

**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<sup>1</sup>**

IMPORTANT NOTE: Undertaking the HRA process is the responsibility of the decision maker as the Competent Authority for the purpose of the Habitats Regulations<sup>2</sup>. However, it is the responsibility of the applicant to provide the Competent Authority with the information required to complete this process.

<b>Application reference:</b>	CA/21/01982
<b>Application address:</b>	Eastingdown Alcroft Grange Tyler Hill Canterbury Kent CT2 9NN
<b>Application description:</b>	2 no. dormer windows to front elevation, 2 no. dormer windows to rear elevation, demolition of existing attached garage and erection of replacement car port with pitched roof over, infill extension to front, side and rear elevations, relocation of chimneys and changes to external materials and fenestration following demolition of existing sun room.
<b>Lead Planning Officer:</b>	Mr Pieter De Villiers
<b>HRA Date:</b>	26 August 2021

**Part 1 – Details of the plan or project**

<b>European site or sites potentially impacted by planning application, plan or project (delete as appropriate):</b>	<ul style="list-style-type: none"> <li>• Thanet Coast and Sandwich Bay SPA and Ramsar Site</li> </ul>
<b>Is the planning application directly connected to the management of the site?</b>	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.**

**Thanet Coast and Sandwich Bay SPA and Ramsar Site**

<sup>1</sup> A bespoke appropriate assessment may be required in certain situations for recreational disturbance, for example development proposed close to the designated sites where additional impacts such as loss of habitat supporting SPA bird species or additional recreational management measures are needed.

<sup>2</sup> All references in this document to the 'Habitats Regulations' refer to the Conservation of Habitats and Species Regulations 2017

<sup>3</sup> Paragraph 181 of the revised National Planning Policy Framework states that Ramsar Sites should be given the same protection as European Sites.

The Thanet Coast and Sandwich Bay Special Protection Area (SPA) is classified in accordance with the European Birds Directive, which requires Member States to classify sites that are important for bird species listed on Annex 1 of the European Directive, which are rare and / or vulnerable in a European context, and also sites that form a critically important network for birds on migration. The site is also listed as a Wetland of International Importance under the Ramsar Convention (Ramsar<sup>3</sup> 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 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. including over-wintering Turnstone (*Arenaria interpres*), European Golden Plover (*Pluvialis apricaria*) and Little Tern (*Sterna albifrons*) (breeding season).

The European Site Objectives for the Thanet Coast and Sandwich Bay SPA are to:

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

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

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

<sup>4</sup> V Hyland Associates Ltd. & Blackwood Bayne Ltd. Strategic Access Management and Monitoring Plan In respect of the Canterbury section of the Thanet Coast and Sandwich Bay SPA, Main Report, Version: Final, November 2017

<sup>5</sup> CJEU Ruling Case C-323/17

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

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

Research conducted by Sandwich Bay Bird Observatory Trust for the last 20 years and have shown an ongoing decline in wintering numbers of Turnstones (Walton & Hodgson, 2018)<https://eastkent.birdwise.org.uk/thanet-wader-survey-2020/> Recent surveys in 2019 and 2020 found a drop in Turnstone numbers when compared to previous surveys. There is a body of evidence that supports recreational activity causing the disturbance of birds. In particular walking with dogs, predominantly in the intertidal area, close to roosts at high tide and with dogs off leads, are the most common disturbance stimuli. It is also this recreational activity which occurs in the highest volume and which is most likely to increase with increased housing<sup>4</sup>.

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

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

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

Therefore impacts of recreational disturbance can be such that they affect the status and distribution of key bird species and therefore act against the stated conservation objectives of the European sites.

A 7.2km Zone of Influence has been identified to establish which future housing sites are likely to contribute to this recreational impact from a number of visitor surveys carried out since 2011. The proposed development is located within this Zone of Influence ((Bayne and Hyland, 2016) (Bayne and Hyland, 2014)).

Following the CJEU ruling<sup>5</sup>, 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.

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It is not considered that the proposed development would result in an effect on any other species, which would have implications for the conservation objectives of the SPA, nor are there any implications which would affect the conservation objectives of the SPA for habitat types and species outside the SPA boundaries.

**Are there any other plans or projects that together with the planning application being assessed could result in a likely significant effect on the site when considered in-combination?**

Yes. All new dwellings built within 7.2km of the Thanet Coast and Sandwich Bay SPA and Ramsar Site or other developments that could lead to an increased recreational pressure, could combine to have a likely significant effect on the SPA and Ramsar Sites.

**Would the proposal lead to a likely significant effect on the European sites, without mitigation measures either alone or in-combination?**

YES (if yes, continue to part 3)

### Part 3 – Appropriate Assessment

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

The project being assessed would result in a net increase of dwellings within the 7.2km Zone of Influence of the Thanet Coast and Sandwich Bay 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 Site due to increased recreational disturbance as a result of the new development, is likely to occur. As such, in order to avoid and mitigate for an adverse effect on the integrity of the SPA and Ramsar Site, the development will need to include a package of avoidance and mitigation measures to reduce the frequency, duration and / or intensity of disturbance affecting roosting, nesting, foraging, feeding, moulting and/or loafing birds so that they are not significantly disturbed.

#### **Strategic Access, Management and Monitoring Plan for the Thanet Coast and Sandwich Bay SPA/Ramsar**

The City Council has produced a Strategic Access, Management and Monitoring Plan<sup>6</sup> 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.

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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.

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

- Been made to the 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.

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

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

It is considered by virtue of the existing funding secured since 2015 and the appointment of a SAMM's officer (carrying out duties since 2019), this has demonstrated the efficacy of the project in mitigating the identified effects, as evidenced by the management plan and work on the project here: <https://eastkent.birdwise.org.uk/>

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

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

Having made this appropriate assessment of the implications of the project for the site in view of that sites' conservation objectives, and having 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:

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Signed:



**Stevie Andrews**  
Planning Manager (Development Management)  
Canterbury City Council

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

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