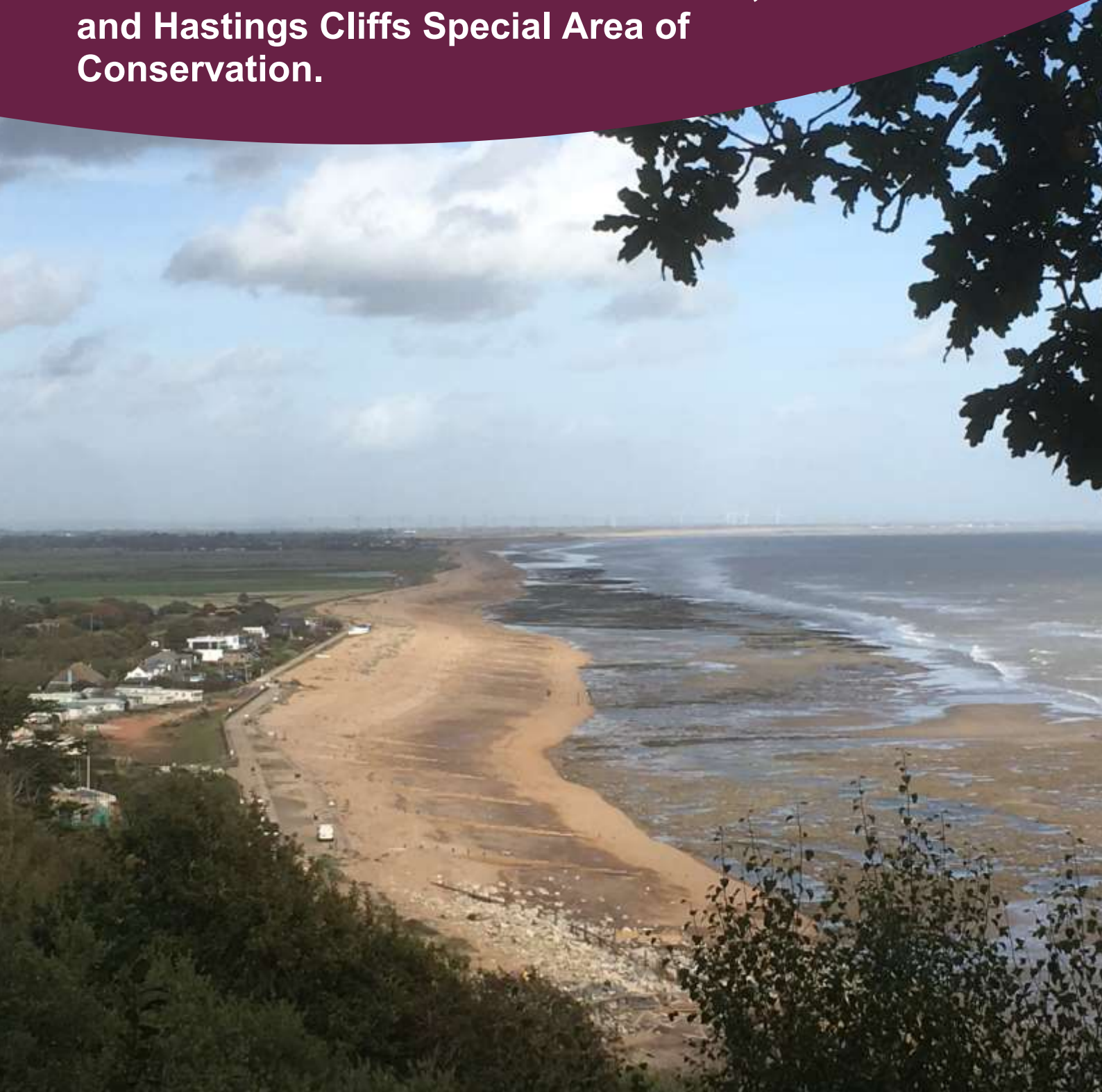


Habitats Regulations Assessment of
England Coast Path proposals between
**Eastbourne and Camber On Dungeness,
Romney Marsh and Rye Bay Special
Protection Area and Ramsar Site,
Dungeness Special Area of
Conservation, Pevensey Levels Special
Area of Conservation and Ramsar Site,
and Hastings Cliffs Special Area of
Conservation.**



Contents:

