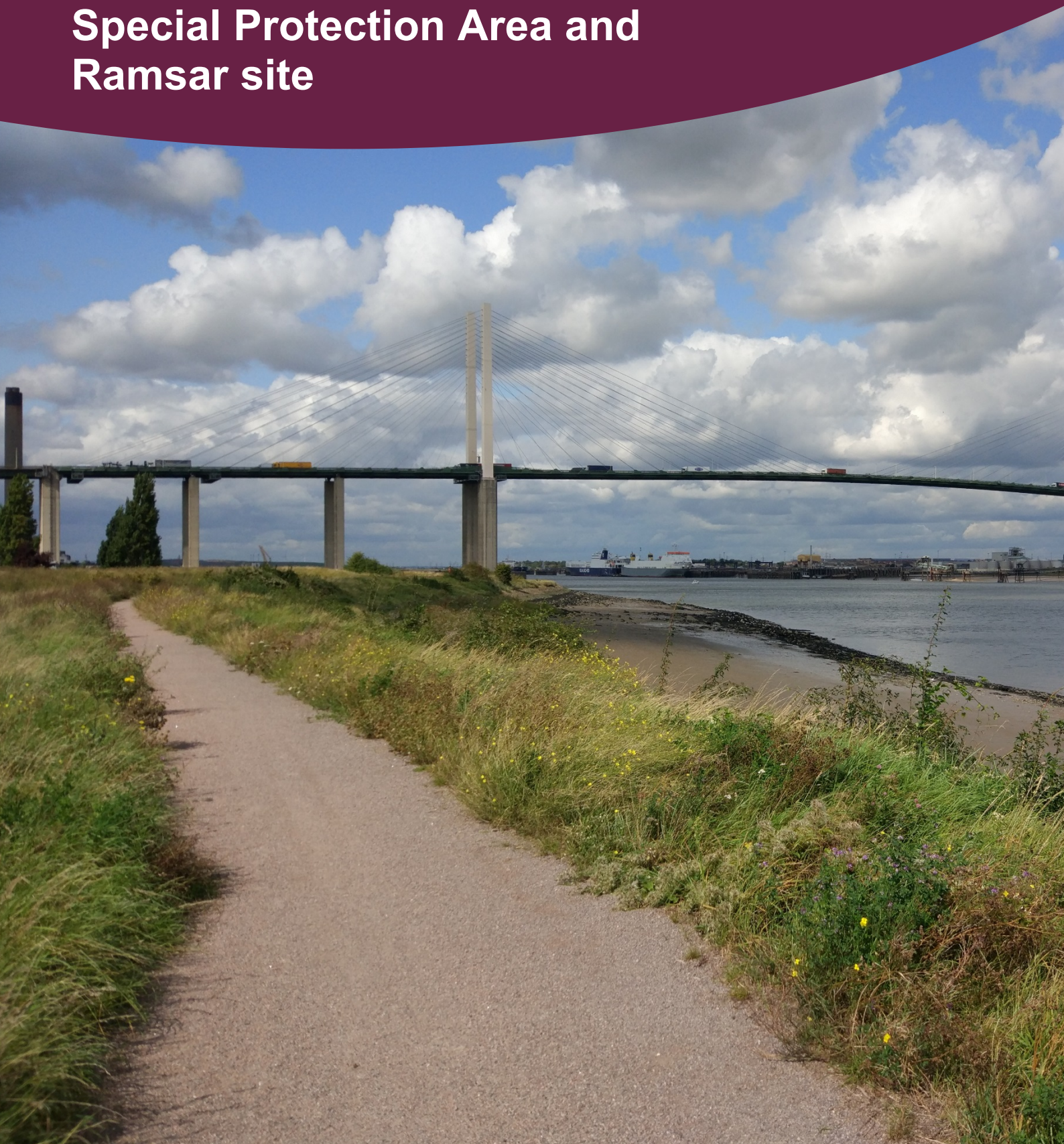


www.gov.uk/englandcoastpath



Habitats Regulation Assessment of England Coast Path proposals between **Grain and Woolwich** On **Thames Estuary and Marshes** **Special Protection Area and** **Ramsar site**



Assessment of Coastal Access proposals under regulation 63 of the Habitats Regulations 2017 (as amended) ('Habitats Regulations Assessment')

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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 from Grain to Woolwich on the following sites of international importance for wildlife: Thames Estuary and Marshes Special Protection Area (SPA) and Ramsar site.

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-from-grain-to-woolwich-comment-on-proposals>

II) Background

The main wildlife interests for this stretch of coast are summarised in Table 1 (see Table 3 for a full list of qualifying features).

Table 1 Summary of main wildlife interest

Interest	Description
Non-breeding waterbirds	During the winter months, the Thames Estuary supports an internationally recognised population of non-breeding waterbirds. The extensive areas of soft mud exposed at low tide are the main feeding areas and these protected birds need suitable undisturbed places to roost at high tide.
Wetland and coastal plants and invertebrates	The Thames Estuary and Marshes Ramsar site supports one endangered plant species and at least 14 nationally scarce plants of wetland habitats and more than 20 British Red Data Book invertebrates. These species are mainly found in the intertidal habitat, grazing marshes and ditches.

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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 8].

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 proposals are 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. We have also drawn on wintering and breeding bird evidence from Kent Ornithological Society in liaison with local birders, such as Murray Orchard; wintering and breeding bird survey results for Salt Fleet Flats undertaken for DP World; and breeding wader surveys undertaken for the North Kent Breeding Wader Project by environmental consultant Carol Donaldson and the RSPB. The approach includes considering 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 appraisal 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. A particular concern during the development of our proposals for this stretch of coast has been disturbance to non-breeding waterbirds as a result of recreational activities. Our aim in developing proposals for the North Kent coast has been to secure and enhance opportunities for people to enjoy their visit whilst ensuring appropriate protection for non-breeding waterbirds. Objectives for design of our proposals have been to:

- avoid exacerbating disturbance at sensitive locations by making use of established 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

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- clarify where 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 between Grain and Woolwich might have an impact on Thames Estuary and Marshes SPA and Ramsar site. 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
<p>Disturbance to foraging or resting non-breeding waterbirds, and breeding individuals that may contribute to the non-breeding population of a qualifying feature, 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.</p>	<p><u>Route Alignment</u></p> <ul style="list-style-type: none"> ■ The proposed inland route at Grain will avoid interaction with feeding and roosting wintering birds and breeding birds. ■ New access behind the saltings bund at Dagnam Saltings will avoid and may even reduce disturbance to wintering and breeding birds at this location. ■ Following existing rights of way in the remainder of the SPA <p><u>Coastal Margin</u></p> <ul style="list-style-type: none"> ■ Access will be restricted year round at the wintering roosts and breeding sites at Grain and Dagnam Saltings and during winter only at Salt Fleet Flats by a formal direction on nature conservation grounds. The new coastal margin during the summer months on the sea wall at Salt Fleet Flats will allow the landowner to carry out informal management to direct

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Risk to conservation objectives	Relevant design features of the access proposal
	<p>walkers away from the nearby breeding ringed plover site. The landowners have agreed to enforce the direction at Grain, and new signs will be used to explain the direction at Dagnam Saltings. The landowner at Salt Fleet Flats intends to install interpretation signs to advise of the nature conservation interest at this site.</p> <ul style="list-style-type: none"> ■ Access will be restricted to the unrestored and disused sand and gravel pit at Grain by a formal direction on public safety grounds. ■ Much of the foreshore is unsuitable for walking and access will be excluded by direction <p><u>Interpretation and Collaboration with Bird Wise</u></p> <ul style="list-style-type: none"> ■ There will be collaboration with Bird Wise (see p 11 below) to install and maintain new interpretation panels in key locations to encourage responsible behaviour

VI) Implementation

Once a route for the trail has been confirmed by the Secretary of State, we will work with Kent County Council and Medway 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 grateful to local birdwatchers - Murray Orchard, Rodney Smythe, Trevor Bowley, and Terry Paternoster as well as consultants Giles Coe, and other organisations and local experts such as the RSPB whose contributions and advice have helped to inform the development of our proposals.

