



Stage 1 HRA Screening and Stage 2 Appropriate Assessment

Proposed Boat Landing Platform at the Port of Ramsgate **Vattenfall Wind Power Ltd**

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1.0 Introduction and Approach

1.1 Commission

1.1.1 In January 2024 Enzygo Ltd was commissioned by Vattenfall Wind Power Ltd (the client) to update the Habitat Regulations Assessment (HRA) Stage 1 Screening and Stage 2 Appropriate Assessment Report for a new application for the erection of a fixed boat landing platform ('the proposed development') at the Port of Ramsgate, Royal Harbour Approach, Ramsgate, Kent, CT11 9FT (central grid reference TR 37991 64205) (thereafter referred to as 'the site'). The proposed location of the fixed boat landing platform has been slightly modified to that granted planning permission under application Ref: F/TH/0953 in December 2023, and accordingly a new application have been prepared.

1.2 Development Details

1.2.1 The study will inform proposals for a fixed landing platform which will be situated adjacent to the dock, located approximately 65m south of Vattenfall's existing office buildings and car parking area, within the harbour area of the Port of Ramsgate. A new boat landing platform is urgently required to provide safe access to loading facilities to and from vessels for the operation and maintenance crew, technicians, and equipment to service the Kentish Flats (90MW), Kentish Flats Extension (49.5MW), and Thanet Offshore (300MW) Wind Farms.

1.2.2 Following the grant of planning permission in December 2023 an operational review of the proposed platform has confirmed that the optimum position of the platform should be amended approximately 35m southwest to the consented structure. The slight amendment to the location will future proof the operational use of the facility, and so minimise, the need for any additional landing platforms in the future. It will also ensure the platform is in the optimum position for the intended shared use between Vattenfall and London Array for the efficient maintenance of the offshore wind farms. This realignment of the platform will enable vessels approaching and leaving the platform to do so without having to cross in front of each other. The shared option of the platform in this location will meet the needs now and in the immediate future of both parties and reduce the need for additional changes and costs by either party going forward in respect of the maintenance of their offshore wind assets.

1.2.3 The proposed boat landing **is unchanged** from the consented structure and so is modest scale and will again consist of 15 steel tubular columns which will be piled into the harbour floor. A simple deck structure will be situated onto the columns being 11.5m at its widest point with a depth of 22m, therefore the total area of the platform is circa 250m². A simple footway will link the platform to the harbourside for access of maintenance crew. The support columns will be configured in a 5x3 grid with the offshore outside piles having an access ladder to allow employees easy access to support vessels.

1.2.4 Piling is anticipated to result in noise and vibration impacts, and the construction phase presents the risk of pollution/run-off impacts which are considered in this assessment. No significant increase in operational activities at the port is anticipated as a result of the proposed based on the existing levels and nature of port activity. Existing road access and services are to be utilised to serve the proposed development. It is assumed no additional site compound or works area outside of the redline boundary is required to enable the proposals.

1.2.5 Refer to Appendix A for a plan of the site boundary and proposals.

1.3 Identification of Likely Significant Effects

- 1.3.1 This study will consider whether there are any ‘likely significant effects’ of the development proposals on any statutory designated sites for nature conservation, and their associated ecological features.
- 1.3.2 If a ‘likely significant effect’ or implications on a site’s conservation objectives is identified then an Appropriate Assessment will be undertaken to demonstrate and ascertain that the proposal will not adversely affect the integrity of the site through the incorporation of appropriate avoidance, mitigation or compensation measures. Failing that, Stage 3 Assessment of Alternatives would then need to be considered.
- 1.3.3 It is our understanding that in accordance with standing guidance from the Planning Inspectorate (Inspectorate, 2013) the statutory consultee are to undertake the actual HRA assessment and make a determination using the supplied information and following consultation with third parties as necessary. Additionally, that any relevant recent case law, such as “*People over Wind*” will be taken into consideration.

1.4 Aims and Objectives

- 1.4.1 This report provides information in support of Stage 1 of the Habitat Regulations Assessment process, which represents the screening stage, and Stage 2 for Appropriate Assessment. The objective of these stages is to determine whether the project is likely to have a significant effect on the interest features of the designated sites, either alone or in-combination with other projects, and if appropriate measures can be incorporated to negate any identified impacts.
- 1.4.2 The aim of this report and of Stage 1 and 2 of the HRA is to provide sufficient information for the competent authority to determine whether further considerations are required for any potential implications on the designated site’s conservation objectives, which may subsequently lead to Stage 3 (assessment of alternative solutions) and Stage 4 (assessment of IROPI (imperative reasons of overriding public interest)).
- 1.4.3 To determine whether there will be ‘likely significant effects’ the objectives of this assessment are to:
- Identify all European Sites with the potential to be affected by the development proposals, by establishing a potential zone of influence considering the scale and nature of the proposals;
 - A review of each identified site within this potential zone of influence, including outlining the features for which the site is designated, the current conservation status and objectives of the site, and details of threats to these features;
 - Consider any other projects or plans in the surrounding area which may result in in-combination impacts on the designated sites; and
 - Where potential impacts are identified, consideration of suitable mitigation measures to avoid/mitigate/compensate potential impacts.
- 1.4.4 Although suitable mitigation measures are considered, where required, the recent ‘*People Over Wind*’ case ruling has been considered. In summary, this ruling states the mitigation measures cannot be taken into account when considering the Stage 1 screening test for ‘likely significant effects,’ whereas it was previously standard practice that projects could incorporate suitable

mitigation measures at this stage and which often prevented the need for projects to progress to full Stage 2 appropriate assessment.

