associated

significant effects cannot be completely excluded, based on either the available data for the European sites, Site specific surveys, or through the use of allocation-specific avoidance or mitigation measures (e.g. greenspace provision). In the Local Plan, TDC has therefore included policy commitments to the Thanet Coast Strategic Access Management and Monitoring Plan (SAMM). The SAMM will include measures that have been successfully employed for other European sites. This plan-level mitigation measure is therefore considered to be both achievable and likely to be effective and so can be relied on to ensure that proposals coming forward under the Local Plan either avoid affecting the designated sites entirely (no significant effect) or will not adversely affect site integrity where potential effect pathways remain.

1. Introduction

1.1 Background

- 1.1.1 Ecus Limited (Ecus) was commissioned by Monson Homes Ltd to deliver a *shadow* Habitat Regulations Assessment (HRA) for a housing development with associated landscaping and access road.
- 1.1.2 The proposed works are known as Phase 2 (Phase 1 currently being built) and are located on land off Canterbury Road West, Cliffsend, Kent and centred at National Grid Reference: TR 34426 64820, hereafter referred to as the Site.
- 1.1.3 This report is a *shadow* HRA aimed at providing the competent authority, Thanet District Council, with an independent specialist assessment which the authority can adopt as the basis of its assessment conclusions, if it considers appropriate to do so.

1.2 Project Description

- 1.2.1 The Proposed Development consists of new housing comprising 141 residential dwellings: 133 houses and 8 flats, with associated landscaping and access roads.
- 1.2.2 The Proposed Development currently has an assumed 24-month construction programme from approx. Sept 2023 - Sept 2025, with all properties occupied by approx. March 2026. This is however currently only a draft programme.

1.3 Site Description

- 1.3.1 The Site is a section of a single arable field situated within a wider rural landscape and the Cliffsend residential area immediately to the east. A 1 m wide field margin comprising a mix of tall ruderal and scattered scrub vegetation was present along the eastern boundary of the Site. The town of Ramsgate is situated 2 km east of the Site, which houses approximately 40,408 people (2011 census).

1.4 Natural England Comments

- 1.4.1 Natural England were contacted about the above development on the 02 November 2022 which was received by Natural England on the same date. The client received two letters from the organisation. The letter received on the 17 November 2022 (NE ref: 412425) determined that based on the plans submitted, Natural England considered that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes, (Appendix 3).

2. Habitats Regulations Assessment Process

2.1 Need for HRA

2.1.1 Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended) defines the procedure for the assessment of the implications of plans or projects on Habitat Sites (Special Areas of Conservation (SACs) and Special Protection Areas (SPAs). Under these Regulations, if a proposed development is unconnected with site management and is likely to significantly affect a Habitat Site, the statutory regulator (the 'Competent Authority') of the proposed development must undertake an 'appropriate assessment' (Regulation 63(1)).

2.1.2 Changes to The Conservation of Habitats and Species Regulations 2017 (as amended) have been implemented by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019. The key changes are the creation of a 'National Site Network' (NSN) (which no longer forms part of the EU Natura 2000 network) and the establishment of management objectives for the NSN. The network objectives are to:

- Maintain or, where appropriate, restore habitats and species listed in Annexes I and II of the Habitats Directive to a favourable conservation status; and,
- Contribute to ensuring, in their area of distribution, the survival and reproduction of wild birds and securing compliance with the overarching aims of the Wild Birds Directive.

2.1.3 Although Ramsar sites are not part of the NSN, they are subject to the same protections as SACs and SPAs. Collectively NASN and Ramsar sites are referred to as Habitats Sites.

2.1.4 A search for Habitats Sites within 10 km was considered appropriate for the scale and nature of the proposed development. In addition, a 20 km Zone of Influence (Zoi) was searched to identify any SACs that are designated for barbastelle bats *Barbastellus barbastelle*, as this species will forage up to 20 km from its roost sites (Mammal Society, 2022).

2.1.5 The Habitat Site search did not identify any SACs designated for barbastelle bats within the 20 km Zoi.

2.1.6 The Habitat Site search identified the following sites within 10 km, therefore HRA is required:

- Sandwich Bay SAC
- Thanet Coast SAC
- Thanet Coast and Sandwich Bay SPA
- Thanet Coast and Sandwich Bay Ramsar site

2.2 Method

2.2.1 UK Government Guidance on the use of Habitats Regulations Assessment (2019) identifies a staged process to the assessment of the effects of plans or projects on these protected sites. These stages are collectively referred to as the HRA.

2.2.2 There are four stages to the HRA process, as follows:

- Stage 1 – Screening. This process identifies the Likely Significant Effects (LSE) upon the Habitat Sites, either alone or in-combination with other projects or plans. This stage considers whether these impacts are likely to be significant and determines whether or not an Appropriate Assessment is needed.
- Stage 2 – Appropriate Assessment. The consideration of the effect on the integrity of the Habitat Sites, either alone or in-combination with other projects or plans, with respect to the site's structure and function and its conservation objectives.
- Stage 3 – Consideration of Suitable Alternative Solutions. This process examines alternative ways of achieving the objectives of the project or plan that avoid adverse impacts on the integrity of the Habitat Site. Alternatives that avoid adverse effects should be considered as early as possible and in reality, the second and third stages should be considered in unison.
- Stage 4 - Imperative Reasons of Overriding Public Interest (IROPI) and provision of compensation. An assessment of compensatory measures is required where, in the light of no alternative solutions and an assessment IROPI, it is deemed that the project or plan should proceed.

2.2.3 If it is concluded at the screening stage that there will be no LSE, there is no need to carry out subsequent stages of the HRA.

2.3 Approach to Screening for LSE

2.3.1 Sections 3 - 6 of this report are a record of the Screening stage (Stage 1), which comprises the identification of LSE on the interest features of any Habitat Site.

2.3.2 An LSE is any effect that may be reasonably predicted because of a project that may affect the conservation objectives of the features of the protected site but excluding trivial or inconsequential effects.

2.3.3 In accordance with the European Court of Justice Ruling on the 'People over Wind and Sweetman' case in 2018, mitigation at the Screening stage cannot be considered. Therefore, where LSEs are anticipated in the absence of mitigation, an Appropriate Assessment will be required. There is no requirement to consult with the Statutory Nature Conservation Body (SNCB) as part of the LSE assessment.

- 2.3.4 In relation to coastal Habitat Sites, a specific Zone of Influence (Zol) of 6 km was applied to Thanet Coast SAC, Sandwich Bay SAC and Thanet Coast and Sandwich Bay SPA and Ramsar site, which covers the entirety of the Thanet District. This Zol of influence was informed by studies undertaken as part of the Strategic Access Management and Monitoring Plan (SAMM, 2022) in respect of the Thanet section of the Thanet Coast and Sandwich Bay SPA²⁶. Given the time which has elapsed since the original visitor survey in 2011, it is recommended that further surveys are conducted to confirm whether the 6 km Zol remains valid. It is understood that a 6 km Zol was previously applied in the HRA of the Thanet Local Plan 27 (ref July 2020) and was considered satisfactory by Thanet District Council and by the relevant consultees.
- 2.3.5 A precautionary approach is applied when undertaking HRAs and a plan/project cannot proceed unless it is ascertained that there will be no adverse effect on the integrity of a Habitats Site, which is considered at the Appropriate Assessment stage (Stage 2).
- 2.3.6 Stage 2 Appropriate Assessment follows on from the Stage 1 Screening in Section 8 of this report.

2.4 In-combination effects

- 2.4.1 The planning portal for Thanet District Council was searched for projects within the 10 km Zol that may have an individual effect on the local environment. In-combination effects are only likely to occur with developments that through their nature and scale and location, have a reasonable likelihood of presenting a contributory effect.
- 2.4.2 No such planning applications were identified and therefore there is currently no pathway for in-combination effects to occur.

3. Sandwich Bay SAC

3.1 Introduction

3.1.1 This Section of the report identifies whether there are any LSE on the Sandwich Bay SAC. The SAC covers 1136.699 hectares (Ha) and is located at its nearest point at NGR TR354604, 1.8 km southeast of the proposed development site.

3.1.2 Sandwich Bay SAC is a largely inactive dune system with a particularly extensive representation of fixed dune grassland, the only large area of this habitat in the south-east of England. The vegetation of these dunes and their associated slacks is extremely species rich. The site includes several rare and scarce species, such as fragrant evening-primrose *Oenothera stricta*, bedstraw broomrape *Orobanche caryophyllacea* and sand catchfly *Silene conica*, as well as the UK's largest population of lizard orchid *Himantoglossum hircinum*.

3.2 Reason for designation

3.2.1 The SAC is designated for the presence of the following qualifying features:

- H2110 Embryonic shifting dunes
- H2120 Shifting dunes along the shoreline with *Ammophila arenaria* ('White dunes')
- H2130 Fixed dunes with herbaceous vegetation ('Grey dunes')
- H2170 Dunes with *Salix repens* ssp. *argentea* (*Salicion arenariae*)
- H2190 Humid dune slacks

3.3 Conservation Objectives

3.3.1 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 and habitats of qualifying species;
- The structure and function (including typical species) of qualifying natural habitats;
- The structure and function of the habitats of qualifying species; and,
- The supporting processes on which qualifying natural habitats and the habitats of qualifying species rely.