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 8].

A2. Details of the plan or project

This assessment considers Natural England's proposals for coastal access along the stretch of coast between Grain and Woolwich. 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

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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 coast erodes or where there is significant encroachment by the sea such as occurs in the case of a deliberate breach of sea defences.

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 8]. 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 saltmarsh and mudflat within Thames Estuary and Marshes SPA and Ramsar site is considered unsuitable for public access and will be excluded from the new coastal access rights at all times regardless of any other considerations. As above, this will not affect other forms of established use, such as wildfowling.

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

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

The estuary includes extensive mudflats, saltmarsh, and substantial areas of low-lying grazing marsh. In winter and during the autumn and spring migration the site holds major concentrations of waterbirds, especially waders, ducks and geese. A series of disused quarry pits have been transformed to create an extensive series of ponds and lakes at Cliffe Pools. The intertidal areas are bound mostly by seawalls, occasionally featuring small beaches, such as those around the Isle of Grain.

Table 3 Qualifying features

Qualifying feature	Thames Estuary and Marshes SPA	Thames Estuary and Marshes Ramsar
A132 Avocet <i>Recurvirostra avosetta</i> (non-breeding)	✓	
A616 Black-tailed Godwit <i>Limosa limosa islandica</i> (non-breeding)	✓	✓
A672 Dunlin <i>Calidris alpina alpina</i> (non-breeding)	✓	✓
A141 Grey Plover <i>Pluvialis squatarola</i> (non-breeding)	✓	✓
A082 Hen Harrier <i>Circus cyaneus</i> (non-breeding)	✓	
A143 Knot <i>Calidris canutus</i> (non-breeding)	✓	✓
A162 Redshank <i>Tringa totanus</i> (non-breeding)	✓	✓
A137 Ringed Plover <i>Charadrius hiaticula</i> , (non-breeding)	✓	✓
Waterbird assemblage ¹	✓	✓
Wetland plant assemblage		✓
Wetland invertebrate assemblage		✓

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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 1] 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 between Grain to Woolwich 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) provides 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.

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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 Thames Estuary and Marshes SPA can be viewed using the link below and the relevant issues have been assessed as part of this report:

<https://designatedsites.naturalengland.org.uk/Marine/MarineSiteDetail.aspx?SiteCode=UK9012021&SiteName=thames&countyCode=&responsiblePerson=&SeaArea=&IFCAAra=>

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 qualifying features, and/or contains non-conservation elements, 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 European 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.

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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	Avocet; black-tailed godwit; dunlin; grey plover; knot; redshank; ringed plover, waterbird assemblage (non-breeding)
Hen harrier	Hen harrier (non-breeding)
Wetland plants and invertebrates	Ramsar wetland plant and invertebrate assemblage features associated with saltmarsh/ intertidal habitats and freshwater wetlands. The site supports one endangered plant species and at least 14 nationally scarce plants of wetland habitats. The site also supports more than 20 British Red Data Book 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	Birds feeding on the foreshore 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 sites and important feeding areas.	Yes

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Feature	Relevant pressure	Sensitivity to coastal access proposals	Assessment of risk to site conservation objectives	LSE alone?
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 of breeding birds	Non-breeding waterbirds (that are wholly or largely resident) that breed within or near to the SPA 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 a breeding population of a species significantly contributes to the non-breeding population and where the access proposals are likely to place breeding birds at risk from recreational activities.	Yes
Hen harrier	Disturbance of resting birds	Birds roosting in the vicinity of a coastal path may be disturbed by recreational activities including walking and walking with a dog.	No appreciable risk because: <ul style="list-style-type: none"> There are no known regularly used roost sites along this stretch of coast (confirmed by the North Kent Hen Harrier Roost Coordinator - pers comms) 	No
Wetland plants and inverts.	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 low because: <ul style="list-style-type: none"> the Coast Path is principally aligned on top of the seawall and will not pass directly through areas with sensitive saltmarsh/intertidal 	No

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Feature	Relevant pressure	Sensitivity to coastal access proposals	Assessment of risk to site conservation objectives	LSE alone?
			<p>habitats or freshwater wetlands</p> <ul style="list-style-type: none"> ■ within the coastal margin, no new access rights will be created over the mudflat or saltmarsh, and neither will visitors wish to walk there as it is unsafe. ■ The freshwater wetlands landward of the trail are mostly separated from the Coast Path by a borrow dyke which largely cannot be crossed and so prevents access towards the wetlands. 	
Wetland plants and inverts.	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 (<2m ²) within coastal grazing marsh due to the installation of fencing and a field gate. This will be located on a vehicle access track near the seawall, therefore there is a low risk of significant effects to qualifying features.	Yes

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Conclusion:

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

- non-breeding waterbirds (avocet; black-tailed godwit; dunlin; grey plover; knot; redshank; ringed plover, waterbird assemblage)
- wetland plant and invertebrate assemblages - as a result of loss of habitat

The plan or project alone is unlikely to have a significant effect on the following qualifying feature groups:

- hen harrier (non-breeding)
- wetland plant and invertebrate assemblages - as a result of trampling of sensitive vegetation

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.

Step 1 – Are there any appreciable risks from the access proposal?

Further to the risks identified as being significant alone (in C2.1), the following residual and appreciable effects are likely to arise from this project which have the potential to act in-combination with those from other proposed plans or projects to also become significant:

- trampling of sensitive vegetation (affecting wetland plant and invertebrate assemblages)

The possibility of in-combination effects must therefore be considered.

Our assessment in C2.1 also considered possible impacts of the access proposal on:

- hen harrier (non-breeding)

Since no residual and appreciable risks have been identified, no assessment of in-combination effects is required.

