



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

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**Assessment of England Coast Path proposals between  
Cremyll and Kingswear**

**On Plymouth Sound and Estuaries Special Area of  
Conservation (SAC); Blackstone Point SAC; South Devon  
Shore Dock SAC; Start Point to Plymouth Sound and  
Eddystone SAC; Lyme Bay and Torbay SAC; and South  
Hams SAC**

**January 2020**



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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 Cremyll to Kingswear on the following sites of international importance for wildlife: Plymouth Sound and Estuaries Special Area of Conservation (SAC); Blackstone Point SAC; South Devon Shore Dock SAC; Start Point to Plymouth Sound and Eddystone SAC; Lyme Bay and Torbay SAC; and South Hams SAC.

**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-cremyll-to-kingswear-comment-on-proposals>

### II) Background

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

#### Summary of the main wildlife interest

The coastline geomorphology of this stretch is characterised by ria estuaries (around Plymouth and Kingsbridge); sea cliffs of soft periglacial deposits and hard Devonian rock; raised beaches and submerged platforms and sandy coves. The special habitats and species of this stretch are some of those typical of this type of coastline in south-west England. The terrestrial habitats have the potential to form part of the foraging and commuting habitat for the greater horseshoe bat population of the South Hams SAC.

Above the tidal limits, where small freshwater streams seep onto the coast on, or at the base of, sea cliffs, scattered stands of shore dock *Rumex rupestris* can be found. This is one of Europe's most threatened endemic vascular plants. The sea cliffs (sometimes over 100m high) support a diverse range of habitats (grassland, heath, cliff and a lichen flora with Mediterranean affinities) determined by the interactions of management, exposure to the sea, climate and geology.

Below the limits of the tide (sometimes extending into the intertidal), algae or animal-dominated communities have formed on the reefs, platforms, sheltered bays and inlets, sand and mud - showing variations determined by gradients of salinity, wave action, currents and depth.



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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 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 this assessment are approved by a member of Natural England staff who is not a member of coastal access programme team and who has responsibility for protected sites. 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.

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.



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### **V) Conclusion**

We have considered whether our detailed proposals for coastal access between Cremyll and Kingswear might have an impact on the following sites: Plymouth Sound and Estuaries Special Area of Conservation (SAC); Blackstone Point SAC; South Devon Shore Dock SAC; Start Point to Plymouth Sound and Eddystone SAC; Lyme Bay and Torbay SAC; and South Hams SAC. In Part C of this assessment we identify some possible risks to the relevant qualifying features and conclude that proposals for coastal access may have a significant effect on South Devon Shore Dock SAC. In Part D we consider these risks in more detail and conclude that there will not be an adverse effect on the integrity of this site (or any of the other sites).

### **VI) Implementation**

Once a route for the trail has been confirmed by the Secretary of State, we will work with Cornwall Council and Cormac 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. The proposals have been thoroughly considered before being finalised and our initial ideas were modified during an iterative design process.



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## 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 could impact on a site designated for its international importance for wildlife, called a 'European site'<sup>1</sup>, a Habitats Regulations Assessment must be carried out.

The conclusions of this assessment are approved by a member of Natural England staff who is not a member of coastal access programme team and who has responsibility for protected sites. 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 along the stretch of coast between Cremyll and Kingswear. 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 [part of the] stretch in question

Our proposals for coastal access have two main components:

- alignment of the England Coast Path; and,

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<sup>1</sup> Ramsar sites and proposed Ramsar sites; potential Special Protection Areas (pSPA); candidate Special Areas of Conservation (cSAC); and sites identified, or required, as compensatory measures for adverse effects on European sites are treated in the same way by UK government policy



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- designation of coastal margin.

### 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, solving long-standing difficulties with maintaining a continuous route on this stretch of coast.

Of particular relevance to this assessment is that the proposed route along this stretch follows the well-established walked route of the South West Coast Path (SWCP), and is referred to as such below with only occasional deviations from the existing route within the site. It is not anticipated there will be any significant changes to current levels or patterns of usage of either the path or land that falls within the proposed margin (much of which is already designated as Open Access). The SWCP is already a National Trail and is a high quality, walking route with a strong, internationally recognised identity, and its inclusion as part of the England Coast Path is not expected to significantly change how this stretch of coast is used for recreation.

### 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.

### **Promotion of the England Coast Path**

The Coast Path will be promoted as part of the family of National Trails. On the ground, the path will be easy to follow, with distinctive signposting at key intersections and places people can join the route. Directional way markers incorporating the National Trail acorn symbol will be used to guide people along the route. The coastal margin will not normally be marked on the ground, except



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where signage is necessary to highlight dangers that might not be obvious to visitors, or clarify to the scope and/or extent of coastal access rights.

Information about the Coast Path will be available on-line, including via the established National Trails website that has a range of useful information, including things for users to be aware of, such as temporary closures and diversions. The route is depicted on Ordnance Survey maps using the acorn symbol. The extent of the coastal margin is also depicted, together with an explanation about coastal access, where they do and don't apply and how to find out about local restrictions or exclusions.

### **Maintenance of the England Coast Path**

The access proposals provide for the permanent establishment of a path and associated infrastructure, including additional mitigation measures referred to in this assessment and described in the access proposals - assuming mitigation measures are included. The England Coast Path will be part of the National Trails family of routes, for which there are national quality standards. Delivery is by local partnerships and there is regular reporting and scrutiny of key performance indicators, including the condition of the trail.

### **Responding to future change**

The legal framework that underpins coastal access allows for adaptation in light of future change. In such circumstances Natural England has powers to change the route of the trail and limit access rights over the coastal margin in ways that were not originally envisaged. These new powers can be used, as necessary, alongside informal management techniques and other measures to ensure that the integrity of the site is maintained in light of unforeseen future change.