1.4.5 In addition, the recent High Court judgement “*R (on the Application of Preston) v Cumbria County Council [2019] EWCA 1362*” has also been considered. In summary this judgement confirms that the competent authority carrying out an HRA for a project must undertake its own appropriate assessment on matters even if they are separately assessed or controlled by another competent authority (e.g. the Environment Agency). The Competent Authority must satisfy their own HRA duties in conducting their own assessment and providing their own judgement (albeit informed where appropriate by other bodies, such as the EA).

1.4.6 In accordance with standing guidance (Inspectorate, 2013) at Stage 1 of the HRA, for each European Site considered it will be concluded from the baseline information and consultation responses received that either:

- *There are no likely significant effects on the European site(s), either alone or in combination with other plans or projects and therefore no further assessment is required; or*
- *Likely significant effects on the European site(s) exist, alone or in combination with other plans or projects, therefore requiring an appropriate assessment by the competent authority.*

1.4.7 Additionally, nationally designated sites (e.g. SSSIs) have also been considered where they form an integral part of a wider European designation.

1.4.8 This report has been produced with reference to the Nature England Habitat Regulations Assessment Standard (Natural England, 2017).

1.5 Background/Acknowledgments

Extant Planning Permission

1.5.1 Thanet District Council in December 2023 granted planning permission, for the “*Erection of a Fixed Boat Landing Platform*” (planning reference F/TH/23/0953). Per-application engagement with Thanet DC was undertaken and in respect of biodiversity and nature conservation, the pre-application response (dated 29th March 2023) stated “*the site is located in close proximity to a number of protected areas including the Sandwich Bay Special Area of Conservation (SAC), Thanet Coast SAC, Sandwich Bay to Hackling Marshes Site of Special Scientific Interest (SSSI) and Thanet Coast and Sandwich Bay Ramsar*” and “*a construction management plan would need to provide a detailed schedule of works and measures to avoid any significant impacts upon nearby protected sites. The bird overwintering period is October to March inclusive and therefore any works that create significant noise or vibration would need to be completed outside of this period.*”

1.5.2 A Construction Environmental Management Plan (CEMP) (Enzygo, 2023a) was submitted to support planning permission F/TH/23/0953 which was deemed robust and appropriate and was duly conditioned under Condition 3 when the planning permission was issued.

New Application

1.5.3 Due to the requirement that the location of the platform is to be amended slightly to the south (circa 50m) a new application has been prepared and an Updated Habitats Regulation Assessment (this document) and CEMP has been submitted in support of the application.

- 1.5.4 The CEMP again includes measures to be implemented to minimise potential impacts on the wider environment and biodiversity features, including in relation to wintering and breeding birds, best practice pollution prevention measures, sensitive lighting and invasive species. This CEMP document and supporting technical assessment and design proposals (see Section 2.3 below) have been reviewed and details used to inform the scope of assessment presented in this report.
- 1.5.5 An amendment to the existing Marine Maritime Organisation (MMO) licence is also being progressed by Vattenfall Wind Power Ltd to reflect the minor amendment to the positioning of the proposed fixed boat landing platform. The original MMO was supported by a Supplementary Information document (Natural Power, 2023) and which contains a detailed Stage 1 Habitat Regulations Assessment and Stage 2 Appropriate Assessment. This includes an assessment of Likely Significant Effects (LSEs) of the proposals both for this project alone and in-combination with other projects in the area. This document provides important background information which has been reviewed and referred to throughout the assessment made in this report. This document is submitted in support of this application as the findings are still sound as the location of the platform is still within Ramsgate Harbour and located in very close proximity to the consented fixed boat platform.
- 1.5.6 This approach provides the necessary information at the point of submission to fully address the potential consultee comments (as received for the previous application) from Natural England and Kent County Council Ecological Advice Service.
- 1.5.7 The Natural England response stated that insufficient information was initially provided and recommend further information be provided in relation to assessment of impacts and proposed mitigation regarding nearby European nature conservation sites to fulfil requirements in relation to the Conservation of Habitats & Species Regulations 2017 (as amended). To satisfy this request, Natural England recommend the above described MMO HRA information (Natural Power, 2023). This was duly completed which resulted in the holding objection being removed and planning permission duly being granted in December 2023. A number of ecological related conditions were attached to planning permission Ref F/TH/23/0953 including the development being carried out in accordance with the Construction Environmental Management Plan, no piling work in respect of construction shall be completed during the bird overwintering period (September to March inclusive), Prior to works commencing on site, a pre-commencement breeding bird survey must be carried and a Marine Mammal Observer shall oversee the development in accordance with the details included within the Construction Environmental Management Plan. We can confirm that the applicant is willing to accept the same conditions for this application and with the appropriate background information and Habitats Regulation Assessment being submitted in support of the application it is considered the potential ecological impacts have been duly considered and mitigated where appropriate to enable a consultee response to be received from Natural England which can support the application.
- 1.5.8 In respect of Kent County Council Ecological Advice Service the previous consultee response recommended that the ecological assessment which informed the MMO licence (i.e. the above-described MMO HRA information (Natural Power, 2023)) was submitted in addition to a Shadow HRA. However, we do note that in the consultation response (dated 14th September 2023) it states *“we have commented on a number of applications within the Ramsgate Harbour area and we are confident that appropriate information to assess the impact of the proposal can be provided.”* Again, following re-consultation Kent County Council Ecological Advice Service were content with the information supported and subject to appropriate conditions that the application was acceptable. As per paragraph 1.5.7 we can confirm that the applicant is willing to accept the same conditions for this application and with the appropriate background

information now submitted in support of the application it is considered ecological matters have been suitably addressed.