3.4 Threats and Pressures

3.4.1 The Site Improvement Plan north-east Kent (Thanet) (SIP240) identifies the following threats and pressures to the SAC:

- Changes in species distribution
- Invasive species
- Public access/distribution
- Hydrological changes
- Water Pollution
- Air Pollution
- Fisheries: commercial and marine and estuarine

3.5 Consideration of Likely Significant Effects (alone)

3.5.1 Table 1 below details the Likely Significant Effects of the project on the Sandwich Bay SAC.

Table 1: Likely Significant Effects on Sandwich Bay SAC

Qualifying Feature	Feature Description	Potential Effect	LSE? Y/N
Embryonic shifting dunes	The Embryonic shifting dunes at Sandwich Bay are representative of this habitat type in south-east England. The seaward edge of the north of this site displays a good sequence of embryonic shifting dune communities and there is a clear zonation within the dune habitat, with strandline species on the seaward edge and sand-binding grasses inland. Lyme-grass <i>Leymus arenarius</i> is extremely sparse and sand couch <i>Elytrigia juncea</i> is the dominant sand-binding species.	<p>Proposed works will be located on Site, 1.8 km from the boundary of the SAC. As such, direct impacts to this feature can be screened out.</p> <p>Due to distance, direct impacts such as increased light, noise, and air pollution can be screened out at both the construction and post construction phase. There is no hydrological connectivity between the Site and the designated site, as such LSE from a pollution event can be screened out.</p> <p>The development is likely to increase the number of visitors to the protected area, therefore an LSE from the increase in recreational use (such as rambling and dog walking) to the SAC cannot be screened out at this stage.</p>	Y
H2120 Shifting dunes along the shoreline with <i>Ammophila arenaria</i> ("White	The small areas of dunes with <i>Salix repens</i> ssp. <i>Argentea</i> found at Sandwich Bay is of interest as it is the only example found in the dry south-east of England and is representative	Proposed works will be located on Site, 1.8 km from the boundary of the SAC. As such, direct impacts to this feature can be screened out.	Y

Qualifying Feature	Feature Description	Potential Effect	LSE? Y/N
dunes")	of this habitat type in a near-continental climate.	<p>Due to distance, direct impacts such as increased light, noise, and air pollution can be screened out at both the construction and post construction phase. There is no hydrological connectivity between the Site and the designated site, as such LSE from a pollution event can be screened out.</p> <p>The development is likely to increase the number of visitors to the protected area, therefore an LSE from the increase in recreational use (such as rambling and dog walking) to the SAC cannot be screened out at this stage.</p>	
H2130 Fixed coastal dunes with herbaceous vegetation ('Grey dunes')	Sandwich Bay is a largely inactive dune system with a particularly extensive representation of fixed dune grassland, the only large area of this habitat in the extreme south-east of England. The vegetation is extremely species-rich and the site has been selected because it includes a number of rare and scarce species, such as fragrant evening-primrose <i>Oenothera stricta</i> , bedstraw broomrape <i>Orobanche caryophyllacea</i> and sand catchfly <i>Silene conica</i> , as well as UK's largest population of lizard orchid, <i>Himantoglossum hircinum</i> .	<p>Proposed works will be located on Site, 1.8 km from the boundary of the SAC. As such, direct impacts to this feature can be screened out.</p> <p>Due to distance, direct impacts such as increased light, noise, and air pollution can be screened out at both the construction and post construction phase. There is no hydrological connectivity between the Site and the designated site, as such LSE from a pollution event can be screened out.</p> <p>The development is likely to increase the number of visitors to the protected area, therefore an LSE from the increase in recreational use (such as rambling and dog walking) to the SAC cannot be screened out at this stage.</p>	Y
H2170 Dunes with <i>Salix repens</i> spp.	Annex 1 habitats present as a qualifying feature, but not a primary	Proposed works will be located on Site, 1.8 km from the boundary of the SAC. As	Y

Qualifying Feature	Feature Description	Potential Effect	LSE? Y/N
<i>Argentea (Salicion arenariae)</i>	reason for selection of this site.	<p>such, direct impacts to this feature can be screened out.</p> <p>Due to distance, direct impacts such as increased light, noise, and air pollution can be screened out at both the construction and post construction phase. There is no hydrological connectivity between the Site and the designated site, as such LSE from a pollution event can be screened out.</p> <p>The development is likely to increase the number of visitors to the protected area, therefore an LSE from the increase in recreational use (such as rambling and dog walking) to the SAC cannot be screened out at this stage.</p>	

3.6 Conclusion

- 3.6.1 There will be no direct LSE in the form of pollution to the SAC from this proposed development.
- 3.6.2 The development is expected to increase recreational activity to the SAC, therefore recreational disturbance resulting from the development cannot be screened out at this stage. The development **could have an LSE** on the above SAC and further assessment is required.

4. Thanet Coast SAC

4.1 Introduction

4.1.1 This Section of the report identifies whether there are any LSE for the Thanet Coast SAC. The SAC covers 2815.95 ha and is located at its nearest point at NGR TR348711, approximately 6 km northeast of the Site.

4.2 Reason for designation

4.2.1 The SAC is designated for the presence of the following qualifying features:

- 1170 Reefs
- 8330 Submerged or partially submerged sea caves

4.3 Conservation Objectives

4.3.1 The conservation objectives are to 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:

1. Reefs

Subject to natural change maintain the reefs in favourable condition, in particular:

- Intertidal chalk cliff algal and lichen communities
- Intertidal red algal turf communities
- Kelp dominated communities on animal bored rock
- Subtidal animal bored chalk communities

2. Submerged or partially submerged sea caves

Subject to natural change, maintain the submerged or partially submerged sea caves in favourable condition, in particular:

- Intertidal chalk cliff algal and lichen communities

4.4 Threats and Pressures

4.4.1 The Thanet Coast Site Improvement Plan (Natural England, 2015b) identifies the following threats and pressures to the SAC:

- | | |
|-----------------------------------|------------------------|
| • Changes in species distribution | • Hydrological changes |
| • Invasive species | • Water Pollution |
| • Public access/distribution | • Air Pollution |

- Fisheries: commercial and marine and estuarine

4.5 Consideration of Likely Significant Effects (alone)

4.5.1 Table 2 below details the Likely Significant Effects of the project on the Thanet Coast SAC.

Table 2: Likely Significant Effects on Thanet Coast SAC

Qualifying Feature	Feature Description	Potential Effect	LSE? Y/N
1170 Reefs	<p>Thanet Coast in the extreme south-east of England has been selected on account of the unusual communities that are found on this, the longest continuous stretch of coastal chalk in the UK. It represents approximately 20% of the UK resource of this type and 12% of the EU resource. This site contains an example of reefs on soft chalk along the shore. Thanet has sublittoral chalk platforms that extend into the littoral and form chalk cliffs. The sublittoral chalk reefs within the site are comparatively impoverished, owing to the harsh environmental conditions in the extreme southern area of the North Sea, but they are an unusual feature because of the scarcity of hard substrates in the area. Infralittoral kelp forests are characteristically absent, owing to the high turbidity of the water. The subtidal chalk platforms extend offshore in a series of steps dissected by gullies. Species present include an unusually rich littoral algal flora, essentially of chalk-boring algae, which may extend above high water mark into the splash zone in wave-exposed areas. Thanet remains the sole known location for some algal species.</p>	<p>Proposed works will be located on Site, 6 km from the boundary of the SAC. As such, direct impacts to this feature can be screened out.</p> <p>Due to distance, direct impacts such as increased light, noise, and air pollution can be screened out at both the construction and post construction phase. There is no hydrological connectivity between the Site and the designated site, as such LSE from a pollution event can be screened out.</p> <p>The development is likely to increase the number of visitors to the protected area, therefore an LSE from the increase in recreational use (such as rambling and dog walking) to the SAC cannot be screened out at this stage.</p>	Y

Qualifying Feature	Feature Description	Potential Effect	LSE? Y/N
8330 Submerged or partially submerged sea caves	<p>Thanet Coast provides the second most extensive representation of chalk caves in the UK on the extreme south-east coast of England. The site is bordered by about 23 km of chalk cliffs with many caves and stack and arch formations. Partially submerged caves around Thanet vary considerably in depth, height and aspect and hence in the algal communities present. Some caves extend for up to 30 m into the cliffs and reach 6-10 m in height, although many are much smaller. They support very specialised algal and lichen communities containing species such as <i>Pseudendoclonium submarinum</i> and <i>Lyngbya</i> spp., some of which were first described from Thanet and have never been recorded elsewhere.</p>	<p>Proposed works will be located on Site, 6 km from the boundary of the SAC. As such, direct impacts to this feature can be screened out.</p> <p>Due to distance, direct impacts such as increased light, noise, and air pollution can be screened out at both the construction and post construction phase. There is no hydrological connectivity between the Site and the designated site, as such LSE from a pollution event can be screened out.</p> <p>The development is likely to increase the number of visitors to the protected area, therefore an LSE from the increase in recreational use (such as rambling and dog walking) to the SAC cannot be screened out at this stage.</p>	Y

4.6 Conclusion

- 4.6.1 There will be no direct LSE in the form of pollution to the SAC from this proposed development.
- 4.6.2 The development is expected to increase recreational activity upon the SAC, therefore recreational disturbance because of the development cannot be screened out at this stage. The development **could have an LSE** on the above SAC and further assessment is required.