Contents:.....	2
Summary.....	4
PART A: Introduction and information about the England Coast Path	9
A1. Introduction.....	9
A2. Details of the plan or project.....	9
Map of Habitat Regulations Assessment sites	12
PART B: Information about the European Site(s) which could be affected	13
B1. Brief description of the European Sites(s) and their Qualifying Features	13
B2. European Site Conservation Objectives (including supplementary advice)....	17
PART C: Screening of the plan or project for appropriate assessment	19
C1. Is the plan or project either directly connected with or necessary to the (conservation) management (of the European Site's qualifying features)?.....	19
C2. Is there a likelihood [or risk] of significant [adverse] effects ('LSE')?	19
C2.1 Risk of Significant Effects Alone	20
C2.2 Risk of Significant Effects in-combination with the effects from other plans and projects	27
C3. Overall Screening Decision for the Plan/Project.....	27
PART D: Appropriate Assessment and Conclusions on Site Integrity	28
D1. Scope of Appropriate Assessment	28
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.....	30
D3. Assessment of potential adverse effects considering the plan or project 'alone'	36
D3.1 Design of the access proposal to address possible risks – at a stretch level	37
D3.2 Design of the access proposal to address possible risks – at a local level	40
D3.2A Glyne Gap	43
D3.2B Hastings Cliffs	43
D3.2C Pett Level.....	44
D3.2D Rye Harbour Nature Reserve to the west bank of the River Rother.....	46
D3.2E Camber	49
D3.3 Assessment of potentially adverse effects (taking account of any additional mitigation measures incorporated into the design of the access proposal) alone	51
D4. Assessment of potentially adverse effects considering the project 'in- combination' with other plans and projects	56

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

D5. Conclusions on Site Integrity.....	59
PART E: Permission decision with respect to European Sites	60
Certification.....	60
References to evidence.....	61

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 Eastbourne to Camber on the following sites of international importance for wildlife: Dungeness, Romney Marsh and Rye Bay Special Protection Area (SPA) and Ramsar Site, Dungeness Special Area of Conservation (SAC), Pevensey Levels Special Area of Conservation (SAC) and Ramsar Site, and Hastings Cliffs Special Area of Conservation (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-eastbourne-to-camber-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
Breeding birds	Dungeness, Romney Marsh and Rye Bay SPA is recognised for its breeding birds. Breeding birds require suitable nesting habitats coupled with low disturbance levels to prevent egg abandonment, chilling and predation, plus safe areas for successful fledging. Along this stretch the key sites where birds are known to nest are Rye Harbour Nature Reserve and Pett Level.
Non-breeding birds	During the winter months Dungeness, Romney Marsh and Rye Bay SPA and Ramsar Site supports an internationally recognised population of non-breeding waterbirds. These birds need suitable undisturbed places to feed and roost.
Foraging terns	Foraging terns use subtidal areas and inland water bodies within the Dungeness, Romney Marsh and Rye Bay SPA to forage

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

Interest	Description
	during nesting season. These birds require undisturbed foraging sites to ensure that breeding is successful and chick survival rates are not impacted.
Shingle habitats, vegetated shingle and sea cliffs	The Dungeness and Rye Harbour area is one of the most important in the country for shingle foreshore. Vegetated sea cliffs at Hastings Cliffs SAC support a wide diversity of vegetation types. These important habitats are vulnerable to repeated trampling and habitat loss.
Wetland plants and invertebrates	The wetlands at Dungeness, Romney Marsh and Rye Bay Ramsar Site and Pevensey Levels Ramsar Site support nationally scarce wetland plants and invertebrates, many of which are found within the ditch systems. These assemblages are vulnerable to repeated trampling and habitat loss.
Vulnerable, endangered or critically endangered species	The Dungeness, Romney Marsh and Rye Bay Ramsar Site and Pevensey Levels Ramsar Site support vulnerable, endangered or critically endangered species including water vole; great crested newt; a rare moth; a rare beetle; two rare snails; medicinal leech and two plants that are UK Biodiversity Action Plan priority species. These species are vulnerable to habitat loss.

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 the Coastal Access Scheme [1]. Note that, following a ruling by the Court of Justice of the European Union (Case C-323/17 – usually cited as *People over Wind*), we have issued a technical memorandum concerning the application of this methodology where assessment under the Habitats Regulations is required.

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

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

occupiers, conservation organisations or the local access authority. In these ways, any nature conservation concerns are discussed early and constructive solutions identified as necessary.

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

IV) Aim and objectives for the design of our proposals

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

A key consideration in developing coastal access proposals for this stretch has been the possible impact of disturbance on breeding and non-breeding birds, trampling of sensitive habitats and the loss of habitat.