1.1 Site Context

1.1.1 The application site measures approximately 0.08 hectares and is located within the Port of Ramsgate, in the district of Thanet, Kent. The proposed boat landing platform will be situated adjacent to the dock, located approximately 50m south of Vattenfall's existing office buildings and car parking area. Please refer to Figure 1 to identify the indicative position of the proposed fixed boat platform (red line) compared to the consented location under application Ref: F/TH/23/0953 (yellow line)

Figure 1 – Site Location Aerial Photograph



(Image © 2024 Digital Globe taken from submitted Flood Risk Assessment)

2.0 Baseline Information

2.1 Identification of European Sites

2.1.1 The European Sites which are within an expected zone of influence of the proposed development have been identified following the review of the MMO HRA information (Natural Power, 2023) and the consultee responses provided in September 2023 by Natural England and Kent County Council Ecological Advice Service consultation responses in respect of application F/TH/23/0953, and using information from MAGIC the online mapping source (DEFRA, 2023).

2.1.2 Considering the scale and nature of the proposals, it has been determined the assessment is to include those European designated sites for nature conservation highlighted by Natural England and Kent County Council Ecological Advice Service within close proximity to the site. Considering the scale and nature of the proposals it has been determined that considering a set radius of zone of influence from the development is not appropriate in this instance (e.g. a 5km, 10km or 15km radius).

Figure 2 – Proposed Development and Designated Sites within an expected zone of influence

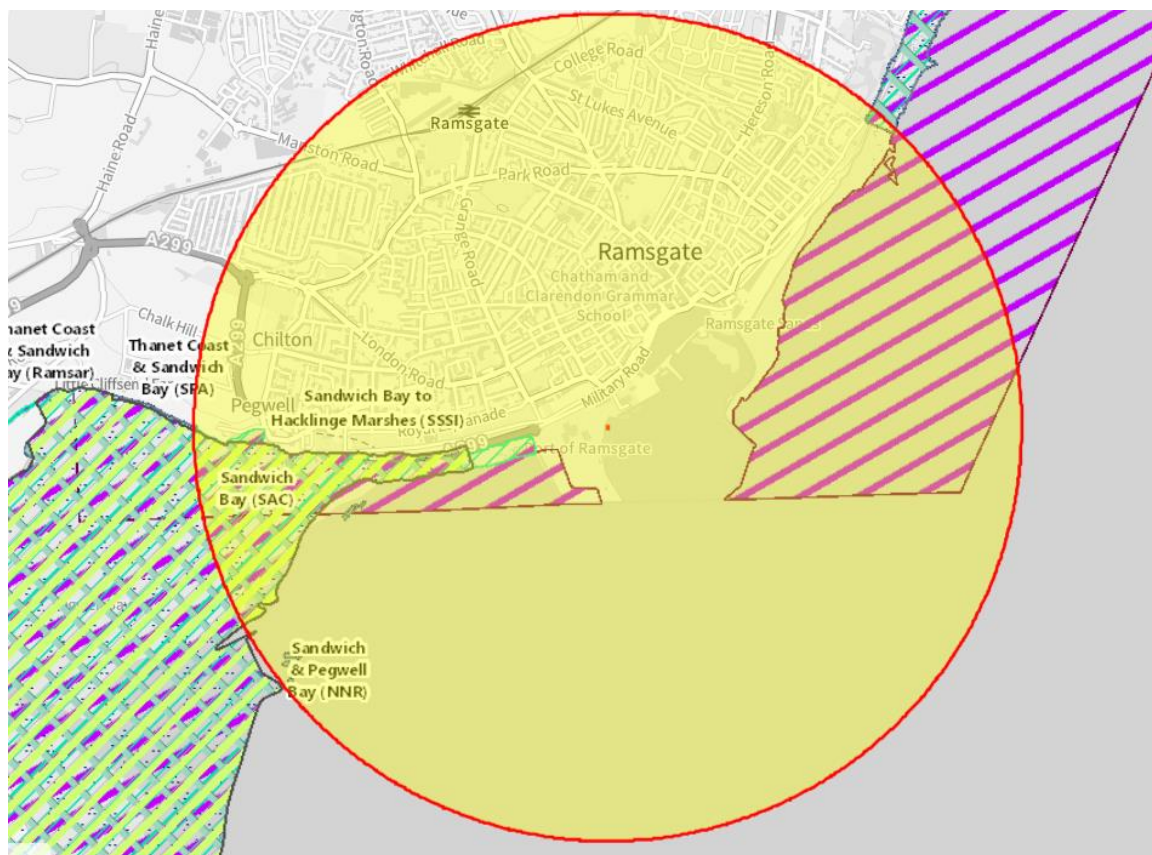


Image from Magic Map (DEFRA, 2023) accessed on 25th January 2024 . Indicates the site and a 2km radius in relation to the identified pertinent nature conservation sites.

2.1.3 In addition, as a matter of government policy (Natural England, 2017), where present, potential SPAs and candidate and proposed SACs and their features are treated as if they are formally classified and therefore the provisions of the Habitat Regulations apply to them.

2.1.4 Under the Conservation of Habitats and Species Regulations 2017 it is the duty of the statutory nature conservation body to provide conservation objectives for a European designated site to

the relevant competent authority responsible for that site, including details and advice on any operations which may cause deterioration of the features for which that site is designated.

2.1.5 As a result, in this case, conservation objectives are set by Natural England to ensure that the obligations of the Habitats Regulations are met, particularly to ensure that there should be no deterioration or significant disturbance of the qualifying features from their condition at the time the status of the site was formally identified. The conservation objectives are also essential in determining whether the effects of a plan or project are likely to have a significant effect on the qualifying interests of the site.

2.1.6 Information on the conservation objectives and sensitives of the identified sites have been gathered through reviewing the relevant Joint Nature Conservation Committee data sheets (JNCC, 2023) and available information through the Natural England website (Natural England, 2023). Where necessary to inform the assessment of likely significant impacts the detailed Supplementary Advice on the Conservation Objectives as available through the Natural England website (Natural England, 2023) have been reviewed in detail.