5. Thanet Coast and Sandwich Bay SPA

5.1 Introduction

- 5.1.1 This Section of the report identifies whether there are any LSE for the Thanet Coast and Sandwich Bay SPA located 1.8 km southeast of the Site. Thanet Coast and Sandwich Bay Special Protection Area (SPA) is 18.8 km² site located at the north eastern tip of Kent in southern England. The Site stretches from Swalecliffe to Deal. The site starts at Long Rock, Swalecliffe and barring small stretches (Hampton to the end of Neptunes arm at Herne Bay, Viking Bay and Ramsgate Main sands to the end of Ramsgate harbour) spans the entirety of the coastline in a narrow band. The site expands to incorporate the whole of Pegwell Bay and the River Stour up to the industrial estate at Sandwich. An additional a section in the Lydden valley is also included.
- 5.1.2 A large proportion of the SPA is intertidal consisting of large areas of intertidal mud and sand flats at Pegwell, Minnis and Sandwich Bay, with shingle and rocky shores, saltmarsh habitats, lagoons and intertidal shingle habitats (Natural England, 2015).
- 5.1.3 Terrestrial habitats within the SPA, close to Sandwich Bay consist of improved and unimproved grassland, with some arable land, all important habitats for golden plover (*Pluvialis apricaria*) to roost and feed.
- 5.1.4 The intertidal reef, together with the mudflats and sandflats which characterise the remainder of the coastline in northeast Kent, provide valuable feeding grounds and roosting areas at low water for wintering waders, including turnstone (*Arenaria interpres*). In summer, shingle provides an important breeding habitat for little tern (*Sterna albifrons*).

5.2 Reason for designation

- 5.2.1 The SPA is designated for the presence of three key bird species which are the following qualifying features:

A140 *Pluvialis apricaria*; European golden plover (Non-breeding)

- 5.2.2 In summer they inhabit upland moorlands in the S Uplands and Highlands of Scotland, the Western and Northern Isles, the Peak District, N Yorkshire, Wales and Devon. In winter they move to lowland fields, forming large flocks, often in the company of lapwings.
- 5.2.3 The species are generally present between September and May although some individuals may be present all year round.
- 5.2.4 Golden Plover also overwinters within and around the SPA on inland grassland and intertidal areas near the coast.

A169 *Arenaria interpres*; Ruddy turnstone (Non-breeding)

5.2.5 Turnstones can be found around the UK coastline. Likes rocky shores as well as sandy and muddy ones. Particularly likes feeding on rocks covered with seaweed and will feed along seawalls and jetties.

5.2.6 Turnstones are present for most of the year. Birds from Northern Europe pass through in July and August and again in spring. Canadian and Greenland birds arrives in August and September and remain until April and May. Non-breeding birds may stay through the summer.

A195 *Sterna albifrons*; Little tern (Breeding)

5.2.7 Little tern are a strictly coastal species found around the UK coastline at suitable breeding beaches. The largest colonies are found along the east and south coasts of Scotland and England at sites which include Blakeney Point and Great Yarmouth in Norfolk, Minsmere in Suffolk and Langstone Harbour, Hampshire.

5.2.8 Little tern are a summer visitor to Europe, arriving in April and May. Their return migration starts in August and continues into September.

5.2.9 Its vulnerable nesting sites and its decline in Europe make it an Amber List species. It is also listed as a Schedule 1 species in The Wildlife and Countryside Act.

5.3 Conservation Objectives

5.3.1 This SPA is a part of the northeast Kent European Marine Site (EMS). These Conservation Objectives should be used in conjunction with the Conservation Advice document for the EMS. Natural England's formal Conservation Advice for European Marine Sites can be found via the Government website at GOV.UK.

5.3.2 The conservation objectives are to 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 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.

5.4 Threats and Pressures

5.4.1 The Thanet Coast Site Improvement Plan (Natural England, 2015b) identifies the following threats and pressures to the SPA:

-
- Changes in species distribution
 - Invasive species
 - Public access/distribution
 - Hydrological changes
 - Water Pollution
 - Air Pollution
 - Fisheries: commercial and marine and estuarine

5.5 Winter Bird surveys

5.5.1 Ecus Ltd was commissioned by Monson Homes Ltd in November 2021 -2023 (ongoing) to undertake a Wintering Bird Survey (WBS) at the proposed development Site.

5.5.2 Terrestrial habitats within the SPA, close to Sandwich Bay consist of improved and unimproved grassland, with some arable land, all important habitat for golden plover to roost and feed. Natural England requested further information to determine the significance of potential impacts and the scope for mitigation (see Appendix 3). The following information was requested:

- Further consideration as to whether the proposed development site is likely to support the qualifying features of the Thanet Coast and Sandwich Bay SPA and is therefore Functionally Linked Land (FLL).
- Consideration of potential FLL as part of a Habitats Regulations Assessment.

5.5.3 The WBS survey were led by an experienced Ecus Ornithologist over seven visits between November 2021 and March 2022. Surveys were carried out in suitable weather conditions. The survey methodology broadly followed the British Trust for Ornithology (BTO) Winter Farmland Bird Survey methodology (Gillings *et al.* 2008).

5.5.4 A total of 25 bird species were recorded during the WBS. Of these, no species protected under the Wildlife and Countryside Act 1981 (as amended) Schedule 1 were recorded. Five species listed under the Birds of Conservation Concern 5 (BoCC5) Red list and eight Amber listed species were recorded on Site across the seven survey visits. All five of the Red listed bird species are also species of principal importance under Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006.

5.5.5 The majority of Red and Amber listed species recorded were present at the Site in low numbers only. The Site is therefore considered to be of importance to these species at the site level only during winter and loss of habitats for these species is of importance at the site level.

5.5.6 No golden plover were recorded on Site or nearby during the WBS of 2021-2022 and as such the Site is considered to not be FLL to the SPA.

5.6 Consideration of Likely Significant Effects (alone)

5.6.1 Table 3 below details the Likely Significant Effects of the project on the Thanet Coast and Sandwich Bay SPA.

Table 3: Likely Significant Effects on the SPA

Threats and Pressures	Potential Effect	LSE? Y/N
A140 <i>Pluvialis apricaria</i> ; European golden plover (Non-breeding)		
Changes in species distribution	<p>The development is located 1.8 km from the SPA. The wintering bird surveys (conducted by ECUS) found low numbers of birds were using the field which will be developed. It was concluded that the Site does not provide functionally linked land to the SPA.</p> <p>It is concluded no LSE is expected on the above species in terms of changes in species distribution as a direct result of the development.</p>	N
Invasive species	The development will potentially introduce domestic pets to the area in the form of dogs and cats, however due to the low numbers of birds recorded on the Site, it is not anticipated that this development will have LSE on the SPA in terms of invasive species.	N
Public access/distribution	<p>The Site is located 1.8 km from the protected area, disturbance during and post construction in the form of light/noise or vibrations pollution has been screened out as having a LSE on the SPA.</p> <p>Natural England's Site Improvement Plan reports that there has been a decline in overwintering Turnstone, noting that anthropogenic disturbance is a probable cause for some of the decline in numbers. It notes the features of the SPA affected by public access / disturbance as the three bird species – Golden Plover, Turnstone and Little Tern.</p> <p>A 2016 study surveyed areas around the SPA. Inland areas around Sandwich Bay were found to have Golden Plover present with some areas holding some of the largest numbers of wintering birds. Public rights of way pass close to some of these areas. Surveyors noted that the disturbance was most frequent in areas close to residential development or vehicle parking.</p> <p>The 2020 visitor survey provided detailed information on visitors, their behaviour and awareness of nature which has been important in developing the Strategic Access Mitigation and Monitoring Strategy (SAMM) approach. A high proportion of visitors are frequent visitors with 47.2% visiting once a week or more often. Dog walking was the most popular main activity and 73.8% of groups indicating this was their main reason for visiting. 86.4% of those visiting once a week or more had a dog with them and 88% of all dogs were off the lead.</p> <p>There could potentially be a LSE with this pressure.</p>	Y

Threats and Pressures	Potential Effect	LSE? Y/N
Hydrological changes	The development is located 1.8 km from the SPA, no Hydrological changes are to occur to the SPA during the construction and post development stages	N
Water Pollution	The development is located 1.8 km from the SPA, no sewage or surface runoff will enter the SPA from the development during and post construction as there is no hydrologic connection between the Site and the SPA.	N
Air Pollution	The development is located 1.8 km from the SPA, it is also limited in size compared to neighbouring developments, therefore it is not anticipated that this development will have LSE on the SPA due to size and locality.	N
Fisheries: commercial and marine and estuarine	The development will not impact the marine and estuarine in terms of fishing as it is solely based in the terrestrial environment.	N
A169 <i>Arenaria interpres</i>; Ruddy turnstone (Non-breeding)		
Changes in species distribution	<p>The development is located 2 km from the SPA. The wintering bird surveys (conducted by ECUS) found low numbers of birds were using the field which will be developed. It was concluded that the Site does not provide functionally linked land to the SPA.</p> <p>It is concluded no LSE is expected on the above species in terms of changes in species distribution as a direct result of the development.</p>	N
Invasive species	The development will potentially introduce domestic pets to the area in the form of dogs and cats, however due to the low numbers of birds recorded on the Site, it is not anticipated that this development will have LSE on the SPA in terms of invasive species.	N
Public access/distribution	<p>The Site is located 2 km from the protected area, disturbance during and post construction in the form of light/noise or vibrations pollution has been screened out as having a LSE on the SPA.</p> <p>Natural England's Site Improvement Plan reports that there has been a decline in overwintering Turnstone, noting that anthropogenic disturbance is a probable cause for some of the decline in numbers. It notes the features of the SPA affected by public access / disturbance as the three bird species – Golden Plover, Turnstone and Little Tern.</p> <p>A 2016 study surveyed areas around the SPA. Inland areas around Sandwich Bay were found to have Golden Plover present with some areas holding some of the largest numbers of wintering birds. Public rights of way pass close to some of these areas. Surveyors noted that the disturbance was most frequent in areas close to residential development or vehicle parking.</p> <p>The 2020 visitor survey provided detailed information on visitors, their behaviour and awareness of nature which has been important in developing the Strategic Access Mitigation and Monitoring Strategy (SAMM) approach. A high proportion of visitors are frequent visitors with 47.2% visiting once a week or more often. Dog walking was the most popular main activity and 73.8% of groups</p>	Y