### **Establishment of the trail**

Establishment works to make the trail fit for use and prepare for opening, including any special measures that have been identified as necessary to protect the environment. Details of the works to be carried out and the estimated cost are provided in the access proposals. The cost of establishment works will be met by Natural England. Works on the ground to implement the proposals will be carried out by Devon County Council, subject to any further necessary consents being obtained, including to undertake operations on a SSSI. Natural England will provide further advice to the local authority carrying out the work as necessary.

### **Local context**

The 2009 Legislation refers to the continuous trail with its associated margin and other access rights as being the England Coast Path. Where appropriate we have used existing established coastal trail routes and these will already be known by different local and regional names, such as the South West Coast Path (SWCP). However there will be places where the established trail and the proposed new Coast Path route diverge. So to avoid confusion as to which route is being proposed under the 2009 Legislation in this report, it is intended to remain with the terminology used in the Act namely the England Coast Path. It is recognised and welcomed that other local established route names will continue to be used on the ground in preference to the England Coast Path.





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

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

##### **Plymouth Sound and Estuaries Special Area of Conservation**

Plymouth Sound and Estuaries has been selected as a SAC, primarily because of its ria estuary system and associated habitats (saltmarshes, sublittoral and intertidal sandbanks, reefs, inlets and bays). The estuarine system stretching into Plymouth Sound is notable for its well-developed salinity regime; its variety of substrates (including limestone and various grades of sediment); its variety of habitats (including kelp and animal-dominated reefs, eelgrass beds and soft sediments); and a diverse variety of species (including Mediterranean-Atlantic species and nationally important species such as pink sea-fan *Eunicella verrucosa*, shore dock *Rumex rupestris* and allis shad *Alosa alosa*).

<http://jncc.defra.gov.uk/ProtectedSites/SACselection/sac.asp?EUcode=UK0013111>

##### **Blackstone Point Special Area of Conservation**

Blackstone Point has been selected as a SAC because it contains the largest known extant population of shore dock *Rumex rupestris* in Devon, and one of the largest concentrations of this species on rocky sea-cliffs in south-west England.

<http://jncc.defra.gov.uk/ProtectedSites/SACselection/sac.asp?EUcode=UK0030091>

##### **Start Point to Plymouth Sound and Eddystone Special Area of Conservation**

Start Point to Plymouth Sound and Eddystone has been selected as a SAC because it contains numerous coastal reef features (in many forms). Generally the reefs are made of the same rocks that outcrop along the coast. They comprise submerged and sublittoral areas of outcropping bedrock, boulders and cobbles. Many of the reefs have a complex form with gullies, fissures and crevices. They support large kelp forests.

<http://jncc.defra.gov.uk/ProtectedSites/SACselection/sac.asp?EUcode=UK0030373>

##### **South Devon Shore Dock Special Area of Conservation**

The site has been selected a SAC because it is an important rocky-shore site for shore dock *Rumex rupestris*, lying at the eastern limit of its current UK range. It also contains 120m-high sea-cliffs of mineral-rich schist that support various habitats including maritime grassland, coastal heath and lichen-covered rocks. The flora and fauna contains species with a southern and Mediterranean distribution.

<http://jncc.defra.gov.uk/ProtectedSites/SACselection/sac.asp?EUcode=UK0030060>

##### **Lyme Bay and Torbay Special Area of Conservation**

This site has been selected a SAC because of its 'reef' and 'sea cave' habitats. The reefs do not extend directly out from the coast but occur as outcropping bedrock slightly offshore. The softer sediment habitats are commonly found between the bedrock or cobble / boulder areas. The reefs are particularly rich in species richness and have been identified as a marine biodiversity hot-spot.



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The sea caves are found at different tidal levels and in different rock types. They occur between Mackerel Cove and Sharkham Point (outside of the Cremyll to Kingswear stretch).

<http://jncc.defra.gov.uk/protectedsites/sacselection/sac.asp?EUcode=UK0030372>

### **South Hams Special Area of Conservation**

South Hams SAC in south-west England is thought to hold the largest population of greater horseshoe bat in the UK, and is the only one containing more than 1,000 adult bats (31% of the UK population). It contains the largest known maternity roost in the UK and possibly Europe. As the site contains both maternity and hibernation sites it demonstrates good conservation of the features required for survival. The part of the SAC that is closest and most relevant to the Cremyll to Kingswear stretch is at Berry Head, five miles to the east, where caves contain both a maternity roost and a hibernation roost. Its foraging and commuting habitat is largely undesignated, occurring miles away from the designated roosts, but needs to be considered in an HRA. (These 'sustenance zones' are usually defined as the area occurring within a 4km radius of the roost, but because of its location next to the sea and a lot of urban development, the equivalent sustenance zone for Berry Head stretches 9km to the west, to Dartmouth, and into the eastern edge of the Cremyll to Kingswear stretch <http://mg.swdevon.gov.uk/documents/s15864/Appendix%201.pdf>

.) For this Cremyll to Kingswear stretch, South Hams SAC is considered only in relation to the greater horseshoe bat feature and not to its habitat features (i.e. H1230 vegetated sea cliffs; H4030 European dry heaths; H6210 Semi-natural dry grasslands and scrubland facies on calcareous substrates; H8310 caves not open to the public; and H9180 Tilio-Acerion forests of slopes, screes and ravines).

<https://sac.jncc.gov.uk/site/UK0012650>



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**Table 1: Qualifying Features**

<b>Qualifying Feature</b>	<b>Plymouth Sound &amp; Estuaries SAC</b>	<b>Blackstone Point SAC</b>	<b>Start Point to Plymouth Sound and Eddystone SAC</b>	<b>South Devon Shore Dock SAC</b>	<b>Lyme Bay and Torbay SAC</b>	<b>South Hams SAC</b>
S1441 Shore dock <i>Rumex rupestris</i>	✓	✓		✓		
H1230 Vegetated sea-cliffs of the Atlantic and Baltic coasts				✓		✓
H1110 Sandbanks which are slightly covered by sea-water all the time	✓					
H1130 Estuaries	✓					
H1160 Large shallow inlets and bays	✓					
H1170 Reefs	✓		✓		✓	
H1330 Atlantic salt meadows	✓					
H1140 Mudflats & sandflats not covered by seawater at low-tide	✓					
H8330 Submerged or partially submerged sea-caves					✓	
S1102 Allis shad <i>Alosa alosa</i>	✓					
S1304 Greater horseshoe bat <i>Rhinolophus ferrumequinum</i>						✓
H4030 European dry heaths						✓
H6210 Semi-natural dry grasslands and scrub						✓
H8310 Caves not open to the public						✓
H9180 Tilio-Acerion forests of slopes, screes & ravines						✓



