www.gov.uk/englandcoastpath

Assessment of England Coast Path proposals for the Isle of Sheppey

On The Swale Special Protection Area (SPA) and Ramsar site, Medway Estuary and Marshes SPA and Ramsar site, and Outer Thames Estuary SPA

Date of publication 22nd January 2020

Contents:

Summary

I) Introduction

This is a record of the Habitats Regulations Assessment ('HRA') undertaken by Natural England (in its role of competent authority) in accordance with the assessment and review provisions of the Conservation of Habitats and Species Regulations 2017 (as amended) ('the Habitats Regulations').

Natural England has a statutory duty under the Marine and Coastal Access Act 2009 to improve access to the English coast. This assessment considers the potential impacts of our detailed proposals for coastal access on the Isle of Sheppey on the following sites of international importance for wildlife:

- The Swale Special Protection Area (SPA) and Ramsar site
- Medway Estuary and Marshes SPA and Ramsar site
- Outer Thames Estuary SPA

This assessment should be read alongside Natural England's related Coastal Access Reports which between them fully describe and explain its access proposals for the stretch as a whole. The Overview explains common principles and background and the reports explain how we propose to implement coastal access along each of the constituent lengths within the stretch.

https://www.gov.uk/government/publications/england-coast-path-on-the-isle-of-sheppey-comment-on-proposals

II) Background

The main wildlife interests for this stretch of coast are summarised in Table 1 (see section B1 for a full list of qualifying features).

Table 1. Summary of the main wildlife interest

Interest	Description
Breeding waterbirds	The Medway Estuary and Marshes SPA and The Swale SPA are recognised for their breeding waterbirds. Breeding waterbirds require suitable nesting habitats coupled with low disturbance levels to prevent egg abandonment, chilling and predation, plus safe areas for successful fledging. The coastal waters of the Outer Thames Estuary SPA are used by breeding little and common tern for foraging, as well as a wide range of maintenance activities, such as bathing and loafing.

Non-breeding waterbirds	During the winter months, the Medway Estuary and The Swale support an internationally recognised population of non-breeding waterbirds. The extensive areas of soft mud exposed at low tide, and grazing marshes are the main feeding areas and these protected birds need suitable undisturbed places to roost at high tide. The Outer Thames Estuary SPA is used by non-breeding red-throated diver for all activities other than breeding, including feeding, roosting, bathing and preening.
Wetland and coastal plants and invertebrates	The Medway Estuary and Marshes and The Swale Ramsar sites support endangered plant species, nationally scarce plants and British Red Data Book invertebrates. These species are mainly found in the intertidal habitat, grazing marshes and ditches.

III) Our approach

Natural England's approach to ensuring the protection of sensitive nature conservation features under the Coastal Access Programme is set out in section 4.9 Coastal Access: Natural England's Approved Scheme 2013 [Ref 1].

Our final published proposal for a stretch of England Coast Path is preceded by detailed local consideration of options for route alignment, the extent of the coastal margin and any requirement for restrictions, exclusions or seasonal alternative routes. The proposal is thoroughly considered before being finalised and initial ideas may be modified or rejected during the iterative design process, drawing on the range of relevant expertise available within Natural England.

Evidence is also gathered as appropriate from a range of other sources which can include information and data held locally by external partners or from the experience of local land owners, environmental consultants and occupiers. The approach includes looking at any current visitor management practices, either informal or formal. It also involves discussing our emerging conclusions as appropriate with key local interests such as land owners or occupiers, conservation organisations or the local access authority. In these ways, any nature conservation concerns are discussed early and constructive solutions identified as necessary.

The conclusions of our assessment are certified by both the member of staff responsible for developing the access proposal and the person responsible for considering any environmental impacts. This ensures appropriate separation of duties within Natural England.

IV) Aim and objectives for the design of our proposals

The new national arrangements for coastal access will establish a continuous well-maintained walking route around the coast and clarify where people can access the foreshore and other parts of the coastal margin. These changes will influence how people use the coast for recreation and our aim in designing our detailed proposals has been to secure and enhance opportunities for people to enjoy their visit whilst ensuring appropriate protection for affected European sites.

A key consideration in developing coastal access proposals for the Isle of Sheppey has been the possible impact of disturbance on both breeding and non-breeding waterbirds as a result of recreational activities, and particularly visitors with dogs.

Objectives for design of our detailed local proposals have been to:

- avoid exacerbating issues at sensitive locations by making use of established coastal paths
- where there is no suitable established and regularly used coastal route, develop proposals that take account of risks to sensitive nature conservation features and incorporate mitigation as necessary in our proposals
- clarify when, where and how people may access the foreshore and other parts of the coastal margin on foot for recreational purposes
- work with local partners to design detailed proposals that take account of and complement efforts to manage access in sensitive locations
- where practical, incorporate opportunities to raise awareness of the importance of this stretch of coast for wildlife and how people can help efforts to protect it

V) Conclusion

We have considered whether our detailed proposals for coastal access on the Isle of Sheppey might have an impact on The Medway Estuary and Marshes and The Swale SPA and Ramsar sites. In Part C of this assessment we identify some possible risks to the relevant qualifying features and conclude that proposals for coastal access, without incorporated mitigation, may have a significant effect on these sites. In Part D we consider these risks in more detail, taking account of avoidance and mitigation measures incorporated into our access proposal, and conclude that there will not be an adverse effect on the integrity of either site. These measures are summarised in Table 2 below.

Table 2. Summary of risks and consequent mitigation built in to our proposals

Risk to conservation objectives	Relevant design features of the access proposal
Disturbance to feeding or resting non-breeding waterbirds from recreational activities following changes in recreational activities as a result of the access proposal, leads to reduced fitness and reduction in population and/or contraction	• The proposed route will be well marked and clear to follow and therefore visitors are unlikely to stray from the path. • There will be collaboration with Bird Wise and Elmley NNR to install and maintain

Risk to conservation objectives	Relevant design features of the access proposal
in the distribution of Qualifying Features within the site and Disturbance of breeding birds from recreational activities as a result of the access proposal, leads to nest trampling and abandonment, and the resultant reduction in the breeding population	new interpretation panels in key locations to encourage responsible behaviour • Year round nature conservation S26a restrictions excluding access will be applied at: Elmley NNR (including Elmley Hills, Marshes and sea wall), Park Farm and Shell Ness beach • A year round nature conservation S26a restriction excluding dogs will be applied to the hay meadow northeast of Elmley Hills, within Elmley NNR • A year round nature conservation S26a restriction requiring dogs to be kept on leads will be applied to areas of the beach at Shell Ness and the path and margin not covered by other restrictions between The Ferry Inn, Isle of Harty and Little Bells • At Kingsferry Bridge the majority of the path is aligned to the outside edge of the SPA, along with most of the associated infrastructure, this is to avoid impacts on the SPA • West of Wellmarsh Creek the path follows the public footpath to avoid an area of wet grassland/grazing marsh to the south bounded by the seawall which is used by breeding and overwintering birds. • West of Sharfleet Creek the path follows an existing path inland to avoid increasing disturbance to overwintering and breeding birds utilising grazing marsh/upper saltmarsh to the south. • Much of the foreshore, and the saltmarsh are unsuitable for walking and access will be excluded by S25A directions
Disturbance to qualifying features from construction works as a result of the access proposal, leads to temporary or enduring effects on their population and/or distribution within the site.	• Table 8 in section D3.1 provides a summary of the mitigation measures to reduce the disturbance to non-breeding and breeding waterbirds, this includes scheduling works to limit disturbance risk.

Risk to conservation objectives	Relevant design features of the access proposal
The installation of access management infrastructure may lead to a loss of habitat which supports the qualifying features. This includes all necessary stages of the non-breeding bird period (moulting, roosting, loafing, and feeding); the breeding bird period (courting, nesting and feeding); and the habitats that support sensitive plants and the habitats that support wetland invertebrates.	Medway Estuary and Marshes: Within the Medway Estuary and Marshes the proposal will install three new sign posts within grazing marsh habitat at Ferry Marshes • The infrastructure equates to a total loss of 0.375 m^2 of grazing marsh. This is trivial in relation to the amount of grazing marsh within the site, 6.44million m^2. Additionally the proposed location of the infrastructure is not situated near key sites for non-breeding or breeding waterbirds. The Swale Estuary: Within supporting habitat in The Swale Estuary the proposal will install: - four sign posts, two gates, an interpretation panel and a set of steps within grazing marsh - six sign posts and a gate within saltmarsh - A revetment partially within a freshwater pond • Within grazing marsh, the infrastructure equates to a total loss of 8 m^2. This is trivial in relation to the amount of grazing marsh within the site, 25.12million m^2. The signs and interpretation panel are located adjacent to existing walked routes/tracks, the gate is to allow pedestrian access through an existing predator gate/fence and the steps are located on the boundary of the SPA in close proximity to the busy A249. These areas are not key sites for non-breeding or breeding waterbirds. • Within saltmarsh, the infrastructure equates to a total loss of 1 m^2. This is trivial in relation to the amount of saltmarsh within the site, 9.15million m^2.

Risk to conservation objectives	Relevant design features of the access proposal
	The signs are located adjacent to existing walked routes/tracks and the gate is to allow pedestrian access through an existing predator gate/fence. These areas are not key sites for non-breeding or breeding waterbirds. • Within the fresh water pond, the infrastructure equates to a total loss of 12 m^2. This is trivial in relation to the area of the pond, 5415 m^2. The small loss of freshwater habitat should not have an effect on its functionality as supporting habitat for invertebrates and waterbirds.
Trampling of sensitive plants and of the habitats that support wetland invertebrates may lead to a direct loss of habitat and habitat which supports the qualifying features within the sites.	• The majority of the proposal will follow paths that have existing highways or rights of way. Where this is the case we expect no additional significant impacts from the medium increase in visitors. • Access will be restricted year round at the following sites (albeit for wintering and breeding bird purposes), and these sites are also likely to support sensitive. vegetation: Great Bells Farm and Elmley NNR (including Elmley Hills, Marshes and sea wall) by a formal direction on nature conservation grounds. • Much of the saltmarsh foreshore is unsuitable for walking and access will be excluded by S25A directions. • The proposed route will be well marked and clear to follow and therefore visitors are unlikely to stray from the path. • At Kingsferry Bridge the majority of the path is aligned to the outside edge of the SPA, along with most of the associated infrastructure, this is to avoid impacts. • The trampling of sensitive vegetation has been assessed for new sections of path:

Risk to conservation objectives	Relevant design features of the access proposal
	○ Between The Ferry Inn and Little Bells the main focus is sensitive plants that may be present on the seawall. No significant impacts on sensitive vegetation can be concluded due to the small number of visitors predicted to walk this section. Additionally there are other areas of similar seawall habitat where the sensitive plants may be present where access is to be restricted, such as within Elmley NNR. ○ Between Spitend Point and Spitend Marshes, the 2234 m^2 of new path has the potential to impact on rare plants that are found in grazing marsh habitat. The plants are widely distributed throughout grazing marsh within The Swale. This is a relatively small area of grazing marsh, therefore there should not be a significant loss of sensitive plants. ○ At Ferry Marshes the 440 m^2 of new path has the potential to impact on rare plants that are found in grazing marsh habitat. The plants are widely distributed throughout grazing marsh within the Medway Estuary and Marshes. The grazing marsh is of poor quality where the path is proposed due to the untreated surface water runoff and pollution from the adjacent road. As this is a relatively small area of poor quality grazing marsh and the rare plants associated with this habitat are widely distributed throughout

Risk to conservation objectives	Relevant design features of the access proposal
	the site, there should be no significant impact.

VI) Implementation

Once a route for the trail has been confirmed by the Secretary of State, we will work with Kent County Council to ensure any works on the ground are carried out with due regard to the conclusions of this appraisal and relevant statutory requirements.

VII) Thanks

The development of our proposals has been informed by input from people with relevant expertise within Natural England and other key organisations. The proposals have been thoroughly considered before being finalised and our initial ideas were modified during an iterative design process. We are particularly grateful to Elmley Conservation Trust, RSPB, BTO, WeBS Count co-ordinators, Kent Ornithological Society, Swale Wader Group, and to other organisations and local experts whose contributions and advice have helped to inform development of our proposals.

Special thanks are due to the following individuals, for their generous contributions of time and invaluable knowledge of the dynamics of local bird populations: Gareth Fulton, Alan Johnson, Julian Nash, Nick May, Bob Gomes, Carol Donaldson, Murray Orchard, Geoff Orton, Brian Watmough, Bob Knight, Derek Tutt, Rod Smith, Peter Oliver, Gavin Coultrip, Derek Faulkner, Richard Poppe and Phil Haynes.

PART A: Introduction and information about the England Coast Path

A1. Introduction

Natural England has a statutory duty under the Marine and Coastal Access Act 2009 to improve access to the English coast. The duty is in two parts: one relating to securing a long-distance walking route around the whole coast: we call this the England Coast Path; the other relating to a margin of coastal land associated with the route where in appropriate places people will be able to spread out and explore, rest or picnic.

To secure these objectives, we must submit reports to the Secretary of State for Environment, Food and Rural Affairs recommending where the route should be and identifying the associated coastal margin. The reports must follow the approach set out in our methodology (the Coastal Access Scheme), which – as the legislation requires – has been approved by the Secretary of State for this purpose.

Where implementation of a Coastal Access Report would be likely to have a significant effect on a site designated for its international importance for wildlife, called a 'European site[1]', the report must be subject to special procedures designed to assess its likely significant effects.

The conclusions of this screening are certified by both the member of staff responsible for developing the access proposal and the person responsible for considering any environmental impacts. This ensures appropriate separation of duties within Natural England.

Natural England's approach to ensuring the protection of sensitive nature conservation features under the Coastal Access Programme is set out in section 4.9 of the Coastal Access Scheme [Ref 1].

A2. Details of the plan or project

This assessment considers Natural England's proposals for coastal access on the Isle of Sheppey. Our proposals to the Secretary of State for this stretch of coast are presented in a series of reports that explain how we propose to implement coastal access along each of the constituent lengths within the stretch. Within this assessment we consider each of the relevant reports, both separately and as an overall access proposal for the stretch in question

Our proposals for coastal access have two main components:

- alignment of the England Coast Path; and,
- designation of coastal margin.

[1] Ramsar sites are treated in the same way by UK government policy

England Coast Path

A continuous walking route around the coast – the England Coast Path National Trail - will be established by joining up existing coastal paths and creating new sections of path where necessary. The route will be established and maintained to National Trail quality standards. The coastal path will be able to 'roll back' as the occasional cliffs on this stretch erode or slip or where sea defences are realigned inland, solving long-standing difficulties with maintaining a continuous route on this stretch of coast.

Coastal Margin

An area of land associated with the proposed trail will become coastal margin, including all land seawards of the trail down to mean low water.

Coastal margin is typically subject to new coastal access rights, though there are some obvious exceptions to this. The nature and limitations of the new rights, and the key types of land excepted from them, are explained in more detail in Chapter 2 of our Coastal Access Scheme [Ref 1]. Where there are already public or local rights to do other things, these are normally unaffected and will continue to exist in parallel to the new coastal access rights. The exception to this principle is any pre-existing open access rights under Part 1 of the Countryside and Rights of Way Act 2000 (CROW) over land falling within the coastal margin: the new coastal access rights will apply in place of these.

Where public access on foot already takes place on land within the margin without any legal right for people to use the land in this way, the new coastal access rights will secure this existing use legally. Access secured in this way is subject to various national restrictions. It remains open to the owner of the land, should they wish, to continue tolerating other types of established public use not provided for by coastal access rights.

Of particular relevance to this assessment is that most areas of salt marsh and mud flat within The Swale and Medway Estuaries, are considered unsuitable for public access and will be excluded from the new coastal access rights at all times regardless of any other considerations.

PART B: Information about the European Site(s) which could be affected

B1. Brief description of the European Sites(s) and their Qualifying Features

Medway Estuary and Marshes SPA and Ramsar site
The estuary forms a single tidal system with the Swale and joins the southern part of the Thames Estuary between the Isle of Grain and Sheerness.

The site has a complex arrangement of tidal channels, which drain around large islands of salt marsh and peninsulas of grazing marsh. There are large areas of mudflat, which have high densities of invertebrates providing a good food source for wading birds. Grazing marsh can also be found landward of some sea walls in the area. Small shell beaches occur too, particularly in the outer parts of the estuary. The area is very flat and low lying, with large expanses of uninterrupted views.

The complex and diverse mixes of coastal habitats support important numbers of waterbirds throughout the year. In summer, the estuary supports breeding waders and terns, whilst in winter it holds important numbers of geese, ducks, grebes and waders. The middle and outer parts of the estuary represent the most important areas for the birds. Important areas for birds include the Saltings and Hoo flats on the north side and the stretch from Copperhouse Marshes eastwards towards Chetney Marshes on the south side. The islands within the Medway also provide good habitat for SPA birds, in particular some of the breeding species.

The Swale SPA and Ramsar site

The Swale is located in North Kent on the south east coast of England and separates the Kent mainland from the Isle of Sheppey. It adjoins the Medway Estuary to the west.

The Swale was originally part of a river valley, however, due to isostatic sea level change, the water divided the mainland from the Isle of Sheppey to form the Swale estuary. The Swale comprises extensive intertidal mudflats that encompass the entire northern and southern shores of the estuary extending from Ferry Marshes in the west down to Whitstable on the southern shore and Leysdown-on-Sea on the northern shore.

