

Habitat Regulation Assessment (HRA) Screening Matrix and Appropriate Assessment (AA) Statement in relation to developments where potential impact is from recreational pressure to be mitigated by SAMMS

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

Application reference:	19/00777
Application address:	66 Borstal Hill, Whitstable, CT5 4NB
Application description:	Proposed 3 no. two-storey detached dwellings.
Lead Planning Officer:	Olly Ansell
HRA Date:	

Part 1 – Details of the plan or project

European site or sites potentially impacted by planning application, plan or project (delete as appropriate):	<ul style="list-style-type: none"> • Thanet Coast and Sandwich Bay SPA and Ramsar Site • The Swale SPA and Ramsar Site
Is the planning application directly connected to the management of the site?	No

Part 2 – HRA Screening Assessment

Screening under Regulation 63(1)(a) of the Habitats Regulations – The Applicant should provide evidence to allow a judgement to be made as to whether there could be any potential significant impacts of the development on the integrity of the SPA/ Ramsar site.

The Thanet Coast and Sandwich Bay and the Swale Special Protection Areas (SPAs) are classified in accordance with the European Birds Directive, which requires Member States to classify sites that are important for bird species listed on Annex 1 of the European Directive, which are rare and / or vulnerable in a European context, and also sites that form a critically important

network for birds on migration. The sites are also listed as a Wetland of International Importance under the Ramsar Convention (Ramsar Site). For clarity, and the purpose of this assessment, 'European Sites' refers to both the SPA and Ramsar Site. Studies have shown marked declines in key bird species, particularly in areas that are busiest with recreational activity. Therefore impacts of recreational disturbance can be such that they affect the status and distribution of key bird species and therefore act against the stated conservation objectives of the European sites.

Thanet Coast and Sandwich Bay SPA and Ramsar Site

The Thanet Coast and Sandwich Bay SPA is used by large numbers of migratory birds. The site qualifies under Article 4.2 of the Birds Directive through supporting populations of European importance over-wintering Turnstone (*Arenaria interpres*) and European Golden Plover (*Pluvialis apricaria*). Research conducted in 2013 and 2014 found a drop in Turnstone numbers when compared to previous surveys. There is a body of evidence that supports recreational activity causing the disturbance of birds. In particular walking with dogs, predominantly in the intertidal area, close to roosts at high tide and with dogs off leads, are the most common disturbance stimuli. It is also this recreational activity which occurs in the highest volume and which is most likely to increase with increased housing. A 7.2km Zone of Influence has been identified to establish which future housing sites are likely to contribute to this recreational impact from a number of visitor surveys carried out since 2011. The proposed development is located within this Zone of Influence.

The Swale SPA and Ramsar Site

Research conducted in 2011 found that additional dwellings were likely to result in additional recreational activity, causing disturbance to protected bird species that over-winter or breed on the SPA and Ramsar Site. The studies found that 75% of recreational visitors to the North Kent coast originate from within 6km of the SPA boundary and Ramsar Site. The impacts of recreational disturbance can be such that they affect the status and distribution of key bird species and therefore act against the stated conservation objectives of the European sites. A 6km Zone of Influence for the Swale SPA and Ramsar Site has been identified to establish which future housing sites are likely to contribute to this recreational impact. The proposed development is located within this Zone of Influence.

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

<p>Are there any other plans or projects that together with the planning application being assessed could result in a likely significant effect on the site when considered in-combination?</p>	<p>Yes. All new dwellings built within 7.2km of the Thanet Coast and Sandwich Bay SPA and Ramsar Site and 6km of the Swale SPA and Ramsar Site, or other developments that could lead to an increased recreational pressure, could combine to have a likely significant effect on the SPA and Ramsar Sites.</p>
<p>Would the proposal lead to a likely</p>	<p>YES (if yes, continue to part 3)</p>

significant effect on the European sites, without mitigation measures either alone or in-combination?

Part 3 – Appropriate Assessment

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

The project being assessed would result in a net increase of dwellings within the 7.2km Zone of Influence of the Thanet Coast and Sandwich Bay SPA and Ramsar Site and 6km Zone of Influence of the Swale SPA and Ramsar Site. In line with Policies SP6 and LB5 of the Canterbury District Local Plan 2017, based upon the best available evidence, a permanent likely significant effect on the SPA and Ramsar Sites due to increased recreational disturbance as a result of the new development, is likely to occur. As such, in order to avoid and mitigate for an adverse effect on the integrity of the SPA and Ramsar Sites, the development will need to include a package of avoidance and mitigation measures.