Threats and Pressures	Potential Effect	LSE? Y/N
	<p>indicating this was their main reason for visiting. 86.4% of those visiting once a week or more had a dog with them and 88% of all dogs were off the lead.</p> <p>There could potentially be a LSE with this pressure.</p>	
Hydrological changes	The development is located 2 km from the SPA, no sewage or surface runoff will enter the SPA from the development during and post construction as there is no hydrologic connection between the Site and the SPA.	N
Water Pollution	The development is located 2 km from the SPA, no sewage or surface runoff will enter the SPA from the development during the construction and post development stages.	N
Air Pollution	The development is located 2 km from the SPA, it is also limited in size compared to neighbouring developments, therefore it is not anticipated that this development will have LSE on the SPA due to size and locality.	N
Fisheries: commercial and marine and estuarine	The development will not impact the marine and estuarine in terms of fishing as it is a housing development.	N
A195 <i>Sterna albifrons</i>; Little tern (Breeding)		
Changes in species distribution	<p>The development is located 2 km from the SPA. The wintering bird surveys (conducted by ECUS) found low numbers of birds were using the field which will be developed. It was concluded that the Site does not provide functionally linked land to the SPA.</p> <p>It is concluded no LSE is expected on the above species in terms of changes in species distribution as a direct result of the development.</p>	N
Invasive species	The development will potentially introduce domestic pets to the area in the form of dogs and cats, however due to the low numbers of birds recorded on the Site, it is not anticipated that this development will have LSE on the SPA in terms of invasive species.	N
Public access/distribution	<p>The Site is located 2 km from the protected area, disturbance during and post construction in the form of light/noise or vibrations pollution has been screened out as having a LSE on the SPA.</p> <p>Natural England's Site Improvement Plan reports that there has been a decline in overwintering Turnstone, noting that anthropogenic disturbance is a probable cause for some of the decline in numbers. It notes the features of the SPA affected by public access / disturbance as the three bird species – Golden Plover, Turnstone and Little Tern.</p> <p>A 2016 study surveyed areas around the SPA. Inland areas around Sandwich Bay were found to have Golden Plover present with some areas holding some of the largest numbers of wintering birds. Public rights of way pass close to some of these areas. Surveyors noted that the disturbance was most frequent in areas close to residential development or vehicle parking.</p> <p>The 2020 visitor survey provided detailed information on visitors, their behaviour and awareness of nature which</p>	Y

Threats and Pressures	Potential Effect	LSE? Y/N
	<p>has been important in developing the Strategic Access Mitigation and Monitoring Strategy (SAMM) approach. A high proportion of visitors are frequent visitors with 47.2% visiting once a week or more often. Dog walking was the most popular main activity and 73.8% of groups indicating this was their main reason for visiting. 86.4% of those visiting once a week or more had a dog with them and 88% of all dogs were off the lead.</p> <p>The development is small in size in comparison to neighbour towns, however a slight increase in visitors will be expected, therefore there could potentially be a LSE with this pressure.</p>	
Hydrological and Water changes	The development is located 1.8 km from the SPA, no sewage or surface runoff will enter the SPA from the development during and post construction as there is no hydrologic connection between the Site and the SPA.	N
Air Pollution	The development is located 1.8 km from the SPA, it is also limited in size compared to neighbouring developments, therefore it is not anticipated that this development will have LSE on the SPA due to size and locality.	N
Fisheries: commercial and marine and estuarine	The development will not impact the marine and estuarine in terms of fishing as it is a housing development.	N

5.7 Conclusion

- 5.7.1 The current WBS and ECUS data from 2021-2022 clearly shows the proposed development Site is not functionally linked land associated with the SPA.
- 5.7.2 As a result of this development, there is the potential for recreational activity in the form of rambling and dog walking to increase footfall to the SPA. This could have a direct effect on the species which are protected within the designated site. As a result, **LSE could not be ruled out** during screening. An appropriate assessment is therefore required to establish further detail on the above issues.

6. Thanet Coast and Sandwich Bay Ramsar Site

6.1.1 Thanet Coast and Sandwich Bay qualifies as a Ramsar site, a wetland of international importance, as it supports on average 1% of the ruddy turnstone population over winter (source: JNCC). The Ramsar Site covers 2,183 ha.

6.1.2 The Thanet Coast and Sandwich Bay Ramsar site includes a wide variety of coastal habitats including areas of chalk cliff, rocky shore, shingle, sand and mudflats, saltmarsh, and sand dunes. As well as its value for breeding and wintering birds, the site supports outstanding communities of terrestrial and marine plant species, a significant number of rare invertebrate species and is of geological importance. The site supports a large number of rare species of wetland invertebrates. A total of at least 15 Red Data Book species associated with wetlands have been recorded.

Table 3: Likely Significant Effects on Thanet Coast and Sandwich Bay Ramsar site

Qualifying Feature	Feature Description	Potential Effect	LSE? Y/N
Ramsar criterion 2: Supports 15 British Red Data Book wetland invertebrates	<p>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.</p> <p><u>Supporting Habitat</u></p> <ul style="list-style-type: none"> • Coastal lagoon • Freshwater and Coastal • Grazing Marsh and other annuals colonising mud and sand • Atlantic salt meadows • Spartina swards • Intertidal rock • Intertidal biogenic reef • Intertidal mud Intertidal sand and muddy sand • Water column 	<p>The development is situated 1.8 km from the Ramsar site (coastline). There will not be any light, noise or vibration pollution during or post development between the Site and the Ramsar site. Due to the distance of the development from the Ramsar site, water quality will also not be affected.</p> <p>There will be an increase in recreational use at the Ramsar site due to the development, therefore a LSE on the habitats listed in this criterion cannot be screened out.</p>	Y

Qualifying Feature	Feature Description	Potential Effect	LSE? Y/N
Ramsar criterion 6 – species/populations occurring at levels of international importance: Ruddy turnstone	<p>Turnstones can be found around the UK coastline. Likes rocky shores as well as sandy and muddy ones. Particularly likes feeding on rocks covered with seaweed and will feed along seawalls and jetties.</p> <p>Turnstones are present for most of the year. Birds from Northern Europe pass through in July and August and again in spring. Canadian and Greenland birds arrives in August and September and remain until April and May. Non-breeding birds may stay through the summer.</p>	<p>The development is situated 1.8 km from the Ramsar site (coastline). There will not be any light, noise or vibration pollution during or post development between the Site and the Ramsar site. Due to the distance of the development from the Ramsar site water quality will also not be affected.</p> <p>There will be an increase in recreational use to the Ramsar site, therefore a LSE on wintering birds in criterion 6 cannot be screened out.</p>	Y

6.2 Conclusion

- 6.2.1 The current WBS and ECUS data from 2021-2022 clearly shows the proposed development Site is not functionally linked land associated with the SPA/Ramsar site.
- 6.2.2 There is the potential for disturbance from recreational activities to Red Data Book wetland invertebrates and birds from the proposed development, therefore **LSE cannot be screened out** for indirect impacts on the qualifying features. An appropriate assessment is therefore required to establish further detail on the above issues.

7. Conclusion of Stage 1 Screening

- 7.1.1 Sections 3-6 of this report present the screening assessment for the Sandwich Bay SAC, Thanet Coast SAC, Thanet Coast and Sandwich Bay SPA and Thanet Coast and Sandwich Bay Ramsar site. A summary of the findings is presented in Table 4 below.
- 7.1.2 As raised in the Kent County Council Ecological Advice Service response (see **Appendix 4**), impacts arising from the risk of indirect recreational disturbance cannot be ruled out and therefore Appropriate Assessment is required.
- 7.1.3 Stage 2 Appropriate Assessment follows on from the Stage 1 Screening in Section 8 of this report.

Table 4: Summary of Screening Assessment

Habitat Site	LSE Yes/No
Sandwich Bay SAC	Yes
Thanet Coast SAC	
Thanet Coast and Sandwich Bay SPA	
Thanet Coast and Sandwich Bay Ramsar site	

8. Appropriate Assessment: Sandwich Bay and Thanet Coast SAC

8.1 Current Issues and Threats to Interest Features

- 8.1.1 Sandwich Bay SAC is designated for its sand dune habitats, which are sensitive to direct damage (trampling, erosion, etc.) and localised eutrophication (e.g. associated with dog faeces). Thanet Coast SAC is designated for its off shore reefs and submerged or partially submerged sea caves; these features are sensitive to localised eutrophication associated with air and water pollution from urbanisation and increase recreational use.
- 8.1.2 To some extent, the dune systems rely on disturbance to maintain the various successional vegetation stages and the early successional stages are essentially disturbance-generated vegetation communities. However, the later successional stages are more sensitive to localised erosion, which can result in otherwise stable dune habitats being re-mobilised. Kent Wildlife Trust, which manages parts of the SAC, has noted that with limited formal parking, cars are frequently parked on the dunes, damaging some of the valued habitats. This is not recorded in the SSSI condition assessment and this aspect is outside Thanet District Council's (TDC) direct control, as the dune habitats are all within the adjacent Dover District Council (DDC) area. The minimum critical load for nitrogen deposition is currently exceeded at the Site for all the air quality sensitive features (Dunes with creeping willow; White dunes; Grey dunes; Embryonic shifting dunes; offshore reefs).
- 8.1.3 The Local Plan does not include any proposals for developments that are likely to result in potentially significant new point-sources of emissions, therefore the main mechanism by which the Local Plan may influence the baseline air emissions locally, will be through changes in patterns of vehicle use associated with the development. It is important to note that there has been a significant decline in NO_x emissions in recent years, partly due to increased efficiency standards for cars, including the increase in electric vehicle use and this decline is expected to continue.