The SPA also contains the largest expanse of grazing marsh in Kent (although it is much reduced from its previous extent), it provides important feeding and roosting grounds for many waterbirds. Elmley National Nature Reserve (NNR) is the best example of grazing marsh and covers an area of 1212.43ha. The grazing marshes contain a complex of brackish and freshwater ditches and areas of open water. Other areas of grazing marsh include Graveney Marshes and Teynham Level on the southern shore.

Significant areas of saltmarsh can be found bordering the intertidal mudflats at The Swale NNR and to the east of Flanders Mare on the north shore of the estuary, in addition to areas bordering muddy creeks such as Windmill Creek and Conyer Creek located on the northern and southern shores respectively. There are also fragmented patches located along the southern shore at the South Swaleand Oare Marshes Local Nature Reserves.

There are several patches of littoral rock located at Shellness point on the northern shore (mussel beds are also located here), in addition to north of Cleve marshes on the southern shore.

The large areas of intertidal mudflats are submerged at high tide, and exposed in the estuary at low tide, providing an important feeding habitat for birds. The estuary also provides extensive roosting sites for large populations of waterbirds and is of major importance during the winter for duck and wader species and for supporting wader populations moving to the south east coast of Britain during the spring and autumn migration periods.

The Outer Thames Estuary SPA

The SPA is located on the southeast coast of England, stretching from Caister-on-Sea in Norfolk down the Suffolk coast to Sheerness on the Kent coastline, and reaching as far as Canvey Island into the Thames Estuary. The SPA is divided into three discreet areas: the outer estuary of the Thames (including Kent and Essex coastal waters); the Suffolk and south Norfolk coastal waters; and an offshore area further northeast. The Suffolk and south Norfolk coastal waters and the offshore area further northeast have little direct bearing on the Isle of Sheppey, this assessment will focus on the outer estuary of the Thames information.

The site is designated for non-breeding red-throated diver (*Gavia stellata*), a diving bird which overwinters in large numbers within the southern North Sea, feeding predominately on fish. The red-throated diver lives mostly in shallow inshore waters, except when coming ashore to breed as observed in the north of Scotland in summer. This species uses the SPA for all other activities, including feeding, roosting, bathing and preening.

The site is also designated for breeding common tern (*Sterna hirundo*) and little tern (*Sternula albifrons*). Both tern species breed on the dynamic Scroby Sands intertidal sandbank, located 6 km offshore from Great Yarmouth. The Outer Thames Estuary SPA protects important at-sea foraging waters for common and little tern which breed at six adjacent SPAs: Great Yarmouth North Denes; Benacre to Easton Bavents; Breydon Water; Minsmere-Walberswick; Alde-Ore Estuary; Foulness; and Thanet Coast and Sandwich Bay SPAs. The coastal waters of the SPA are used for foraging, as well as a wide range of maintenance activities, such as bathing and loafing. Terns nesting on the Scroby Sands sandbank and nearby Great Yarmouth North Denes SPA may also forage within the adjacent Greater Wash SPA, suggesting there is a degree of connectivity between sites.

Table 3. Qualifying features

Qualifying feature	***Medway Estuary and Marshes SPA***	***Medway Estuary and Marshes Ramsar***	***The Swale SPA***	***The Swale Ramsar***	***Outer Thames Estuary SPA***
A046a *Branta bernicla bernicla* Dark-bellied brent goose (non-breeding)	✔	✔	✔	✔	
A048 *Tadorna tadorna* Common shelduck (non-breeding)	✔	✔		✔	
A054 *Anas acuta* Pintail (non-breeding)	✔	✔			
A132 *Recurvirostra avosetta* Avocet (Breeding)	✔				

Qualifying feature	***Medway Estuary and Marshes SPA***	***Medway Estuary and Marshes Ramsar***	***The Swale SPA***	***The Swale Ramsar***	***Outer Thames Estuary SPA***
A132 *Recurvirostra avosetta* Avocet (non-breeding)	✔				
A137 *Charadrius hiaticula* Ringed plover (non-breeding)	✔	✔		✔	
A141 *Pluvialis squatarola* Grey plover (non-breeding)	✔	✔		✔	
A143 *Calidris canutus* Red knot (non-breeding)	✔	✔			
A149 *Calidris alpina alpina* Dunlin (non-breeding)	✔	✔	✔	✔	
A162 *Tringa totanus* Common redshank (non-breeding)	✔	✔		✔	
A195 *Sternula albifrons* Little tern (breeding)	✔				✔
A156 *Limosa limosa islandica* Black-tailed godwit (non-breeding)		✔			
A160 *Numenius arquata* Curlew (non-breeding)		✔		✔	
Podiceps cristatus Great crested grebe (non-breeding)		✔			
Tringa nebularia Greenshank (non-breeding)		✔			
A130 *Haematopus ostralegus* Oystercatcher (non-breeding)		✔		✔	
A056 *Anas clypeata* Shoveler (non-breeding)		✔			
Tringa erythropus Spotted redshank (non-breeding)		✔			
A704 *Anas crecca* Teal (non-breeding)		✔		✔	
A169 *Arenaria interpres* Ruddy turnstone (non-breeding)		✔			
A050 *Anas penelope* Wigeon (non-breeding)		✔		✔	
A193 *Sterna hirundo* Common tern (breeding)					✔
A001 *Gavia stellata* Red-throated diver (non-breeding)					✔
Waterbird assemblage (non-breeding)[1]	✔	✔	✔	✔	
Breeding bird assemblage	✔		✔		

Qualifying feature	*Medway Estuary and Marshes SPA*	*Medway Estuary and Marshes Ramsar*	*The Swale SPA*	*The Swale Ramsar*	*Outer Thames Estuary SPA*
Nationally scarce plant assemblage		✓		✓	
Wetland invertebrate assemblage		✓		✓	

Notes:
1 A waterbird assemblage is a qualifying feature of both the SPA and Ramsar sites. When classifying a waterbird assemblage as an SPA qualifying feature, the Ramsar Conventions Strategic Framework definition of 'waterbird' is used and as such we consider the two qualifying features synonymous. Current abundance and composition of the assemblage feature is taken into account in our assessment.

Bird Wise North Kent
Bird Wise [Ref 2] is North Kent's strategic, landscape scale response to tackling increased visitor pressure on the coast, arising from new residential development. Bird Wise is funded by contributions from house builders and covers the Thames, Swale and Medway estuaries and has been set-up to develop a strategy to accommodate increasing housing growth in the area, whilst protecting sensitive features. Much of North Kent lies within the Thames Gateway, a Government priority for regeneration and economic development.

Proposals for the England Coast Path on the Isle of Sheppey have been mindful of the work of the Bird Wise project. We have worked with representatives of Bird Wise to ensure that our proposals complement this initiative.

B2. European Site Conservation Objectives (including supplementary advice)

Natural England provides advice about the Conservation Objectives for European Sites in England in its role as the statutory nature conservation body. These Objectives (including any Supplementary Advice which may be available) are the necessary context for all HRAs.

The overarching Conservation Objectives for every European Site in England are to ensure that the integrity of each site is maintained or restored as appropriate, and that each site contributes to achieving the aims of the Habitats Regulations, by either maintaining or restoring (as appropriate):

- The extent and distribution of their qualifying natural habitats,
- The structure and function (including typical species) of their qualifying natural habitats,

- The supporting processes on which their qualifying natural habitats rely,
- The supporting processes on which the habitats of their qualifying features rely,
- The population of each of their qualifying features, and
- The distribution of their qualifying features within the site.

Where Conservation Objectives Supplementary Advice is available, which provides further detail about the features' structure, function and supporting processes mentioned above, the implications of the plan or project on the specific attributes and targets listed in the advice will be taken into account in this assessment.

In light of the European Sites which could be affected by the plan or project, this assessment will be informed by the following site-specific Conservation Objectives, including any available supplementary advice;

Supplementary advice on the conservation objectives for above designated sites can be viewed at:

Medway Estuary and Marshes SPA
https://designatedsites.naturalengland.org.uk/Marine/MarineSiteDetail.aspx?SiteCode=UK9012031&SiteName=medway&countyCode=&responsiblePerson=&SeaArea=&IFCAArea=

The Swale SPA
https://designatedsites.naturalengland.org.uk/Marine/MarineSiteDetail.aspx?SiteCode=UK9012011&SiteName=the%20swale&countyCode=&responsiblePerson=&SeaArea=&IFCAArea=#hlco

Outer Thames Estuary SPA
https://designatedsites.naturalengland.org.uk/Marine/MarineSiteDetail.aspx?SiteCode=UK9020309&SiteName=outer%20thames&countyCode=&responsiblePerson=&unitId=&SeaArea=&IFCAArea=

For Ramsar sites, a decision has been made by Defra and Natural England not to produce Conservation Advice packages, instead focussing on the production of High Level Conservation Objectives. As the provisions on the Habitats Regulations relating to Habitat Regulations Assessments extend to Ramsar sites, Natural England considers the Conservation Advice packages for the overlapping European Marine Site designations to be, in most cases, sufficient to support the management of the Ramsar interests.

PART C: Screening of the plan or project for appropriate assessment

C1. Is the plan or project either directly connected with or necessary to the (conservation) management (of the European Site's qualifying features)?

The Coastal Access Plan is not directly connected with or necessary to the management of the European or Ramsar sites for nature conservation listed in B1 above.

Conclusion:
As the plan or project is not either directly connected or necessary to the management of all of the European site(s)'s qualifying features, and/or contains non-conservation elements, a further Habitats Regulations assessment is required.

C2. Is there a likelihood [or risk] of significant [adverse] effects ('LSE')?

This section details whether those constituent elements of the plan or project which are (a) not directly connected with or necessary to the management of the European Site(s) features and (b) could conceivably adversely affect a European site, would have a **likely significant effect,** either alone or in combination with other plans and projects, upon the European sites and which could undermine the achievement of the site's conservation objectives referred to in section B2.

In accordance with case law, this HRA has considered an effect to be 'likely' if it '*cannot be excluded on the basis of objective information'* and is 'significant' if it *'undermines the conservation objectives'*. In accordance with Defra guidance on the approach to be taken to this decision, in plain English, the test asks whether the plan or project '*may'* have a significant effect (i.e. there is a risk or a possibility of such an effect).

This assessment of risk therefore takes into account the precautionary principle (where there is scientific doubt) and **excludes**, at this stage, any measures proposed in the submitted details of the plan/project that are specifically intended to avoid or reduce harmful effects on the European site(s).

Each of the project elements has been tested in view of the European Site Conservation Objectives and against each of the relevant European site qualifying features. An assessment of potential effects using best available evidence and information has been made.

C2.1 Risk of Significant Effects Alone

The first step is to consider whether any elements of the project are likely to have a significant effect upon a European site 'alone' (that is when considered in the context of the prevailing environmental conditions at the site but in isolation of the combined effects of any other 'plans and projects'). Such effects do not include those deemed to be so insignificant as to be trivial or inconsequential.

In this section, we assess risks to qualifying features, taking account of their sensitivity to coastal walking and other recreational activities associated with coastal access proposals, and in view of each site's Conservation Objectives.

For the purposes of this assessment, the qualifying features of the European Sites listed in B1 have been grouped as follows:

Table 4. Feature groups

Feature group	Qualifying feature(s)
Non-breeding waterbirds	Dark-bellied brent goose; common shelduck; pintail; avocet; ringed plover; grey plover; red knot; dunlin; redshank; black-tailed godwit; curlew; greenshank; oystercatcher; shoveler; spotted redshank; teal; ruddy turnstone; wigeon; waterbird assemblage (non-breeding)
Breeding waterbirds	Avocet; breeding bird assemblage
Breeding tern	Little tern; common tern
Off shore foraging waterbirds	Red-throated diver; little tern; common tern and great crested grebe
Nationally scarce plants and wetland invertebrates	Ramsar plant and invertebrate assemblage features associated with grazing marsh, saltmarsh/intertidal habitats and freshwater wetlands. The sites support several nationally scarce plants and British Red Data Book species of wetland invertebrates.

Table 5. Assessment of likely significant effects alone

Feature	Relevant pressure	Sensitivity to coastal access proposals	Assessment of risk to site conservation objectives	LSE alone ?
Non-breeding waterbirds	Disturbance of feeding or resting birds from recreational activities	Birds feeding on or near the foreshore or grazing marsh or resting in the vicinity of a coastal path may be disturbed by recreational activities including walking and walking with a dog.	The level of risk is higher where the access proposals are likely to bring people close to places on which large numbers of birds depend including undisturbed high tide roost	Yes

			sites and important feeding areas.	
Non-breeding waterbirds	Loss of supporting habitat through installation of access management infrastructure	The supporting habitats of the qualifying features may be permanently lost due to the installation of new access management infrastructure.	The level of risk is higher where there is a permanent and irreversible loss of the extent of supporting habitat which the birds depend on.	Yes
Non-breeding waterbirds	Disturbance from construction works	Waterbirds may be disturbed by construction activities necessary for the physical establishment of the path	The level of risk is higher where construction activities are undertaken close to places on which large numbers of birds depend including undisturbed high tide roost sites and important feeding areas.	Yes
Breeding waterbirds	Disturbance of breeding birds from recreational activities	Breeding waterbirds that breed in the vicinity of a coastal path may be disturbed, or nests may be trampled by recreational activities.	The level of risk is higher at places where the access proposals are likely to place breeding birds at risk from recreational activities.	Yes
Breeding waterbirds	Loss of supporting habitat through installation of access management infrastructure	The supporting habitats of the qualifying features may be permanently lost due to the installation of new access management infrastructure.	The level of risk is higher where there is a permanent and irreversible loss of the extent of supporting habitat which the birds depend on.	Yes
Breeding waterbirds	Disturbance from construction works	Breeding waterbirds may be disturbed by construction activities necessary for the physical establishment of the path	The level of risk is higher at places where the access proposals are likely to place breeding birds at risk from construction activities.	Yes
Breeding waterbirds	Disturbance of non-breeding birds from recreational activities	Breeding waterbirds (that are wholly or largely resident) that overwinter within or near to the SPA in the vicinity of a coastal path may be disturbed by recreational activities.	The level of risk is higher at places where a non-breeding population of a species significantly contributes to the breeding population and where the access proposals are likely to place non-	Yes

			breeding birds at risk from recreational activities.	
Breeding terns	Disturbance of breeding terns	Terns that breed in the vicinity of a coastal path may be disturbed, or nests may be trampled by recreational activities.	No appreciable risk. The path is not located in or near habitat required by breeding tern, bare and sparsely vegetated sediment (i.e. intertidal coarse and intertidal mixed sediments). The closest suitable habitat is found over 400 m away at Deadman's Island, separated from the path by the Swale estuary. Non qualifying breeding terns, for example at Shell Ness, will be considered within the associated Nature Conservation Assessment	No
Off shore foraging and resting waterbirds	Disturbance of foraging and resting waterbirds	In general, the spatial separation between foraging and recreation activity will be sufficient to conclude that there will be no interaction. However, birds may make use of foraging habitat (e.g. coastal areas, inland waterways and wetlands) that may lead to interaction with shore-based recreation activities	No appreciable risk. The presence of people on the shore may discourage birds from feeding close to the shore at times when people are present but is unlikely to compromise foraging activity. A survey undertaken in 2013 modelled the distribution of red-throated diver within The Outer Thames SPA [ref 3]. The highest densities were recorded in the southern part of the SPA, especially towards the centre and northeast of that area, not adjacent to the Isle of Sheppey.	No

Nationally scarce plants and wetland invertebrates.	Regular trampling of sensitive vegetation	The associated habitats of the qualifying features may be damaged due to trampling where people regularly walk away from established paths.	The level of risk is higher at places where the access proposals are likely to place nationally scarce plants and the habitats that support wetland invertebrates at risk from repeated trampling.	Yes
Nationally scarce plants and wetland invertebrates.	Loss of supporting habitat through installation of access management infrastructure	Habitat may be lost due to the installation of new access management infrastructure	There will be a minor loss of land due to the installation of new infrastructure Medway Estuary and Marshes: 0.375 m^2 grazing marsh Swale Estuary: 8 m^2 grazing marsh, 1 m^2 saltmarsh and 12 m^2 freshwater	Yes

Conclusion:

The plan or project alone is likely to have a significant effect on the following qualifying features:

Non-breeding waterbirds (dark-bellied brent goose; common shelduck; pintail; avocet; ringed plover; grey plover; red knot; dunlin; redshank; black-tailed godwit; curlew; greenshank; oystercatcher; shoveler; spotted redshank; teal; ruddy turnstone; wigeon; waterbird assemblage (non-breeding))

Breeding waterbirds (Avocet; breeding bird assemblage)

Nationally scarce plants and wetland invertebrates assemblages

The following qualifying features are not considered sensitive to the access proposal and no further assessment is required:

Breeding terns (little tern and common tern)

Off shore foraging and resting waterbirds (red-throated diver; little tern; common tern and great crested grebe)

C2.2 Risk of Significant Effects in-combination with the effects from other plans and projects

The need for further assessment of the risk of in-combination effects is considered here.

Natural England considers that it is the appreciable risks of effects (from a proposed plan or project) that are not themselves considered to be significant alone which must be further assessed to determine whether they could have a combined effect significant enough to require an appropriate assessment.

There are no other residual and appreciable risks likely to arise from this project which have the potential to act in-combination with similar risks from other proposed plans or projects to also become significant.