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### **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;

Plymouth Sound and Estuaries Special Area of Conservation

<http://publications.naturalengland.org.uk/publication/5833129793159168>

Blackstone Point Special Area of Conservation

<http://publications.naturalengland.org.uk/publication/6034595669606400>

Start Point to Plymouth Sound & Eddystone Special Area of Conservation

<http://publications.naturalengland.org.uk/publication/4655890321899520>

South Devon Shore Dock Special Area of Conservation

<http://publications.naturalengland.org.uk/publication/5169060304125952>

Lyme Bay and Torbay Special Area of Conservation

<http://publications.naturalengland.org.uk/publication/4715163420721152>

South Hams SAC

<http://publications.naturalengland.org.uk/publication/6279422093033472>



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### 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, 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 2: Feature groups**

Feature group	Qualifying feature(s)
Sublittoral habitats and species (i.e. those that are more or less permanently submerged and lie below mean spring low tide level MLWS)	Sandbanks which are slightly covered by seawater all the time; <i>Allis shad Alosa alosa</i>
Shore dock (Intertidal littoral species)	Shore dock <i>Rumex rupestris</i>
Littoral habitats that are intertidal to a greater or lesser extent (with the potential to lie within parts of ECP’s coastal margin between mean spring water levels MLWS and MHWS). (On the one hand, reefs are generally subtidal but may extend as an unbroken transition into the intertidal/littoral zone, where they are exposed to the air at low tide. On the other hand, Atlantic salt meadows form the middle and upper reaches of saltmarshes, where tidal inundation still occurs but with decreasing frequency and duration.)	Estuaries Large shallow inlets & bays Reefs Atlantic salt meadows Mudflats & sandflats not covered by seawater at low tide Submerged or partially submerged sea caves
Habitats above mean spring high water (MLWS) impacted by sea-spray (with the potential to lie within ECP’s coastal margin)	Vegetated sea cliffs of the Atlantic and Baltic coasts
Greater horseshoe bat	Greater horseshoe bat <i>Rhinolophus ferrumequinum</i>
Habitats in the South Hams SAC (not considered above)	European dry heaths Semi-natural grassland and scrubland facies on calcareous substrates Caves not open to the public Tilio- Acerion forests of slopes, screes & ravines

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**Table 3: Assessment of likely significant effects alone**

Feature	Relevant pressure	Sensitivity to coastal access proposals	Assessment of risk to site conservation objectives	LSE alone?
Sublittoral habitats and species	Not affected by public access	Coastal Access proposals extend to Mean Low Water (MLW) and so subtidal habitats and species are outside of the scope of these proposals.	No risk.	No
Shore dock	Trampling	Shore dock is somewhat resilient to trampling. However, repeated trampling would have a long-term effect due to physical damage to plants and possibly the substrate in which they grow.	<p>No appreciable risk.</p> <p>The South-West Coast Path (SWCP) is already very well used and no significant increase in visitor numbers or changes to patterns of use along the path or the area of the margin is anticipated.</p> <p>The plant favours wet flushes, either on steep coastal slopes or at the base of cliffs that are either inaccessible or generally avoided by people using beaches for recreation.</p> <p>The shore dock feature within Plymouth Sound &amp; Estuaries SAC, Blackstone Point SAC and most of South Devon Shore Dock SAC is favourable, and where it is unfavourable the reason for adverse condition seems to be inappropriate grazing rather than recreational abrasion/disturbance.</p>	No
Shore dock	Damage to habitat/ functioning of habitat	Movement of freshwater and connectivity/ functioning of supporting habitat on which shore dock is reliant may be adversely affected by path establishment works.	No risk – there are no establishment works proposed within the areas or habitat where shore dock occurs or has the potential to occur.	No
Intertidal littoral habitats (with the potential to lie within	Trampling or installation of infrastructure	Only some examples of the habitats lie within the intertidal (with the potential to lie within the area affected by changes	No appreciable risk. The SWCP is already very well used and no significant increase in visitor numbers or changes to patterns of use along the path or the area of the margin is	No

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<p>parts of ECP's coastal margin between mean spring water levels MLWS and MHWS)</p>		<p>to access in the coastal margin) with the potential to be sensitive to changes in access. These may be damaged by an increase in footfall resulting from coastal access proposals or from installation of access infrastructure (e.g. steps or sleeper bridges). Most examples lie below spring low water mark, are more or less permanently submerged, and are not sensitive to the changes in access (introduced by ECP).</p>	<p>anticipated. The public already access much of the margin, and the coastal access rights will simply confirm and secure existing situation, with no significant changes to people's behaviour expected.</p> <p>Significant areas of the intertidal features (specifically saltmarshes, estuaries, sandbanks, large shallow inlets and bays and mudflats) are located upstream of the path and do not lie within the margin (and are therefore outside the scope of the coastal access proposals).</p> <p>Other examples of the features (e.g. reefs, inlets and bays, mudflats and caves) are only exposed for a short part of the tidal cycle or are made more or less inaccessible by the nature of the terrain.</p>	
<p>Intertidal littoral habitats (with the potential to lie within parts of ECP's coastal margin between mean spring water levels MLWS and MHWS)</p>	<p>Dispersal of invasive non-native species</p>	<p>Increased access to the margin where invasive non-natives occur (e.g. Pacific oyster around the mouth of the Yealm Estuary and the red algae, <i>Caulacanthus spp.</i>, in Plymouth Sound) might facilitate their spread along the coast.</p>	<p>No appreciable risk. Once established within an area the main dispersal mechanism for these INNS are likely to be on the tide or on boats and not from recreational access. In addition, the SWCP is already very well used and no significant increase in visitor numbers or changes to patterns of use along the path or the area of the margin is anticipated. The public already access much of the margin, and shoreline and the coastal access rights will simply confirm and secure existing situation, with no significant changes.</p>	<p>No</p>
<p>Habitats above mean spring high water (MHWS) impacted by sea-spray (with the potential to lie within ECP's</p>	<p>Trampling</p>	<p>Vegetation and underlying substrate may be damaged by an increase in footfall resulting from the coastal access proposals. Excessive erosion could lead to a reduction in the area of qualifying</p>	<p>No appreciable risk.</p> <p>The SWCP will continue to be proactively managed to National Trail quality standards under our proposals. In places where the coast path traverses coastal slopes people tend to stick to well-defined paths because they provide the most suitable surface for walking. Maintaining as easy to</p>	<p>No</p>