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

- Avoid exacerbating disturbance at sensitive locations by making use of established paths
- Develop proposals that take account of risks to sensitive nature conservation features and incorporate mitigation as necessary in our proposals
- Clarify where people may access the foreshore and other parts of the coastal margin on foot for recreation 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 Eastbourne and Camber might have an impact on Dungeness, Romney Marsh and Rye Bay SPA and Ramsar Site, Dungeness SAC, Pevensey Levels SAC and Ramsar Site, and Hastings Cliffs SAC. 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 in the integrity of any site. These measures are summarised in Table 2 below.

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

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

Risk to conservation objectives	Relevant design features of the access proposal
Disturbance to breeding birds	<ul style="list-style-type: none"> ■ The proposed alignment for the England Coast Path utilises existing walked routes that are separated from key nesting sites by fencing, roads and/or ditches ■ The route will be sign posted and waymarked to encourage walkers to stay on the path ■ Establishment works will take place outside of the breeding season
Disturbance to non-breeding birds	<ul style="list-style-type: none"> ■ The proposed alignment for the England Coast Path utilises existing walked routes ■ The route will be sign posted and waymarked to encourage walkers to stay on the path ■ Coastal access rights will be excluded over areas of mudflat and saltmarsh that are unsuitable for public access ■ Advisory signs will be installed at Camber to provide information on flora and fauna and request that dogs be kept under close control
Trampling of sensitive features and loss of habitat	<ul style="list-style-type: none"> ■ The proposed alignment for the England Coast Path utilises existing walked routes ■ The route will be sign posted and waymarked to encourage walkers to stay on the path ■ Coastal access rights will be excluded over areas of mudflat and saltmarsh that are unsuitable for public access ■ Coastal access rights will be excluded on an area of vegetated shingle at Rye Bay on nature conservation grounds. ■ Establishment works within designated sites will be small in scale and are

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

Risk to conservation objectives	Relevant design features of the access proposal
	regarded as 'trivial' in the context of the conservation objectives.

VI) Implementation

Once a route for the trail has been confirmed by the Secretary of State, we will work with East Sussex County Council to ensure any works on the ground are carried out with due regard to the conclusions of this assessment 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 Dr Barry Yates of Sussex Wildlife Trust, and local birders, along with other organisations and local experts 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 the Coastal Access Scheme [1]. Note that, following a ruling by the Court of Justice of the European Union (Case C-323/17 – usually cited as *People over Wind*), we have issued a technical memorandum concerning the application of this methodology where assessment under the Habitats Regulations is required.

A2. Details of the plan or project

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

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

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.

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 [1]. Where there are already public or local rights to do other things, these are normally unaffected and will continue to exist in parallel to the new coastal access rights. The exception to this principle is any pre-existing open access rights under Part 1 of the Countryside and Rights of Way Act 2000 (CROW) over land falling within the coastal margin: the new coastal access rights will apply in place of these.

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

Of particular relevance to this assessment is that much of the saltmarsh and mudflat that falls within the coastal margin within Rother Estuary (that forms part of the Dungeness, Romney Marsh and Rye Bay SPA and Ramsar Site and Dungeness SAC) is considered unsuitable for public access and will be excluded from the new coastal access rights at all times regardless of any other considerations.

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. 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