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

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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 6 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 6km 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.
Gravesham Borough Council	Gravesham Local Plan Core Strategy (2014)	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 6km 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.
Medway Council/ Brett Aggregates Ltd	Alpha Lake Ecological and Landscape Enhancement Project (Planning Permission granted but project not implemented yet)	Yes. The proposed Alpha Lake Ecological and Landscape Enhancement Project may have minor to moderate impacts during the construction phase to non-breeding waterbirds from disturbance to wader roosts and loafing/feeding waterbirds, and to saltmarsh goosefoot which have been found on the margins of Alpha Lake. The infilling of the lake may lead to temporary disturbance of these roosts and feeding/loafing areas, which will be mitigated by careful phasing. Any temporary changes in water

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Competent Authority	Plan or project	Have any insignificant and combinable effects been identified?
		levels and water quality which will be mitigated by implementing water control measures. Once the project has been completed, the habitat improvements will provide an improved habitat for non-breeding waterbirds, saltmarsh goosefoot and other Ramsar features. As a result, it was concluded that the ecological enhancements would not lead to an adverse effect on integrity, and any residual impacts resulting from the construction phase would be temporary. Once the project is completed there will be a positive impact to the qualifying features of the SPA and Ramsar due to improved habitat.
Medway Council/Environment Agency	TE2100 Plan: Managed realignment scheme at one of the shortlisted sites (St Mary's Marshes, Allhallows Marshes, or Grain Marshes)	No. The proposals for managed realignment as part of the Thames Estuary 2100 Plan are not at a stage where an assessment of likely significant effects has been carried out.
Natural England	Implementation of coastal access from Tilbury to Southend-on-Sea	No. The proposals for the Tilbury to Southend-on-Sea coastal access stretch are not at a sufficiently detailed stage where an assessment of likely significant effects has been carried out.
Gravesham Borough Council/Highways England	Lower Thames Crossing	No. The proposals for the Lower Thames Crossing is not at a stage where an assessment of likely significant effects has been carried out.

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

- Alpha Lake Ecological and Landscape Enhancement Project

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Step 3 – Would the combined effect of risks identified at Step 1 and Step 2 be likely to have a significant effect?

We have therefore 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 7 Assessment of likely significant effects in-combination

Feature	In-combination pressure	Assessment of risk to site conservation objectives	LSE in-comb?
<p>Wetland plants and inverts.</p>	<p>The risk of trampling on these species by walkers in areas away from established paths could be exacerbated by an increase in the number of recreational visits to the coast as a result of other plans or projects.</p>	<p>As discussed above, the route of the Coast Path will not pass through areas of sensitive saltmarsh, intertidal or wetland habitats, and neither will new coastal access rights be created in these area – so the level of risk from the access proposal is low.</p> <p>The proposed Alpha Lake Ecological and Landscape Enhancement Project may have minor temporary residual impacts during the construction phase to saltmarsh goosefoot which has been found on the margins of Alpha Lake. The partial infilling of the lake may lead to temporary changes in water levels and water quality during constriction which will be mitigated by implementing water control measures. Once the project has been completed the habitat improvements will provide more diverse conditions for the saltmarsh goosefoot and other Ramsar features to colonise.</p> <p>As the above residual impact is temporary, it is therefore considered that there are no potential likely significant effects may arise in combination with other plans and projects.</p>	<p>No</p>

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Conclusion:

The plan or project, in combination with other plans and projects, is unlikely to have a significant effect on the following qualifying features of the European Site(s):

- hen harrier (non-breeding)
- wetland plant and invertebrate assemblages - as a result of trampling of sensitive vegetation

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:

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Table 8 Scope of Appropriate Assessment

Environmental pressure	Qualifying Feature(s) affected	Risk to Conservation Objectives
Disturbance of feeding or resting birds	Non-breeding waterbirds (avocet; black-tailed godwit; dunlin; grey plover; knot; redshank; ringed plover, 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	Non-breeding ringed plover, redshank and avocet	Repeated disturbance to breeding pairs of ringed plover, redshank and avocet during breeding season following changes in recreational activities as a result of the access proposal, leads to trampling and nest abandonment, and the resultant reduction in non-breeding population
Loss of supporting habitat through installation of access management infrastructure	Non-breeding waterbirds (avocet; black-tailed godwit; dunlin; grey plover; knot; redshank; ringed plover, waterbird assemblage) Wetland plants and invertebrates	The installation of access management infrastructure may lead to a loss of habitat which supports the qualifying features, including all necessary stages of the non-breeding/wintering period (moulting, roosting, loafing, and feeding).

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

Disturbance of feeding or resting 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. Thames Estuary and Marshes SPA has extensive areas of intertidal sediment and several discreet areas of saltmarsh and sandy/shingle beaches which are used as wintering bird roosts. The terrain to the south of estuary is predominantly low-lying grazing marsh, which is separated from the seawall with a borrow dyke, and a series of disused quarry pits which have been transformed to create an extensive series of ponds, islands and lakes at Cliffe Pools. A large area of grazing marsh and shoreline is inaccessible at Grain due to the historic involvement by the Ministry of Defence at this site for use as a firing range.

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Within the Grain to Woolwich 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 SPA, Natural England has recently set targets for all the qualifying features, in order to meet the conservation objectives for the site. The following qualifying features have a target to 'restore' the population, as there have been significant declines since classification: ringed plover, grey plover, dunlin, redshank, and knot. All the features also have a target to 'reduce disturbance caused by human activities'.

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 6] 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 4] and the Bird Wise North Kent Mitigation Strategy [Ref 11] 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.

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A corresponding visitor survey was also carried out in winter 2010/11 [Ref 3]. Survey locations were selected based on their popularity with visitors in the three North Kent estuaries. In the Thames Estuary and Marshes SPA the following sites were selected: Grain Coastal Park, Allhallows/Yantlet, Allhallows Leisure Park, Cliffe Pools Nature Reserve and Shornemead. The data showed that these sites received much fewer visitors (between 2 and 21 people over an 8-hour period) than the survey average (33 people over an 8-hour period).

In general, the stretch between Grain and Gravesend is mainly rural and there is limited visitor infrastructure, such as car parks. The only two small villages located on the coast are Allhallows and Grain, and there are no adjoining public footpaths to the coastal path from the other villages on the Hoo Peninsular. Strava Heatmap² and the 2010/11 visitor survey shows a very low existing usage for the majority of the existing coastal path in the SPA, with the only exceptions being a slightly higher use of the circular routes at Cliffe Pools and Higham Marshes, Grain Coastal Park and Allhallows Leisure Park.

Disturbance of breeding birds

Where a breeding population of a species significantly contributes to the non-breeding population on the same site by being wholly or largely resident (or this cannot be ruled out), there is the potential for impacts of that breeding population to have consequences for the non-breeding population. Ringed plover, redshank and avocet are non-breeding qualifying features of the Thames Estuary and Marshes SPA.

Whilst there is available data from the Kent Ornithological Society, Kent Breeding Bird Atlas, the North Kent Breeding Wader Project and the RSPB on breeding pairs and breeding sites, there is no information available on post-breeding movements of ringed plover, redshank and avocet within the SPA. However the indications are that British breeding ringed plover are either resident or short distance migrants [Ref 2], a pattern reflected by birds studied on The Wash SPA [Ref 12]. Avocet wintering in Britain are largely British-bred [Ref 2] and therefore it cannot be ruled out that the breeding population does not contribute to the non-breeding population SPA. Similarly, Cramp *et al.* [Ref 2] reports that British birds are only partially migratory and coastal breeders may winter within 10km of natal. Therefore while it is likely to be a highly precautionary assumption, for the purposes of this assessment all breeding ringed plover, redshank and avocet associated with the Thames Estuary and Marshes SPA are assumed to remain into the non-breeding season.

The current ringed plover breeding population is 8 pairs (mean pairs; 2007-2018), representing 1.9% of the current non-breeding SPA qualifying feature population (823; 5 year mean 2012/13-2016/17).

The current avocet breeding population is 146 pairs (mean pairs, 2015-2017), representing 10.5% of the current non-breeding SPA qualifying feature population (2782; 5 year mean 2012/13-2016/17).