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coastal margin)		features. The risk of erosion is greatest on steep coastal slopes especially if the path and associated drainage were not maintained.	use and follow path has proven to be an effective way of managing access in this situation. Open-access rights already apply over most coastal slopes along this stretch of coast. Where coastal access rights will be secured by the access proposals there are no practical differences to suggest the established patterns of use will be altered by this technical change.	
Habitats above MHWS (with the potential to lie within ECP’s margin)	Eutrophication	Composition of qualifying feature vegetation may be adversely affected through nutrient enrichment from dog excrement.	No appreciable risk. The SWCP is already well-used and no significant increase in visitor numbers (including dog-walkers) or changes to patterns of use along the path or the area of the margin is anticipated.	No
Greater horseshoe bat	Installation of infrastructure or path work leading to changes in habitat	Foraging or commuting habitat may be permanently lost or damaged due to the installation of new access management infrastructure.	No appreciable risk. There is no infrastructure installation that will adversely affect commuting or foraging habitat.	No
Greater horseshoe bat	Direct disturbance from users of the path.	Bats might be disturbed or deterred from using foraging or commuting habitat by users of the footpath.	No appreciable risk. Few people will be using the path at times when the species are likely to be foraging or commuting so the chances of direct disturbance are very small.	No
Habitats in the South Hams SAC	Trampling or infrastructure	As for habitats above MHWS	No appreciable risk. The SAC is only considered on account of the greater horseshoe bat. The habitats do not occur within this stretch of path.	No
Habitats above MHWS impacted by sea-spray (with the potential to lie within ECP’s coastal margin)	Installation of infrastructure	Habitat may be permanently lost or damaged due to the installation of new access management infrastructure.	There are to be some path works east of Lannacombe Cottage (SX80227 37174) within vegetated sea cliff habitat in South Devon Shore Dock SAC. There is a low risk of significant effects to qualifying features.	Yes

**Conclusion**

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

- Vegetated sea cliffs – as a result of small-scale loss of habitat

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

- Sandbanks which are slightly covered by seawater all of the time
- Estuaries
- Large shallow inlets and bays
- Reefs
- Atlantic salt meadows
- Mudflats and sandflats not covered by seawater at low-tide
- Shore dock
- Allis shad
- Submerged or partially submerged sea caves
- European dry heaths
- Semi-natural dry grasslands & scrubland facies on calcareous substrates
- Caves not open to the public
- Tilio-Acerion forests of slopes, screes & ravines
- Greater horseshoe bat

(Any appreciable risks identified that are not significant alone are further considered in section C2.2)

## **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.

In C2.1 the qualifying features on which the access proposals might have an effect alone are identified – these are considered further in Part D of this assessment. For all other features, no other appreciable risks arising from the access proposals were identified that have the potential to act in combination with similar risks from other proposed plans or projects to also become significant. It has therefore been excluded, on the basis of objective information, that the project is likely to have a significant effect in-combination with other proposed plans or projects.



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

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### 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 this 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.



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

### 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 4: Scope of Appropriate Assessment**

Environmental pressure	Qualifying Feature(s) affected	Risk to Conservation Objectives
Loss of habitat through installation of access management infrastructure	Vegetated sea cliffs of the Atlantic and Baltic coast	The installation of access management infrastructure may lead to permanent loss or damage to qualifying habitat

#### 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

##### **Condition of the feature (Vegetated sea cliffs of the Atlantic and Baltic coast) at the impacted locality (Lannacombe) and beyond.**

The impacted area (east of Lannacombe Cottage around SX80227 37174) within the sea-cliff feature (vegetated sea cliffs of the Atlantic and Baltic coast within the South Devon Shore Dock SAC) was last assessed in 2010. It was assessed as unfavourable recovering (The comments say '*a well-managed unit that still has some issues with management for vascular plants*'). The reason for adverse condition has to do with grazing and habitat management rather than recreation or erosion from walkers. The area has been under an HLS agreement for ten years (under a restoration of target features option).

Elsewhere the SSSI units underlying the South Devon Shore Dock SAC have been assessed as favourable (units 2 and 24 of Prawle Point and Start Point SSSI and units 4 and 5 of Bolt Head to Bolt Tail SSSI) or unfavourable recovering (3, 4, 6, 8, 10, 12, 19-21 and 23 of Prawle Point and Start Point SSSI). Again the reasons for adverse condition are to do with grazing and habitat management rather than recreation or erosion from walkers.



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The South Devon Shore SIP lists public access/disturbance as a threat/pressure for shore dock, but not for vegetated sea cliffs of the Atlantic and Baltic coast.

Generally, the supplementary advice to the conservation objectives for the South Devon Shore Dock SAC gives the vegetated sea cliffs feature 'maintain' targets. For those few attributes (e.g. habitat transitions) that have a 'restore' target, it is grazing and scrub management that is recommended, not access management.

### **Loss of Habitat**

Regarding the vegetated sea cliffs feature, the supplementary advice on Conservation Objectives for South Devon Shore Dock SAC sets targets of 'no measurable reduction (excluding any trivial loss) in the extent and area of this feature' and 'restore the distribution and continuity of the habitat and any associated transitions which reflects the natural functioning of the cliff system'. (The supplementary advice recommends grazing and scrub management, not access management, to achieve this last target.)