2.2 Identifying Projects for In-Combination Affects Assessment

2.2.1 In addition to an assessment of likely significant effects of the project ‘alone’ on the European Sites, it is also necessary to consider addition projects in the local area which may result in likely significant effects ‘in-combination’ with the application site whilst relating this to existing background levels/conditions.

2.2.2 Information on pertinent projects in the local area has been acquired through reviewing the September 2023 consultation responses and MMO HRA information (Natural Power, 2023), and consideration of the separate technical assessments (see Section 2.3 below). In this instance, no additional pertinent projects have been flagged by Thanet District Council to be included in this assessment.

2.3 Supporting Technical Information/Evidence

2.3.1 The following supporting information has been reviewed to inform the assessments made within this report:

- The Port of Ramsgate - Boat Landing - Supplementary Information (Natural Power, 2023).
- Construction Environment Management Plan (Enzygo, 2023a).
- NPPF: Flood Risk Assessment (Enzygo, 2023b).
- Natural England consultation response dated 12th September 2023 in respect of application F/TH/23/0953.
- Kent County Council Ecological Advice Service consultation response dated 15th September 2023 in respect of application F/TH/23/0953.

3.0 Designated Sites Details

Table 1 – Designated Sites and Qualifying Features

Designated Site	Qualifying Features	Conservation Objectives	Existing Threats and Pressures (as identified by JNCC)
<p>Thanet Coast Special Area of Conservation (SAC) 280m South-west and 550m East</p> <p><i>And overlapping Sandwich Bay to Hacklinge Marshes Site of Special Scientific Interest (SSSI) 380m West</i></p>	<p>Annex I habitats that are a primary reason for selection of this site:</p> <ul style="list-style-type: none"> - Reefs - Submerged or partially submerged sea caves 	<p>With regard to the SAC and the natural habitats and/or species for which the site has been designated (the 'Qualifying Features'), and subject to natural change; 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;</p> <ul style="list-style-type: none"> - The extent and distribution of qualifying natural habitats - The structure and function (including typical species) of qualifying natural habitats, and - The supporting processes on which qualifying natural habitats rely 	<p><u>Negative Impacts</u></p> <ul style="list-style-type: none"> - Invasive non-native species (both inside and outside the SAC) - Pollution to groundwater (point sources and diffuse sources) (both inside and outside the SAC) - Outdoor sports and leisure activities, recreational activities (inside the SAC) - Human induced changes in hydraulic conditions (both inside and outside the SAC) - Changes in biotic conditions (both inside and outside the SAC)
<p>Thanet Coast and Sandwich Bay Special Protection Area (SPA) 700m West</p> <p><i>And overlapping Sandwich Bay to Hacklinge Marshes Site of Special Scientific Interest (SSSI) 380m West</i></p>	<p>Site qualifies under Article 4.1 of the Directive by supporting a nationally important population of the following species in the given season:</p> <ul style="list-style-type: none"> - Little Tern (breeding) - Golden Plover (wintering) <p>Site qualifies under Article 4.2 of the Directive as it supports an internationally important population of the following species in the given season:</p> <ul style="list-style-type: none"> - Turnstone (wintering) 	<p>With regard to the SPA and the individual species and/or assemblage of species for which the site has been classified (the 'Qualifying Features' listed below), and subject to natural change; Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the aims of the Wild Birds Directive, by maintaining or restoring;</p> <ul style="list-style-type: none"> - 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. 	<p><u>Negative Impacts</u></p> <ul style="list-style-type: none"> - Invasive non-native species (both inside and outside the SPA) - Pollution to groundwater (point sources and diffuse sources) (both inside and outside the SPA) - Outdoor sports and leisure activities, recreational activities (inside the SPA) - Human induced changes in hydraulic conditions (both inside and outside the SPA) - Changes in biotic conditions (both inside and outside the SPA) <p><u>Positive Impacts</u></p> <ul style="list-style-type: none"> - Grazing (inside the SPA) - Improved access to site (inside the SPA) - Modification of cultivation practices (inside the SPA)
<p>Thanet Coast and Sandwich Bay Ramsar 700m West</p> <p><i>And overlapping Sandwich Bay to Hacklinge Marshes Site of Special Scientific Interest (SSSI) 380m West</i></p>	<p>Site qualifies in respect of the following Ramsar Criterion:</p> <ul style="list-style-type: none"> - Criterion 2 - supports vulnerable, endangered, or critically endangered species or threatened ecological communities. Supports 15 British Red Data Book wetland invertebrates - Criterion 6 - supports 1% of the individuals in a population of one species or subspecies of waterbird. Ruddy turnstone (wintering) 	<p>For Ramsar sites conservation objectives are not set. However, objectives for the assessment have been established from those of the corresponding overlapping SAC and SPA (see above).</p>	<p><u>Negative Impacts</u></p> <ul style="list-style-type: none"> - Vegetation succession (inside the Ramsar) – Major Impact - Water diversion for irrigation/domestic/industrial use (both inside and outside the Ramsar) – Major Impact - Eutrophication (both inside and outside the Ramsar) – Major Impact - Pollution – pesticides/agricultural runoff (both inside and outside the Ramsar) – Major Impact - Recreational/tourism disturbance (unspecified) (inside the Ramsar) – Major Impact - Unspecified development: urban use (inside the Ramsar) – Major Impact

4.0 Stage 1 Screening of Likely Significant Effects

Table 2 – Screening Assessment of Likely Significant Effects (Stage 1)