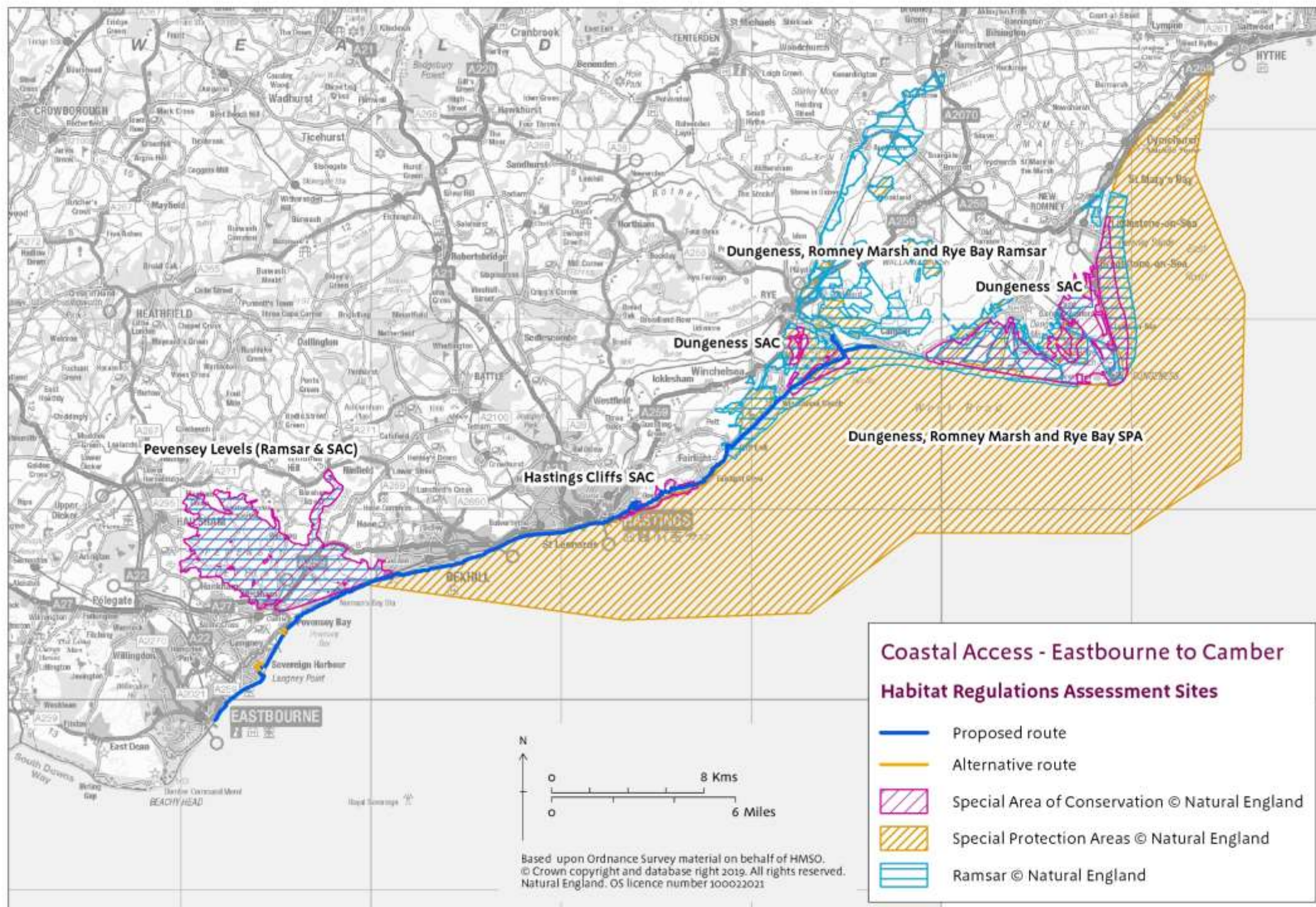
The legal framework that underpins coastal access allows for adaptation in light of future change. In such circumstances Natural England has powers to change the route of the trail and limit access rights over the coastal margin in ways that were not originally envisaged. These new powers can be used,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

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

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, will be carried out before the new public rights come into force on this stretch. 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 the relevant access authorities, 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.



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

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

Dungeness, Romney Marsh and Rye Bay SPA and Ramsar Site & Dungeness SAC

The site is located on the south coast of England between Hythe in Kent and Norman's Bay in East Sussex. At the site there are extensive coastal shingle beaches and sand dunes across an area of intertidal mud and sand flats. The site includes the largest and most diverse area of shingle beach in Britain. Open water habitats, including gravel pits, the canal, reservoirs and ditch systems are important habitats for birds, along with terrestrial habitats that include damp grassland, grazing marsh, reedbeds and adjoining fields. Saltmarsh and other intertidal habitats are also important. As a whole, Dungeness, Romney Marsh and Rye Bay is important for breeding, wintering and passage birds, wetland plants and invertebrates. In addition to the internationally important wetland habitats and species, the site is also of national and international importance for a variety of non-wetland habitats and species.

Pevensy Levels SAC and Ramsar Site

The site is located between Eastbourne and Bexhill in East Sussex and is one of the largest and least-fragmented lowland wet grassland systems in southeast England. Low-lying grazing meadows are intersected by a complex system of ditches which support a variety of important wetland communities, including nationally rare and scarce aquatic plants and invertebrates. The freshwater little whirlpool ram's horn snail is the qualify feature for the SAC. The geology of the Pevensy Levels consists of sandstones and clays overlain by marine silts and clays. The flat and low-lying nature of the site and poor drainage of the soils can result in long periods of standing water on the surface, particularly in winter, encouraging flocks of birds to the wet fields.

Hastings Cliffs SAC

The site is situated on the south coast between Hastings and Fairlight. It is an area of actively eroding soft cliff that includes the most southerly exposures of the lower Hastings Beds. There are three valleys cut into the strata, which support woodland and scrub habitats. The clay and sandstone cliff slopes support a range of habitats from bare ground to maritime grassland and scrub. Vegetated sea cliffs, created by past or present marine erosion, are a designated feature of the site that support a wide diversity of vegetation types.