² Strava is a website and mobile app used to track cycling and running activities via GPS. Users upload workouts and the logged activities includes route data. This route data can be viewed on the global heatmap.

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The current redshank breeding population is 147 pairs (pairs, 2017), representing 10% of the current non-breeding SPA qualifying feature population (2935; 5 year mean 2012/13-2016/17).

Ringed plover have a preference for wide sandy or shingle beaches for breeding [Ref 7]. These types of beaches are also attractive for recreation and hence interaction with the coastal path proposals is more likely through trampling of eggs and nests and disturbance. Redshank is a ground nesting bird that breeds on the wet grassland and saltmarsh. Avocet favour shallow saline or brackish coastal lagoons both in the breeding season and in the winter. Both of these habitat types are generally less accessible and less attractive for recreation and as such the risk of trampling of eggs and nests is reduced, but the risk of disturbance remains

Loss of supporting habitat

The Supplementary Advice on Conservation Objectives has set a target to maintain the extent, distribution and availability of suitable habitat (either within or outside the site boundary) which supports the qualifying features for all the necessary stages of the non-breeding/wintering period including moulting, roosting, loafing and 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 has also provided baseline information (based on the best available evidence) on the extent and distribution of supporting habitat used by the qualifying features: intertidal mud 2634.95 ha; intertidal sand and muddy sand 1.16 ha; intertidal mixed sediment 0.61 ha; intertidal seagrass 5.37 ha; coastal reedbeds 30.83 ha; coastal lagoons 136.64 ha; freshwater and coastal grazing marsh 1126.11 ha; saltmarsh 108.14ha; water column (not quantified).

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 issue for the Thames Estuary and Marshes SPA and Ramsar site (Map 1) is the protection of non-breeding waterbirds, which occur all along this part of the estuary. In this section of the assessment we describe our overall approach to the issue and the main mitigation measures proposed to address the impacts and risks.

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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.

In order to support the conservation objectives of the SPA, and complement the Bird Wise strategy, we have designed our proposals for the stretch to maintain refuge areas for waterbirds, where access is discouraged, such as at Grain, Dagnam Saltings, and Salt Fleet Flats by avoiding creating new paths or coastal access rights in these areas. Cliffe Pools is also managed by the RSPB as a refuge.

Some new sections of path are proposed along this stretch of coast, and we have assessed these on a case by case basis to ensure refuge areas will not be impacted (each is considered in more detail in the next section of this assessment). 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. The main works needed are marking the route with the National Trail acorn symbol. Some increase in the popularity of the route is likely, not least given an expected increase in demand for local greenspace as a result of housing allocations in the current Local Plan.

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 plan (Ref 5), 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.

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 focussing management on the selected coastal path, and promoting responsible behaviour amongst path users, the chance of more harmful disturbance events in other areas is expected to be reduced.

In addition to this, Natural England and Bird Wise will develop joint interpretation that focuses on specific well placed information at key sites. These interpretation panels will be aimed at encouraging the responsible behaviour of visitors, such as dogs under close control. Bird Wise wardens have advised us on the details of the signage to ensure that it is clear and relevant to each location. The areas where Bird Wise would like new signage and the Coast Path will fund is: Allhallows Marshes, Dagnam Saltings, Higham Marshes. There

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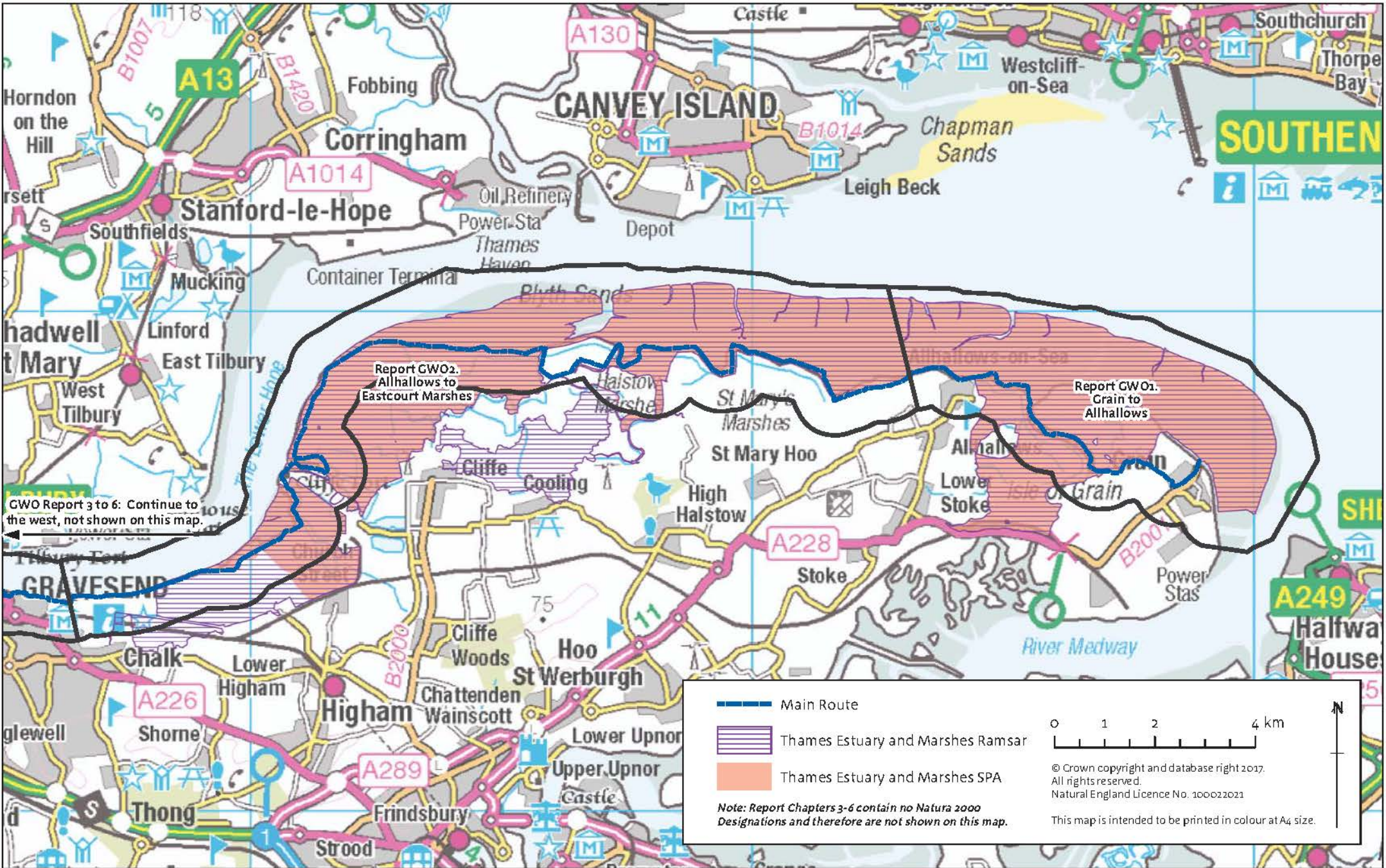
will be on-going maintenance of these signs by Bird Wise once the access rights on the ECP are commenced.