C3. Overall Screening Decision for the Plan/Project

On the basis of the details submitted, Natural England has considered the plan or project under Regulation 63(1)(a) of the Habitats Regulations and made an assessment of whether it will have a likely significant effect on a European site, either alone or in combination with other plans and projects.

In light of sections C1 and C2 of this assessment above, Natural England has concluded:

As the plan or project is likely to have significant effects (or *may* have significant effects) on some or all of the Qualifying Features of the European Site(s) 'alone', further appropriate assessment of the project 'alone' is required.

PART D: Appropriate Assessment and Conclusions on Site Integrity

D1. Scope of Appropriate Assessment

In light of the screening decision above in section C3, this section contains the Appropriate Assessment of the implications of the plan or project in view of the Conservation Objectives for the European Site(s) at risk.

The Sites and the Qualifying Feature for which significant effects (whether 'alone' or 'in combination') are likely or cannot be ruled out and which are initially relevant to this appropriate assessment are:

Table 6. Scope of Appropriate Assessment

Environmental pressure	Qualifying Feature(s) affected	Risk to Conservation Objectives
Disturbance of feeding or resting non-breeding waterbirds from recreational activities	Non-breeding: dark-bellied brent goose; common shelduck; pintail; avocet; ringed plover; grey plover; red knot; dunlin; redshank; black-tailed godwit; curlew; greenshank; oystercatcher; shoveler; spotted redshank; teal; ruddy turnstone; wigeon Non-breeding waterbird assemblage	Repeated disturbance to foraging or resting waterbirds during winter and on passage, following changes in recreational activities as a result of the access proposal, leads to reduced fitness and reduction in population and/or contraction in the distribution of qualifying features within the site.
Disturbance of breeding birds from recreational activities	Avocet Breeding bird assemblage	Repeated disturbance to breeding waterbirds during the breeding season following changes in recreational activities as a result of the access proposal, leads to nest trampling and abandonment, and the resultant reduction in the breeding population.
Disturbance from construction works	Non-breeding: dark-bellied brent goose; common shelduck; pintail; avocet; ringed plover; grey plover; red knot; dunlin; redshank; black-tailed godwit; curlew; greenshank; oystercatcher; shoveler; spotted redshank; teal; ruddy turnstone; wigeon Non-breeding waterbird assemblage	Undertaking works to install access management infrastructure disturbs qualifying features causing temporary or enduring effects on their population and/or distribution within the site.

	Breeding avocet Breeding bird assemblage	
Loss of supporting habitat through installation of access management infrastructure	Non-breeding waterbirds: dark-bellied brent goose; common shelduck; pintail; avocet; ringed plover; grey plover; red knot; dunlin; redshank; black-tailed godwit; curlew; greenshank; oystercatcher; shoveler; spotted redshank; teal; ruddy turnstone; wigeon Non-breeding waterbird assemblage Breeding avocet Breeding bird assemblage Nationally scarce plants and wetland invertebrates	The installation of access management infrastructure may lead to a loss of habitat which supports the qualifying features. This includes all necessary stages of the non-breeding bird period (moulting, roosting, loafing, and feeding); the breeding bird period (courting, nesting and feeding); and the habitats that support nationally scarce plants and the habitats that support wetland invertebrates
Regular trampling of sensitive vegetation	Nationally scarce plants and wetland invertebrates	The repeated trampling of sensitive plants and of the habitats that support wetland invertebrates may lead to a direct loss of habitat and habitat which supports the qualifying features within the sites.

D2. Contextual statement on the current status, influences, management and condition of the European Site and those qualifying features affected by the plan or project

The 52 km Isle of Sheppey England Coast Path passes through two SPAs and Ramsar sites: the Medway Estuary and Marshes, and The Swale.

Additional England Coast Path assessments relating to these SPAs and Ramsar sites can be found here:

- The Access and Sensitive Features Appraisal for the Whitstable to Iwade England Coast Path was published 21 June 2017.
- The Habitats Regulation Assessment for the Iwade to Grain Coast Path was published 15 January 2020.

Disturbance of non-breeding waterbirds

One of the factors we take into account when proposing the alignment of the England Coast Path is the potential for the disturbance of birds.

Both the Medway Estuary and Marshes and the Swale are important sites in the UK for wintering wildfowl and waders.

Within the Swale Estuary extensive mudflats at low tide provide the main feeding areas, supplemented by large areas of freshwater grazing marsh behind the seawall along the south Sheppey coastline. This supporting habitat is important for both feeding and resting. Fringes of saltmarsh, which are particularly extensive in the east, also provide essential high tide roosts for large numbers of wildfowl and waders, as does the shell beach area at Shell Ness.

The preferred high tide roost sites of the Medway Estuary are Chetney Marshes, Barksore Marshes and Horsham Marshes (& Bayford) and the extensive saltmarsh islands (such as Burntwick Island, Greenborough and Slayhill Marshes, Millfordhope Marsh, Bishop Saltings and parts of Nor Marsh) as well as the saltings at Riverside Country Park, Motney Hill and Twinneys. Footprint Ecology further identified Hoo Island, Hoo saltmarsh and Elphinstone Point as high-tide roosts in the north of the Estuary, and the arable fields near Hoo St Werburgh and Stoke provide additional feeding areas for brent geese. Many of the saltmarsh roost sites submerge during high spring tides. Therefore, the key high tide roost sites for non-breeding waterbirds within the Medway Estuary are not located along the stretch of path, this is due to the lack of available suitable habitat and the significant levels of existing access.

Within the Isle of Sheppey stretch, disturbance is potentially problematic for passage and wintering birds, and is especially damaging when it occurs repeatedly. Recreational activities causing disturbance during the autumn or spring migratory periods, or over the winter, can affect the birds' ability to feed or to rest effectively at roost sites, and it also increases energy expenditure.

As part of the Supplementary Advice on Conservation Objectives for the SPAs, Natural England has set targets for all the qualifying features, in order to meet the conservation objectives for the site. The following non-breeding qualifying features have a target to 'restore' the population, as there have been significant declines since classification:

Medway Estuary and Marshes SPA

- Ringed plover, grey plover, dunlin, redshank, dark-bellied brent goose, shelduck and pintail. All the features also have a target to 'reduce disturbance caused by human activities'.

The Swale SPA

- There are no targets to 'restore' the population of qualifying features of this SPA as there is no evidence to demonstrate declining populations. All the features also have a target to 'reduce disturbance caused by human activities'.

Over wintering marsh harrier in South Sheppey is also considered because there is evidence that it may make a significant contribution to the breeding population, the main winter roost site off Capel Fleet can support in excess of 50 birds. Marsh harrier is a main component of the Swale Estuary breeding bird assemblage.

In 2012, a study of wintering bird disturbance in North Kent between Gravesend and Whitstable (Thames Estuary and Marshes SPA, Medway Estuary and Marshes SPA and The Swale SPA) [Ref 4] came to nine broad conclusions regarding new residential development and the need for mitigation, the most relevant to this assessment being:

- There have been marked declines in the numbers of birds using the three SPAs. Declines are particularly apparent on the Medway and have occurred at the locations with the highest levels of access.
- Disturbance is a potential cause of the declines. The disturbance study shows birds are responding to the presence of people, and there is evidence that the busiest locations (which have seen the most marked bird declines) support particularly low numbers of birds.
- Access levels are linked to local housing, with much of the access involving frequent use by local residents.
- Dog walking, and in particular dog walking with dogs off leads, is currently the main cause of disturbance. Other particular activities are those that involve people on the mudflats or the water.
- Areas currently undisturbed, and in particular the main roost sites should, in particular, be protected from additional recreational pressure.

The Thames, Medway and Swale Estuaries Strategic Access Management and Monitoring Strategy [Ref 5] and the Bird Wise North Kent Mitigation Strategy [Ref 6] set out the visitor management measures required to mitigate for human disturbance issues on the North Kent Marshes resulting from new residential development. The Bird Wise Strategy objectives include:

- Raising awareness of the importance of the SPAs in North Kent
- Providing information on the birds that rely on the SPAs to survive
- Preventing additional bird disturbance caused by recreational activities on the coast
- Encouraging visitors to enjoy the North Kent coast in a responsible manner.

Proposals for coastal access have been made with regard to the mitigation measures identified above.

Disturbance of breeding birds

Repeated disturbance to breeding waterbirds during the breeding season following changes in recreational activities can lead to birds being dissuaded from making nesting attempts, nest trampling and abandonment, so that eggs are exposed to chilling or predation, and the resultant reduction in the breeding population.

The Swale SPA provides suitable habitat to support the breeding waterbird assemblage. The assemblage designation covers waterbirds that breed on lowland wet grassland, this includes shelduck, mallard, moorhen, coot, lapwing, redshank, reed warbler, reed bunting, snipe, oystercatcher, yellow wagtail and marsh harrier.

The South Sheppey grazing marshes support the greatest abundance of breeding waders in north Kent, notably lapwing and redshank, and represents an important source from which other areas can be populated in the face of national declines.

Within the stretch, The Swale NNR and Elmley NNR are the key areas that support breeding waders. 60% of lapwing and 61% of redshank in north Kent now breed on the island, the majority on Elmley and Spitend Marshes. The wet grassland and grazing marsh at Elmley Marshes (Wellmarsh Creek to Sharfleet Creek) is particularly important for breeding waterfowl.

The associated habitats along the south coast also support feeding and breeding avocet, which has seen an increase in both its range and the number of breeding pairs.

South Sheppey, with its saltmarsh, reedbeds, borrow dykes, fleets and arable fields provides an outstanding mix of habitats for both breeding and roosting marsh harriers and as a result supports one of the largest populations per area in the country. Between Mocketts and Windmill Creek, and also at Elmley Hills, reedbeds/reed-fringed ditches and crops provide breeding habitat for marsh harrier.

One of the most important sites for breeding birds in the Medway Estuary is the Chetney Peninsula. The freshwater areas at Barksore Marshes also provide good breeding habitat. There are no key areas for breeding waterbirds within the Medway Estuary located along this stretch of path, this is due to the lack of available suitable habitat and the significant levels of existing access.

The Supplementary Advice on Conservation Objectives for the SPAs have set targets to maintain the size of the breeding populations. All features also have a target to 'reduce disturbance caused by human activities'.

The path passes through two National Nature Reserves (NNRs): Elmley and The Swale. The NNRs are within The Swale SPA and Ramsar site and management is focussed towards breeding waders.

Loss of supporting habitat through installation of access management infrastructure

The Supplementary Advice on Conservation Objectives for the SPAs has set a target to maintain the extent, distribution and availability of suitable habitat (either within or outside the site boundary) which supports:

- Non-breeding bird qualifying features for all the necessary stages of the non-breeding period including moulting, roosting, loafing and feeding
- Breeding bird features for all necessary stages of its breeding cycle (courtship, nesting, feeding).

Inappropriate management and direct or indirect impacts which may affect the extent and distribution of habitats may adversely affect the population and alter the distribution of birds.

The Supplementary Advice for the Medway Estuary and Marshes SPA has provided baseline information (based on the best available evidence) on the extent and distribution of supporting

habitat used by the qualifying features: intertidal mud: 3154 ha, intertidal sand and muddy sand: 0.6 ha, saltmarsh: 852 ha, freshwater and coastal grazing marsh: 644 ha, coastal lagoons: 7 ha, intertidal coarse sediment (extent unknown), intertidal mixed sediments (extent unknown), and water column (extent unknown).

The Supplementary Advice for The Swale SPA has also provided baseline information (based on the best available evidence) on the extent and distribution of supporting habitat used by the qualifying features:
Breeding birds: Intertidal mud: 2411 ha, Intertidal sand and muddy sand: 0.01 ha, Intertidal coarse sediment (extent unknown), Intertidal mixed sediment (extent unknown), Saltmarsh: 915 ha, Freshwater and coastal grazing marsh: 2512 ha. NB saltmarsh extent may or may not contain the specific saltmarsh habitat types used by the feature.

In addition to the above, the following baseline information was available for non-breeding birds: Intertidal rock (extent unknown), Intertidal biogenic reef (mussel beds): 49 ha, Intertidal seagrass beds (extent unknown), Subtidal seagrass beds (extent unknown).

The installation of new infrastructure on habitat that supports nationally scarce plants and of the habitats that support wetland invertebrates may lead to a direct loss of habitat and habitat which supports the qualifying features within the sites. The nationally scarce plant and wetland invertebrate features that are listed in the Information Sheet on Ramsar Wetlands for the Medway Estuary and Marshes, and The Swale are generally found in saltmarsh and grazing marsh habitats.

Regular trampling of sensitive vegetation
Repeated trampling of sensitive plants and of the habitats that support invertebrates may lead to a direct loss of habitat and habitat which supports the qualifying features within the sites. The rare plant and invertebrate features that are listed in the Information Sheet on Ramsar Wetlands for the Medway Estuary and Marshes, and The Swale are generally found in saltmarsh and grazing marsh habitats.

D3. Assessment of potential adverse effects considering the plan or project 'alone'

This section considers the risks identified at the screening stage in section C and assesses whether adverse effects arising from these risks can be ruled out, having regard to the detailed design of proposals for coastal access.

In reviewing the ability of any incorporated measures to avoid harmful effects, Natural England has considered their likely effectiveness, reliability, timeliness, certainty and duration over the full lifetime of the plan or project. A precautionary view has been taken where there is doubt or uncertainty regarding these measures.

D3.1 Design of the access proposal to address possible risks – at a stretch level

The key nature conservation issues for the Medway Estuary and Marshes, and The Swale SPA and Ramsar site (Map 1) is the protection of non-breeding, breeding waterbirds, trampling of sensitive vegetation and loss of supporting habitat. In this section of the assessment we describe our overall approach to the issues and the main mitigation measures proposed to address the impacts and risks.

To inform our assessment of risk, we have reviewed how relevant sections of coast are currently used for recreation, how this might change as a result of known factors (such as planned housing), and how the established patterns and levels of access might be affected by our proposed improvement to access. The predictions we have made from this work are informed by available information, including reports commissioned to support development of the local plans [Ref 4], on-line mapping and aerial photography, travel and visitor information, site visit and input from local access managers. The findings of this work are incorporated into the assessments below.

Disturbance to non-breeding and breeding waterbirds from recreational activities
Many of the habitats within the SPA are utilised by both breeding and non-breeding waterbirds at varying times of the year. Therefore, impacts to breeding and non-breeding waterbirds have been assessed together to avoid repetition.

We have considered the key sites for both non-breeding and breeding waterbirds that are likely to be at risk of disturbance from recreational activities.

The majority of the proposal will follow paths that have existing highways or rights of way, the exceptions are sections of new path:

Table 7. Length of new path within the designated sites

Location	Designated site	Approx. length of new path within the designated site (m)
Between The Ferry and Inn Little Bells	The Swale	3345
Between Spitend Point and Spitend Marshes	The Swale	1117
Kingsferry Bridge and Neatscourt Marshes	The Swale	130
Ferry Marshes	Medway Estuary and Marshes	290

At Ladies Hole Point there is c.1635 m of new path adjacent to the Medway Estuary and Marshes SPA and Ramsar site. There is the potential for disturbance to SPA birds using the saltmarsh and mudflats from people using the path and coastal margin. As stated previously the key areas for breeding and non-breeding waterbirds within the Medway Estuary are not located along this stretch of path, this is due to the lack of available suitable habitat and the significant levels of existing

access. Additionally the saltmarsh and mudflats will have a S25A direction to restrict public access as they are unsuitable to walk on. Therefore there should be no significant impacts on Medway Estuary and Marshes SPA birds from this new section of path.

We have assessed the new sections of path within the designated sites on a case by case basis to ensure key areas will not be impacted, see section D3.2 below. Elsewhere, the route we have proposed for the Coast Path is already easy to follow, with a good surface for walking and free of obstructions.

Where there is existing access the England Coast Path will result in a medium increase in access on the trail and a negligible increase in the margin. Where new access is proposed, there will be a high increase on the trail and a negligible increase in the margin, however the actual numbers of trail users is predicted to be low due to the relative remoteness of the stretch.

The cumulative effect of more frequent use of a path on disturbance pressure depends on the circumstances and is difficult to predict with complete confidence. Away from more sensitive areas, such as roost and nesting sites, the main measurable impact is likely to be a greater chance of interruptions to feeding behaviour in waterbirds close to the path, including alertness or short escape flights. Such impacts are unlikely to produce a noticeable effect on birds use of the estuary or SPA population levels and by promoting responsible behaviour amongst path users, this can be minimised

A strategy for influencing the behaviour of walkers, walkers with dogs and other recreational users has been developed by Bird Wise focusing on raising awareness of: the importance of the North Kent estuaries to wintering and migratory birds; the risk of disturbance; and how to avoid it. Bird Wise work with users at key locations that are important for wintering birds and popular for recreation, promoting responsible behaviour that minimises disturbance. Other more inaccessible locations function as refuge areas. There is an opportunity for the England Coast Path to influence both existing and new users' behaviour by collaborating with Bird Wise.

Within Elmley NNR the England Coast Path will adopt current visitor management. This includes using signs to request that visitors do not access the top of the seawall, instead visitors are expected to use the existing viewing points and bird hides, reducing the potential for visual disturbance from sky lining on SPA birds utilising the adjacent habitat. Elmley NNR has a no dogs policy when accessing the NNR by car and dog walkers rarely visit the Reserve on foot due to its remoteness and the lack of convenient circular routes. Therefore, following discussions with the NNR, it was concluded that a dogs on leads restriction was unnecessary, particularly as this could not be applied to the significant sections of public rights of way adopted by the trail. At The Swale NNR existing access arrangements are being maintained within the coastal margin, with an addition of a dogs to leads restriction on Shell Ness beach.