Designated Site	Qualifying Feature	Potential Impacts/Effect to Qualifying Feature	Summary/Assessment of Supporting Evidence	Likely Significant Effect
Thanet Coast SAC and overlapping SSSI	Reefs	Risk of physical disturbance and damage during the construction phase , resulting in a direct impact on qualifying habitats.	As reported in the MMO licence Supplementary Information (Natural Power, 2023), potential direct impacts on reef habitat is discounted as the “nearest reef feature is intertidal rock which is located 400 m to the west of the proposed activity, followed by infralittoral rock and circalittoral rock which is located > 600 m to the east of the proposed”. Any disturbance to the seabed will be negligible and far less than normal levels of disturbance within the port. In addition, the MMO licence Supplementary Information (Natural Power, 2023) provides assessment that due to the scale of the works and location of sensitive qualifying habitats distant to the site, that no potential impacts from other disturbance pathways such as underwater noise or visual disturbance, or creation of physical barriers.	None
		Potential run-off pollution during construction causing degradation of qualifying habitats through changes in water chemistry and processes which may impact on habitat integrity.	In the absence of mitigation, the construction phase may lead to pollution of the water environment through spillages and run-off from the construction site. However, as the nearest reef feature is 400m from the site boundary, the risk of any notable impact is considered significantly minor.	Yes
		Risk of degradation through increase in sediment during the construction phase, leading to increased siltation/smothering of qualifying feature.	It is likely that suspended sediment will be produced during the installation of the boat landing, particularly during the installation of the piles. However, considering the location of the nearest area of reef, the temporary nature of the works, existing regular levels of disturbance from port activities, and recognising the contained and sheltered nature of the port in which the works area proposed, it is assessed there is no risk of increase in suspended sediment leading to any impacts from smothering, siltation or changes in water clarity. This assessment is supported by assessment presented within the MMO licence Supplementary Information (Natural Power, 2023).	None
		Potential degradation from increased artificial lighting from construction and operation of the site affecting the habitat processes and nutrient levels	Due to the distance to closest area of reef (i.e. 400m from the site), and existing artificial lighting around the port, there is no identified risk of any increase in artificial lighting during the construction or operation of the site leading to degradation of reef habitat through changes in amount of light received by the habitat. Notwithstanding this assessment, the CEMP (Enzygo, 2023a) provides details of proposed sensitive lighting during the construction phase minimising the any risk even further.	None
	Submerged or partially submerged sea caves	Risk of physical disturbance and damage during the construction phase , resulting in a direct impact on qualifying habitats.	As reported in the MMO licence Supplementary Information (Natural Power, 2023), potential direct impacts on submerged or partially submerged sea caves habitat are discounted as the closest area of habitat lies 1.5 km from the proposed works. No routes/pathways for direct physical disturbance have been identified.	None
		Potential run-off pollution during construction causing degradation of qualifying habitats through changes in water chemistry and processes which may impact on habitat integrity.	In the absence of mitigation, the construction phase may lead to pollution of the water environment through spillages and run-off from the construction site. However, as the nearest submerged or partially submerged sea caves habitat feature is 1.5km from the site boundary, the risk of any notable impact is considered significantly minor.	Yes
		Risk of degradation through increase in sediment during the construction phase, leading to increased siltation/smothering of qualifying feature.	It is likely that suspended sediment will be produced during the installation of the boat landing, particularly during the installation of the piles. However, considering the location of the nearest area of submerged or partially submerged sea caves habitat, the temporary nature of the works, existing regular levels of disturbance from port activities, and recognising the contained and sheltered nature of the port in which the works area proposed, it is assessed there is no risk of increase in suspended sediment leading to any impacts from smothering, siltation or changes in water clarity. This assessment is supported by assessment presented within the MMO licence Supplementary Information (Natural Power, 2023).	None
		Potential degradation from increased artificial lighting from construction and operation of the site affecting the habitat processes and nutrient levels	Due to the distance to closest area of submerged or partially submerged sea caves habitat (i.e. 1.5km from the site), and existing artificial lighting around the port, there is no identified risk of any increase in artificial lighting during the construction or operation of the site leading to degradation of reef habitat through changes in amount of light received by the habitat. Notwithstanding this assessment,	None