### **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**

Our proposals will see re-alignment of a 20m length of path east of Lannacombe Cottage within the South Devon Shore Dock SAC (SX80227 37174), within what is likely to be qualifying habitat (vegetated sea-cliff).

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

**Table 5: Assessment of adverse effect on site integrity alone**

<b>Risk to conservation objectives</b>	<b>Relevant design features of the access proposal</b>	<b>Can ‘no adverse effect’ on site integrity be ascertained? (Yes/No) Give reasons</b>	<b>Residual Effects?</b>
Path realignment may lead to a loss of qualifying feature vegetated sea-cliffs	A 20m length of coastal path (east of Lannacombe Cottage within South Devon Shore Dock SAC) will be re-aligned in an area likely to contain qualifying feature vegetated sea-cliffs.	<p>Yes</p> <p>The loss equates to less than 100m<sup>2</sup>, and is alongside an existing path. The impacted habitat is dominated by blackthorn and bramble scrub.</p> <p>As the path re-alignment is intended to guide people along a more stable route it will minimise any potential impacts on the wider habitat.</p> <p>Over time, succession should result in the bare compacted soil of the old path reverting to grassland and scrub (to become part of the annex 1 habitat – vegetated sea cliffs of the Atlantic and Baltic coasts). So, over time, there might be no loss of habitat to the coastal path (though there might be loss to natural processes or coastal erosion).</p> <p>The scale of loss (less than 100m<sup>2</sup>) can be regarded as ‘trivial’ in the context of the conservation objectives for the feature, and the nature of the works will not adversely affect the</p>	Yes



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		<p>continuity and functioning of the habitat types or their transitions.</p> <p>The exact location of the realignment works will be finalised at the establishment stage (but is very likely to be between SX8022537178 and SX8024437165). Assessment of the possible impacts on the European site will need to be checked and confirmed as part of the SSSI assenting process prior to works being carried out.</p>	
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**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 small-scale path re-alignment works will lead to a loss of notifiable habitat, which forms part of the qualifying feature, vegetated sea cliffs of the Atlantic and Baltic coasts. (The loss to coastal path might only be short term, if succession results in recovery of habitat on the old path.)

## **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 have not been wholly avoided by the incorporated or additional mitigation outlined in section D3. It is therefore considered that 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. These are:

- Small-scale (and maybe short-term) habitat loss at Lannacombe Bay for path-improvement works.

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

In light of this review, we have not identified any insignificant and combinable effects that are likely to arise from other plans or projects.



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For example, no residual effects were evident from i) small-scale field works (e.g. fencing or other boundary infrastructure within the SAC) local to Lannacombe or ii) the relevant local plan (Plymouth and South West Joint Local Plan integrated assessment, incorporating SA/SEA and HRA, combined screening of the main modifications, 2014-2034).

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

The combined effect of risks identified in steps 1 and 2 are unlikely to have an adverse effect on site integrity. In light of this conclusion, no further in-combination assessment is required.

### **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 Plymouth Sound and Estuaries Special Area of Conservation (SAC); Blackstone Point SAC; South Devon Shore Dock SAC; Start Point to Plymouth Sound and Eddystone SAC; and Lyme Bay and Torbay SAC, 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 Cremyll and Kingswear 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

<b>Assessment prepared by:</b>	Tom Holland	<i>Lead adviser CPAU</i>
<b>Date:</b>	16 <sup>th</sup> October 2019	
<b>HRA approved by:</b>	Michaela Barwell	<i>Senior officer with responsibility for protected sites</i>
<b>Date:</b>	17 <sup>th</sup> October 2019	



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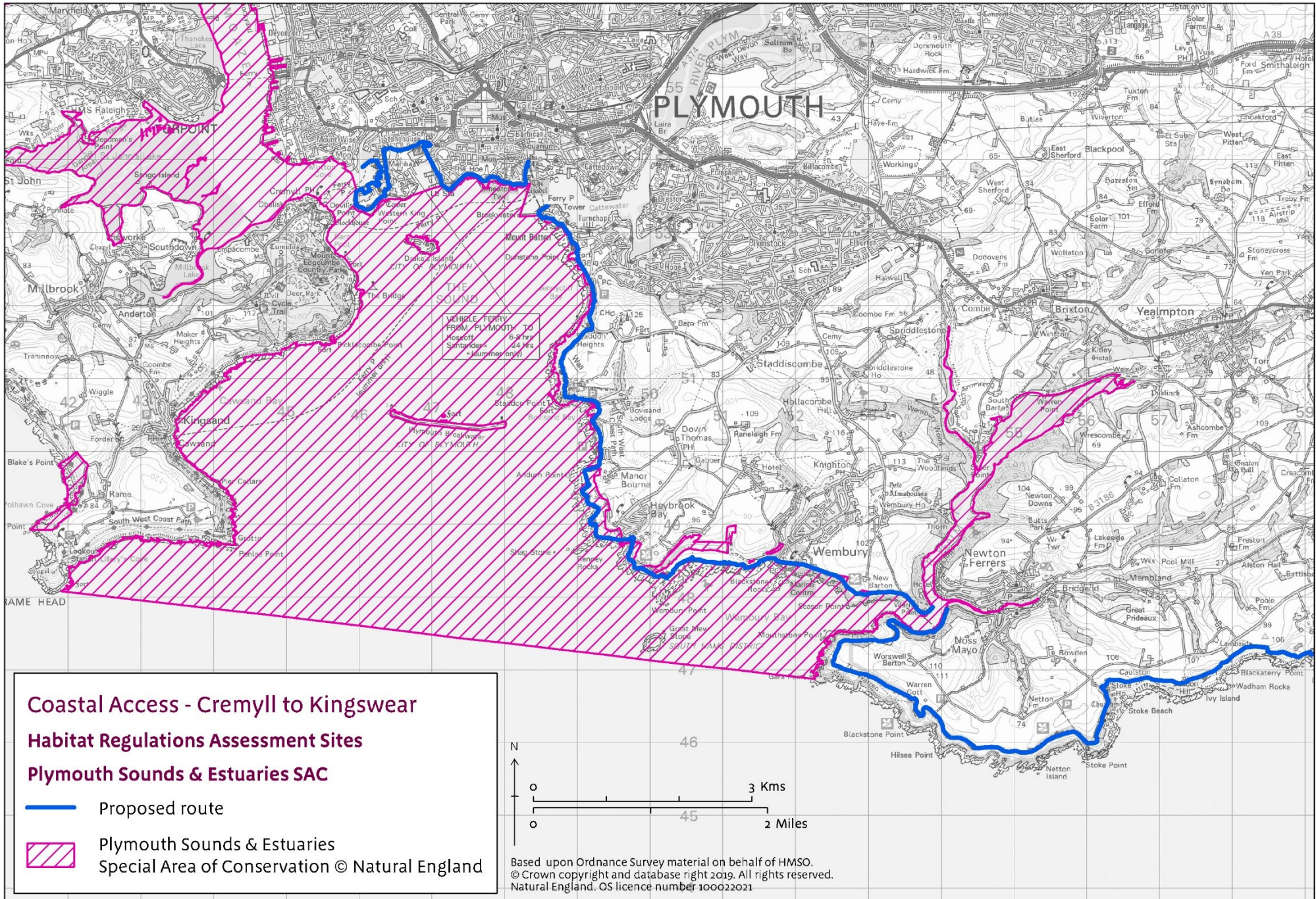
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### References to evidence