We have also considered the key breeding sites of the three non-breeding qualifying waterbirds that are likely to be at risk of disturbance during the breeding season. The key breeding sites for ringed plover are the sandy and shingle habitats at Grain, Dagnam Saltings, landward of Salt Fleet Flats and Cliffe Pools Nature Reserve. There is evidence of redshank breeding at the grazing marshes at Grain, the saltmarsh in Dagnam Saltings and the extensive grazing marshes landward of the trail. The avocets breed in relatively large numbers at Cliffe Pools Nature Reserve, which is landward of the trail.

The breeding ringed plover, redshank and avocet at Cliffe Pools, and the extensive grazing marshes of the SPA, are a minimum of 120m from the well-marked trail and are separated by either waterbodies such as the coastal lagoons and borrow dykes or fences. The coastal trail near these sites already has a designated public footpath, and discussions with landowners and surveyors report that breeding success at these sites is principally affected by predation and water level management as opposed to recreational disturbance. Therefore, only breeding ringed plover and redshank at Grain, Dagnam Saltings and Salt Fleet Flats will be discussed in more detail below.

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). Our proposals will see the installation of the following new infrastructure items in the designated site across approximately 26km of trail: 20 signs, 5 interpretation panels, 1 roadside sign, 5m of fencing and 1 field gate, in addition to the replacement of 16 stiles with pedestrian gates. Aside from 5m of fencing and one field gate, which are located on Allhallows Marshes coastal grazing marsh, the rest of the infrastructure are located on seawalls and tracks which are not considered supporting habitats in the Supplementary Advice on Conservation Objectives (listed in D2). We recognise that seawalls could potentially function as a roost for the qualifying features, however the infrastructure locations are not positioned within any of the known key roosts, which are detailed in D3.2.

Natura 2000 Designations



CWO Report 3 to 6: Continue to the west, not shown on this map.

Note: Report Chapters 3-6 contain no Natura 2000 Designations and therefore are not shown on this map.

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

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 between Grain and Woolwich 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 9. Summary of key locations

Location	Cross reference to the access proposal	Non-breeding waterbirds
Grain (Grain Marshes and North Level), and Yantlet Creek	GWO 1/ route sections GWO-1-S008 to GWO-1-S018, GWO-1-S020 to GWO-1-S024 (Maps GWO 1a to GWO 1d)	✓
Dagnam Saltings	GWO 2/ route sections GWO-2-S001 to GWO-2-S012 (Map GWO 2a)	✓
Salt Fleet Flats	GWO 2/ route section GWO-2-S023 (Map GWO 2d and GWO 2e)	✓

D3.2A Grain (Grain Marshes and North Level) and Yantlet Creek

Current situation

Grain and Yantlet Creek is an extensive area of low lying intertidal mudflat, saltmarsh interspersed with sandy/shingle beaches forming part of the Thames Estuary and Marshes SPA and Ramsar site. Grain is regularly used by wintering and on passage waders that feed on the mudflats at low tide and congregate to roost at high tide on the shoreline and saltmarsh. The key roosts in Grain and Yantlet Creek are: Yantlet Beach, Yantlet Creek Saltmarsh, and Grain North Beach (Map 2). The shingle beaches at and northwards of Grain North Beach are also used by breeding ringed plovers (8 pairs in 2007 representing 1.9% of the non-breeding SPA qualifying feature population; 88.9% of the breeding population in that year) and the grazing marshes at North Level and Grain Marshes are used by breeding redshank (4 pairs in 2012 representing 0.3% of the non-breeding SPA qualifying feature population; 2.7% of the breeding population in that year). The shoreline at Grain is one of the

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few areas in the SPA which isn't already accessible to recreational users, however there are existing footpaths on the seawall on the western bank of Yantlet Creek. The roosts at Grain are particularly favoured by large numbers of black tailed godwit, oystercatchers, dunlin, and knot (the latter two species have a target to restore the size of the non-breeding population above current levels).

There are no access rights around the coast at Grain currently. Medway Council has advised that the public footpath at the disused and unrestored sand and gravel pit was extinguished in 2004 due to coastal erosion. The landowners of this pit actively restrict access through hoarding and other infrastructure, however there is evidence of occasional use by both dog walkers and motorbikes. On the western bank of Yantlet Creek there are existing public footpaths which lead to Allhallows Leisure Park. The paths closest to Allhallows village and Leisure Park are more frequently used than those near Yantlet Creek (Strava Heat Map, and personal observation), this is due to the proximity to people's homes and the circular walk opportunities.

Grain Marshes was historically affected by the Yantlet Demolition Range Military Byelaws 1976 which established a Danger Area prohibiting access. This was reinforced on the ground using barbed wire fencing and danger signs. In 2017 these marshes were purchased by a private landowner and the byelaw has subsequently lapsed, although the fencing and signs have remained and the current landowner continues to actively restrict public access. The route over Yantlet Creek is restricted by a locked gate, however there is some evidence that this is used occasionally by runners.

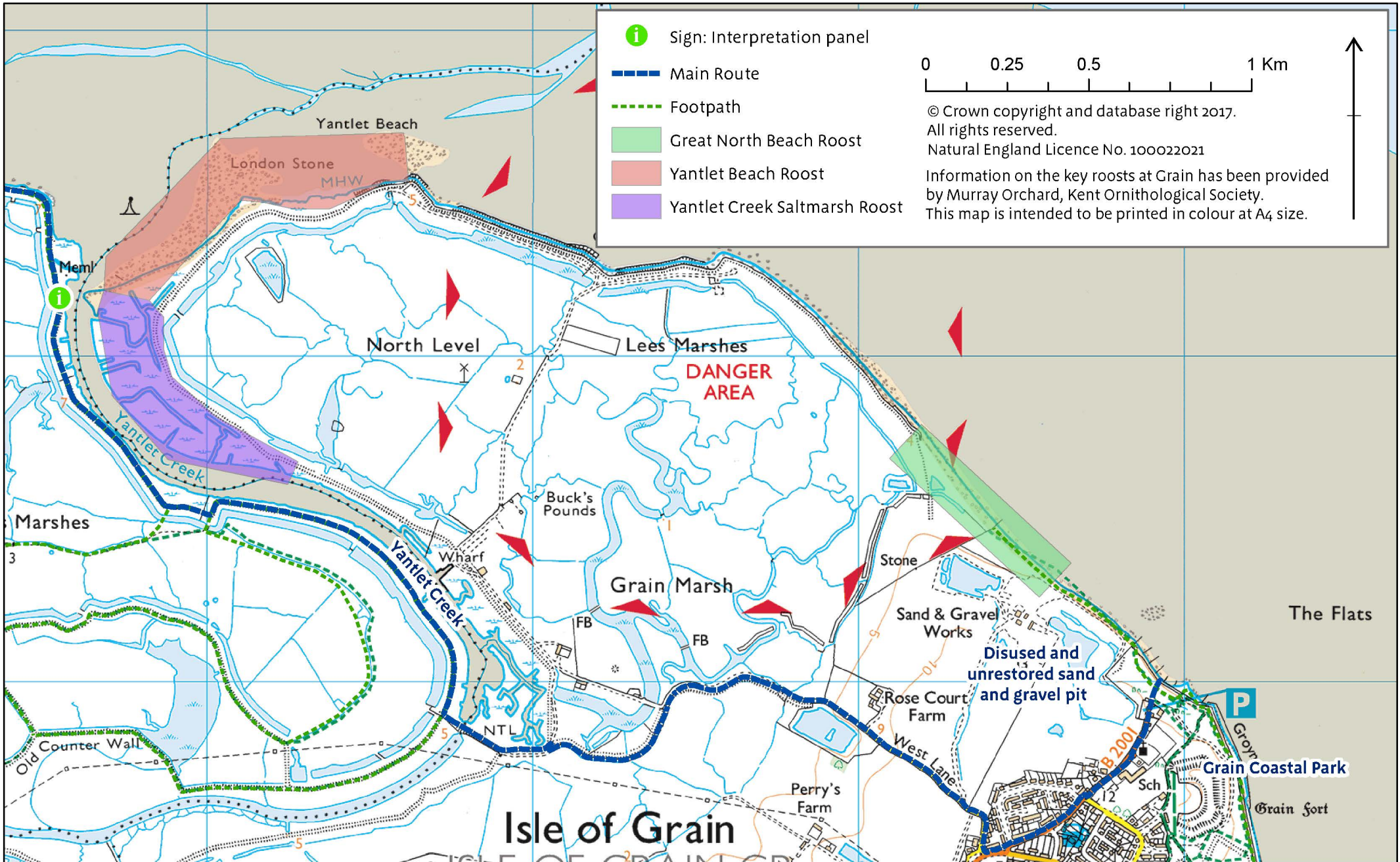
The coast between Grain and Yantlet Creek has not been prioritised for active Bird Wise warden engagement (Appendix 1) as the public do not currently have access to this area so there is no risk of disturbance from walkers/dog walkers to wintering birds. The main recreational attraction at Grain is Grain Coastal Park, to the south of this stretch, where there is a car park. Visitors currently use the footpaths in Grain Coastal Park, which can get busy especially at weekends and as such Grain Coastal Park has been identified as a medium priority site by Bird Wise. Bird Wise has also identified Allhallows, specifically the section closest to Allhallows village and Leisure Park, as a medium priority site. The path from Yantlet Creek to Allhallows Marshes has not been identified as a priority site.