Designated Site	Qualifying Feature	Potential Impacts/Effect to Qualifying Feature	Summary/Assessment of Supporting Evidence	Likely Significant Effect
			the CEMP (Enzygo, 2023a) provides details of proposed sensitive lighting during the construction phase minimising the any risk even further.	
Thanet Coast and Sandwich Bay SPA and overlapping SSSI	Little Tern (breeding)	Risk of physical disturbance and damage of supporting habitat during the construction phase, resulting in an indirect impact on qualifying birds.	The works will require piling of the seabed and may result in increase in suspended sediment, however considering the localised and temporary nature of the works, enclosed and sheltered nature of the port, and distance to the SPA, any potential significant impact on bird supporting habitats is reasonably discounted.	None
		Potential noise/vibration and visual disturbance during construction period of breeding birds using the port as secondary habitat leading to changes in feeding and roosting behaviour, and overall reduced viability of breeding population.	The proposed works require a range of activities which may lead to minor increase in anthropogenic disturbance above those typical levels within the port. Specifically, in the absence of mitigation, the proposed piling activities have the potential to lead to notable increase in above and below water noise and vibration which may result in changes in seabird activity during the breeding season. It is considered that seabird populations will be habituated to anticipated noise and visual disturbance resulting from other construction activities, including from vehicles and people	Yes
		Potential increase in operational disturbance of species using the adjacent port as secondary habitat which may result in changes in feeding and roosting behaviour, increased energy expenditure and displacement which may reduce overall population fitness.	It is assessed the operation of the development will not result in a significant increase in disturbance above the existing levels. Birds will be habituated to general noise and visual disturbance from existing port activities and the proposed development will not lead to any significant increase in potential noise or activity (i.e. no predicted significant increase in the frequency, duration or intensity activities causing disturbance).	None
		Potential run-off pollution during construction causing degradation of habitat through changes in water processes which may have indirect impact on seabirds through changes in conditions at secondary habitat within the port.	In the absence of mitigation, the construction phase may lead to pollution of the water environment through spillages and run-off from the construction site. This may lead to an indirect impact on seabird populations through changes in water chemistry leading to changes in feeding/foraging conditions.	Yes
Golden Plover (wintering)		Risk of physical disturbance and damage of supporting habitat during the construction phase, resulting in an indirect impact on qualifying birds.	The works will require piling of the seabed and may result in increase in suspended sediment, however considering the localised and temporary nature of the works, enclosed and sheltered nature of the port, and distance to the SPA, any potential significant impact on bird supporting habitats is reasonably discounted.	None
		Potential noise/vibration and visual disturbance during construction period of wintering birds using the port as secondary habitat leading to changes in feeding and roosting behaviour, and overall reduced viability of the population.	The proposed works require a range of activities which may lead to minor increase in anthropogenic disturbance above those typical levels within the port. Specifically, in the absence of mitigation, the proposed piling activities have the potential to lead to notable increase in above and below water noise and vibration which may result in changes in bird activity during the winter season. It is considered that wintering bird populations will be habituated to anticipated noise and visual disturbance resulting from other construction activities, including from vehicles and people.	Yes
		Potential increase in operational disturbance of species using the adjacent port as secondary habitat which may result in changes in feeding and roosting behaviour, increased energy expenditure and displacement which may reduce overall population fitness.	It is assessed the operation of the development will not result in a significant increase in disturbance above the existing levels. Birds will be habituated to general noise and visual disturbance from existing port activities and the proposed development will not lead to any significant increase in potential noise or activity (i.e. no predicted significant increase in the frequency, duration or intensity activities causing disturbance).	None
		Potential run-off pollution during construction causing degradation of habitat through changes in water processes which may have indirect impact on birds through changes in conditions at secondary habitat within the port.	In the absence of mitigation, the construction phase may lead to pollution of the water environment through spillages and run-off from the construction site. This may lead to an indirect impact on seabird populations through changes in water chemistry leading to changes in feeding/foraging conditions.	Yes
Turnstone (wintering)		Risk of physical disturbance and damage of supporting habitat during the construction phase, resulting in an indirect impact on qualifying birds.	The works will require piling of the seabed and may result in increase in suspended sediment, however considering the localised and temporary nature of the works, enclosed and sheltered nature of the port, and distance to the SPA, any potential significant impact on bird supporting habitats is reasonably discounted.	None

Designated Site	Qualifying Feature	Potential Impacts/Effect to Qualifying Feature	Summary/Assessment of Supporting Evidence	Likely Significant Effect
		Potential noise/vibration and visual disturbance during construction period of wintering birds using the port as secondary habitat leading to changes in feeding and roosting behaviour, and overall reduced viability of the population.	The proposed works require a range of activities which may lead to minor increase in anthropogenic disturbance above those typical levels within the port. Specifically, in the absence of mitigation, the proposed piling activities have the potential to lead to notable increase in above and below water noise and vibration which may result in changes in bird activity during the winter season. It is considered that wintering bird populations will be habituated to anticipated noise and visual disturbance resulting from other construction activities, including from vehicles and people.	Yes
		Potential increase in operational disturbance of species using the adjacent port as secondary habitat which may result in changes in feeding and roosting behaviour, increased energy expenditure and displacement which may reduce overall population fitness.	It is assessed the operation of the development will not result in a significant increase in disturbance above the existing levels. Birds will be habituated to general noise and visual disturbance from existing port activities and the proposed development will not lead to any significant increase in potential noise or activity (i.e. no predicted significant increase in the frequency, duration or intensity activities causing disturbance).	None
		Potential run-off pollution during construction causing degradation of habitat through changes in water processes which may have indirect impact on birds through changes in conditions at secondary habitat within the port.	In the absence of mitigation, the construction phase may lead to pollution of the water environment through spillages and run-off from the construction site. This may lead to an indirect impact on seabird populations through changes in water chemistry leading to changes in feeding/foraging conditions.	Yes
Thanet Coast and Sandwich Bay Ramsar and overlapping SSSI	Criterion 2 – Supports 15 British Red Data Book wetland invertebrates	None	The proposals are not anticipated to lead to any potential impacts on maritime grassland, saltmarsh or grazing marsh which are noted as supporting a notable wetland invertebrate assemblage. No direct or indirect construction or operation impacts on this invertebrate assemblage have been identified. The MMO licence Supplementary Information (Natural Power, 2023) screens out potential impacts with this feature stated as “not relevant” in the screening assessment.	None
	Criterion 6 – Ruddy turnstone (wintering)	Risk of physical disturbance and damage of supporting habitat during the construction phase, resulting in an indirect impact on qualifying birds.	The works will require piling of the seabed and may result in increase in suspended sediment, however considering the localised and temporary nature of the works, enclosed and sheltered nature of the port, and distance to the SPA, any potential significant impact on bird supporting habitats is reasonably discounted.	None
		Potential noise/vibration and visual disturbance during construction period of wintering birds using the port as secondary habitat leading to changes in feeding and roosting behaviour, and overall reduced viability of the population.	The proposed works require a range of activities which may lead to minor increase in anthropogenic disturbance above those typical levels within the port. Specifically, in the absence of mitigation, the proposed piling activities have the potential to lead to notable increase in above and below water noise and vibration which may result in changes in bird activity during the winter season. It is considered that wintering bird populations will be habituated to anticipated noise and visual disturbance resulting from other construction activities, including from vehicles and people.	Yes
		Potential increase in operational disturbance of species using the adjacent port as secondary habitat which may result in changes in feeding and roosting behaviour, increased energy expenditure and displacement which may reduce overall population fitness.	It is assessed the operation of the development will not result in a significant increase in disturbance above the existing levels. Birds will be habituated to general noise and visual disturbance from existing port activities and the proposed development will not lead to any significant increase in potential noise or activity (i.e. no predicted significant increase in the frequency, duration or intensity activities causing disturbance).	None
		Potential run-off pollution during construction causing degradation of habitat through changes in water processes which may have indirect impact on birds through changes in conditions at secondary habitat within the port.	In the absence of mitigation, the construction phase may lead to pollution of the water environment through spillages and run-off from the construction site. This may lead to an indirect impact on seabird populations through changes in water chemistry leading to changes in feeding/foraging conditions.	Yes