At key sites new or enhanced interpretation panels are proposed highlighting the sensitivities of the stretch and incorporating Bird Wise messages aimed at encouraging the responsible behaviour of visitors, such as dogs under close control. Dog control will be a key theme throughout the stretch.

In order to support the conservation objectives of the SPAs, and complement both the Bird Wise strategy and the current visitor management at the NNRs, we have designed our proposals for the stretch to maintain refuge areas for wintering and breeding waterbirds, where access is discouraged, such as parts of Elmley NNR (including Elmley Hills, Marshes and the seawall), Great Bells, Park Farm and Shell Ness beach.

We expect many new users to adopt the required patterns of behaviour from the outset, either because they remain on the Coast Path or because they read the signs and consciously adopt the desired behaviour.

Our assessment of where these measures are necessary is set out in section D3.2 on local design.

Any saltmarsh and flats that falls within the coastal margin will have a S25A direction to restrict public access as it is unsuitable to walk on.

Disturbance of breeding and non-breeding waterbirds from path establishment works

Table 8 below summarises mitigation measures to reduce disturbance to waterbirds during path establishment works.

Table 8. Establishment works – mitigation measures

Site design	■ Operator to design access routes, storage areas and site facilities to minimise disturbance impacts. ■ Operator to conduct operations out of sight of roosting and feeding areas where possible.
Timing of works	■ Local authority to plan schedule with Natural England to limit disturbance risk. ■ Natural England to specify a period of low sensitivity at each construction site, based on likely departure and arrival dates of waterbird species that use it. ■ At all other times, operator to work within 200 metres of, and visible to, a roost site will stop during the 2 hours before and after high tide. ■ Operator to limit construction activities to daylight hours at all times of year.
Method	■ Operator to use hand tools where practicable. ■ Operator to avoid use of percussive machinery outside period of low sensitivity, or avoid use of machinery during the 2 hours before and after high tide.

The main works needed are fencing at Shell Ness; wooden revetments at the 'Bull Bank' between The Ferry Inn and Mocketts, a revetment, bund, walkway/bridge, fencing and steps at Kingsferry Bridge and Neatscourt Marshes, and various signs and gates installed throughout the stretch.

Providing the mitigation measures listed above are implemented during the construction works there should not be an adverse effect on site integrity for either the Medway Estuary and Marshes SPA or The Swale SPA. The installation methods will be checked at establishment stage and further assessment under the Habitat Regulations made, as necessary, prior to the works being carried out.

Loss of supporting habitat for non-breeding and breeding waterbirds, and nationally scarce plants and wetland invertebrates

We have also considered whether the installation of access management infrastructure will lead to a loss of the habitat which supports the qualifying features for all necessary stages of the non-breeding/wintering period (moulting, roosting, loafing, and feeding), all necessary stages of the breeding period (courtship, nesting, feeding) and the habitat that supports nationally scarce plant and wetland invertebrate assemblages.

Our proposals will see the installation of the following new infrastructure items in the designated sites across approximately 55 km of trail:

Table 9. New infrastructure items – within the designated sites

New infrastructure items	Medway Estuary and Marshes SPA	The Swale SPA
Sign (multi finger/single finger/simple waymark/advisory)	6	35
Interpretation panel	-	7
Gate (pedestrian access)	-	4
Wooden revetment	-	1
Rock revetment, raised walkway	-	1
Bund with linked sleeper bridge	-	1 (functionally linked land)
Fencing	-	2
Steps	-	1

The following new infrastructure items are located within habitats identified as supporting habitat in the Supplementary Advice on Conservation Objectives (listed in D2):

Table 10. New infrastructure items – within supporting habitat inside the designated sites

New infrastructure items potentially located within supporting habitat	Medway Estuary and Marshes SPA	The Swale SPA
Sign (multi finger/single finger/simple waymark/advisory)	3	10
Interpretation panel	-	5
Gate (pedestrian access)	-	3
Rock revetment, raised walkway	-	1
Bund with linked sleeper bridge	-	1 (functionally linked land)
Fencing	-	2
Steps (wooden)	-	1

The rest of the new infrastructure is located on grass tracks, gravel, stone, scrub or tarmac.

Where posts are to be erected, a method statement will require hand tools and the replacement of any turf around the base of the post. Doing so will limit habitat loss to 0.125 m^2 in each location for the posts

Within the Medway Estuary and Marshes it is necessary to install three new posts in the ground in an area of grazing marsh at Ferry Marshes. A total for the signs of 0.375 m^2 (3 x 0.125 m^2).

The total for infrastructure within the Medway is 0.375 m^2 out of the 644 hectares (6.44million m^2) of grazing marsh habitat on the site. We can conclude that the loss is trivial in relation to the amount of grazing marsh within the site and will not adversely affect the achievement of the conservation objectives.

Within The Swale, at Shell Ness, four new enhanced interpretation panels highlighting the importance of the area as a high tide wader roost as well as a nesting tern area will replace the existing panels which only reference tern. Also 500 m of wooden post and rail fencing will replace the existing rope fencing used to exclude the public year round. As this is replacement infrastructure there should be no additional loss of supporting habitat.

Outside of Shell Ness it is necessary to install ten new signposts, one interpretation panel, three pedestrian gates, a bund with linked sleeper bridge, 50 m fencing and one set of wooden steps.

The four signs, two gates, the interpretation panel and the steps, are within habitat identified as grazing marsh. A total for the signs of 0.50 m^2 (4 x 0.125 m^2), 0.50 m^2 for the gate (4 posts x 0.125

m^2), 1 m^2 for the interpretation panel and 6 m^2 (3 m length x 2 m width) for the steps. In addition 260 m^2 (130 m x 2 m width of the path) of new path is also proposed at Neatscourt Marshes in habitat identified as grazing marsh, a new surface of stone aggregate is proposed. However a site visit has established that the current surface is bare compacted soil, therefore no supporting habitat will be lost to the new surface.

The total for infrastructure within grazing marsh for The Swale is 8 m^2 out of the 2512 hectares (25.12million m^2) of grazing marsh habitat on the site. We can conclude that the loss is trivial in relation to the amount of grazing marsh within the site and will not adversely affect the achievement of the conservation objectives.

Six of the signs and a gate are potentially within habitat identified as coastal saltmarsh. A total for the signs of 0.75 m^2 (6 x 0.125 m^2) and 0.25 m^2 for the gate (2 posts, 2 x 0.125 m^2). The total infrastructure within saltmarsh for The Swale is 1 m^2 (8 x 0.125 m^2) out of the 915 hectares (9.15million m^2). We can conclude that the loss is trivial in relation to the amount of coastal saltmarsh within the site and will not adversely affect the achievement of the conservation objectives.

The bund, sleeper bridge and fencing at Neatscourt Marshes are proposed just outside of the SPA within habitat identified as good quality grassland, however a site visit noted that the grass at the bottom of the rail embankment where the infrastructure is to be installed, was scrubby with some reeds. The habitat is a continuation of the habitat within the SPA and there are currently no barriers between the proposed location of the infrastructure and the SPA. At this location, this habitat type is not known to support any significant numbers of SPA or Ramsar features so is not considered to be functionally linked to the SPA or Ramsar site.

Within the Swale, the revetment at Kingsferry Bridge has the potential to impact on supporting habitat for Ramsar invertebrates and SPA birds, a freshwater pond. The revetment will sit on the boundary of the SPA, this area is not known to support large numbers of SPA birds. The total area for the revetment within the freshwater is 12 m^2 out of c.5415 m^2 of freshwater at this location. Other freshwater is available within the SPA, including north of Elmley Hills, Elmley Marshes, Spitend Marshes and Capel Fleet. These are key areas for SPA birds. We can conclude that the loss is trivial in terms of the available remaining freshwater habitat, both at this location and within the SPA and Ramsar site, there should be no impact on the qualifying features ability to function.

In conclusion there will be no significant loss of supporting habitat for non-breeding and breeding waterbirds, nationally scarce plants and wetland invertebrates. Given the relatively small loss of supporting habitats, the proposal will not adversely affect the achievement of the conservation objectives of the designated sites.

Regular trampling of sensitive vegetation

We have considered whether the repeated trampling of sensitive plants and of the habitats that support Ramsar invertebrates may lead to a direct loss of habitat and habitat which supports the qualifying features within the sites.

The majority of the proposal will follow paths that have existing highways or rights of way, the exceptions are the new sections of path within the designated sites, mentioned previously, where no new surface is being laid.

Where there are existing highways or rights of way there will already be regular trampling of vegetation, we expect no additional significant impacts from the increase in visitors.

Within The Swale Estuary and the Medway Estuary very little information is available regarding the location of rare plants from the Ramsar site nationally scarce plant assemblages. Using distribution data/maps from the Botanical Society of Britain & Ireland [BSBI, Ref 7] no key areas for the plants have been identified. For most of the plants there is a widespread distribution throughout the designated sites. The following assessment is based on local knowledge, BSBI distribution data, area of path and predicted change in the use of the site.

The new section of path between The Ferry Inn and Little Bells (IOS-7-10 to IOS-8-06) has 3 main habitats that it passes through:
IOS-7-013: Site visits and aerial photography have identified this section as scrub. Selective clearance and use of wooden revetments (to support the bank in places) will be required. This section does not contain any supporting habitat or any rare plants.
IOS-8-001: This section is on the seawall. The plants that are named on the Ramsar information sheet that may be found on seawalls are *Peucedanum officinale* hogs fennel, *Bupleurum tenuissimum* slender hare's-ear and *Hordeum marinum* sea barley. The access assessment predicts a medium to high increase in access levels, this is due to the very limited access at present and only equates to a handful of visitors per day at peak season. The number of visitors to this stretch of seawall is expected to be very low due to the relative remoteness of the location. The nearest access point is the Ferry Inn car park. It is unlikely that many people will venture far from the Ferry Inn car park as there are no obvious destinations along the seawall, other than Elmley NNR Spitend hide which is 7 km away or the reserve car park which is over 12 km away. In either case a lengthy return trip. Within the Swale Estuary there are other sections of similar seawall habitat where access is restricted, for example within Elmley NNR. There is a low risk that damage from regular trampling would take place.
Other sections are mainly on existing gravel tracks, there is a very low risk that any rare plants or sensitive supporting habitat would be present.

The new section of path between Spitend Point and Spitend Marshes (IOS-9-004) is within an area of coastal floodplain grazing marsh, it therefore has the potential to impact on rare plants listed as part of the Ramsar site assemblage which live in this habitat, for example *Chenopodium chenopodioides* Goosefoot and *Hordeum marinum* sea barley. The plants are widely distributed throughout The Swale. As this is a relatively small area of grazing marsh (2234 m^2 out of 25.12million m^2) and the rare plants associated with this habitat are widely distributed throughout the site there should be no significant impact.

The new sections of path at Kingsferry Bridge and Neatscourt Marshes are being surfaced and therefore have been discussed within the loss of supporting habitat section above. In summary there was no habitat within these sections that would support any sensitive vegetation.

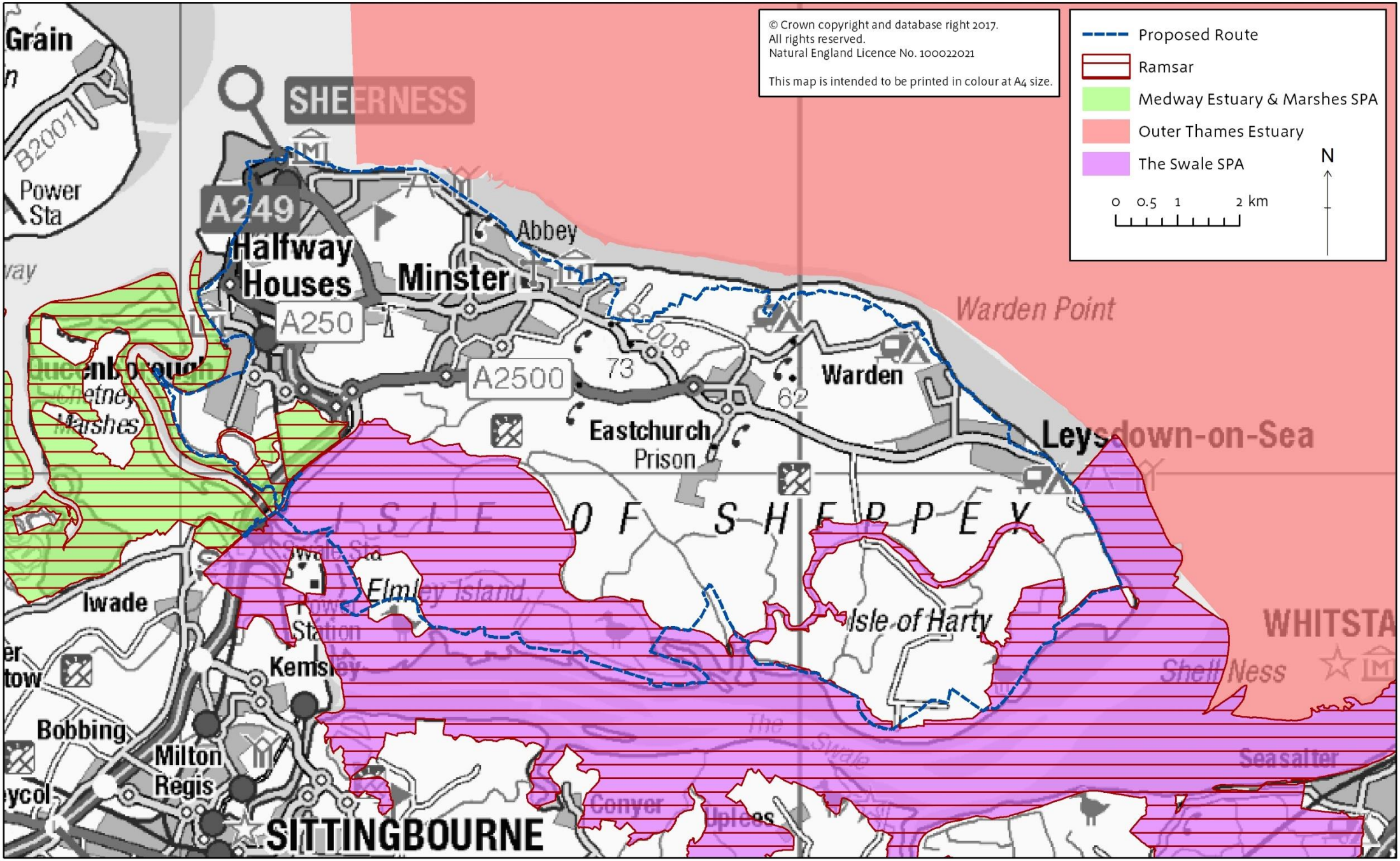
The new section of path at Ferry Marshes (IOS-10-S023 – IOS-10-026) is partly within an area of coastal floodplain grazing marsh. It therefore has the potential to impact on rare plants listed as part of the Medway Estuary and Marshes Ramsar site assemblage which live in this habitat, for example *Polypogon monspeliensis* annual beard grass and *Puccinellia fasciculata* Borrier's saltmarsh grass. The plants are widely distributed throughout the Medway. The grazing marsh where the path is proposed is of poor quality, it is subject to untreated surface water runoff and pollution from the adjacent road which large lorries use to access/exit Ridham Docks. As this is a relatively small area of poor quality grazing marsh (440 m^2 out of 6.44million m^2) and the rare plants associated with this habitat are widely distributed throughout the site, there should be no significant impact.

When considering the risk of trampling to habitats landward or seaward of the trail, with respect to saltmarsh, no new access rights will be created here as these habitats are unsuitable for public access and will be restricted by direction. Where a well-established trail passes nearby grazing marsh and there is a natural or physical separation of grazing marshes by borrow dykes, ditches, scrub or curtilage of a built development, it is also unlikely that the Coast Path proposals will result in increased trampling.

In conclusion there will be no significant loss of sensitive vegetation from regular trampling.

Coastal Access - Isle of Sheppey - Habitats Regulations Assessment

Map 1: Natura 2000 designations within the Isle of Sheppey ECP Stretch



D3.2 Design of the access proposal to address possible risks – at a local level

In this part of the assessment we consider key locations along the coast of the Isle of Sheppey where establishing the England Coast Path and associated coastal access rights might impact on Qualifying Features of a European site. We explain how the detailed design of our proposals at these locations takes account of possible risks.

The relationship between the locations referred to in this assessment and the corresponding Coastal Access Reports in which the access proposal is described is shown in the table below.