Thanet Coast and Sandwich Bay SPA and Ramsar Site

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

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

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

The Swale SPA and Ramsar Site

The North Kent Strategic Access Management and Monitoring Strategy (SAMMS) sets out a strategy to resolve disturbance issues to wintering birds on the North Kent Marshes, focusing on the European Protected Sites and Ramsar Sites (including the Swale) and their internationally important bird interest features. Elements within the strategy are:

- Rangers to provide wardening and visitor engagement;
- A North Kent Coast dog project to promote responsible dog ownership and encourage walking on lead in sensitive areas;
- Codes of conduct developed in partnership with local groups and clubs to raise awareness of recreational disturbance in a variety of activities both on and off of the water
- Interpretation and signage;
- New and/or enhanced infrastructure; and,
- Enforcement and monitoring.

The report also considered alternative measures, such as legal covenants relating to pet ownership in new developments, and capping visitor numbers at recreational sites. Due to the complexities in enforcing legal covenants and in reducing visitor numbers to the North Kent marshes, it is difficult to have confidence that such measures would be effective in the long term.

The suite of strategic mitigation measures are being delivered through the Bird Wise project, a partnership of local authorities and conservation organisations in North Kent, to ensure that development, considered in-combination, does not have an adverse effect on the integrity of the European sites. A per-dwelling tariff has been calculated using the total cost of delivering the mitigation measures in-perpetuity and the planned number of additional dwellings expected to be built in North Kent.

Natural England has worked with the North and East Kent Local Planning Authorities to support them in preparing the SAMM Plans and the underpinning evidence base. Natural England agree that the mitigation measures to ensure additional impacts from recreational disturbance to the SPA and Ramsar Sites are ecologically sound. As such, the Applicant does not need to provide their own evidence base on these aspects. Evidence must be submitted showing that a mitigation contribution payment has either:

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

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

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

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

Natural England:

Summary of Natural England's comments:

For the Thanet Coast and Sandwich Bay SPA and Ramsar site:

As stated in their formal representation dated 11th March 2019, "Natural England advise that the specific measures previously identified and included within the relevant Local Planning Authorities development plans or adopted position/policy statement to prevent harmful effects on the SPA and Ramsar Site from occurring as a result of increased recreational pressure should be applied to the proposed development at the appropriate assessment stage.

The relevant measures are:

" The appropriate financial contribution to the Thanet Coast and Sandwich Bay Strategic Access Management and Monitoring Scheme which will implement the suite of access management measures

Natural England is of the view that if these measures, including financial contributions to secure them, are implemented, they will be effective and reliable in preventing the harmful effects on the SPA and Ramsar Site for the duration of the development.

Providing that the appropriate assessment concludes that these measures are secured as planning conditions or obligations by your authority to ensure their strict implementation for the full duration of the development, and providing that there are no other adverse impacts identified by your authority's appropriate assessment, Natural England is satisfied that your appropriate assessments can ascertain that there will be no adverse effect on the integrity of the European Site in view of its conservation objectives."

For The Swale SPA and Ramsar site:

As stated in their formal representation dated 28th January 2019, "Natural England advise that the specific measures previously identified and included within the relevant Local Planning Authorities development plans or adopted position/policy statement to prevent harmful effects on the European Site(s) from occurring as a result of increased recreational pressure should be applied to this proposed development at the appropriate assessment stage.

The relevant measures are:

" The appropriate financial contribution to the Thames, Medway and Swale Estuaries Strategic Access Management and Monitoring Strategy (SAMMS) which will implement the suite of access management measures

Natural England is of the view that if these measures, including financial contributions to them, are implemented, they will be effective and reliable in preventing the harmful effects on the European Site(s) for the duration of the development.

Providing that the appropriate assessment concludes that these measures are secured as

planning conditions or obligations by your authority to ensure their strict implementation for the full duration of the development, and providing that there are no other adverse impacts identified by your authority's appropriate assessment, Natural England is satisfied that your appropriate assessments can ascertain that there will be no adverse effect on the integrity of the European Site in view of its conservation objectives.

Signed:

A handwritten signature in black ink that reads "Stevie Andrews". The signature is written in a cursive, flowing style.

Stevie Andrews
Planning Manager (Development Management)
Canterbury City Council