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

Table 3. Qualifying features

Qualifying feature	Dungeness, Romney Marsh and Rye Bay Ramsar	Dungeness, Romney Marsh and Rye Bay SPA	Dungeness SAC	Pevensey Levels SAC	Pevensey Levels Ramsar Site	Hastings Cliffs SAC
Annual vegetation of sand, shingle and pebble shores	X					
Natural shingle wetlands	X					
Wetland bryophyte assemblage	X					
Wetland plant assemblage	X				X	
Wetland invertebrate assemblage	X				X	
Greater water-parsnip <i>Sium latifolium</i>	X					
Warne's thread-moss <i>Brym warneum</i>	X					
Water vole <i>Arvicola amphibius</i>	X					
A294 Aquatic warbler <i>Acrocephalus paludicola</i> (non-breeding, on passage)	X	X				
S1166 Great crested newt <i>Triturus cristatus</i>	X		X			
Medicinal leech <i>Hirudo medicinalis</i>	X					
Ground beetle <i>Omophron limbatum</i>	X					

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

Qualifying feature	Dungeness, Romney Marsh and Rye Bay Ramsar	Dungeness, Romney Marsh and Rye Bay SPA	Dungeness SAC	Pevensey Levels SAC	Pevensey Levels Ramsar Site	Hastings Cliffs SAC
Marsh mallow moth <i>Hydraecia osseola hucherardi</i>	X					
De Folin's lagoon snail <i>Caecum amoricum</i>	X					
Water bird assemblage (non – breeding) ²	X	X				
Mute swan <i>Cygnus olor</i> (non-breeding)	X					
A056 Shoveler <i>Anas clypeata</i> (non-breeding)	X	X				
A132-A Avocet <i>Recurvirostra avosetta</i> (breeding)		X				
A037 Bewick's swan <i>Cygnus columbianus bewickii</i> (non-breeding)		X				
A021 Bittern <i>Botaurus stellaris</i> (non-breeding)		X				
A193 Common tern <i>Sterna hirundo</i> (breeding)		X				
A140 Golden plover <i>Pluvialis apricaria</i> (non-breeding)		X				
A082 Hen harrier <i>Circus cyaneus</i> (non-breeding)		X				
A195 Little tern <i>Sterna albifrons</i> (breeding)		X				

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

Qualifying feature	Dungeness, Romney Marsh and Rye Bay Ramsar	Dungeness, Romney Marsh and Rye Bay SPA	Dungeness SAC	Pevensey Levels SAC	Pevensey Levels Ramsar Site	Hastings Cliffs SAC
A081 Marsh Harrier <i>Circus aeruginosus</i> (breeding)		X				
A176 Mediterranean gull <i>Larus melanocephalus</i> (breeding)		X				
A151 Ruff <i>Philomachus pugnax</i> (non-breeding)		X				
A191 Sandwich tern <i>Sterna sandvicensis</i> (breeding)		X				
H1210 Annual vegetation of drift lines			X			
H1220 Perennial vegetation of stony banks			X			
4056 Little ram's-horn whirlpool snail, <i>Anisus vorticulus</i>				X		
1230 Vegetated sea cliffs of the Atlantic and Baltic Coasts						X

Notes:

² A waterbird assemblage is a qualifying feature of the Dungeness, Romney Marsh and Rye Bay SPA and Ramsar site. 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. The main component species for the SPA assemblage include: European white-fronted goose, wigeon, gadwall, pochard, little grebe, great crested grebe, cormorant, coot, sanderling, whimbrel, common sandpiper and lapwing.

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.

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 can be viewed using the links below and the relevant issues have been assessed as part of this report:

Dungeness, Romney Marsh and Rye Bay SPA:

<https://designatedsites.naturalengland.org.uk/Marine/MarineSiteDetail.aspx?SiteCode=UK9012091&SiteName=dungeness&SiteNameDisplay=Dungeness, Romney Marsh and Rye Bay SPA&countyCode=&responsiblePerson=&SeaArea=&IFCAAarea=&NumMarineSeasonality=13&HasCA=1>

Dungeness SAC:

<http://publications.naturalengland.org.uk/publication/5252874560864256>

Pevensey Levels SAC:

<http://publications.naturalengland.org.uk/publication/6293054151458816>

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

Hastings Cliffs SAC:

<http://publications.naturalengland.org.uk/publication/5180133988106240>

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.