Detailed design and assessment of risk

The proposed route for the Coast Path at Grain and Yantlet Creek will follow existing paths and a new inland route at Grain and across Yantlet Creek will be created (Map 2). There will be some improvements to the path on West Lane and Yantlet Creek to make it easier to use and follow, including: new steps, new gates to replace existing barriers and stiles, new waymarking and roadside signs. Land seawards of the Coast Path would become part of the coastal margin by default, however, 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. The disused and unrestored sand and gravel pit and the adjacent beach will also be restricted on public safety grounds.

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Map 2: D3.2A Design of the access proposal to address possible risks at Grain and Yantlet Creek.



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Considering each of the possible risks to qualifying features:

- i. Disturbance of waterbirds feeding on the mudflats

The proposed path will take an inland route thereby avoiding the feeding birds on the extensive mudflats at Grain.

- ii. Disturbance to waterbirds roosting at Yantlet Beach, Yantlet Creek Saltmarsh, and Grain North Beach and disturbance to breeding ringed plover at the beaches at and northwards of Grain North Beach, and redshank at North Levels and Grain Marsh

Based on current demand, we expect a medium/large increase in the frequency of use of our proposed route as a result of the creation of new access rights connecting the village of Grain with Allhallows. In addition, we note that the level of use of the route is likely to be influenced by planned housing growth in Medway district [Ref 6]. The proposed inland route at Grain will avoid direct access to these aforementioned key roosts and breeding sites. Grain Marsh and North Level will have a nature conservation access exclusion applied all year (see 'Directions Map GWO 1A', available in Report GWO 1) due to the risk of disturbance to wintering, on passage, and breeding bird features (the latter is also a notified feature of the SSSI but does not form part of this assessment). The landowners of the marshes and the unrestored and disused sand and gravel pit will ensure the gates to these sites are closed and that trespassers are actively advised of the access restrictions.

The location of the closest high tide roost to the proposed trail is Yantlet Beach and Yantlet Creek Saltmarsh where the proposed route follows the existing footpath on the seawall at Allhallows Marshes. At the closest point, the roost is just over 100m from the path, but is physically separated from the roost by Yantlet Creek (which is 90m wide at high tide). We intend to install an interpretation panel, in collaboration with Bird Wise, advising walkers about the Bird Wise's key messages, which in this location is to keep dogs under close control.

The Grain North Beach roost and ringed plover breeding site, is 600m away from the proposed path. Access to the roost is generally inaccessible at high tide via the beach, and an inland route is fenced off.

Conclusion

Natural England has considered the possible risks to qualifying features at this location, and given the avoidance and mitigation measures detailed above, consider that no new significant disturbance will be caused. The proposals will therefore not adversely affect the achievement of the conservation objectives in this location. Establishing a well maintained and easy to follow Coast Path along the alignment proposed will also help this the long-term management of visitors to the site.

D3.2B Dagnam Saltings

Current situation

Dagnam Saltings is an area of saltmarsh interspersed with sandy/shingle beaches adjacent to an extensive area of low lying mudflat which forms part of the Thames Estuary and Marshes SPA and Ramsar site. Dagnam Saltings is regularly used by wintering and on passage waders that feed on the mudflats at low tide and congregate to roost at high tide on the beaches and saltmarsh (Map 3). The shingle beaches and saltmarsh at Dagnam Saltings are also used by breeding ringed plovers (4 pairs in 2017 representing 1% of the non-breeding SPA qualifying feature population; 30.7% of the breeding population in that year) and breeding redshank (15 pairs in 2017 representing 1% of the non-breeding SPA qualifying feature population; 10.2% of the breeding population in that year). The roosts at Dagnam Saltings and the Pill Box are particularly favoured by large numbers of brent geese, black tailed godwit, grey plover, knot and dunlin (the latter three species have a target to restore the size of the non-breeding population above current levels).

From Allhallows Leisure Park to Dagnam Saltings there is currently a public footpath along the beach and then through the saltmarsh. This footpath is only available at low tide and even then, in places the saltmarsh has eroded sufficiently that the route is not passable. The Access Authority has tried to install sleeper bridges to ensure the continuity of this route, however spring tides have repeatedly washed them out. The 600m of public footpath from Allhallows Leisure Park to the Pill Box Roost is used by the residents of the Leisure Park. At Pill Box Roost there is a deep channel which is only really passable at low tide. At low tide some users walk on the beach rather than the public footpath through the saltmarsh. If visitors attempt to walk these routes at Dagnam Saltings at high tide then there is the potential for disturbing the non-breeding waterbirds.

Many dog walkers in the area tend to follow a circular route out to the east to Allhallows Marshes rather than west to Dagnam Saltings (Strava Heatmap, personal observation). Some dog walkers use Homewards Road where there is informal parking for one or two cars. This stretch of coast from Allhallows Leisure Park to Dagnam Saltings has not been prioritised for active Bird Wise warden engagement as there are currently few visitors to this area.

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Map 3: D3.2B Design of the access proposal to address possible risks at Dagnam Saltings.



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Detailed design and assessment of risk

The proposed route for the Coast Path at Dagnam Saltings will follow a new route behind the old saltings' bund, as shown on Map 3. The new path will be easier to use and follow, and other improvements include: new gates to replace existing barriers, new waymarking and fences. Land seawards of the Coast Path would become part of the coastal margin by default, however 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.