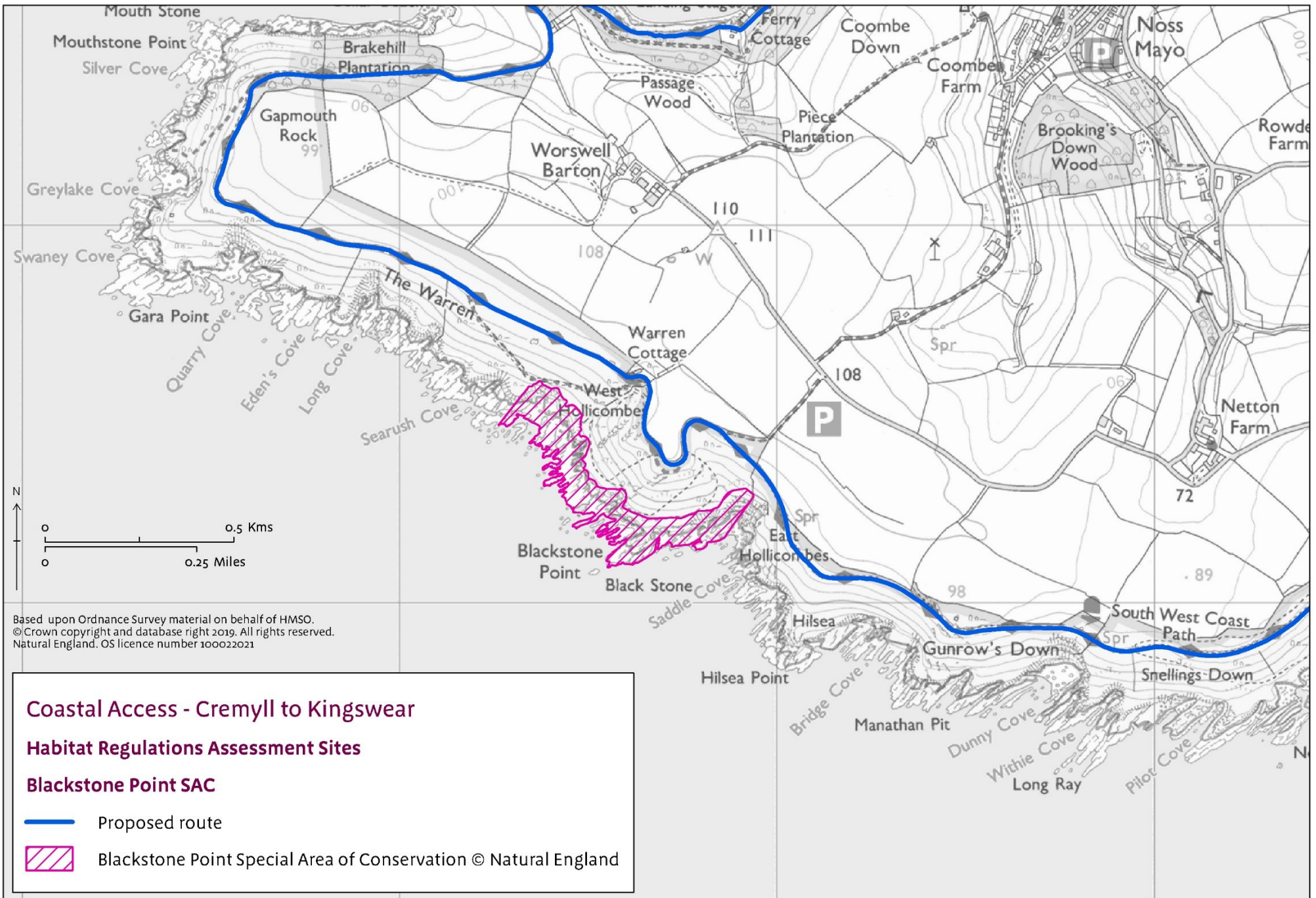
1. NATURAL ENGLAND. 2013. Coastal Access Natural England's Approved Scheme 2013. Published by Natural England Catalogue Code: NE446  
<http://publications.naturalengland.org.uk/publication/5327964912746496?category=50007>