Table 11. Summary of key locations

Location	Cross reference to the access proposal	Non-breeding waterbirds	Breeding waterbirds	Nationally scarce plants and wetland invertebrates
Shell Ness Beach	IOS 6/route sections IOS-6-S035 and IOS-6-S036 (Maps IOS 6d and IOS 6e)	✓		
Sayes Court to The Ferry Inn, Isle of Harty (Park Farm)	IOS 7/route sections IOS-7-S007 (Map IOS 7b)	✓	✓	
The Ferry Inn, Isle of Harty to Mocketts	IOS-7-S010 to IOS-7-S013 (Map IOS 7b)	✓	✓	
Mocketts to Capel Fleet	IOS-8-S001 to IOS-8-S004 (Maps IOS 8a and IOS 8b)	✓	✓	
Great Bells	IOS-8-S004 to IOS-8-S012 (Maps IOS 8b and IOS 8c)	✓	✓	
Elmley NNR - Seawall	IOS-9-S005 to IOS-9-S006 (Maps IOS 9a, IOS 9b and IOS 9c)	✓	✓	
Elmley NNR – Sharfleet Creek to Clay Reach	IOS-9-S007 to IOS-9-S015 (Maps IOS 9c, IOS 9d and IOS 9e)	✓	✓	
Kingsferry Bridge and Neatscourt Marshes	IOS-10-S004 to IOS-10-S008 (Maps IOS 10a)	✓	✓	✓

D3.2A Shell Ness Beach

I) Baseline situation

Part of Shell Ness Beach falls within The Swale NNR. There is a public footpath that runs along the top of the seawall for the entire length of the NNR between Sayes Court and the public car park by Shellness Estate. The footpath then continues north along the back of the beach towards Leysdown-On-Sea. This is a popular with visitors and locals and there is information in the car park about the importance of the NNR and Shell Ness Beach for both overwintering and breeding birds. Please note that the birds nesting on the shell spit are considered in the associated NCA.

There is a permissive path that runs from the car park along the edge of the saltmarsh on the western boundary of the Shellness Estate to the beach and then west to the end of a mini peninsula, bounded by saltmarsh to the north and shell beach to the south. Part of the beach is cordoned off by a roped fence to indicate where the public are excluded year round. There is interpretation along the fence line in a number of places highlighting the breeding little tern colony here. At the far end of the spit there is a section of beach north of the permissive path that the public can use.

In addition to being important to terns during the breeding season, the shoreline within the fenced area is also an important high tide winter waterbird roost and refuge, seeing thousands of wigeon, teal, oystercatcher, golden plover, lapwing and dunlin using the site.

The saltmarsh along The Swale NNR and at Shell Ness can support roosting and breeding birds, as well as hunting raptors. However, Shell Ness spit in Map 2 represents the main concentration and focus of interest in relation to access.

II) Detailed design features of the access proposal

As shown in Map 2, the detailed design features are as follows.

Both the proposed Coast Path and the margin are within The Swale SPA and Ramsar site.

The proposed route for the Coast Path is to adopt the public footpath running along the top of the seawall. The landward coastal margin will be the landward base of the seawall. Land seawards of the Coast Path would become part of the coastal margin by default, including the high tide roost site. A S25A restriction excluding access would be created over the mudflats and saltmarsh on grounds that it is dangerous and unsuitable for public access.

On the mini-peninsula, the existing rope fencing will be replaced by wooden post and rail fencing (500 m). Four new enhanced interpretation panels highlighting the importance of the area as a high tide winter roost, as well as for breeding terns, will replace the existing panels which only reference breeding tern.

A year round S26a nature conservation restriction excluding access will apply to the fenced off area and a dogs on leads restriction to the remainder of the beach.

III) Consideration of possible risks to qualifying features at this location in light of the access proposal

Disturbance of feeding or resting non-breeding waterbirds from recreational activities
There is a risk of increased disturbance to over wintering waterbirds roosting on the shoreline from recreational activities, particularly from dogs off leads. Due to the promotion of the Coast Path there is likely to be some increase in walkers visiting Shell Ness Beach and therefore an increase in those ignoring the beach exclusions.

To address this risk more robust wooden post and rail fencing will replace the existing rope fencing, this will help to better protect the high tide roost. A year round S26a nature conservation restriction excluding access will apply to the fenced off area and a dogs on leads restriction to the remainder of the beach. Enhanced interpretation panels will be installed in both the NNR car park, as you enter the beach area and along the renewed fence line. These will include information on the importance of this area as a high tide winter roost, current interpretation does not refer to this.

Conclusion
Natural England has considered the possible risks to qualifying features at this location. Given the avoidance and mitigation measures detailed above, we consider that no new significant disturbance from recreational activities will be caused. The proposals will therefore not adversely affect the achievement of the conservation objectives in this location.

D3.2B Sayes Court to The Ferry Inn, Isle of Harty (Park Farm)

I) Baseline situation
There is an existing public bridleway outside of the SPA that runs through the field at this location.

The area seaward of the bridleway is utilised by both breeding and non-breeding SPA birds. The grassland between the bridleway and saline pools is outside of the SPA, however towards the intertidal it provides some nesting habitat for breeding waterbirds, including mallard, coot, redshank, oystercatcher, avocet and shelduck. It is also a foraging and roosting site for overwintering waterbirds including wigeon, teal, shoveler, gadwall and golden plover. This is not considered to be functionally linked land as it doesn't play an essential role in maintaining SPA bird populations. The grassland acts as an important buffer to the saline pools, within the SPA, which supports both breeding and overwintering waterbirds.

The saltmarsh south and east of the saline pools is an important wader roost on spring tides for waders, including black-tailed godwit, redshank, dunlin and grey plover. The mudflats here are one of the main feeding areas for dunlin and other waders.

Birds may roost in varying numbers along this length of saltmarsh and intertidal east of The Ferry Inn and the saltmarsh here may also be used by fledged waders. The sites identified in Map 2 represent the main areas of interest in relation to access.

II) Detailed design features of the access proposal

As shown in Map 2, the detailed design features are as follows.

The Coast Path is to adopt the existing bridleway, outside of the SPA. There is a predicted medium increase in use on the trail and negligible in the margin. The landward margin is the edge of the path. Land seawards of the Coast Path would become part of the coastal margin by default. This includes the grassland and the saline pools. A S25A restriction excluding access would be created over the mudflats and saltmarsh on grounds that it is dangerous and unsuitable for public access. A year round S26a nature conservation restriction excluding access will apply to the grassland, reedbed and saline pools.

Two new sign posts are proposed, one at each access point into the field.

III) Consideration of possible risks to qualifying features at this location in light of the access proposal

Disturbance of breeding and non-breeding and waterbirds from recreational activities

There is a risk of increased disturbance to both breeding and non-breeding SPA birds utilising the saline pools within the seaward coastal margin from recreational activities. Due to the promotion of the Coast Path there is likely to be some increase in walkers using the path and potentially accessing the margin.

To address this risk a year round S26a nature conservation restriction excluding access will apply to the both the grassland, reedbed and the saline pools. Furthermore, the new sign posts will clearly direct walkers across the field helping to ensure they keep to the path.

Conclusion

Natural England has considered the possible risks to qualifying features at this location. Given the mitigation measures detailed above, we consider that no new significant disturbance recreational activities will be caused. The proposals will therefore not adversely affect the achievement of the conservation objectives in this location.

D3.2C The Ferry Inn, Isle of Harty to Mocketts

I) Baseline situation

There is no formal access along the shoreline although there is some de-facto access and use by wildfowlers. The Around the Island charity walk also walks the shoreline here every September.

The intertidal consists of a wide expanse of saltmarsh which for the most part is only fully inundated on spring tides. Wildfowling occurs frequently between here and Windmill Creek to the west. Therefore this area is not used by waterbirds as a roosting area in the same way or in the same numbers as the extensive saltmarsh within The Swale NNR further east. There is little evidence of breeding redshank in the saltmarsh as there are more desirable areas of saltmarsh further east or west.

The saltmarsh along this stretch may support breeding waders and roosting waterfowl but not in significant numbers in relation to the SPA population as a whole. See Map 3

Landward of the saltmarsh the lower 'Bull Bank' is lined with scrub, dense in places. It rises relatively steeply to higher open ground to the north.

II) Detailed design features of the access proposal

As shown in Map 3, the detailed design features are as follows.

New sections of Coast Path are proposed at this location, these are within the SPA and Ramsar site. Due to the proximity of The Ferry Inn pub there is a predicted large increase in use on the trail and negligible in the margin. The Coast Path is to utilise a grass bank that runs along the upper edge of the saltmarsh, selective scrub clearance will be required. Where there is a risk of the bank slumping onto the path, wooden revetments will be required. Occasional cuts of the scrub will also be required to maintain the path. No new surface is necessary. A year round S26a nature conservation restriction requiring dogs to be kept on leads will apply to the path and any none saltmarsh habitat in the seaward margin.

The landward margin is the landward edge of the path. Land seaward of the Coast Path would become part of the coastal margin by default. At this location the land is mainly saltmarsh, a S25A restriction excluding access would be created over the mudflats and saltmarsh on grounds that it is dangerous and unsuitable for public access.

Three new sign posts and an interpretation panel are proposed along this stretch. Multi fingered sign posts are proposed adjacent to The Ferry Inn and Mocketts, with a simple sign post proposed at the start of the Bull Bank adjacent to The Ferry Inn. The interpretation panel will be located near to The Ferry Inn.

III) Consideration of possible risks to qualifying features at this location in light of the access proposal

Disturbance of breeding and non-breeding and waterbirds from recreational activities

As a result of the establishment of new formal access, there is a risk of increased disturbance to any breeding and roosting waterbirds in the saltmarsh from recreational activities, particularly from dogs off leads.

To address this, a year round S26a nature conservation restriction requiring dogs to be kept on leads will apply to the path and any none saltmarsh habitat in the seaward margin. A S25A restriction excluding access rights would be created over the saltmarsh on grounds that it is dangerous and unsuitable for public access. The interpretation panel near to The Ferry Inn will focus on preventing disturbance, particularly through the control of dogs along with other Bird Wise messages. Furthermore, the new sign posts will clearly direct walkers along the upper edge of saltmarsh helping to ensure they keep to the path. Visual disturbance from walkers will be negligible, the natural backdrop of scrub and rising land along the Bull Bank should prevent any sky-lining.

Disturbance of breeding and non-breeding and waterbirds from path establishment works
The selective scrub clearance and wooden revetments required for the establishment and ongoing maintenance of the path will be small scale and short term, there is a very low risk of disturbance to SPA birds. The works will be undertaken outside of the main breeding and overwintering months. The timing of works will be agreed with Natural England.

The installation methods, including timing of works, will be checked at establishment stage and further assessment under the Habitat Regulations made, as necessary, prior to the works being carried out.

Conclusion
Natural England has considered the possible risks to qualifying features at this location. Given the mitigation measures detailed above, we consider that no new significant disturbance from recreational activities will be caused. The proposals will therefore not adversely affect the achievement of the conservation objectives in this location.

D3.2D Mocketts to Capel Fleet

I) Baseline situation

There is no formal access along the coast at this relatively remote location. There is some low level de-facto access from the Isle of Harty and The Ferry Inn, and to a lesser extent Elmley NNR. In this section the seawall is relatively wide and low.

The saltmarsh, borrow dyke and Capel Fleet are within the SPA and Ramsar site. The grassland, landward of the seawall is outside of the SPA and is not considered to be functionally linked to the SPA as it doesn't play an essential role in maintaining SPA bird populations. In the early spring of 2018 a scrape was excavated on undesignated grassland c.70 m behind the seawall, and this supported half a dozen pairs of breeding waders.

The saltmarsh along this section of coast is extensive (c.380 m at the narrowest point) and is only inundated on spring tides. Some waterfowl roost here at high tide in winter, although some way from the seawall. This is usually as a sub-roost before flying off to Fowley Island on the south side of the Swale near Conyer Creek. Relatively low numbers of redshank (part of the SPA breeding bird assemblage) nest near the western end of the saltmarsh towards Flanders Mare and along with small numbers of lapwing, occasionally on the wet grassland behind the seawall. These represent a small proportion of those found across The Swale and at Elmley NNR in particular which has high densities of breeding waders, including 0.68/ha for redshank. The saltmarsh is subject to wildfowling.

A marsh harrier breeding survey was undertaken in 2017 along this section, with particular focus on the borrow dyke. Although birds were recorded hunting and roosting in the area there was no clear evidence of nesting other than in the rape field at the far eastern end, set some way back from the seawall. Most of the marsh harrier roosting and hunting activity centres on the ditch separating the field nearest to the seawall from the one behind.

Between late September and April, marsh harrier roost in large numbers (c.50) in the reeds and vegetation of Capel Fleet. This is the largest marsh harrier roost on the island. They will also occasionally roost in the wider area of reed in the borrow dyke, sometimes as a sub-roost before moving onto the main roost at Capel Fleet. Some marsh harriers, particularly those less well established, will remain at their nest sites to roost.

Waterfowl may use the saltmarsh for nesting and roosting. They will also use the borrow dyke, grassland and arable fields behind the seawall for nesting, as well as for roosting, loafing and feeding when conditions are suitable - such as during winter flash flooding. The sites identified in Map 3 represent the main concentrations of interest.

II) Detailed design features of the access proposal

As shown in Map 3, the detailed design features are as follows.

New sections of Coast Path are proposed at this location, these are within the SPA and Ramsar site. Due to the proximity of The Ferry Inn pub there is a predicted large increase in use of the trail and negligible in the margin. This is based on an increase from zero, so will only equate to a small number of walkers. There is already some low level de-facto access as detailed above. The Coast Path is proposed along the top of the seawall. No improvements to the path are proposed.

The landward margin is the either the bottom of the seawall or landward edge of the path. Land seawards of the Coast Path would become part of the coastal margin by default. A S25A restriction excluding access rights would be created over the mudflats and the saltmarsh on grounds that it is dangerous and unsuitable for public access.

A year round S26a nature conservation restriction requiring dogs to be kept on leads will apply to the whole length of this section of path and the landward margin.

One multi finger sign post and two simple waymark posts are proposed along this stretch. An interpretation panel is proposed east of Capel Fleet, this will state that dogs should be on a lead and provide information on the sensitive wildlife.

III) Consideration of possible risks to qualifying features at this location in light of the access proposal

Disturbance of breeding and non-breeding and waterbirds from recreational activities

As a result of the establishment of new formal access, there is a risk of increased disturbance to breeding and roosting waterbirds in the saltmarsh from recreational activities, particularly walking with dogs off lead.

As mentioned previously (section D3.1), the access assessment predicts a high increase in access levels. However this due to the very limited access at present and only equates to a handful of visitors per day at peak season. The number of visitors to this stretch of seawall is therefore expected to be low due to the relative remoteness of the location. The nearest access point is The

Ferry Inn car park. It is unlikely that many people will venture far from here as there are no obvious destinations along the seawall, other than Elmley NNR Spitend hide which is 7 km away or the reserve car park which is over 12 km away. In either case a lengthy return trip.

There is limited potential for direct disturbance to birds using either the saltmarsh or grassland. The path and the wet grassland are separated by the borrow dyke which runs the full length of the seawall at this location. No new coastal access rights would be created over the saltmarsh and mudflats on grounds that it is dangerous and unsuitable for public access. To address dogs off leads disturbing birds using the saltmarsh and reed beds by the borrow dyke, a year round S26a nature conservation restriction requiring dogs to be kept on leads will apply to the path and margin.

There is some potential for disturbance being caused through sky-lining. Consideration was given to aligning the path at the base of the seawall, however the seawall in this stretch is wide and low so there is less to be gained from walking at the base (whether saltmarsh or landward side) as walkers may still be visible above the seawall. The saltmarsh is extensive and only inundated on spring tides, therefore the relatively small number of breeding redshank are not restricted to a narrow band of nesting habitat fringing the seawall and proposed path, other suitable habitat would be available if disturbance from sky-lining was experienced. Saltmarsh breeding populations within The Swale Estuary SPA are stable, any small variation in breeding success here resulting from the Coast Path will not affect the integrity of the assemblage as a whole.

Impacts on the overwintering marsh harrier roost site at Capel Fleet also needs to be considered. There is evidence that birds using this winter roost site make a significant contribution to the breeding population, a main component of The Swale Estuary SPA breeding bird assemblage. There is some potential for increased disturbance by walkers. However, the reed habitat will provide considerable screening. There is contiguous habitat a long distance up the fleet which the harrier have the option of inhabiting. The year round S26a nature conservation restriction requiring dogs to be kept on leads will apply to the path at this location. Furthermore, as the birds come in to roost at dusk during the winter months, it is unlikely that many walkers other than perhaps birdwatchers will be present at this time, particularly as it will involve a night time walk back to The Ferry Inn. The RSPB Capel Fleet raptor viewpoint on the Harty Ferry Road provides far easier access for viewing the birds, and it is expected that most visitors will use this facility. Any small amounts of disturbance from the introduction of the path at this location will not affect the integrity of the breeding assemblage as a whole.

The new sign posts will clearly direct walkers along the seawall, helping to ensure they keep to the path. The interpretation panels at The Ferry Inn and eastern boundary of Elmley NNR, along with reminder signage at Little Bells, will highlight the sensitivities along this stretch and incorporate Bird Wise messages such as dogs on leads.

Conclusion

Natural England has considered the possible risks to qualifying features at this location. Given the mitigation measures detailed above, we consider that no new significant disturbance from recreational activities will be caused. The proposals will therefore not adversely affect the achievement of the conservation objectives in this location.

D3.2E Great Bells – Capel Fleet to Windmill Creek

I) Baseline situation

There is no formal access between Capel Fleet and Little Bells, however there is a farm access track. A public footpath runs diagonally from Little Bells Farm to Windmill Creek. There is certain amount of de-facto access along the seawall by walkers from Elmley NNR heading to The Ferry Inn at Harty and beyond, and vice versa, but this is limited given the relative remoteness of this stretch. There is also reported to be some use of the site and seawall by staff from the prisons. Wildfowling occurs on Windmill Creek.

Bells Creek provides a refuge for over wintering and migratory wildfowl. Arable fields east of Bells Creek at Little Bells farm are used by roosting and feeding waterfowl during winter flash flooding.