Considering each of the possible risks to qualifying features:

- i. Disturbance of waterbirds feeding on the mudflats

The proposed path will take an inland route thereby avoiding the feeding birds on the extensive mudflats at Dagnam Saltings.

- ii. Disturbance to waterbirds roosting at Dagnam Saltings and Pill Box Roost and breeding waterbirds at Dagnam Saltings

There is an opportunity at Dagnam Saltings to reduce bird disturbance by discouraging existing walkers from using the current paths through the saltmarsh and beaches, and instead using the proposed England Coast Path which has good sea views and is aligned behind the saltmarsh. As the Coast Path is safer to use and available for the full tidal cycle, there will be additional incentives for visitors to follow the Coast Path, and not the beach and saltmarsh routes.

Based on current demand, we expect a large increase in the frequency of use of our proposed route as a result of the creation of new access rights and the proposed path improvements. In addition, we note that the level of use of the route is likely to be influenced by planned housing growth in Medway [Ref 6]. The proposed inland route at Dagnam Saltings will avoid direct access to the roosts and breeding sites. The distance of the proposed trail to the roosts and breeding sites is between 100m-500m. The trail is behind the old saltings' ditch and bund, which provides a decent level of screening. We consider it unlikely that visitors will walk on the bund as the bund has not been maintained so it is undulating, full of plastic debris and scrub, and is not easy to walk on. However, as the bund is below head-height, the route still offers views of the sea.

With the exception of the public footpath and Coombe Bay Beach, the beach and roost will have a nature conservation access exclusion applied all year (see 'Directions Map GWO 2A', available in Report GWO 2) due to the risk of disturbance to wintering, on passage, and breeding bird features (the latter is also a notified feature of the SSSI but does not form part of this assessment). At either end of Dagnam Saltings, we intend to install two interpretation panels/advisory signs, in collaboration with Bird Wise. The panels will direct walkers to the safer, easier-to-follow inland route, and advise walkers about the Bird Wise's key messages, which in this location is to keep dogs under close control.

Conclusion

Natural England has considered the possible risks to qualifying features at this location, and given the avoidance and mitigation measures detailed above, consider that no new

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significant disturbance will be caused. If we also consider the implications of encouraging existing beach users to utilise the new route instead of the public footpath on the beach/saltmarsh, then it is possible that disturbance may even be reduced at Dagnam Saltings. The proposals will therefore not adversely affect the achievement of the conservation objectives in this location. Establishing a well maintained and easy to follow Coast Path along the alignment proposed will also help with the long-term management of visitors to the site.

D3.2C Salt Fleet Flats

Current situation

Salt Fleet Flats is a recent managed realignment site that was created as compensation for the loss of SPA habitat as part of the London Gateway development in Tilbury. It comprises of 78ha of sub-tidal, intertidal and saltmarsh habitat. There have been high tide counts of up to 2560 dunlin since the breach of the seawall in October 2016, and it is emerging as an important site for wintering waterbirds. There are also records of small numbers of successful breeding of ringed plover nesting 100m landward of the trail on recently created scrapes (2 pairs in 2018 representing 0.5% of the non-breeding SPA qualifying feature population; 25% of the breeding population in that year). Salt Fleet Flats is currently not designated as a SPA and Ramsar site, although there is the expectation that it will be in due course. It does, however, form part of the functionally linked land to the SPA and Ramsar site and under the National Planning Policy Framework (Para 176) compensatory habitat is given the same protection as the SPA.

As part of the realignment works, the public footpath was diverted to the landward side of the seawall in order to minimise disturbance to wintering birds. This was secured in the 2003 Mitigation, Compensation and Monitoring Agreement of the London Gate Port Harbour Empowerment Order 2002.

There is currently limited access to Salt Fleet Flats given the remoteness of the site. There are no car parks in the vicinity, the closest being an unmarked car park down a potholed road near Dagnam Saltings, over 7km walk away. Anecdotal evidence from the contractors building the new seawall at Salt Fleet Flats saw a maximum of 2 people using the public footpath per day, which is unsurprising given the lack of car parks and adjoining public footpaths.

Salt Fleets Flats has therefore not been prioritised for active Bird Wise warden engagement as there are currently few visitors to this area.

Detailed design and assessment of risk

The proposed route for the Coast Path at Salt Fleet Flats will follow the existing public footpath behind the seawall. Land seawards of the Coast Path would become part of the coastal margin by default, however 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.

Considering each of the possible risks to qualifying features:

- i. Disturbance of waterbirds feeding on the mudflats

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The proposed path will take follow the existing public footpath behind the seawall, which provides adequate screening, thereby avoiding the feeding birds on the mudflats at Salt Fleet Flats.

- ii. Disturbance to waterbirds roosting at Salt Fleet Flats and breeding landward of Salt Fleet Flats

We expect a small increase in the frequency of use of our proposed route as the path will become a promoted national trail. The proposed path will follow the existing well-marked gravel public footpath behind the seawall, thereby avoiding the roosting and breeding birds at Salt Fleet Flats.

The seawall at Salt Fleets Flat will have a nature conservation access exclusion applied between October to March (see 'Directions Map GWO 2B' available in Report GWO 2) due to the risk of disturbance to wintering bird features. London Gateway, the landowner of Salt Fleet Flats, intend to install 2 interpretation panels in 2019 to inform visitors of the sensitivities of the site of both sides of the seawall and the requirement to stay off the seawall during the winter months. They will develop these panels in liaison with the England Coast Path team. The landowners are currently advising walkers to avoid disturbing the breeding sites by installing seasonal informal signs. Following on from the Coast Path proposals, London Gateway will also have the opportunity to direct walkers on to the newly accessible sea wall during the breeding season to further increase the separation between walkers and breeding ringed plovers.

Conclusion

Natural England has considered the possible risks to qualifying features at this location, and given the avoidance and mitigation measures detailed above, consider that no new significant disturbance will be caused. The proposals will therefore not adversely affect the achievement of the conservation objectives in this location. Establishing a well maintained and easy to follow Coast Path along the alignment proposed will also help with the long-term management of visitors to the site.

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

Table 10 Assessment of adverse effect 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 foraging or resting non-breeding waterbirds,	<u>Route Alignment</u> <ul style="list-style-type: none"> ■ The proposed inland route at Grain will avoid interaction with feeding 	Yes. Our proposals are designed to maintain important refuges and facilitate responsible recreation in	Yes