8.2 Recreational Pressure and Urbanisation

Proposed / Incorporated Mitigation

- 8.2.1 The interest features of this SAC are all outside Thanet and so the extent to which the TDC Local plan can directly manage or mitigate current pressures through policy controls, etc. is limited. For example, parking on the dune habitats has been identified as one of the key pressures on the Site, but the TDC Local Plan cannot substantially influence this aspect through its planning controls. Therefore, no bespoke mitigation measures are identified within the TDC Local Plan for managing recreational pressure at this Site. The Local Plan does include several policies that will help minimise additional recreational pressure on designated sites, including the following:

- SP12 (General Housing Policy): Requires that, inter alia, proposed developments contribute to the SAMM and SP26, and assessment of the development site's functional linkages with the SPA.
- SP24 (Green Infrastructure): Requires that developments make a positive contribution to Thanet's green infrastructure through, inter alia, provision and management of new accessible open space for informal recreation/walking and dog walking.
- SP25 (Protection of the International and European Designated Sites): Reiterates the legal requirements of the Habitats Regulations.
- SP26 (Strategic Access Management and Monitoring Plan (SAMM)): Requires that all new residential development complies with the Strategic Access Management and Monitoring Plan (SAMM) to mitigate against the in-combination effects of new development, with other development considered on a case-by-case basis.
- SP27 (Biodiversity and Geodiversity Assets): Provides policy-level safeguards for land that may be functionally linked to the SPA.
- SP31 (Provision of Accessible Natural and Semi Natural Green Space, Parks, Gardens and Recreation Grounds): Requires provision of green space to help manage the demands for passive recreation generated by residential development.

8.3 Assessment of Effects

- 8.3.1 Public access to the dune systems is limited by the number of public footpaths and the presence of private golf clubs, which ensure that there are access restrictions. Natural England note that the SSSI units that are in unfavourable (recovering) condition within the SAC are affected primarily by management (Unit 22, associated with a golf course) and hydro-ecological changes that have degraded some fixed dunes (Unit 18). Recreational activities, particularly vehicles accessing the foreshore, are identified as a pressure in the SIP for the SAC, but specific locations are not identified by the SSSI condition assessments. The growth of Thanet urban area will increase visitor numbers to the Site, although it is likely that any increase will be relatively easy to manage, since the dune habitats are not 'access land' under the Countryside and Rights of Way Act 2000 and the effects will generally be local to the existing PRoWs and Permissive Paths; the absence of open access limits the exposure of the interest features to effects associated with visitor pressure.
- 8.3.2 Consequently, there are several factors that are likely to limit the exposure of the interest features to additional recreational pressure and significant effects are not likely. Regarding mitigation, the plan includes several policies that will help minimise additional recreational pressure, such as

SP23 (Green Infrastructure) and SP27 (Provision of Green Space). The installation of electrical charging points within the development to encourage electric car use is also proposed. The erection of information boards within the development and inclusion of a leaflet in the home welcome packages detailing the designated sites and pressures they face is also recommended. Arming residence with knowledge could aid the protection and sensitive use of the area. The effects of the development (on the SAC) given its size (new housing comprising 141 residential dwellings: 133 houses and 8 flats, with associated landscaping and access roads) are expected to be limited given the distance from the SAC and the size in comparison to the neighbouring village of Cliffsend and town of Ramsgate.

8.3.3 Following guidance in the Thanet Local Plan, the measures above are likely to help moderate effects on this SAC, as far as the Local Plan can and therefore no adverse effects would be expected alone or in combination.

8.4 Conclusion

8.4.1 The interest features of the Sandwich Bay SAC are all outside of the TDC area. Whilst several ongoing pressures and threats are identified for the Site interest features, the exposure of the interest features to the effects of the TDC plan is likely to be limited (certainly in comparison with the DDC Local Plan). Furthermore, the TDC Local Plan has limited scope to prevent or moderate local effects on the sand dune features, except through general policies designed to encourage recreation close to allocation sites (e.g. SP24 (Green Infrastructure)). However, the development includes measures that are likely to help moderate effects on this Site, as far as the Local Plan can and so no adverse effects would be expected alone or in combination.

8.4.2 A proposal being considered by the Government this year (2023), is the introduction of a new building code which will ensure that all new housing developments will have to include EV-ready charging stations. The Local Government Support Programme helps local authorities decarbonise transport, improve air quality and increase electric vehicle adoption. The programme is fully funded by the Department for Transport and available to all local authorities across England. The development could include charging points which would reduce NOx emissions, further reducing pressures on the SAC.

9. Appropriate Assessment: Thanet Coast and Sandwich Bay SPA / Thanet Coast and Sandwich Bay Ramsar

9.1 Current Issues and Threats to Interest Features

Bird Species - Turnstone

- 9.1.1 Investigations by the Kent Wildlife Trust have provided evidence that disturbance caused by recreational and commercial activities around the Thanet coastline may be having a detrimental effect on the populations of overwintering waders associated with the Thanet Coast and Sandwich Bay SPA, especially overwintering turnstone. The most notable disturbing activity, particularly in the northern section of Sandwich Bay SPA, is thought to be walking dogs off the lead (although other activities such as walking, bait digging and kite surfing may have local impacts). Studies have shown that turnstone are particularly vulnerable to disturbance from dogs, which interrupt their feeding behaviour so affecting their ability to gain sufficient body fat for overwintering or migration. Population increases associated with new housing provision in Thanet and its neighbouring districts will increase recreational pressure on the SPA as more people are likely to make use of the coastline for leisure and work. Most recreational activities are 'casual' and pursued opportunistically (e.g. walking, walking dogs, bike riding) rather than being structured (e.g. organised group activities or trips to specific discrete attractions). This can make it difficult to quantify the impacts of these activities on protected sites and ultimately makes it harder to control or manage them.
- 9.1.2 Turnstone population surveys undertaken in 2013 and 2014 by the Sandwich Bay Bird Observatory Trust (SBBOT) for NE recorded notable declines in turnstone numbers, compared to surveys undertaken between 2001 and 2010. This is reflected in Wetland Bird Survey (WeBS) sector count data. Although recreational disturbance has been cited as a potential factor in this decline, the studies of such disturbance on the Thanet Coast and Sandwich Bay SPA have not established a relationship between the observed disturbance levels and reduced productivity or increased mortality of the birds. However, that is not to say that potential increases in visitor pressure are not an issue that needs to be appropriately managed. With regard to the prediction of effects, it is not possible to accurately model the likely increase in the number of visits to the SPA / Ramsar site without substantial investigations into the current behaviour of residents in the Thanet area.
- 9.1.3 Natural England have suggested that, in the absence of mitigation, the quantum of growth facilitated by the Thanet Local Plan is likely to have a significant effect on the interest features of the SPA (notably turnstone) which could adversely affect the integrity of the designated site.

Bird Species - Golden Plover

9.1.4 Golden plover are less dependent on the coastal SPA habitats than turnstone. Several studies suggest that some areas of lowland farmland may be as important for this species as the habitats of the coastal and wetland SPAs, typically associated with wintering waders (e.g. Mason & MacDonald, 1999; Gillings, 2003) and perhaps even more so. Broadly, it appears that golden plover retain an association with wetland or coastal sites, typically remaining within a few kilometres of these (except where significant regional movements of flocks occur in response to (for example) weather conditions), but will often spend several tidal cycles (or more) foraging and roosting in farmland, both during the day and night. This behaviour is known to be under-recorded by the standard WeBS monitoring technique, with the result that increasing attention is being paid to the use of agricultural areas by overwintering golden plover. Indeed, the 2016 SPA Review (JNCC 2016) includes golden plover in a broad group of species that are known to be reliant on cropped habitats, which are under-represented in the SPA network. However, whilst there is evidence of regional site fidelity (i.e. birds associated with the Thanet Coast and Sandwich Bay SPA will predominantly use available habitats within a few kilometres of the site), the species use of farmland appears variable according to cropping patterns and rotations, with limited field fidelity from year to year (Mason & MacDonald 1999), except where favoured habitats are consistently or intentionally maintained.

9.1.5 There is evidence that certain crops may be favoured and larger fields are favoured over smaller ones, but distributions will often be variable from year to year. Gillings *et al.* (2007) found that flocks occupied only a fraction of the available fields in each area, concentrating mostly in large fields with open boundaries and where manure had been applied. The development could arguably affect golden plover through direct disturbance to birds using the SPA due to increased recreational pressure (as per turnstone), or by affecting associated functional habitat and favoured non-SPA areas, due to the allocations themselves (direct loss of functional habitat) or through increased recreational pressure associated with developments. It should be noted that the second and third SPA Reviews (Stroud *et al.* 2001 and Stroud *et al.* 2016 respectively) have both suggested that golden plover be removed as an interest feature from this SPA and it is understood that the recommendations of the third review is likely to be implemented soon.