5.0 Stage 2 Appropriate Assessment

Table 3 - Appropriate Assessment of significant effects and mitigation measures (Stage 2)

Designated Site	Qualifying Feature	Identification of potential Impacts/Effect to Qualifying Feature	Avoidance/mitigation/compensation measures	Residual Effect
Thanet Coast SAC and overlapping SSSI	Reefs	Potential run-off pollution during construction causing degradation of qualifying habitats through changes in water chemistry and processes which may impact on habitat integrity.	To minimise the risk of run-off pollution impacts on the wider water environment, the construction phase is to implement appropriate Environment Agency guidance (refer to updated 2019 Environment Agency guidance " Pollution prevention for businesses " Pollution prevention for businesses - GOV.UK (www.gov.uk)). This includes appropriate storage of chemicals, controlled refuelling of vehicles to dedicated areas, spill kits and protecting stockpiles of materials. Refer to the CEMP (Enzygo, 2023a) for further detail of the measures to be implemented.	None
	Submerged or partially submerged sea caves	Potential run-off pollution during construction causing degradation of qualifying habitats through changes in water chemistry and processes which may impact on habitat integrity.	As above, to minimise the risk of run-off pollution impacts on the wider water environment, the construction phase is to implement appropriate Environment Agency guidance (refer to updated 2019 Environment Agency guidance " Pollution prevention for businesses " Pollution prevention for businesses - GOV.UK (www.gov.uk)). This includes appropriate storage of chemicals, controlled refuelling of vehicles to dedicated areas, spill kits and protecting stockpiles of materials. Refer to the CEMP (Enzygo, 2023a) for further detail of the measures to be implemented.	None
Thanet Coast and Sandwich Bay SPA and overlapping SSSI	Little Tern (breeding)	Potential noise/vibration and visual disturbance during construction period of breeding birds using the port as secondary habitat leading to changes in feeding and roosting behaviour, and overall reduced viability of breeding population.	Vibro piling is to be used where possible (which produces lower peak source noise levels than percussive piling) and is likely to constitute the majority of the piling operations. This shall reduce potential impacts from noise and vibration on the surrounding environment and the activity of breeding bird populations in the area. In addition, as detailed in the CEMP (Enzygo, 2023a), a soft start method to the piling is to be implemented, whereby piling power is gradually increased incrementally, minimising noise and vibration disturbance on wildlife in the area. As it is considered unlikely the port provides core foraging habitat for Little Tern due to the high levels of existing activity and disturbance, these mitigation measures are considered sufficient to reduce any potential noise/vibration impacts on Little Tern to a negligible level.	None
		Potential run-off pollution during construction causing degradation of habitat through changes in water processes which may have indirect impact on seabirds through changes in conditions at secondary habitat within the port.	As above, to minimise the risk of run-off pollution impacts on the wider water environment, the construction phase is to implement appropriate Environment Agency guidance (refer to updated 2019 Environment Agency guidance " Pollution prevention for businesses " Pollution prevention for businesses - GOV.UK (www.gov.uk)). This includes appropriate storage of chemicals, controlled refuelling of vehicles to dedicated areas, spill kits and protecting stockpiles of materials. Refer to the CEMP (Enzygo, 2023a) for further detail of the measures to be implemented.	None
	Golden Plover (wintering)	Potential noise/vibration and visual disturbance during construction period of wintering birds using the port as secondary habitat leading to changes in feeding and roosting behaviour, and overall reduced viability of the population.	As above, to minimise the risk of disturbance of wintering bird species, that the project programme has been designed such that the most potentially disturbing works (such as ground clearance, piling etc.) is to be conducted outside of the October to March period in order to avoid the core overwintering period. Vibro piling is also proposed to be used where possible (which produces lower peak source noise levels than percussive piling) and is likely to constitute the majority of the piling operations. In addition, as detailed in the CEMP (Enzygo, 2023a), a soft start method to the piling is to be implemented, whereby piling power is gradually increased incrementally, minimising noise and vibration disturbance on wildlife in the area.	None
		Potential run-off pollution during construction causing degradation of habitat through changes in water processes which may have indirect impact on birds through changes in conditions at secondary habitat within the port.	As above, to minimise the risk of run-off pollution impacts on the wider water environment, the construction phase is to implement appropriate Environment Agency guidance (refer to updated 2019 Environment Agency guidance " Pollution prevention for businesses " Pollution prevention for businesses - GOV.UK (www.gov.uk)). This includes appropriate storage of chemicals, controlled refuelling of vehicles to dedicated areas, spill kits and protecting stockpiles of materials. Refer to the CEMP (Enzygo, 2023a) for further detail of the measures to be implemented.	None