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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?
<p>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.</p>	<p>and roosting wintering birds.</p> <ul style="list-style-type: none"> ■ New access behind the bund at Dagnam Saltings will avoid and may even reduce disturbance at this location. ■ The ECP will follow the existing rights of way in the remainder of the SPA <p><u>Coastal Margin</u></p> <ul style="list-style-type: none"> ■ Access will be restricted year round at the wintering roosts at Grain and Dagnam Saltings and during winter only at Salt Fleet Flats by a formal direction on nature conservation grounds. The landowners have agreed to enforce the direction at Grain ■ Access will be restricted to the unrestored and disused sand and gravel pit at Grain by a formal direction on public safety grounds. ■ Much of the foreshore is unsuitable for walking and access will be excluded by direction <p><u>Interpretation and Collaboration with Bird Wise</u></p> <ul style="list-style-type: none"> ■ There will be collaboration with Bird Wise to install and maintain new interpretation panels in 	<p>ways that minimise disturbance to non-breeding waterbirds. Key roosts at Grain, Dagnam Saltings and Salt Fleet Flats 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.</p> <p>In the rest of the SPA, which is relatively remote and difficult to access, there is a natural segregation with feeding birds since the majority of the intertidal mudflats where waterbirds forage is unsuitable for walking over. Coastal access rights will be excluded from these area, thus formally clarifying the legal position on public access. Additional measures are included in our proposals to encourage visitors to stick to the path and keep their dog under close control where the route passes close to important roosting sites.</p> <p>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 Thames Estuary and Marshes SPA and Ramsar site are dynamic and influenced by a number of human activities. It is possible there are other plans and projects currently in development that could,</p>	

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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?
	key locations to encourage responsible behaviour	in combination with the Coast Path, lead to adverse effects on the integrity of the site. In light of this uncertainty, and 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 breeding birds	<p><u>Route Alignment</u></p> <ul style="list-style-type: none"> ■ The proposed inland route at Grain will avoid interaction with breeding birds. ■ New access behind the saltings bund at Dagnam Saltings will avoid and may even reduce current disturbance to breeding birds at this location. ■ Following existing rights of way in the remainder of the SPA <p><u>Coastal Margin</u></p> <ul style="list-style-type: none"> ■ Access will be restricted year round at the breeding sites at Grain and Dagnam Saltings and during winter only at Salt Fleet Flats by a formal direction on nature conservation grounds. ■ The new coastal margin during the summer months on the sea wall at Salt Fleet Flats will allow the landowner to carry out 	<p>Yes</p> <p>Our proposals are designed to maintain important refuges and facilitate responsible recreation in ways that minimise disturbance to non-breeding waterbirds. Key breeding sites at Grain, Dagnam Saltings, Cliffe Pools, Salt Fleet Flats and the extensive grazing marshes of the SPA will continue to function as breeding sites in the SPA through careful alignment of the Coast Path, and by excluding access to the Coastal Margin in these locations.</p> <p>At Cliffe Pools and in the rest of the SPA, (the latter being relatively remote and difficult to access), there is a natural segregation of the Coast Path with the breeding sites which are landward of the trail by borrow dykes, fences or the coastal waterbodies.</p> <p>Additional measures are included in our proposals to encourage visitors to stick to the path and keep their dog under close control where the</p>	Yes

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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?
	<p>informal management to direct walkers away from the nearby breeding bird site. The landowners have agreed to enforce the direction at Grain and signs will be used to explain the direction at Dagnam Saltings.</p> <ul style="list-style-type: none"> ■ Much of the saltmarsh is unsuitable for walking and access will be excluded by direction 	<p>route passes close to important breeding sites.</p> <p>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 Thames Estuary and Marshes SPA and Ramsar site 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 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.</p>	
<p>The installation of access management infrastructure may lead to a loss of habitat which supports the qualifying features including for all necessary</p>	<p>Our proposals will see the installation of new and replacement infrastructure items in the designated site across approximately 26km of trail. Only one field gate and 5m of fencing will be located in supporting habitat, the rest will be located on seawall site fabric.</p>	<p>Yes.</p> <p>Only 5m of fencing and one field gate are located on the edge of coastal grazing marsh habitat. This habitat is listed as a supporting habitat for non-breeding waterbirds. The loss equates to less than 2m². However, the land in question is located on a vehicle access track near the seawall, and given the underlying bare ground, the land is</p>	<p>No</p>

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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?
stages of the non-breeding/wintering period (moulting, roosting, loafing, and feeding).		functioning more like site fabric than supporting habitat. Furthermore, the vehicle track is necessary for use by the grazier to manage the site. Neither is the location of this infrastructure located in a key site for non-breeding waterbirds being close to an accessible seawall. It is therefore considered that the loss of this habitat will not lead to an adverse effect on integrity of the site. N.B. the infrastructure has been proposed to minimise disturbance to breeding birds in the coastal grazing marsh which are SSSI notified features.	

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:

- The installation of access management infrastructure may lead to a loss of habitat which supports the qualifying features, including for all necessary stages of the non-breeding/wintering period (moulting, roosting, loafing, and feeding).

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 birds

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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.

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.

Earlier in this report, in C2.2, we reviewed other live plans or projects that we are aware of at the time of making this assessment and might give rise to insignificant and combinable effects. We concluded that the following projects have the potential to act in-combination with the access proposal:

- Alpha Lake Ecological and Landscape Enhancement Project

We have therefore 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 11. Assessment of adverse effect 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 feeding close to the shore	There is a possible risk of increased disturbance pressure if partners do not work together effectively to manage recreational use.	The construction phase of the Alpha Lake Ecological and Landscape Enhancement Project, may lead to the temporary disturbance of wader roosts and feeding/loafing areas for waterbirds in the non-breeding season only. These effects will be mitigated by careful phasing of the infilling works, availability of alternative nearby habitat, and water control measures. Once completed, the ecological enhancement project will provide an improved habitat for non-breeding waterbirds resulting in a positive impact. As a result, it	No

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Residual risk	In-combination effect	Assessment of risk to site conservation objectives	Potential adverse effect?
		<p>was concluded that the ecological enhancements would not lead to an adverse effect on integrity, and any negative residual impacts from the construction phase would be temporary.</p> <p>The Coast Path follows existing public footpaths in this area, and is sufficiently separated from Alpha Lake and the alternative habitat at Cliffe Pools not to exacerbate disturbance at this site. The Coast Path would therefore not have a long-term effect on the ability of the site to support the non-breeding waterbirds.</p>	

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 Thames Estuary and Marshes SPA and Ramsar site either alone or in combination with other plans and projects.

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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 between Grain to Woolwich 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

Action	Name	Further Detail	Date
Assessment prepared and completed by	Francesca Sanchez	On behalf of the Coastal Access Programme Team	29 April 2019
Assessment quality assured by:	Jenny Bowen	On behalf of the Coastal Access Programme Team	29 April 2019
HRA approved:	Kristoffer Hewitt	Senior officer with responsibility for protected sites	29 April 2019

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Appendices

Appendix 1. Bird Wise North Kent Seasonal Ranger Report 2018 (prioritisation of sites for ranger engagement)

Location	Bird Wise Priority Sites for Thames Estuary and Marshes SPA
Grain (Grain Marshes and North Level), and Yantlet Creek	<ul style="list-style-type: none"> ■ Grain peninsular - not a priority as currently inaccessible ■ Grain Coastal Park (south of the stretch)– Medium Priority: Medium footfall, medium number of birds ■ Allhallows (circular walk near Allhallows Leisure Park) – Medium Priority: Low footfall, medium to high number of bird
Dagnam Saltings	<ul style="list-style-type: none"> ■ Not a priority as most Allhallows residents use the circular walk near Allhallows Leisure Park
Salt Fleet Flats	<ul style="list-style-type: none"> ■ Not a priority as very remote site
Higham Marshes/Shorne Marshes Nature Reserve	<ul style="list-style-type: none"> ■ Higham Marshes - Medium Priority: Low footfall, medium number of birds ■ Cliffe Pools – Medium Priority: Medium footfall, medium to high numbers of birds.

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