Bird Species - Little Tern

9.1.6 The SPA is designated in part for its breeding little tern, which up until the 1990s had colonies on Shell Ness at the mouth of the Great Stour in Pegwell Bay and at Plum Pudding Island on the north coast of the Thanet peninsula, near Minnis Bay. Around 30 pairs regularly nested in Pegwell Bay at the time of designation (1992), although this had dropped from a peak of over 60 pairs in the mid-80s. This decline has continued in recent years such that the second SPA Review suggests that little tern might be removed as an interest feature and the SIP notes that “previous

attempts at habitat conservation and management to encourage this species to breed within the Site again have been unsuccessful. Kent Wildlife Trust (2012) note that “breeding little tern abandoned the site in the 1990s”. The reasons for the decline are uncertain, but disturbance has been suggested as a possible cause. However, the site appears to remain unused despite management measures to moderate this and surveys (e.g. for the Richborough grid connection project (National Grid, 2016)) have not recorded little tern breeding at Shell Ness. The Sandwich Bay Bird Observatory identifies them as ‘migrants’ rather than breeders in its sightings records. It is possible that wider population-scale changes have resulted in local declines, or there may have simply been a minor shift in Site conditions or preferences which has led to abandonment of the breeding locations. Although the conditions at former breeding colonies appear to remain suitable and habitat conservation and management measures have been employed to ensure this, population increases associated with new housing provision in Thanet and its neighbouring districts will increase recreational pressure on the SPA, as more people are likely to make use of the coastline for leisure and work. If this is not managed, then it is unlikely that favourable conditions for future re-colonisation of the Site by little tern will be achieved.

9.2 Recreational Pressure and Urbanisation

Proposed / Incorporated Mitigation

Disturbance effects on birds within the SPA

- 9.2.1 One of the most common approaches to mitigation for recreational impacts involves developer contributions (financial), usually linked to catchment areas and development size.
- 9.2.2 Most recreational activities with the potential to affect European sites are ‘casual’ and pursued opportunistically (e.g. walking, walking dogs, riding) rather than being structured (e.g. organised group activities or trips to specific discrete attractions). This means that it can be harder to quantify or predict either the uptake or the impacts of these activities on European sites and (ultimately) harder to control or manage. It also means it is difficult to explore in detail all of the potential aspects of visitor pressure at the strategic level. However, it is possible for plans and strategies to influence recreational use of European sites through the planning process, for example by increasing the amount of green-space required within or near developments if potentially vulnerable European sites are located nearby.
- 9.2.3 Typically, the distance within which 75% of visitors live is less than 6 – 7 km, although in practice this distance is as likely to reflect the local settlement and population distributions and journey times (which are not generally examined in detail), as much as the attractiveness of the European site. However, it is important to note that there is no standard method for defining the ‘zone of influence’ and a range of approaches have been adopted for different Sites. For example, in a study for Canterbury City Council, Fearnley *et al.* (2014) suggested several possible options for

a 'zone of influence' around the Thanet Coast SAC, on which mitigation proposals could be based; these ranged from 4.9 km (the distance within which 75% of all 'regular visitors' live) to 7.2 km (the distance within which 90% of all 'regular visitors' live), to 9.8 km (the distance within which 75% of all visitors live).

- 9.2.4 Most attempts to predict the significance of increased recreation on European sites generally aim to identify the distance within which a certain percentage of visits originate (i.e. taking account of frequency of visits as well as distance travelled); this is typically 75%. Analysis of the literature suggests that, for most European sites studied, this distance is usually around 5 – 7 km from the site boundary. However, the merits of this for Thanet are limited as all of the TDC area is within 6 km of the Thanet Coast and Sandwich Bay SPA and as the Thanet peninsula is only around 6 km from north to south and the main population centres are clustered around the coast, the majority of the population is within 2 km. The vast majority of visitors during winter will therefore originate from Thanet and all of the allocations will be within the typical travel distance for casual recreation.
- 9.2.5 It is possible that some allocations may have a disproportionate effect due to their proximity to the SPA / Ramsar site; the allocations that are within 0 – 2 km of the SPA may be of more concern, partly as many of these are within existing urban areas and so there will be limited space to provide alternative local recreational opportunities and partly as they are so close to the SPA that the Site will almost always be the first-choice location for casual recreation.

Management

- 9.2.6 Natural England has indicated to TDC that provision of a wardening scheme would provide a suitable approach to mitigation, **supported by funding** for access management measures such as rationalisation of access points and car park locations and the provision of interpretation. TDC has within its Local Plan a Strategic Access Management and Monitoring Plan which includes a **tariff system of developer contributions**. Policy 29 sets out a charging schedule setting out four different residential contribution rates based on proximity to the SPA; this cost will be decided by the Local Authority upon application. There are several policies within the Thanet Local Plan that will help minimise or manage additional recreational pressure on the SPA, including:
- SP12 (General Housing Policy): Requires that, inter alia, proposed developments contribute to the SAMM and SP26, and requires an assessment of a development site's functional linkages with the SPA.
 - SP24 (Green Infrastructure): Requires that developments make a positive contribution to Thanet's green infrastructure through, inter alia, provision and management of new accessible open space for informal recreation/walking and dog walking.

- SP25 (Protection of the International and European Designated Sites): Reiterates the legal requirements of the Habitats Regulations.
- SP26 (Strategic Access Management and Monitoring Plan (SAMM)): Requires that all new residential development complies with the Strategic Access Management and Monitoring Plan (SAMM) in order to mitigate against the in-combination effects of new development, with other development considered on a case-by-case basis.
- SP27 (Biodiversity and Geodiversity Assets): Provides policy-level safeguards for land that may be functionally linked to the SPA.
- SP31 (Provision of Accessible Natural and Semi Natural Green Space, Parks, Gardens and Recreation Grounds): Requires provision of green space to help manage the demands for passive recreation generated by residential development.

9.2.7 The most notable of these is SP26, which refers to the Strategic Access Management and Monitoring Plan (SAMM) for the Thanet coast (essentially, a plan for mitigating the potentially adverse effects of housing growth in Thanet on the SPA) and requires that developers demonstrate how they are meeting this. The SAMM (TDC, 2016) has been finalised in consultation with NE and is available from the TDC website. In summary, the mitigation package presented in the SAMM comprises:

- A wardening service between October and April, providing an on-site presence throughout the SPA within Thanet District when turnstone and golden plover numbers are at their peak;
- Educational measures to support longer-term compliance;
- A co-ordination role to manage the wardening presence and to coordinate activities throughout the year;
- Localised access-management; and
- Regular monitoring of birds and visitors.

9.2.8 These measures will be funded by a developer tariff, based on the number of new dwellings, which will cover annual mitigation costs (i.e. seasonal wardening, coordination, monitoring, etc.) and any capital investment required (e.g. signage, etc.) in perpetuity. The SAMM will be reviewed after a period of no more than ten years, or sooner if monitoring results identify potentially significant issues which are not being addressed by the SAMM. The SAMM will be principally targeted at the wintering interest features using the SPA (i.e. turnstone and golden plover), but could potentially be extended to support little tern should future monitoring suggest that a

population recovery is underway that would benefit from these measures. This strategic mitigation approach covers strategic housing allocations included in the Local Plan, plus likely windfall sites.

- 9.2.9 The SAMM was initially drafted based on an allocation of 12,000 new homes over the planning period. The appropriateness of the SAMM to the revised allocation (17,140 by 2031) has been evaluated and it is considered that the measures proposed for the 12,000 allocation can be scaled up to address the higher housing figures. This is consistent with NE's position on other strategic mitigation schemes (for example, in relation to the Thames Basin Heaths SPA, or the SPAs associated with the Solent and nearby harbours). Other developments, such as this one (e.g. windfall development), which is outside the allocated housing plan, require separate assessment at the discretion of the Local Planning Authority.
- 9.2.10 Financial contributions will address the cumulative 'in combination' impact of the intended development. As requested in the TDC a project-level HRA has been undertaken to determine any site or scheme specific details that may require additional measures.

Assessment of Effects

Turnstone

- 9.2.11 Other local authorities' plans have adopted a range of measures in similar situations, but most commonly these involve developer contributions to site management; and the provision of well-designed green infrastructure that integrates with the developments and allows easy walking access to local greenspace and the wider countryside (i.e. attractive local areas that are more convenient than protected areas). Studies have repeatedly shown that the most important factors influencing dog owners' choice of recreational area, are the ability to take their dog off its lead, the proximity to home and an absence of traffic. Measures that reduce the attractiveness of the Thanet Coast in this regard and that increase the accessibility and value of local greenspace are likely to be successful in mitigating some potential increases in recreational pressure. The proposed mitigation scheme (the SAMM) is likely to be successful in managing the effects of population growth and recreational pressure, such that there are not likely to be any adverse effects on turnstone.

Golden Plover

- 9.2.12 As noted, golden plover are less dependent on the coastal SPA habitats than turnstone, so whilst the SAMM will have some benefit for this species, this will principally relate to its use of the development as functionally connected land to the SPA. Assessing the effects of population growth on this aspect is difficult at the strategic level, as:

- There is limited data on the distribution within Thanet of golden plover and its key foraging areas; and particularly,

- Distributions and the use of fields will vary year to year according to local and regional conditions and cropping patterns (e.g. cold winters may increase use of some terrestrial habitats).