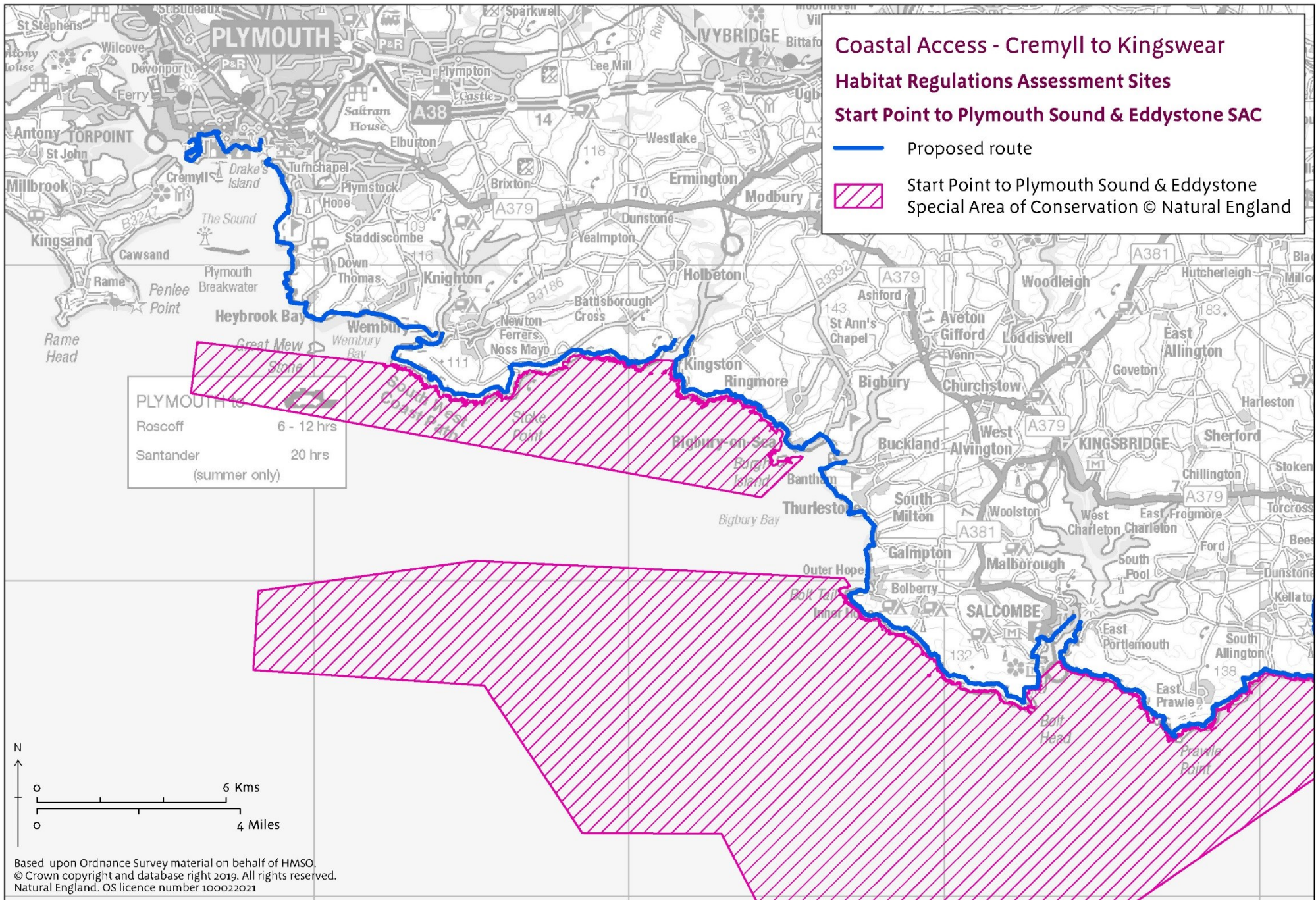
# Appendix 1 – Maps



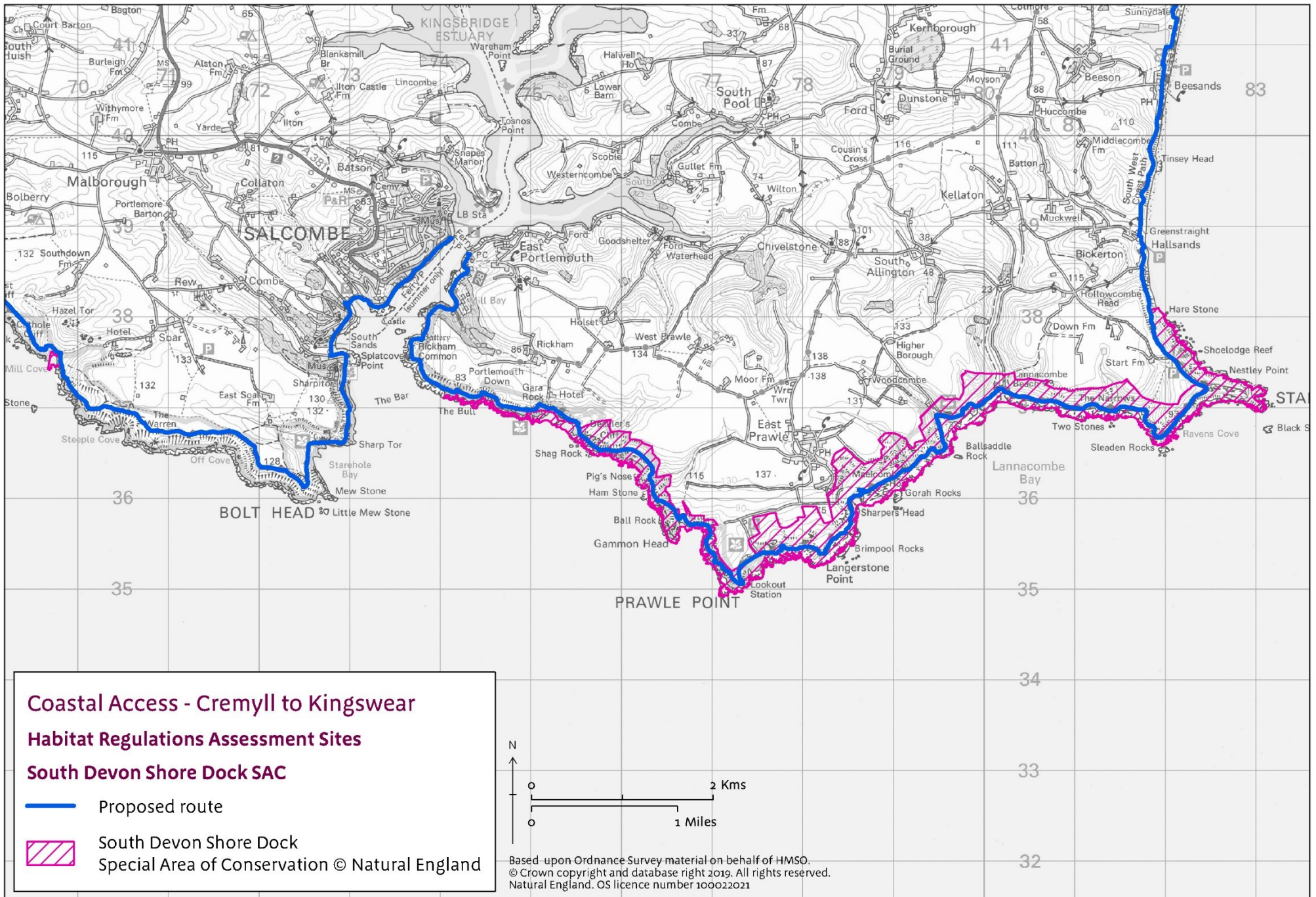














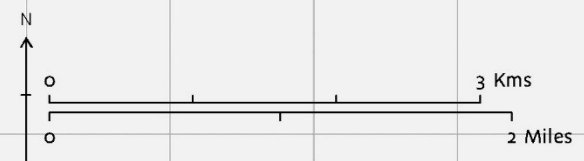
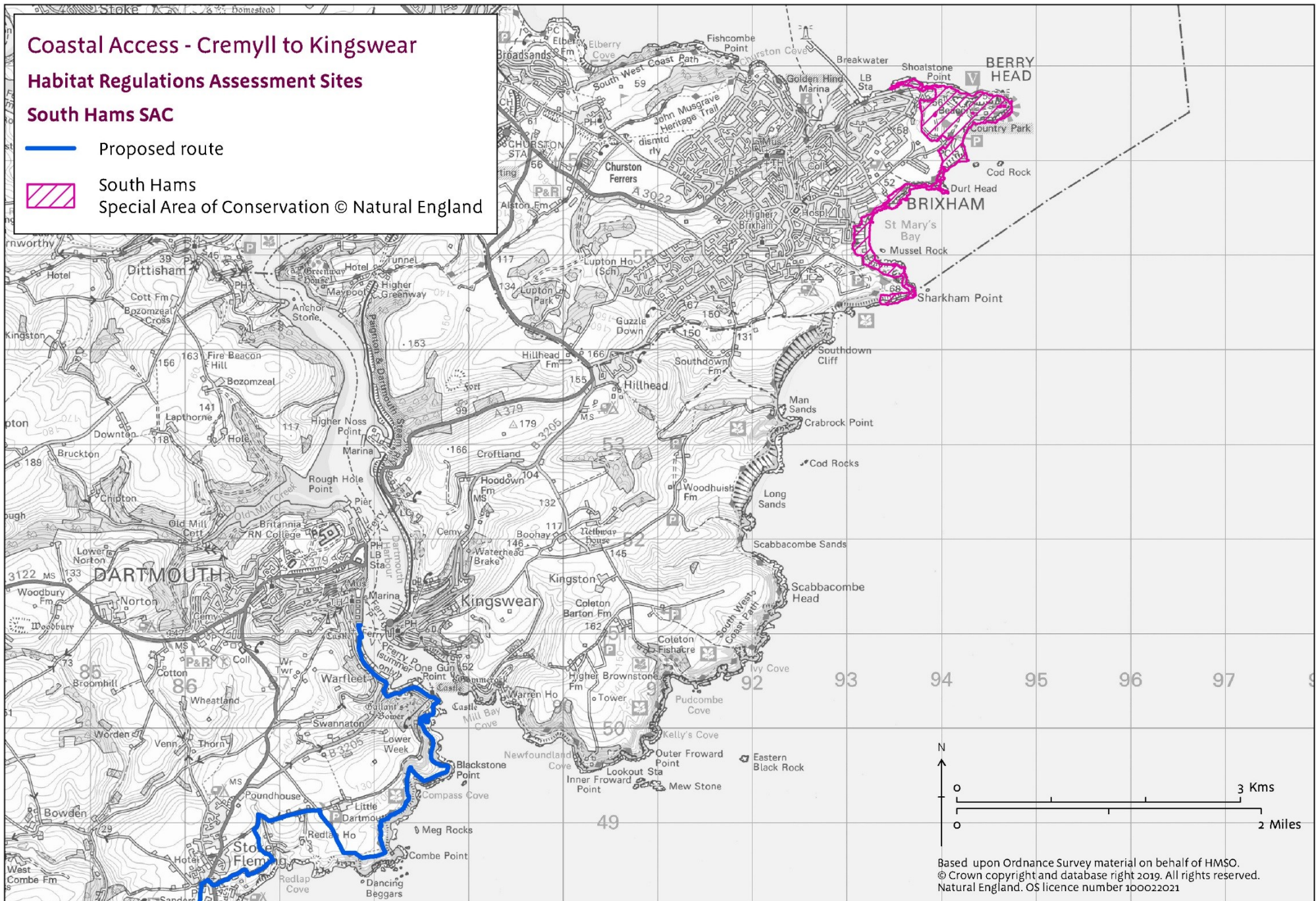
# Coastal Access - Cremyll to Kingswear

## Habitat Regulations Assessment Sites

### South Hams SAC

— Proposed route

▨ South Hams  
Special Area of Conservation © Natural England



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