Landward of the seawall and borrow dyke the wet grassland of Great Bells Farm RSPB reserve is split by the public footpath. The higher drier land seaward of the footpath is grazed, it supports some limited breeding (low numbers of breeding lapwing) and overwintering waders and wildfowl. Whereas north of the footpath, wetland creation and water level management has produced a rich habitat for breeding waders. The farm has been identified as compensatory land for loss of SPA habitats elsewhere and also for proposed managed realignments. New freshwater habitat is to be created to provide further refuge for breeding and wintering waders, wildfowl and other wetland bird species. Land which has been formally identified as or required for compensatory measures for adverse effects on the integrity of European Sites is afforded the same protection as fully-designated European Sites under the Habitat Regulations as a matter of Government policy. The compensatory land here supports breeding waders and wintering waterfowl (Map 3)

The fringe of saltmarsh along the seawall north of Dutchman's Island and Flanders Mare supports up to 2,000 migratory/overwintering wildfowl and waders at high tide. It also supports low numbers of breeding redshank.

Arable land north of Capel Fleet at Little Bells Farm can support large numbers of roosting wildfowl during years when there is extensive winter flash flooding, including dark- bellied brent goose, white-fronted goose, wigeon and curlew. Due to the variable use of this area it is not considered to play an essential role in maintaining SPA bird populations, therefore it isn't recognised as being functionally linked to the SPA.

II) Detailed design features of the access proposal

As shown in Map 3, the detailed design features are as follows.

New sections of path are proposed between Capel Fleet and Little Bells, these will be aligned on the existing farm access track. The remainder of this section will use the public footpath running from Little Bells Farm to the dam at Windmill Creek. As the area is relatively remote the number of overall visits is anticipated to be very low. However, set against a baseline of no official access at present, there is a still a predicted medium increase in use of the trail (and negligible increase in the margin). It is unlikely that the general public will venture out this far given there is no access from Eastchurch to the north. The vast majority of visitors are expected to be national trail walkers or birdwatchers, either from Elmley NNR or more likely from the Ferry Inn at Harty, although this is still a significant linear walk. Visitors may be tempted to access the seawall although there is no ongoing access through the new EA pumping station.

The landward margin is the either the bottom of the seawall or landward edge of the path. Land seawards of the Coast Path would become part of the coastal margin by default. A S25A restriction excluding access rights would be created over the mudflats and the saltmarsh on grounds that it is dangerous and unsuitable for public access.

A year round S26a nature conservation restriction excluding access will apply to the wet grassland between the public footpath, Bells Creek and the seawall within the seaward margin. A year round dogs on leads restriction will apply to the new section of path within this stretch (IOS-8-005 and IOS-8-006).

Five signposts are proposed along this stretch. An interpretation panel is proposed at Little Bells, this will state that dogs should be on a lead and provide information on the sensitive wildlife.

III) Consideration of possible risks to qualifying features at this location in light of the access proposal

Disturbance of breeding and non-breeding and waterbirds from recreational activities

There is very little potential for interaction on the trail itself, the path adopts a farm access track to Little Bells and then an existing public footpath inland on a surfaced track for most of this section.

There is the potential for disturbance to breeding waders and wintering waterfowl on the wet grassland between the public footpath, Bells Creek and the seawall, and in Bells Creek itself during the winter months by those exercising access rights in the margin. To address this, a year round S26a nature conservation restriction excluding access will apply to this area. No access rights are being created in the fields landward of the public footpath. The S26a exclusion also includes the small reedbed wetland/enlarged borrow dyke where marsh harrier nest.

The new sign posts will clearly direct walkers along the obvious access routes available to them. The interpretation panel, along with the interpretation panels at The Ferry Inn and eastern boundary of

Elmley NNR, will highlight the sensitivities along this stretch and incorporate Bird Wise messages, such as dogs on leads.

Conclusion
Natural England has considered the possible risks to qualifying features at this location. Given the mitigation measures detailed above, we consider that no new significant disturbance from recreational activities will be caused. The proposals will therefore not adversely affect the achievement of the conservation objectives in this location.

D3.2F Elmley NNR – seawall

I) Baseline situation

There are clearly defined and well used paths from Windmill Creek to the eastern boundary of Elmley NNR, and from Spitend to Sharfleet Creek. There is no access from the eastern boundary of Elmley NNR to Spitend. The paths within this stretch are all landward of the seawall. Within the NNR there is visitor management already in place, this includes using signs to request that visitors do not access the top of the seawall, instead visitors are expected to use the existing viewing points and bird hides.

Elmley NNR is one of the most important places in the UK for breeding waders, particularly lapwing of which 336 pairs managed to fledge over 429 chicks between April and July 2019, a productivity of 1.27 chicks fledged per brood. Other breeding species include redshank, oystercatcher, avocet and ringed plover.

Along this stretch the breeding waders are found well inland of the seawall, and marsh harrier nest in the reedbeds along the borrow dyke, sometimes close to the existing paths. The location of the marsh harrier nests varies year on year.

Wintering species using the grazing marsh include lapwing, avocet, dunlin, golden plover, teal and wigeon. The intertidal is used for feeding in the saltmarsh and mudflat at low tides and for roosting by the seawall at high tides.

Much of the grazing marsh landward of the seawall at Elmley NNR including Spitend Marshes and Elmley Marshes supports breeding and wintering birds. Areas of saltmarsh may also be used by fledged waders, notably redshank. Only the significant sites for nesting and roosting, mostly seaward of the trail relating to access rights, have been highlighted in Maps 3 and 4.

II) Detailed design features of the access proposal

As shown in Maps 3 and 4, the detailed design features are as follows

The Coast Path will adopt the clearly defined and well used paths from Windmill Creek to the eastern boundary of Elmley NNR, and from Spitend to Sharfleet Creek. A new section of path will be created from the eastern boundary of Elmley NNR to Spitend, this will follow the landward base of the seawall. No improvements to the path are proposed.

There is a predicted medium increase in access levels for the path and a negligible increase in the margin.

The landward margin is the edge of the path. Land seawards of the Coast Path would become part of the coastal margin by default. A S25A restriction excluding access rights would be created over the mudflats and the saltmarsh on grounds that it is dangerous and unsuitable for public access.

A year round S26a nature conservation restriction excluding access will apply to the seawall, this mirrors the current NNR visitor management.

Eight signposts, an interpretation panel and two pedestrian gates (to allow access through predator gates) are proposed.

III) Consideration of possible risks to qualifying features at this location in light of the access proposal

Disturbance of breeding and non-breeding and waterbirds from recreational activities
Both where the Coast Path adopts the existing clearly defined and well used footpaths and the new section of path, there is very little potential for interaction with qualifying features of the SPA. The footpaths mainly follow the landward base of the seawall, the exception is just west of Wellmarsh Creek. At this location the path follows the public footpath north to avoid a relatively small area of wet grassland bounded by the seawall which is used by breeding and overwintering birds. Access to this area is difficult and undesirable.

The existing NNR visitor management, including using signs to request that visitors do not access the top of the seawall, will be extended to the new section of path. Visitors are asked to use the existing viewing points and bird hides. Along this stretch there is a viewing screen overlooking Sharfleet Creek and a bird hide at Spitend. There is a c.4.6 km walk at the landward base of the seawall between these viewing points. Because of the length of the path without a view of the coast, a very small number of users have been seen to access the top of the seawall. The medium increase in access levels has the potential to increase this number and thus increase disturbance events to birds using the saltmarsh/mudflats seaward of the seawall. To address this three new signs will be located at intervals along the base of the seawall requesting that visitors do not access the top of the seawall and also informing them of the existing viewing points/bird hides. This will negate the temptation for visitors to access the top of the seawall as they walk along this long stretch at the base of seawall.

A year round S26a nature conservation restriction excluding access will apply to the seawall for the whole of this stretch, this mirrors the current NNR visitor management.

No new coastal access rights are being created over the reedbeds within the borrow dyke used by nesting marsh harrier. Local observations of breeding marsh harrier within the NNR indicates that nesting marsh harrier are relatively tolerant of people. They have nested within 50 m of the existing path between Wellmarsh Creek and Sharfleet Creek where the reedbed is only 20 m across. Within The Swale NNR between 2015 and 2017 the number of nest sites within the borrow dyke reedbed,

within 20 m of a public footpath running on top of the seawall, increased from one to three, despite there being a greater expanse of suitable habitat further inland.

New sign posts will clearly direct walkers along the obvious access routes available to them. The interpretation panel at the eastern boundary of Elmley NNR will highlight the sensitivities along this stretch and incorporate Bird Wise messages.

Two new gates to allow access through predator gates/fencing are to be installed within the section of new path. If visitors leave the gates open this could allow predators access to areas used by breeding and over wintering waterbirds that are currently protected. The predator fencing needs to remain intact and secure to do its job, therefore appropriate gates will be installed to ensure that this is the case. The installation methods will be checked at establishment stage and further assessment under the Habitat Regulations made, as necessary, prior to the works being carried out.

Conclusion
Natural England has considered the possible risks to qualifying features at this location. Given the mitigation measures detailed above, we consider that no new significant disturbance from recreational activities will be caused. The proposals will therefore not adversely affect the achievement of the conservation objectives in this location.

D3.2G Elmley NNR – Sharfleet Creek to Clay Reach

I) Baseline situation

There are existing paths, trackways and a bridleway within this area. The main entrance to Elmley NNR and its car park are within this stretch, where interpretation and a trail guide are available.

There is an area of grazing marsh within the SPA, east of Elmley Hills and south of the bridleway and undesignated hay meadow, which is used by breeding waders including lapwing, redshank, oystercatcher and avocet, although not in the same numbers as elsewhere on the NNR. This area is also used by large numbers of feeding and roosting over wintering waterbirds such as lapwing, avocet, dunlin, golden plover, teal and wigeon. Access to this area has been discouraged by the NNR, although three separate public footpaths cross the site. These paths are rarely used due to the ground conditions and winter flooding.

A pair of marsh harrier have nested for a number of years in the borrow dyke tight to the seawall to the south and east of Elmley Hills.

The coastline immediately below Elmley Hills is an important high tide winter roost for waterbirds, including dunlin, know, oystercatcher black-tailed godwit, redshank, turnstone and wigeon.

North of Elmley Hills there is a large wetland which supports both breeding and roosting marsh harrier within an extensive reedbed. The adjacent small area of saltmarsh is used as a minor high tide winter roost by avocet, knot, grey plover, lapwing and shelduck. Heading north along Clay Reach there are only fragments of inaccessible saltmarsh along the coastline, the main high tide winter

wader roost/feeding area (when flooded) and breeding wader activity is well inland at Minster Marshes.

Saltmarsh fringes along this stretch may provide sites for fledged waders, notably redshank as well as winter roosts (Map 4)

II) Detailed design features of the access proposal

As shown in Map 4, the detailed design features are as follows.

The Coast Path mirrors the existing visitor management, avoiding the coastline south of Elmley Hills. The path adopts the existing path which heads inland to Kingshill Farm car park and the main entrance of the NNR, then the bridleway west to Clay Reach before heading north along the seawall on a well-used path. The landward margin is the edge of the path. Land seawards of the Coast Path would become part of the coastal margin by default. No new coastal access rights would be created over the mudflats and the saltmarsh on grounds that it is dangerous and unsuitable for public access.

There is a predicted medium increase in access levels on the trail and a negligible increase in the margin.

A year round S26a nature conservation restriction excluding access will apply to the grazing marsh within the seaward margin and a restriction excluding dogs will be applied to the hay meadow.

Six signposts and an advisory sign are proposed.

III) Consideration of possible risks to qualifying features at this location in light of the access proposal

Disturbance of breeding and non-breeding and waterbirds from recreational activities

To avoid increasing disturbance to overwintering and breeding birds using the grazing marsh/upper saltmarsh, the path adopts the existing path which heads inland to Kingshill Farm car park. Therefore is very little risk of interaction on the path itself, however there is a risk of disturbance to both breeding and non-breeding waterbirds from visitors exercising their coastal access rights over the grazing marsh and borrow dyke in the margin.

The undesignated hay meadow, with a year round s26a restriction excluding dogs, will act as a buffer between the Coast Path and the SPA grazing marsh. The grazing marsh will have a year round s26a restriction excluding access.

An advisory sign is proposed at the end of the bridleway to prevent visitors heading south from here over Elmley Hills or through the grazing marsh to the seawall off the PROW. This will state that there is no access beyond this point due to sensitive wildlife.

The borrow dyke at the southern end of Elmley Hills, where marsh harrier nest, falls into the year round s26a restriction excluding access. No new access is proposed in this location.

There is a low risk of increased visual disturbance to birds using the small area of saltmarsh as a high tide winter roost at Clay Reach. There is a predicted medium increase in access, however at this location it is expected that most visitors will start their walk at the NNR car park and follow the promoted trail that runs south to the Swale and then east along Sharfleet Creek where there is a number of bird hides and viewing points. Therefore we would only expect a small increase in the number of people using the part of the path that passes this minor roost. In addition the main high tide winter roost/feeding area and breeding wader activity is well inland at Minster Marshes to the north and east of here.

The reedbed used by breeding and roosting marsh harrier, north of Elmley Hills, is extensive. The reedbed covers most of the site, providing screening and seclusion from walkers using the Coast Path. In addition, as mentioned previously, in this location there would only be a relatively small increase in access.

New sign posts will clearly direct walkers along the obvious access routes available to them.

Conclusion
Natural England has considered the possible risks to qualifying features at this location. Given the mitigation measures detailed above, we consider that no new significant disturbance from recreational activities will be caused. The proposals will therefore not adversely affect the achievement of the conservation objectives in this location.

D3.2H Kingsferry Bridge and Neatscourt

I) Baseline situation

Apart from Ferry Road there is currently no formal access within this stretch. A large fresh water pond is located between Ferry Road to the east and the train lines to the west. North of the pond a drain and reedbeds runs parallel to the B2231. Local observations identified that the drain and reedbeds found in this area are used by small numbers of SPA birds, namely overwintering wildfowl and breeding reed warblers.

The grazing marsh to the south and east of the drain is not known to be used by significant numbers of SPA birds. Small numbers of breeding waders have been recorded in surveys undertaken 2016-2019.

This area is not covered by a WeBS sector.

Neatscourt Marshes and Ferry Marshes may support both breeding and wintering birds but not in significant numbers in relation to the SPA population (Map 4)

II) Detailed design features of the access proposal

As shown in Map 4, the detailed design features are as follows.

This stretch of The Coast Path will create a new path on land that doesn't currently have any access. The majority of the path is aligned to the outside edge of the SPA, along with most of the associated infrastructure: signpost, steps, raised bund with linked sleeper bridge, to allow access where the land is waterlogged, and stock fencing (located alongside the bund/field edge). To ensure that the bund construction does not act as a dam and alter the hydrology of the area, it's recommended that 200 mm porous pipes are installed at 5 m intervals along the length of the construction to allow water to flow beneath the footpath.

The exceptions, located within the SPA, are a revetment which is sited partly within the western edge of the freshwater pond, a 260 m^2 section of the path, a signpost and the wooden steps at Neatscourt Marshes.

Land seawards of the Coast Path would become part of the coastal margin by default, the majority of this is outside of the designated sites. The landward margin is the edge of the path.

There is a predicted medium increase in access levels on the trail and a negligible increase in the margin.

III) Consideration of possible risks to qualifying features at this location in light of the access proposal

Disturbance of breeding and non-breeding and waterbirds from recreational activities
The majority of the path is aligned to the outside edge of the SPA, along with most of the associated infrastructure, this is to avoid impacts on the SPA. However, as a result of the establishment of new formal access there is a risk of new disturbance to SPA birds, both on the path and using the adjacent habitat, from recreational activities.

Local observations are that this area is not known to support significant numbers of SPA birds.

Breeding wader surveys undertaken 2016 to 2018, of the fields south of the drain, recorded the peak number of breeding waders as five birds. In 2019, after water level enhancements, four pairs of lapwing were recorded. No new coastal access rights are being created over these fields.

Where local observations have identified SPA birds, the reedbeds and drain, the Coast Path is aligned c.20 m from the edge of the reedbeds. No new coastal access rights are being created over the drain and reedbeds. The reedbeds will act as a screen from walkers using the path for both breeding reed warbler, which prefer dense reedbeds, and the over wintering wildfowl using the drain.

The path is to be surfaced with stone aggregate, this will give walkers a clearly defined path to follow helping to ensure that they keep to the path.