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)
Breeding birds	Avocet; common tern; little tern; Sandwich tern; marsh harrier; Mediterranean gull
Non-breeding birds	Aquatic warbler; mute swan; shoveler; Bewick's swan; bittern; golden plover; hen harrier; ruff; water bird assemblage
Foraging terns	Common tern; little tern, Sandwich tern
Wetland plants and invertebrates	Wetland invertebrate assemblage; wetland plant assemblage
Wetland bryophyte assemblage	Wetland bryophyte assemblage
Vegetated shingle	Annual vegetation of sand, shingle and pebble shores; annual vegetation of drift lines; perennial vegetation of stony banks
Natural shingle wetlands	Natural shingle wetlands
Vegetated sea cliffs	Vegetated sea cliffs of the Atlantic and Baltic Coasts
Vulnerable, endangered or critically endangered species	Water vole; great crested newt; little ram's-horn whirlpool snail; De Folin's lagoon snail; marsh mallow moth; ground beetle; medicinal leech; greater water-parsnip; Warne's thread-moss

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

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?
Breeding birds	Disturbance of breeding birds at nesting sites	Breeding birds that breed in the vicinity of a coastal path may be disturbed, or nests may be trampled by recreational activities.	The level of risk is higher where the access proposals are likely to bring people close to places on which breeding birds depend on for nesting.	Yes
Breeding birds	Disturbance of breeding birds that are feeding and/or roosting	Breeding birds that rest or feed 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 roost sites and important feeding areas.	Yes
Breeding birds	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.	No appreciable risk The access infrastructure will not be located in breeding habitats.	No
Breeding birds	Disturbance caused by access management infrastructure establishment works	Breeding birds feeding or roosting in the vicinity of a coastal path may be disturbed by access management infrastructure establishment works.	The level of risk is higher when establishment works involving loud machinery and movement create visual stimuli which can evoke a disturbance response in waterbirds.	Yes
Non-breeding birds	Disturbance of feeding or resting birds	Birds feeding on or near the foreshore or resting in the vicinity of a coastal path may be	The level of risk is higher where the access proposals are likely to bring people	Yes

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

Feature	Relevant pressure	Sensitivity to coastal access proposals	Assessment of risk to site conservation objectives	LSE alone?
		disturbed by recreational activities including walking and walking with a dog.	close to places on which large numbers of birds depend including undisturbed high tide roost sites and important feeding areas.	
Non-breeding birds	Disturbance of breeding birds	Non-breeding birds (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 species significantly contributes to the non-breeding population and where the access proposals are likely to place breeding birds at risk from recreational activities. Mute swan, shoveler and some component species of the water bird assemblage feature (<i>gadwall, pochard, little grebe, great crested grebe, cormorant, coot and lapwing</i>) nest at various sites within Rye Harbour Nature Reserve.	Yes
Non-breeding birds	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 birds	Disturbance caused by access	Birds feeding or roosting in the vicinity of a coastal path may	The level of risk is higher when establishment works	Yes

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

Feature	Relevant pressure	Sensitivity to coastal access proposals	Assessment of risk to site conservation objectives	LSE alone?
	management infrastructure establishment works	be disturbed by access management infrastructure establishment works.	involving loud machinery and movement create visual stimuli which can evoke a disturbance response in waterbirds.	
Foraging terns	Disturbance to foraging terns	Foraging behaviour may be interrupted if birds are feeding close to places where recreational activities take place, including walking and walking with a dog.	No appreciable risk Terns forage mainly off shore giving enough spatial separation between path users and the birds. The presence of people on the shore may discourage birds from feeding close to the shore at times when people are present but it is unlikely to compromise foraging activity.	No
Wetland plants and invertebrates	Regular trampling of sensitive vegetation and supporting habitat	The associated habitats of the qualifying features may be damaged due to trampling where people regularly walk away from established paths.	The level of risk is higher at places where the access proposals are likely to place wetland plants and the habitats that support wetland invertebrates at risk from repeated trampling.	Yes
Wetland plants and invertebrates	Loss of features and supporting habitat through installation of access management infrastructure	Habitat may be lost due to the installation of new access management infrastructure.	The level of risk is higher at places where there is a permanent and irreversible loss of wetland plants and the habitats that support wetland invertebrates.	Yes