Designated Site	Qualifying Feature	Identification of potential Impacts/Effect to Qualifying Feature	Avoidance/mitigation/compensation measures	Residual Effect
	Turnstone (wintering)	Potential noise/vibration and visual disturbance during construction period of wintering birds using the port as secondary habitat leading to changes in feeding and roosting behaviour, and overall reduced viability of the population.	As above, to minimise the risk of disturbance of wintering bird species, that the project programme has been designed such that the most potentially disturbing works (such as ground clearance, piling etc.) is to be conducted outside of the October to March period in order to avoid the core overwintering period. Vibro piling is also proposed to be used where possible (which produces lower peak source noise levels than percussive piling) and is likely to constitute the majority of the piling operations. In addition, as detailed in the CEMP (Enzygo, 2023a), a soft start method to the piling is to be implemented, whereby piling power is gradually increased incrementally, minimising noise and vibration disturbance on wildlife in the area.	None
		Potential run-off pollution during construction causing degradation of habitat through changes in water processes which may have indirect impact on birds through changes in conditions at secondary habitat within the port.	As above, to minimise the risk of run-off pollution impacts on the wider water environment, the construction phase is to implement appropriate Environment Agency guidance (refer to updated 2019 Environment Agency guidance " Pollution prevention for businesses " GOV.UK (www.gov.uk)). This includes appropriate storage of chemicals, controlled refuelling of vehicles to dedicated areas, spill kits and protecting stockpiles of materials. Refer to the CEMP (Enzygo, 2023a) for further detail of the measures to be implemented.	None
Thanet Coast and Sandwich Bay Ramsar and overlapping SSSI	Criterion 6 – Ruddy turnstone (wintering)	Potential noise/vibration and visual disturbance during construction period of wintering birds using the port as secondary habitat leading to changes in feeding and roosting behaviour, and overall reduced viability of the population.	As above, to minimise the risk of disturbance of wintering bird species, that the project programme has been designed such that the most potentially disturbing works (such as ground clearance, piling etc.) is to be conducted outside of the October to March period in order to avoid the core overwintering period. Vibro piling is also proposed to be used where possible (which produces lower peak source noise levels than percussive piling) and is likely to constitute the majority of the piling operations. In addition, as detailed in the CEMP (Enzygo, 2023a), a soft start method to the piling is to be implemented, whereby piling power is gradually increased incrementally, minimising noise and vibration disturbance on wildlife in the area.	None
		Potential run-off pollution during construction causing degradation of habitat through changes in water processes which may have indirect impact on birds through changes in conditions at secondary habitat within the port.	As above, to minimise the risk of run-off pollution impacts on the wider water environment, the construction phase is to implement appropriate Environment Agency guidance (refer to updated 2019 Environment Agency guidance " Pollution prevention for businesses " GOV.UK (www.gov.uk)). This includes appropriate storage of chemicals, controlled refuelling of vehicles to dedicated areas, spill kits and protecting stockpiles of materials. Refer to the CEMP (Enzygo, 2023a) for further detail of the measures to be implemented.	None

6.0 Assessment of Potential In-combination Effects

6.1 Introduction

6.1.1 The following projects/activities have been identified as appropriate to include in the assessment of potential in-combination effects (in accordance with the in-combination assessment presented within the MMO licence Supplementary Information (Natural Power, 2023)):

- Southern Water maintenance works at outfalls (planning reference L/2021/00217),
- The Port of Ramsgate Maintenance dredging (planning reference L/2016/00086/1), and;
- Construction works at berth 4/5 by Thanet District Council (planning reference PA/TH/22/0132).
- It is confirmed by the applicant the fixed boat platform consented under App Ref F/TH/23/0953 **will not be constructed** if planning permission is granted for the revised location under this application.

6.2 Assessment

6.2.1 No in-combination or cumulative effects have been identified.

6.2.2 It is assessed there are no pathways through which there are potential in-combination effects on the qualifying features of the Thanet Coast SAC, and Thanet Coast and Sandwich Bay SPA, Ramsar and overlapping SSSI. None of the supporting technical assessments (e.g. the MMO licence Supplementary Information (Natural Power, 2023) or Flood Risk Assessment (Enzygo, 2023b)) have identified potential for in-combination effects.

6.2.3 Given the existing levels of noise and visual disturbance from activities within and surrounding the port, in the form of vehicle and boat movements and general human activity, it is considered the bird species may utilise the port waters will be habituated to levels which are not considered to be significantly increased by the relatively minor proposed developments and maintenance works in the area (relative to the existing development and activity).

6.2.4 In respect of potential in-combination run-off/pollution impacts, as considered above, it is confirmed that all surrounding developments will be subject to the same guidance and legislation as this scheme. Therefore, all sites should provide appropriate on-site mitigation measures to ensure no residual impacts on the wider water environment such as through implementing best practice EA PPGs and suitable water attenuation measures. There are not considered to be any adverse cumulative effects with regards to the proposed development in terms of hydrology or drainage as long as these measures are implemented in full.

7.0 Conclusion

- 7.1.1 Three European designated sites have been identified within a potential zone of influence of the proposed redevelopment and all qualifying features have been assessed. Through assessment of the technical information available, potential effects on the qualifying features of a designated site have been identified including hydrological, noise/vibration, light pollution and physical disturbance.
- 7.1.2 Stage 1 HRA screening has identified that only construction related pollution/run-off and noise/vibration, may result in a likely significant effect on the qualifying features of Thanet Coast SAC, and Thanet Coast and Sandwich Bay SPA, Ramsar and overlapping SSSI. As a result, best practice construction mitigation measures are required in order to confirm no residual effect at the Stage 2 Appropriate Assessment stage. Refer to the Construction Environment Management Plan (Enzygo, 2023a) for further details.
- 7.1.3 It is anticipated that the provided information is sufficient to demonstrate that the requirements of Regulations 63 and 64 of the Habitats Regulations have been fully considered, and will allow the competent authority to undertake an HRA Screening exercise & Appropriate Assessment, and reach the same conclusion as detailed within this report i.e. no significant residual effect upon any statutory designated site/qualifying feature.

8.0 References

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Appendix A – Site Location and Proposed Layout



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