9.2.13 The principal sources of data on the use of terrestrial habitats by golden plover in Thanet are:

- The English Nature Research Report No. 569 (numbers and distribution of the wintering golden plover population in and around the Thanet Coast & Sandwich Bay SPA 2002/2003; EN (2004));
- Ad hoc surveys and records, including Kent Ornithological Society sightings data (online, accessed June 2017) and surveys reported for the Richborough Grid Connection project (National Grid (2016)); and
- Surveys of the allocation sites, completed in early 2016 and repeated in 2016 / 2017 (Sutherland, 2016).

9.2.14 Determining the numbers of golden plover that are associated with the SPA and potentially exposed to the effects of the Local Plan is not simple and is complicated somewhat by the likelihood that golden plover will be removed as a feature of this SPA following the 2016 SPA Review.

9.2.15 Currently, the SPA citation indicates that the site supports 0.2% of the GB population (a 5-year peak mean 1991/92-1995/96 of 411 birds), although the original citation noted a 5-year peak mean of 1,980 birds. Having said that, the Wetland Bird Survey (WeBS; BTO (2016)) data (Table 6.1) show that larger aggregations have been recorded in the Pegwell Bay and the Thanet Coast count areas, although their distributions do not coincide exactly with the SPA or Ramsar site boundaries. In addition, ad hoc records (see “known important areas” below) show that large aggregations do occur (including in areas not covered by the WeBS). Inland aggregations of some birds, including golden plover, are known to be under-recorded by the WeBS.

9.2.16 When considering thresholds for significance, 1% of the relevant population is typically used; so, for golden plover, the threshold for designation as an international site is 4,000 birds, based on the currently estimated UK population of golden plover of 400,000 (Stroud *et al.* 2016). This 1% value is often used for HRAs of projects – so a project likely to affect 1% of a SPA’s population of a species could potentially have a significant effect (in HRA terms). As the population of golden plover associated with the SPA is uncertain, it is appropriate to use the current WeBS 5 year peak mean for Pegwell Bay and Thanet Coast (around 3370 birds if combined) and the GB population (400,000) to provide guidance on appropriate thresholds. On this basis, aggregations of 34 – 40 birds (i.e. 1% of the 5 year peak mean and 0.1% of the threshold for SPA designation) would be potentially notable, such that significant effects could potentially occur.

Known important areas and allocation sites

9.2.17 Historically, golden plover has roosted in large numbers (+10,000 birds) at low tide on the intertidal mudflats of Pegwell Bay, with Musgrove *et al.* (2003) indicating that golden plover were largely confined to the area by the outflow of the Great Stour. Other datasets identify areas outside Pegwell Bay itself where potentially notable numbers of golden plover have been recorded:

- English Nature (2004): the largest aggregations of golden plover identified in this report are largely outside Thanet, in fields adjacent to Sandwich Bay; three sites that appear particularly important for golden plover are identified and recommended for inclusion in the SPA (these either form part of the Ramsar site or are immediately adjacent to the SPA). In addition, the fields around Reculver periodically support aggregations of golden plover.
- Kent Ornithological Society (KOS) have several records from the last eight years where peak counts of golden plover exceed 100 birds at sites in Thanet, most notably from:
 1. Pegwell Bay (peak count of 1600 from November 2010); and
 2. The fields and marshes between Reculver and Birchington (several hundred birds recorded in most years).

9.2.18 Areas immediately outside of these ‘core areas’ appear to be used periodically or on an opportunistic basis, including: the fields between Westwood and Kingsgate; Minster Marshes, southeast of Minster; and around Cliffsend north of the A299. The development is located north of A299, although the ECUS 2021/2022 and currently ongoing 2022/2023 wintering bird surveys of the proposed development Site have recorded no SPA species, indicating it is not functionally linked habitat to the SPA.

9.2.19 The TDC 2018 review did find historic records of periodic and opportunistic use of the development Site by golden plover (see **Appendix 2**). However, as the two seasons of wintering bird surveys (ECUS 2021-2023) found the arable field allocated for the development had no crop rotation suitable to golden plover and recorded no individual golden plover (or any other SPA interest species), the report concluded that the Site offered no functionally linking habitat to the SPA. Therefore, the loss of the arable field and the increase of recreational activity at the Site will have no significant effects (alone) on golden plover, based on the wider availability of habitats, the relatively localised effects of the allocations and the measures incorporated within the Local Plan.

9.2.20 Regarding ‘in combination’ effects, particularly with allocations from adjacent authorities, it is evident that TDC has managed its impacts on the identified core golden plover areas within its control as far as it is able and that its effects on the species’ population associated with the SPA

(which also use the Canterbury City or Dover District areas) are nominal. There are a few allocations within these neighbouring authorities that could affect the non-SPA core areas that have been identified, although mitigation measures incorporated into development and DDC plans will minimise the effects of this and on this basis significant ‘in combination’ effects are not anticipated.

Little Tern

The potential effects of the development on little tern are difficult to quantify, particularly considering the current absence of the species despite there being apparently suitable conditions for breeding within the bay. In the absence of future management or control measures it is unlikely that favourable conditions for breeding little tern would be maintained. However, the relatively discrete distribution of little tern at the Site ensures that any potential disturbance due to recreation can be managed. The SAMM can be relied on to help ensure that favourable conditions in the form of green space are constructed and maintained. Furthermore, the ECUS 2021/2022 and ongoing 2022/2023 wintering bird surveys recorded no SPA species on the development site indicating it is not functionally linked habitat to the SPA. On this basis, the plan would have no significant effect on the little tern interest feature.

9.3 Conclusion

- 9.3.1 The wide-scale and regional nature of recreational pressures means that the possibility of associated significant effects cannot be completely excluded based on either the available data for the European sites, site specific surveys, or through the use of allocation-specific avoidance or mitigation measures (e.g. greenspace provision). In the Local Plan, TDC has therefore included policy commitments to the Thanet Coast Strategic Access Management and Monitoring Plan (SAMM). The SAMM will include measures that have been successfully employed for other European sites and this plan-level mitigation measure is therefore both achievable and likely to be effective and so can be relied on to ensure that proposals coming forward under the Local Plan either avoid affecting the designated sites entirely (no significant effect) or will not adversely affect site integrity where potential effect pathways remain.
- 9.3.2 Furthermore our conclusion is supported by Natural England that based on the plans submitted, Natural England considered that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes, (Appendix 3), which is stated in a letter received on the 17 November 2022 (NE ref: 412425).
- 9.3.3 At the time of writing, Monson Homes Ltd have agreed to a proposed SAMM contribution, although the exact figure is yet to be confirmed.

10. References

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Appendix 1: Map of the Designated Sites centred around the Proposed Development Site

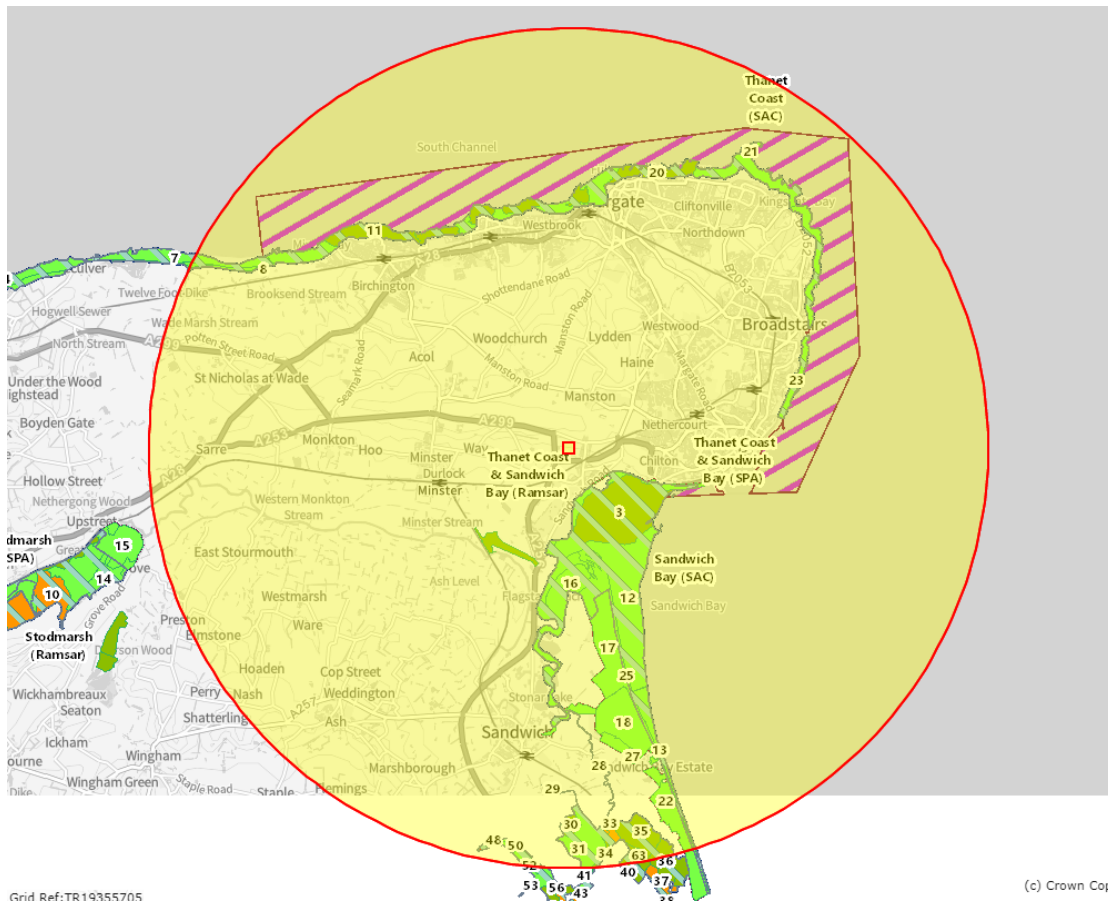


Figure 1: Red Square indicates the Site.