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

Feature	Relevant pressure	Sensitivity to coastal access proposals	Assessment of risk to site conservation objectives	LSE alone?
Wetland bryophyte assemblage	None identified	Not considered sensitive due to the lack of interaction between coast path users and this feature.	No appreciable risk The qualifying features are not in the vicinity of the coastal access proposals and therefore, there is no scope for interaction between users of the path and this feature.	No
Vegetated shingle	Regular trampling of sensitive vegetation	The qualifying features may be damaged due to trampling where people regularly walk away from established paths.	The level of risk is higher at places where the access proposals are likely to place shingle habitats and plants at risk from repeated trampling.	Yes
Vegetated shingle	Loss of habitat through installation of access management infrastructure	Habitat may be lost due to the installation of new access management infrastructure.	The level of risk is higher at places where there is a permanent and irreversible loss of shingle habitats and plants.	Yes
Natural shingle wetlands	None identified	Not considered sensitive due to the lack of interaction between coast path users and this feature.	No appreciable risk This qualifying feature is not in the vicinity of the coastal access proposals and therefore, there is no scope for interaction between users of the coast path and this feature.	No
Vegetated sea cliffs	Regular trampling of sensitive vegetation	The qualifying features may be damaged due to trampling where people regularly walk	The level of risk is higher at places where the access proposals are likely to place vegetated sea cliffs at	Yes

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

Feature	Relevant pressure	Sensitivity to coastal access proposals	Assessment of risk to site conservation objectives	LSE alone?
		away from established paths.	risk from repeated trampling.	
Vegetated sea cliffs	Loss of habitat through installation of access management infrastructure	Habitat may be lost due to the installation of new access management infrastructure.	The level of risk is higher at places where there is a permanent and irreversible loss habitat.	Yes
Vulnerable, endangered or critically endangered species	Killing or injuring species during installation of access management infrastructure	Species may be injured or killed during the installation of access management infrastructure.	No appreciable risk The access infrastructure will not be located at any of the known locations of these species.	No
Vulnerable, endangered or critically endangered species	Loss of supporting habitat through installation of access management infrastructure	Habitat may be lost due to the installation of new access management infrastructure.	No appreciable risk The access infrastructure will not be located at any of the known locations of these species.	No

Conclusion:

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

- Breeding birds (avocet; common tern; little tern; Sandwich tern; marsh harrier; Mediterranean gull) - as a result of disturbance to nesting sites
- Breeding birds (avocet; common tern; little tern; Sandwich tern; marsh harrier; Mediterranean gull) - as a result of disturbance to breeding birds that are feeding and/or roosting
- Non-breeding birds (aquatic warbler; mute swan; shoveler; Bewick's swan; bittern; golden plover; hen harrier; ruff; water bird assemblage) – as a result of disturbance
- Non-breeding birds (aquatic warbler; mute swan; shoveler; Bewick's swan; bittern; golden plover; hen harrier; ruff; water bird assemblage) – as a result of habitat loss
- Wetland plants and invertebrates - as a result of regular trampling
- Wetland plants and invertebrates - as a result of habitat loss
- Vegetated shingle (annual vegetation of sand, shingle and pebble shores; annual vegetation of drift lines; perennial vegetation of stony banks) – as a result of regular trampling
- Vegetated shingle (annual vegetation of sand, shingle and pebble shores; annual vegetation of drift lines; perennial vegetation of stony banks) – as a result of habitat loss
- Vegetated sea cliffs – as a result of regular trampling
- Vegetated sea cliffs – as a result of habitat loss

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

- Breeding birds (avocet; common tern; little tern; Sandwich tern; marsh harrier; Mediterranean gull) – as a result of habitat loss
- Foraging terns (common tern; little tern; Sandwich tern) – as a result of disturbance
- Wetland bryophyte assemblage
- Natural shingle wetland
- Vulnerable, endangered or critically endangered species - (water vole; great crested newt; little ram's-horn whirlpool snail; De Folin's lagoon snail; marsh mallow moth; ground beetle; medicinal leech) – as a result of killing or injuring

- **Vulnerable, endangered or critically endangered species** - (water vole; great crested newt; little ram's-horn whirlpool snail; De Folin's lagoon snail; marsh mallow moth; ground beetle; medicinal leech)- as a result of habitat loss

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.

Further to the risks identified as being significant alone (in C2.1), it is considered that there are no other residual and appreciable risks likely to arise from this project which have the potential to act in-combination with similar risks from other proposed plans or projects to also become significant. 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.