Conclusion
Natural England has considered the possible risks to qualifying features at this location. Given the small number of SPA species using this area, we consider that no new significant disturbance from

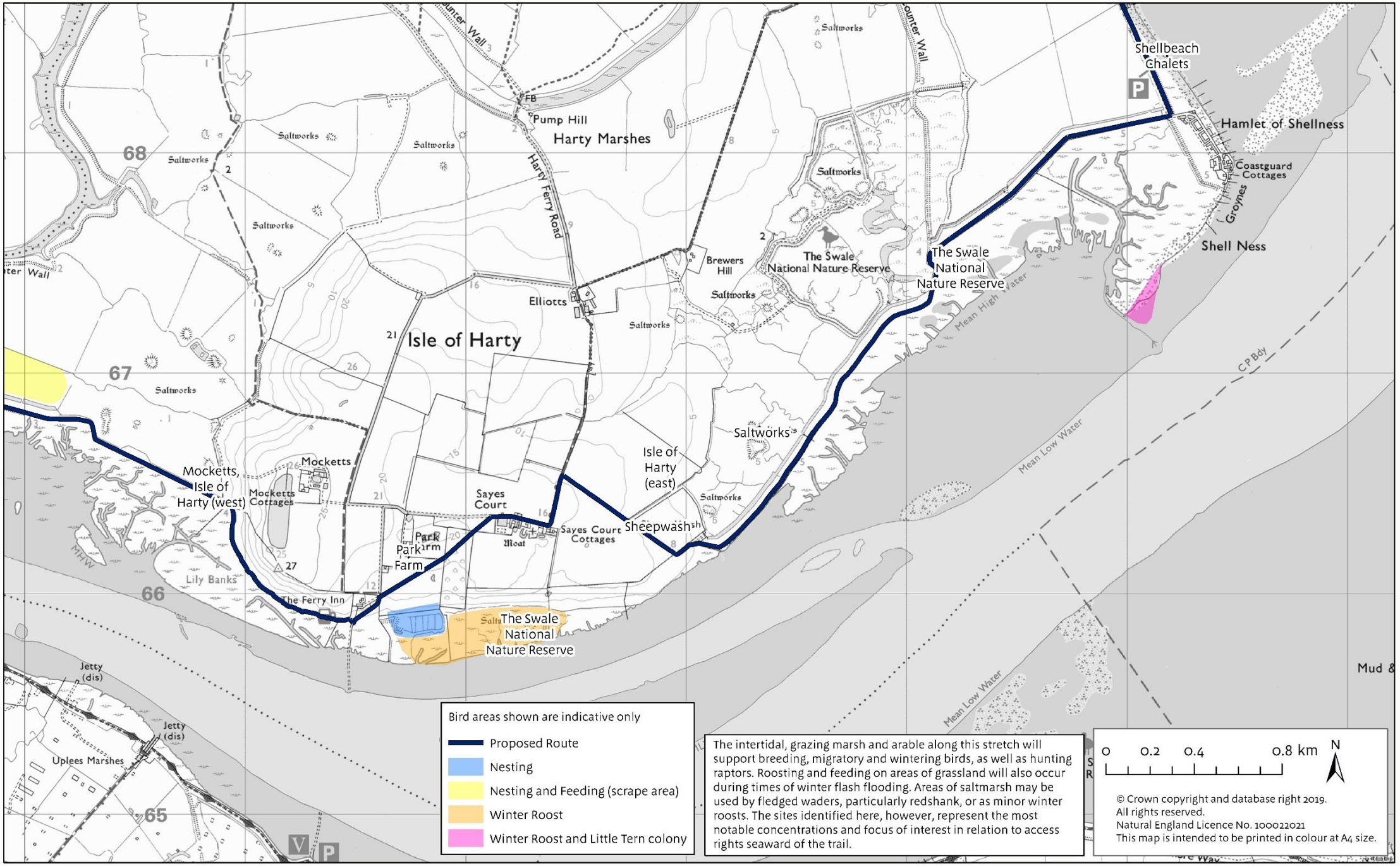
recreational activities will be caused. The proposals will therefore not adversely affect the achievement of the conservation objectives in this location.

NATURAL ENGLAND

Coastal Access - Isle of Sheppey

Habitats Regulations Assessment

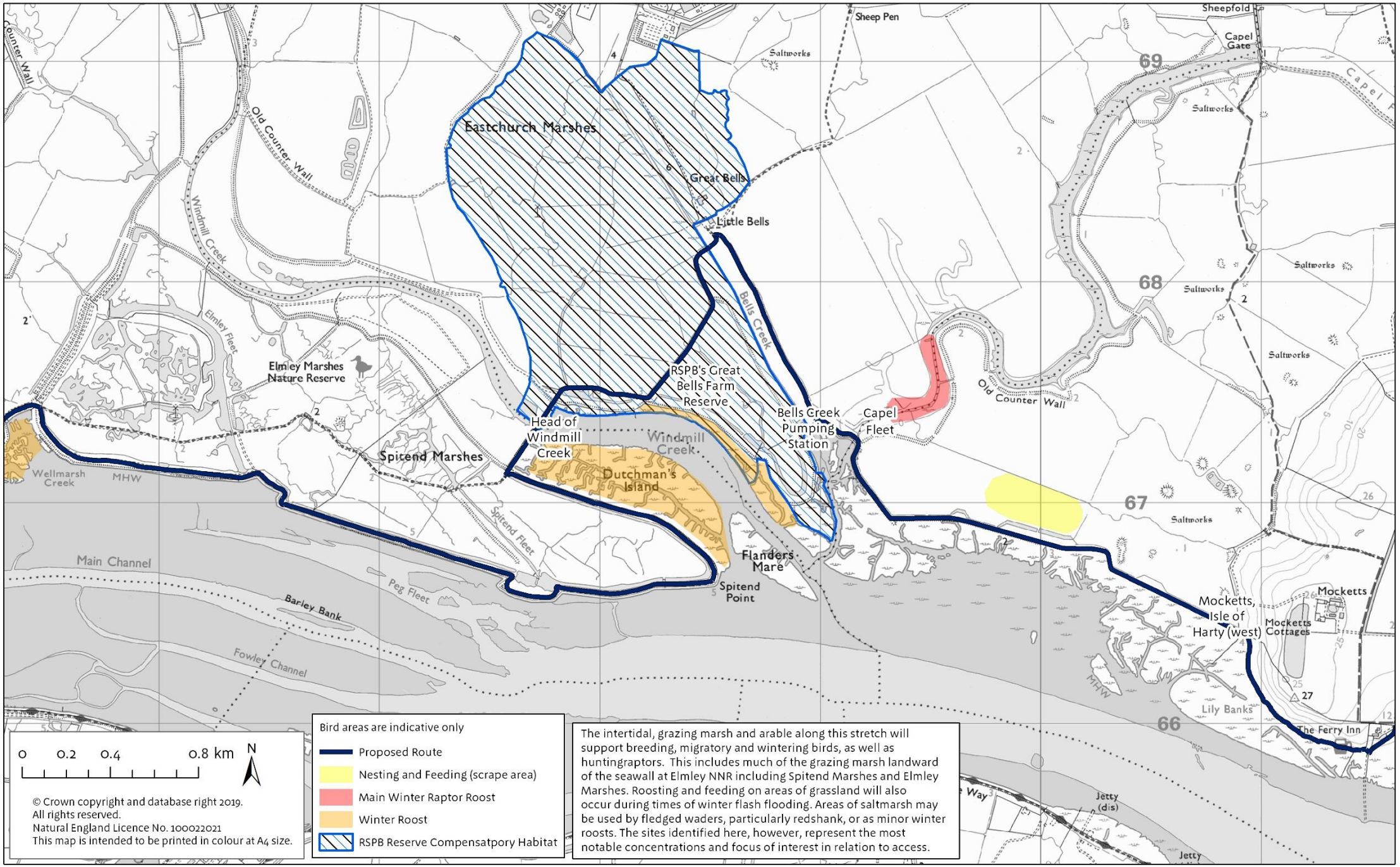
Map 2 - Shell Ness to The Ferry Inn



Coastal Access - Isle of Sheppey

Habitats Regulations Assessment

Map 3 - The Ferry Inn to Elmley Marshes



Bird areas are indicative only

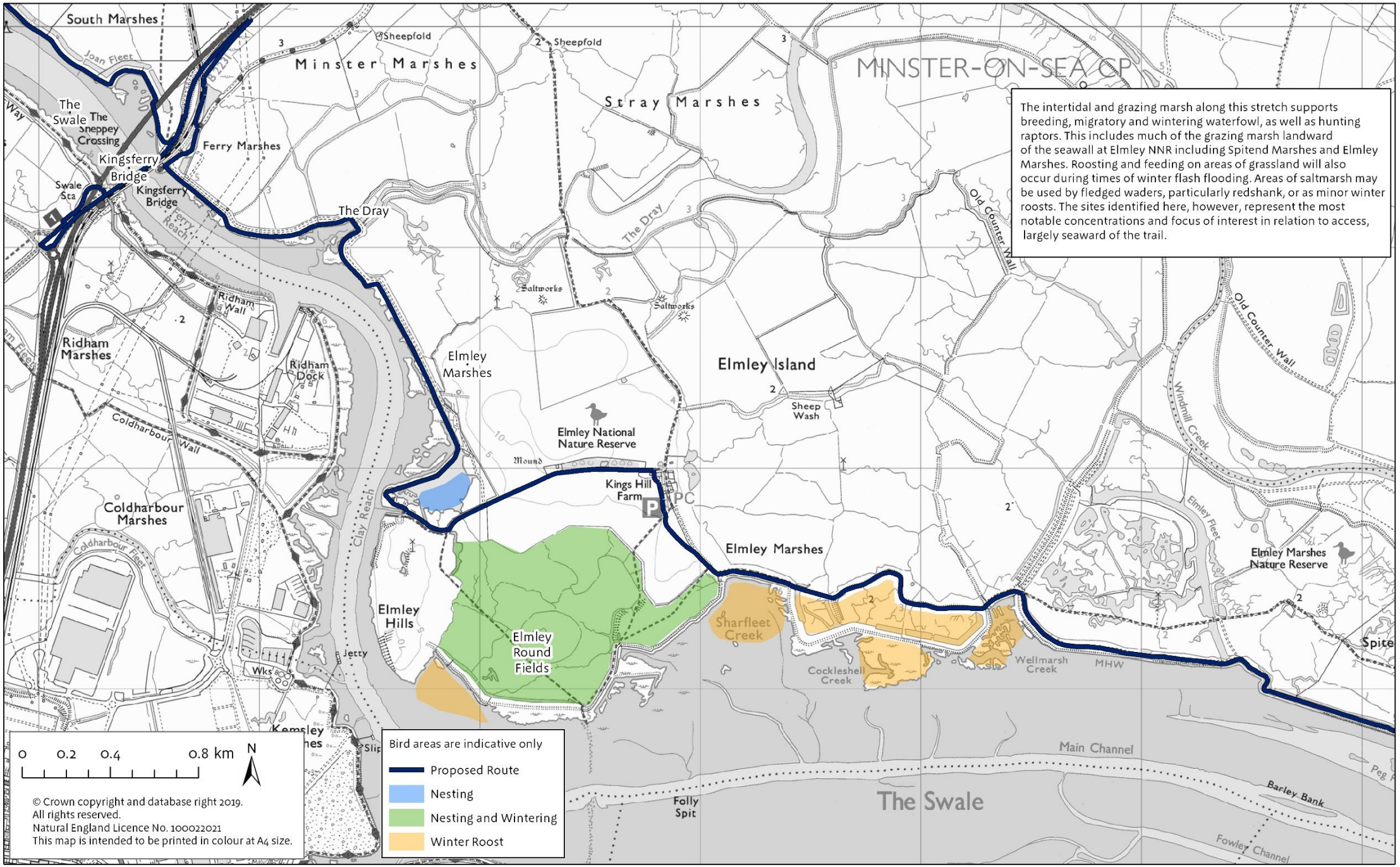
- Proposed Route
- Nesting and Feeding (scrape area)
- Main Winter Raptor Roost
- Winter Roost
- RSPB Reserve Compensatpory Habitat

The intertidal, grazing marsh and arable along this stretch will support breeding, migratory and wintering birds, as well as huntingraptors. This includes much of the grazing marsh landward of the seawall at Elmley NNR including Spitend Marshes and Elmley Marshes. Roosting and feeding on areas of grassland will also occur during times of winter flash flooding. Areas of saltmarsh may be used by fledged waders, particularly redshank, or as minor winter roosts. The sites identified here, however, represent the most notable concentrations and focus of interest in relation to access.

Coastal Access - Isle of Sheppey

Habitats Regulations Assessment

Map 4 - Elmley Marshes to Kingsferry Bridge



The intertidal and grazing marsh along this stretch supports breeding, migratory and wintering waterfowl, as well as hunting raptors. This includes much of the grazing marsh landward of the seawall at Elmley NNR including Spitend Marshes and Elmley Marshes. Roosting and feeding on areas of grassland will also occur during times of winter flash flooding. Areas of saltmarsh may be used by fledged waders, particularly redshank, or as minor winter roosts. The sites identified here, however, represent the most notable concentrations and focus of interest in relation to access, largely seaward of the trail.

This map is intended to be printed in colour at A4 size.

D3.3 Assessment of potentially adverse effects (taking account of any additional mitigation measures incorporated into the design of the access proposal) alone

Table 12. Assessment of adverse effects on site integrity alone

Risk to conservation objectives	Relevant design features of the access proposal	Can 'no adverse effect' on site integrity be ascertained? (Yes/No) Give reasons.	Residual effects?
Disturbance to feeding or resting non-breeding waterbirds from recreational activities following changes in recreational activities as a result of the access proposal, leads to reduced fitness and reduction in population and/or contraction in the distribution of Qualifying Features within the site and Disturbance of breeding birds from recreational activities as a result of the access proposal, leads to nest trampling and	• The proposed route will be well marked and clear to follow and therefore visitors are unlikely to stray from the path. • There will be collaboration with Bird Wise and Elmley NNR to install and maintain new interpretation panels in key locations to encourage responsible behaviour • A year round nature conservation S26a restriction excluding access will be applied at: Elmley NNR (including Elmley Hills, Marshes and sea wall), Park Farm and Shell Ness beach • A year round nature conservation S26a restriction excluding dogs will be applied to the hay meadow northeast of Elmley Hills, within Elmley NNR • A year round nature conservation S26a restriction requiring dogs to be kept on leads will be applied to areas of the beach at Shell Ness and the path and margin not covered by other	**Yes.** Our proposal is designed to maintain important refuges and facilitate responsible recreation in ways that minimise disturbance to breeding and non-breeding waterbirds. Key roosts and nesting sites will continue to function as important refuges in the SPA through careful alignment of the Coast Path, and by excluding access to the Coastal Margin in these locations. Providing access to wildlife sites through carefully selected and promoted routes is an effective management technique for reducing disturbance pressure over a site. However, managing access in this way requires a co-ordinated approach between partners involved to be effective. The environmental conditions of Medway Estuary and Marshes and The Swale SPA and Ramsar sites are dynamic and influenced by a number of human activities. It is possible there are other plans and projects currently in development that could, in combination with the Coast Path, lead to adverse effects on the integrity of the site. In light of this uncertainty, and	**Yes.**

abandonment, and the resultant reduction in the breeding population	restrictions between The Ferry Inn, Isle of Harty and Little Bells. • At Kingsferry Bridge the majority of the path is aligned to the outside edge of the SPA, along with most of the associated infrastructure, this is to avoid impacts on the SPA • West of Wellmarsh Creek the path follows the public footpath north to avoid a relatively small area of wet grassland bounded by the seawall which is used by breeding and overwintering birds. • West of Sharfleet Creek the path follows an existing path inland to avoid increasing disturbance to overwintering and breeding birds utilising grazing marsh/upper saltmarsh to the south. • Much of the foreshore, and the saltmarsh are unsuitable for walking and access will be excluded by S25A directions	in order to ensure that the implementation of coastal access in this area doesn't lead to adverse effects on integrity in combination with other planned initiatives, we have carried out a further in-combination assessment below.	
Disturbance to qualifying features from construction works as a result of the access proposal, leads to temporary or enduring effects on their population and/or	• Table 8 in section D3.1 provides a summary of the mitigation measures to reduce the disturbance to non-breeding and breeding waterbirds, including scheduling works to limit disturbance risk.	**Yes**. Providing the mitigation measures are implemented during the construction works any impacts from the works to non-breeding and breeding waterbirds should be minimised. The installation methods will be checked at the establishment stage and further assessment under the Habitat Regulations made, as necessary, prior to the works being carried out.	**No.**

distribution within the site.			
The installation of access management infrastructure may lead to a loss of habitat which supports the qualifying features. This includes all necessary stages of the non-breeding bird period (moulting, roosting, loafing, and feeding); the breeding bird period (courting, nesting and feeding); and the habitats that support nationally scarce plants and the habitats that support wetland invertebrates.	• Within the Medway Estuary and Marshes the proposal will install three new sign posts within grazing marsh habitat at Ferry Marshes. • Within The Swale Estuary the proposal will install: - Four sign posts, an interpretation panel, a set of steps and two gates within grazing marsh - Six sign posts and a gate within saltmarsh - A revetment partially within a freshwater pond	**Yes**. Medway Estuary and Marshes: The infrastructure equates to a total loss of 0.375 m^2 of grazing marsh. This is trivial in relation to the amount of grazing marsh within the site, 6.44million m^2. Additionally the proposed location of the infrastructure is not situated near key sites for non-breeding or breeding waterbirds. The Swale Estuary: Within grazing marsh, the infrastructure equates to a total loss of 8 m^2. This is trivial in relation to the amount of grazing marsh within the site, 25.12million m^2. The signs and interpretation panel are located adjacent to existing walked routes/tracks, the gate is to allow pedestrian access through an existing predator gate/fence and the steps are located on the boundary of the SPA in close proximity to the busy A249. These areas are not key sites for non-breeding or breeding waterbirds. Within saltmarsh, the infrastructure equates to a total loss of 1 m^2. This is trivial in relation to the amount of saltmarsh within the site, 9.15million m^2. The signs are located adjacent to existing walked routes/tracks and the gate is to allow pedestrian access through an existing predator gate/fence. These areas are not key sites for non-breeding or breeding waterbirds. Within the fresh water pond, the infrastructure equates to a total loss of	**Yes**.