Appendix 2: Non-SPA used by Golden Plover

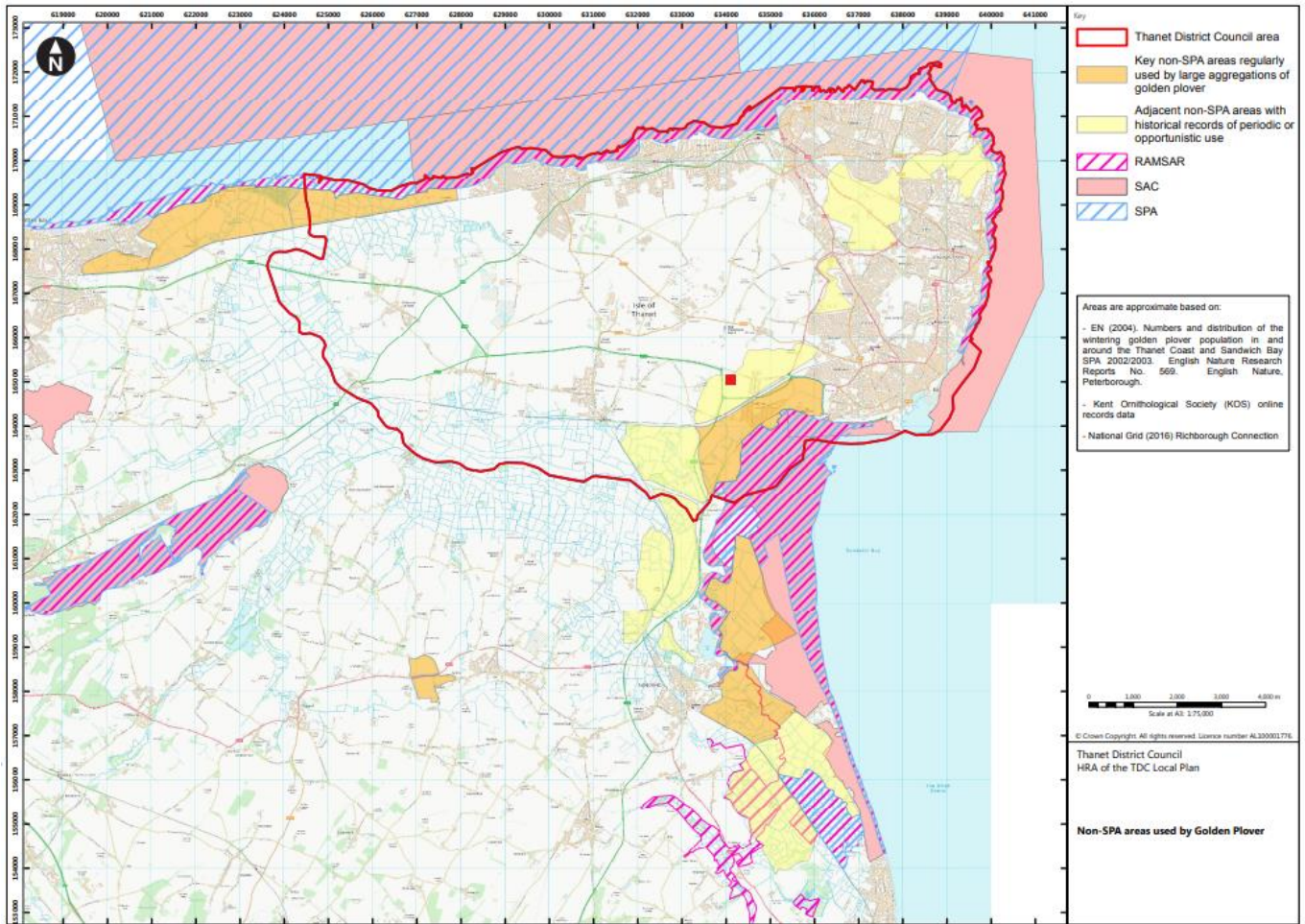


Figure 2: Map used from the TDC HRA 2018

Appendix 3: Natural England Planning Consultation

Date: 13 July 2022
Our ref: 396260
Your ref: F/TH/21/1671



Thanet District Council
9 Cecil Street
Margate
CT9 1XZ

Customer Services
Hombear House
Crewe Business Park
Electra Way
Crewe
Cheshire
CW1 6GJ

BY EMAIL ONLY

T 0300 060 3900

Dear Sir/Madam,

Planning consultation: Wintering Bird Survey: Erection of 145 dwellings, with open space, landscaping, access and associated infrastructure

Location: Land off Canterbury Road West, Ramsgate CT12 5DU

Thank you for your consultation on the above dated 09 June 2022 which was received by Natural England on the same date.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

SUMMARY OF NATURAL ENGLAND'S ADVICE

FURTHER INFORMATION REQUIRED TO DETERMINE IMPACTS ON DESIGNATED SITES

As submitted, the application could have potential significant effects on Thanet Coast and Sandwich Bay Special Protection Area (SPA). Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation.

The following information is required:

- Further consideration as to whether the proposed development site is likely to support the qualifying features of the Thanet Coast and Sandwich Bay SPA, and is therefore Functionally Linked Land.
- Consideration of potential Functionally Linked Land as part of a Habitats Regulations Assessment.

Without this information, Natural England may need to object to the proposal.

Please re-consult Natural England once this information has been obtained.

Natural England's further advice on designated sites/landscapes and advice on other issues is set out below.

Additional Information required

Date: 17 November 2022
Our ref: 412425
Your ref: F/TH/21/1671



Ms E Fibbens
Thanet District Council
P O Box 9
Cecil Street
Margate
Kent CT9 1XZ

Hornbeam House
Crewe Business Park
Electra Way
Crewe
Cheshire
CW1 6GJ

T 0300 060 3900

BY EMAIL ONLY
planning.services@thanet.gov.uk

Dear Ms Fibbens,

Planning consultation: Erection of 141 dwellings, with open space, landscaping, access and associated infrastructure.

Location: Land South Of, Canterbury Road West, RAMSGATE, Kent

Thank you for your consultation on the above dated 02 November 2022 which was received by Natural England on the same date.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

SUMMARY OF NATURAL ENGLAND'S ADVICE

NO OBJECTION

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

Natural England's generic advice on other natural environment issues is set out at Annex A.

European sites

Based on the plans submitted, Natural England considers that the proposed development will not have likely significant effects on statutorily protected sites and has no objection to the proposed development. To meet the requirements of the Habitats Regulations, we advise you to record your decision that a likely significant effect can be ruled out.

Sites of Special Scientific Interest Impact Risk Zones

The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires local planning authorities to consult Natural England on "Development in or likely to affect a Site of Special Scientific Interest" (Schedule 4, w). Our SSSI Impact Risk Zones are a GIS dataset designed to be used during the planning application validation process to help local planning authorities decide when to consult Natural England on developments likely to affect a SSSI. The dataset and user guidance can be accessed from the data.gov.uk website

Further general advice on the consideration of protected species and other natural environment issues is provided at Annex A.

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us.

For any queries regarding this letter, for new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

Yours sincerely,

Mrs Sally Ireland
Consultations Team

Appendix 4: Kent County Council Ecological Advice Service response



ECOLOGICAL ADVICE SERVICE

TO: Emma Fibbens
FROM: Luke Wallace
DATE: 24 June 2022
SUBJECT: F/TH/21/1671 / Land S Of Canterbury Road West, Ramsgate

The following is provided by Kent County Council's Ecological Advice Service (EAS) for Local Planning Authorities. It is independent, professional advice and is not a comment/position on the application from the County Council. It is intended to advise the relevant planning officer(s) on the potential ecological impacts of the planning application; and whether sufficient and appropriate ecological information has been provided to assist in its determination. Any additional information, queries or comments on this advice that the applicant or other interested parties may have must be directed in every instance to the Planning Officer, who will seek input from the EAS where appropriate and necessary.

We have reviewed the submitted wintering bird survey (including scrutinisation of the methodology and restraints) and concur with the conclusion, i.e., "The bird assemblages recorded on Site during the WBS visits do not match species assemblages known within the Thanet Coast and Sandwich Bay SPA. The qualifying features of this SPA include internationally important wildfowl assemblages, none of which were seen utilising the Site habitats".

As none of the species listed within the qualifying features were documented on-site, we take the view that the site is not functionally-linked to the Thanet Coast and Sandwich Bay SPA. However, it is important to note that works for the approved development immediately to the north were carried out during the time of the surveys, and this is likely to increase the chances that wintering birds would have been absent for the survey period.

We advise that the development must still account for the putative increase in recreational pressure via the SAMMS and that comments in our previous advice note (13th December 2021) remain valid.

Luke Wallace
Biodiversity Officer

This response was submitted following consideration of the following documents:
Wintering Bird Survey. Ecus. May 2022.