		12 m^2. This is trivial in relation to the area of the pond, 5415 m^2. The small loss of freshwater habitat should not have an effect on its functionality as supporting habitat for invertebrates and waterbirds.	
Trampling of nationally scarce plants and of the habitats that support wetland invertebrates may lead to a direct loss of habitat and habitat which supports the qualifying features within the sites	• The majority of the proposal will follow paths that have existing highways or rights of way. Where this is the case we expect no additional significant impacts from the medium increase in visitors. • Access will be restricted year round at the following sites (albeit for wintering and breeding bird purposes), and these sites are also likely to support sensitive vegetation: Great Bells and Elmley NNR (including Elmley Hills, Marshes and sea wall) by a formal direction on nature conservation grounds. • Much of the saltmarsh foreshore is unsuitable for walking and access will be excluded by direction • The proposed route will be well marked and clear to follow and therefore visitors are unlikely to stray from the path	**Yes.** No key areas for sensitive plants have been identified, for most plants there is a widespread distribution throughout The Swale Ramsar site. The trampling of sensitive vegetation has been assessed for new sections of path. Between The Ferry Inn and Little Bells the main focus is sensitive plants that may be present on the seawall. No significant impacts on sensitive vegetation can be concluded due to the small number of visitors predicted to walk this section. Additionally there are other areas of similar seawall habitat where the sensitive plants may be present where access is to be restricted, such as within Elmley NNR. Between Spitend Point and Spitend Marshes, the 2234 m^2 of new path has the potential to impact on rare plants that are found in grazing marsh habitat. The plants are widely distributed throughout grazing marsh within The Swale. This is a relatively small area of grazing marsh, therefore there should be significant loss of sensitive plants. At Ferry Marshes the 440 m^2 of new path has the potential to impact on rare plants that are found in grazing marsh habitat. The plants are widely	**Yes.**

		distributed throughout grazing marsh within the Medway Estuary and Marshes. The grazing marsh is of poor quality where the path is proposed due to the untreated surface water runoff and pollution from the adjacent road. As this is a relatively small area of poor quality grazing marsh and the rare plants associated with this habitat are widely distributed throughout the site, there should be no significant impact.	

Conclusion:

The following risks to achieving the conservation objectives identified in D1 are effectively addressed by the proposals and no adverse effect on site integrity (taking into account any incorporated mitigation measures) can be concluded, although there is some residual risk of insignificant impacts:

- Disturbance to foraging or resting non-breeding waterbirds
- Disturbance to breeding waterbirds
- Loss of habitat that supports qualifying features
- Trampling of sensitive vegetation

D4 Assessment of potentially adverse effects considering the project 'in-combination' with other plans and projects

The need for further assessment of the risk of in-combination effects is considered here.

Natural England considers that it is the appreciable effects (from a proposed plan or project) that are not themselves considered to be adverse alone which must be further assessed to determine whether they could have a combined effect significant enough to result in an adverse effect on site integrity.

Step 1 – Are there any appreciable risks from the access proposals that have been identified in D3.3 as not themselves considered to be adverse alone?

Natural England considers that in this case the potential for adverse effects from the plan or project has not been wholly avoided by the incorporated or additional mitigation measures outlined in section D3. It is therefore considered that there are residual and appreciable effects likely to arise

from this project which have the potential to act in-combination with those from other proposed plans or projects.

Step 2 – Have any combinable risks been identified for other live plans or projects?

We have reviewed other plans or projects that we are aware of at the time of making this assessment and might also give rise to insignificant and combinable effects. In the Table below we identify those for which appreciable effects that are not considered by the relevant competent authority to be significant alone, but which could combine with effects of our access proposal that we would otherwise consider to be insignificant (it is not the purpose of in-combination assessment to consider the effects of other plans or projects that are thought to be significant in their own right).

Table 13. Review of other live plans and projects

Competent Authority	Plan or project	Have any insignificant and combinable effects been identified?
Medway Council	Medway Local Plan 2012-2035	**No.** The Appropriate Assessment associated with the plan considers the risk of disturbance to non-breeding waterbirds' use of the estuary as a result of more people living within 6 km of the coast. A Strategic Access Management and Monitoring (SAMM) Strategy (being implemented by Bird Wise) has been developed that will be implemented over the planning period. It is designed to avoid effects of increased visitors and urbanisation which arise from additional housing near a European site. As a result, it was concluded that the planned allocation of new homes would not lead to an adverse effect on integrity, and no further residual impacts were identified.
Swale Borough Council	Swale Local Plan (2017)	**No.** The Appropriate Assessment associated with the plan considers the risk of disturbance to non-breeding waterbirds' use of the estuary as a result of more people living within 6 km of the coast. A Strategic Access Management and Monitoring (SAMM) Strategy has been developed that will be implemented over the planning period. It is designed to avoid effects of increased visitors and urbanisation which arise from additional housing near a European site. As a result, it was concluded that the planned allocation of new homes would not lead to an adverse effect on integrity, and no further residual impacts were identified.
Canterbury City Council	Canterbury District Local Plan (2017)	**No.** The Appropriate Assessment associated with the plan considers the risk of disturbance to non-breeding waterbirds' use of the estuary as a result of more people living within 6 km of the coast. A Strategic Access

		Management and Monitoring (SAMM) Strategy has been developed that will be implemented over the planning period. It is designed to avoid effects of increased visitors and urbanisation which arise from additional housing near a European site. As a result, it was concluded that the planned allocation of new homes would not lead to an adverse effect on integrity, and no further residual impacts were identified.
Kent County Council	Kent Minerals and Waste Local Plan 2013-30	**No.** The Habitat Regulations Assessment associated with the plan considers the potential impacts on designated sites from minerals and waste management developments. It was concluded that the plan will not adversely affect the integrity of the designated sites, no residual effects were identified.
Shoreline Management Plan	Medway Estuary and Swale Shoreline Management Plan	**No.** The Shoreline Management Plan is a high level study. Due to the fact that it is about Policy setting, rather than proposing specific options at a scheme or project level, where specific details about construction or engineering proposals will be detailed, it is very difficult to determine the exact effects any proposal would have on the integrity of the designated sites, especially in the long term. HRAs would need to be undertaken at strategy/project level when more detail was available.
Shoreline Management Plan	Isle of Grain to South Foreland Shoreline Management Plan 2	**No.** The Shoreline Management Plan is a high level study. Due to the fact that it is about Policy setting, rather than proposing specific options at a scheme or project level, where specific details about construction or engineering proposals will be detailed, it is very difficult to determine the exact effects any proposal would have on the integrity of the designated sites, especially in the long term. HRAs would need to be undertaken at strategy/project level when more detail was available.
Medway Council/Swale Borough Council/Environment Agency	Medway Estuary and Swale Coastal Flood and Erosion Risk Strategy	**No.** This strategy builds on the existing shoreline management plans. Appropriate Assessments will need to be undertaken at project level when more detail is available.

Planning Inspectorate	Kemsley Paper Mill (Development Consent Order granted but project not implemented yet)	**No.** The Development Consent Order has been granted but the project not implemented yet. The appropriate assessment concluded that residual effects can be ruled out.
Planning Inspectorate	Wheelabrator Kemsley Generating Station (K3) and Wheelabrator Kemsley North (WKN) Waste to Energy Facility	**No.** The application has not been submitted to the Planning Inspectorate and therefore the project is not at a stage where an assessment of likely significant effects has been carried out.
Planning Inspectorate	Cleve Hill Solar Park	**No.** The project is currently being examined by the Planning Inspectorate. No Habitat Regulations Assessment has been undertaken. The submitted Report to Inform an Appropriate Assessment doesn't identify any residual effects. Natural England has been involved throughout process so far and has raised no significant concerns.
Kent County Council	Incinerator Bottom Ash (IBA) recycling facility at Ridham Dock	**No.** The proposals for the recycling facility at Ridham Dock, are not at a stage where an assessment of likely significant effects has been carried out.
Swale Borough Council	Erection of a building for the storage and distribution of cement, Ridham Dock	**No.** The Appropriate Assessment did not identify any residual effects due to the proposed mitigation.
Swale Borough Council	New Rides Farm wind turbines	**No.** The wind turbines have been erected. However, monitoring of impacts on SPA birds using the compensation land at Great Bells Farm is conditioned. The condition states that if the turbines are found to be preventing colonisation by key bird species, it would be appropriate to implement mitigation or compensatory measures, as part of a management plan, to maintain the habitat potential. Future mitigation or compensatory measures would need to consider any in-combination effects from the Coastal Path.

Canterbury City Council	CA//19/01769 Proposed erection of gates and fences, installation of piping and formation of scrapes. Seasalter Levels, Seasalter Lane, Seasalter, CT5 4BS	**No.** The works are directly connected with or necessary to the management of the SPA and therefore do not need to be considered in-combination with our proposal.
Medway Council	MC/19/0299 Construction and operation of a cement production plant, ancillary facilities and access. Land At Thamesport Grain Road Isle Of Grain Rochester Kent ME3 0EP	**No.** The application has not yet been determined. The proposal is not at a stage where we are able to determine if there would be residual effects that would act in-combination. It will be for the competent authority to assess how any residual effects arising from the proposal could interact with the England Coastal Path proposals before determining the application.
Natural England	Consent - removal of a crossing point across a ditch. Re-siting 50 m North on the same ditch to connect two fields and enable ease of livestock movement and remove poaching in the same area.	**No.** The consent has not been issued at the time of writing this assessment, no HRA has been undertaken. The proposal is not at a stage where we are able to determine if there would be residual effects that would act in-combination. It will be for Natural England, as competent authority to assess how any residual effects arising from the proposal could interact with the England Coastal Path proposals before issuing the consent.
Natural England	Implementation of coastal access from Iwade to Grain	**Yes.** The Habitat Regulations Assessment for The Swale and Medway Estuary and Marshes SPA and Ramsar sites could not rule out residual effects from disturbance to foraging or resting non-breeding waterbirds and breeding birds, and loss of sensitive vegetation from trampling.
Natural England	Implementation of coastal access from Whitstable to Iwade	**Yes.** The Access and Sensitive Features Appraisal for The Swale SPA and Ramsar site, published on 21 June 2017, could not rule out residual disturbance impacts to resting non-breeding waterbirds. A HRA for this stretch will be produced in due course.

In light of this review, we have identified insignificant and combinable effects are likely to arise from the following projects that have the potential to act in-combination with the access proposals:

- Implementation of coastal access from Iwade to Grain on the Medway Estuary and Marshes and The Swale SPA and Ramsar sites (disturbance to foraging or resting non-breeding waterbirds, disturbance to breeding birds and loss of sensitive vegetation from trampling)
- Implementation of coastal access from Whitstable to Iwade on The Swale SPA and Ramsar site (disturbance to resting non-breeding waterbirds)

Step 3 – Would the combined effect of risks identified at Steps 1 and 2 be likely to have an adverse effect on site integrity?

In light of the conclusions of Steps 1 & 2, we have made an assessment of the risk of in combination effects. The results of this risk assessment, taking account of each qualifying feature of each site and in view of each site's Conservation Objectives, are as follows:

Table 14. Assessment of adverse effects on integrity in-combination

Residual risk	In-combination effect	Assessment of risk to site conservation objectives	Potential adverse effect?
A higher frequency of interactions between people using the Coast Path and waterbirds resting close to the shore on Medway Estuary and Marshes, and The Swale SPA and Ramsar sites	Increased use of areas located close to over wintering high tide roost sites is expected as a result of new sections of path, improvements to the quality of the path and its promotion as part of the England Coast Path. Other plans or projects that would increase local demand for recreational routes could similarly increase use of coastal paths and lead to more frequent disturbance events.	The proposals for coastal access between Whitstable and Iwade, Iwade to Grain and the Isle of Sheppey have been designed to complement the mitigation measures identified in The Thames, Medway and Swale Strategic Access Management and Monitoring Plan [Ref 5] and other local level management techniques. The projects align the majority of their proposals along existing, well-used coastal access routes in order to limit changes to access levels and patterns around sensitive sites. Where the proposals use existing paths, the main risk to the conservation objectives from recreation is where people go on site and how they behave, rather than fluctuations in the numbers of people using the coastal path. We consider	**No**

Residual risk	In-combination effect	Assessment of risk to site conservation objectives	Potential adverse effect?
		that both projects will make a positive contribution to managing recreational use of the site, in line with the management plan and conservation objectives. Where new sections of path are proposed, they have been carefully designed to avoid/minimise disturbance. Access has been restricted year round at key wintering roost sites.	
A higher frequency of interactions between people using the Coast Path and breeding waterbirds within the Medway Estuary and Marshes, and The Swale SPA and Ramsar sites	Increased use of areas located close to nesting sites is expected as a result of new sections of path, improvements to the quality of the path and its promotion as part of the England Coast Path. Other plans or projects that would increase local demand for recreational routes could similarly increase use of coastal paths and lead to more frequent disturbance events, nest trampling and abandonment.	The proposals for coastal access between Whitstable and Iwade, Iwade to Grain and the Isle of Sheppey have been designed to complement the mitigation measures identified in The Thames, Medway and Swale Strategic Access Management and Monitoring Plan [Ref 5] and other local level management techniques. The projects align the majority of their proposals along existing, well-used coastal access routes in order to limit changes to access levels and patterns around sensitive sites. Where the proposals use existing paths, the main risk to the conservation objectives from recreation is where people go on site and how they behave, rather than fluctuations in the numbers of people using the coastal path. We consider that both projects will make a positive contribution to managing recreational use of the site, in line with the	**No**

Residual risk	In-combination effect	Assessment of risk to site conservation objectives	Potential adverse effect?
		management plan and conservation objectives. Where new access is proposed it has been carefully designed to avoid/minimise disturbance. Access has been restricted year round at key breeding sites.	
New access within The Swale Ramsar site could lead to the trampling of nationally scarce plants and of the habitats that support wetland invertebrates	Trampling of nationally scarce plants and of the habitats that support wetland invertebrates may lead to a direct loss of habitat and habitat which supports the qualifying features within the sites	No new sections of path are proposed within The Swale Ramsar site for the Iwade to Grain Coast Path. Trampling of habitats landward or seaward of the trail, with respect to saltmarsh, no new access rights will be created here as these habitats are unsuitable for public access and will be restricted by direction. Where a well-established trail passes nearby grazing marsh and there is a natural or physical separation of grazing marshes by borrow dykes, ditches, scrub or curtilage of a built development, it is also unlikely that the Coast Path proposals will result in increased trampling.	**No**

D5. Conclusions on Site Integrity

Because the plan/project is not wholly directly connected with or necessary to the management of the European site and is likely to have a significant effect on that site (either alone or in combination with other plans or projects), Natural England carried out an Appropriate Assessment as required under Regulation 63 of the Habitats Regulations to ascertain whether or not it is possible to conclude that there would be no adverse effect on the integrity of a European Site(s).

Natural England has concluded that:

It can be ascertained, in view of site conservation objectives, that the access proposal (taking into account any incorporated avoidance and mitigation measures) will not have an adverse effect on the integrity of the Medway Estuary and Marshes SPA and Ramsar site, and The Swale SPA and Ramsar site either alone or in combination with other plans and projects.

PART E: Permission decision with respect to European Sites

Natural England has a statutory duty under section 296 of the Marine and Coastal Access Act 2009 to improve access to the English coast. To fulfil this duty, Natural England is required to make proposals to the Secretary of State under section 51 of the National Parks and Access to the Countryside Act 1949. In making proposals, Natural England, as the relevant competent authority, is required to carry out a HRA under Regulation 63 of the Habitats Regulations.

We, Natural England, are satisfied that our proposals to improve access to the English coast for the Isle of Sheppey are fully compatible with the relevant European site conservation objectives.

It is open to the Secretary of State to consider these proposals and make a decision about whether to approve them, with or without modifications. If the Secretary of State is minded to modify our proposals, further assessment under the Habitats Regulations may be needed before approval is given.

Certification

Assessment prepared by:	Kathryn Kelsall	*On behalf of the Coastal Path Assessment Unit*
Date:	13/01/2020	
HRA approved by:	Kristoffer Hewitt	*Senior officer with responsibility for protected sites*
Date:	13/01/2020	

References to evidence

1. Natural England. 2013. Coastal Access Natural England's Approved Scheme 2013. Published by Natural England Catalogue Code: NE446
http://publications.naturalengland.org.uk/publication/5327964912746496?category=50007

2. Bird Wise https://birdwise.org.uk/

3. Surveys of Red-throated Divers in the Outer Thames Estuary SPA, British Birds 108, September 2015, 506–513

4. Liley D, Lake S, Fearnley H. 2012. Phase I – Bird Disturbance Report. Footprint Ecology.
https://www.gravesham.gov.uk/__data/assets/pdf_file/0005/195836/North-Kent-Bird-Disturbance-Report-2012.pdf

5. Liley D and Underhill-Day J. 2013. The Thames, Medway and Swale Strategic Access Management and Monitoring Plan 2013. Footprint Ecology.
https://www.gravesham.gov.uk/__data/assets/pdf_file/0007/195838/Thames-Medway-and-Swale-Estuaries-Strategic-Access-Management-and-Monitoring-Strategy-2014.compressed.pdf

6. North Kent Strategic Access Management and Monitoring Project Board. 2018. Bird Wise North Kent Mitigation Strategy. https://birdwise.org.uk/wp-content/uploads/2018/02/Mitigation-Strategy.pdf

7. Botanical Society of Britain and Ireland (BSBI) https://bsbi.org/

Front cover photo: Picture of Avocet