C3. Overall Screening Decision for the Plan/Project

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

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

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

PART D: Appropriate Assessment and Conclusions on Site Integrity

D1. Scope of Appropriate Assessment

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

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

Table 6. Scope of Appropriate Assessment

Environmental pressure	Qualifying Feature(s) affected	Risk to Conservation Objectives
Disturbance of breeding birds	Avocet; common tern; little tern; Sandwich tern; marsh harrier; Mediterranean gull	<p>Disturbance to breeding birds at their nesting site, following changes in recreational activities as a result of the access proposal, leads to reduction in the abundance and distribution of the qualifying features within the site.</p> <p>Repeated disturbance to breeding birds that are feeding and/or roosting, following changes in recreational activities as a result of the access proposal, results in changes to roosting and feeding behaviour, leading to reduced fitness and reduction in population and/or contraction in the distribution of qualifying features within the site.</p>
Disturbance of non-breeding birds	Aquatic warbler; mute swan; shoveler; Bewick's swan; bittern; golden plover; hen harrier; ruff; waterbird assemblage.	<p>Repeated disturbance to non-breeding birds following changes in recreational activities as a result of the access proposal, may result in changes to roosting and feeding behaviour, leading to reduced fitness and reduction in population and/or contraction in the distribution of qualifying features within the site.</p>

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

Environmental pressure	Qualifying Feature(s) affected	Risk to Conservation Objectives
Disturbance of non-breeding birds	Mute swan; shoveler; waterbird assemblage	Disturbance to breeding birds, following changes in recreational activities as a result of the access proposal, leads to reduction in the abundance and distribution of the qualifying features within the site, resulting in a reduction in the population of non-breeding birds.
Trampling of qualifying and supporting habitat following changes in access	Wetland plant assemblage; wetland invertebrate assemblage; annual vegetation of sand, shingle and pebble shores; annual vegetation of drift lines; perennial vegetation of stony banks; vegetated sea cliffs of the Atlantic and Baltic Coasts; aquatic warbler; mute swan; shoveler; bewick's swan; bittern; golden plover; hen harrier; ruff; waterbird assemblage.	The trampling of designated features, following changes in recreational activities as a result of the access proposal, leads to the reduction in the extent and distribution of qualifying natural habitats and habitats of the qualifying species.
Loss of qualifying and supporting habitat through installation of access management infrastructure	Wetland plant assemblage; wetland invertebrate; assemblage; annual vegetation of sand, shingle and pebble shores; annual vegetation of drift lines; perennial vegetation of stony banks; vegetated sea cliffs of the Atlantic and Baltic Coasts; aquatic warbler; mute swan; shoveler; Bewick's swan; bittern; golden plover; hen harrier; ruff; waterbird assemblage.	The installation of access management infrastructure may lead to the reduction in the extent and distribution of qualifying natural habitats and habitats of the qualifying species.

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

The Eastbourne to Camber England Coast Path is aligned through the Dungeness, Romney Marsh and Rye Bay SPA and Ramsar site, Dungeness SAC and Hastings Cliffs SAC. The trail is aligned near to the Pevensey Levels SAC and Ramsar site but it is separated from it by a railway line. The proposals are not likely to have a significant effect on the designated features of the Pevensey Levels SAC and Ramsar Site. Therefore, the following contextual status will focus primarily on the designated sites at Dungeness, Romney Marsh and Rye Bay and Hastings.

Disturbance of breeding birds

The changes in coastal access arrangements may increase interaction between Coast Path users and breeding birds that are nesting, feeding or resting. Along the Eastbourne to Camber England Coast Path are key nesting, roosting and feeding sites for breeding birds. All of the breeding bird species have a target within the Supplementary Advice for the Dungeness, Romney Marsh and Rye Bay SPA to restrict the frequency, duration and/or intensity of disturbance caused by human activity [2]. **These attributes within the Supplementary Advice are considered to be those which best describe the site's ecological integrity which if preserved will achieve the Conservation Objectives.**

Avocet

Since classification, the numbers of avocet across Dungeness, Romney Marsh and Rye Harbour SPA have increased from 31 breeding pairs (five year peak mean 2004-2008) to 54 breeding pairs (five year average 2014-2018). A target to 'maintain' abundance has been set within the Supplementary Advice for the SPA [2]. Avocet are present all year-round at Rye Harbour Nature Reserve where they have been recorded nesting within areas secured by an anti-predator fence [3].

Common tern

Since classification, the numbers of common tern breeding across the Dungeness, Romney Marsh and Rye Bay SPA have remained stable. A target to 'maintain' abundance has been set within the Supplementary Advice for the SPA [2]. Common tern are a summer visitor and have been recorded nesting on islands at Rye Harbour Nature Reserve and on the grazing marsh at Pett Level [4]. The sand bank south of Rye Harbour Nature Reserve provides island refuges from disturbance whilst the tide is falling, with numbers ranging from few scattered pairs to up to a hundred. Common tern feed at least 8km inland along the river Rother [5] and will also roost on an area of sand at Camber beach at low tide (30-50 birds) although are often disturbed by walkers, dogs and water sport activities [4].

Sandwich tern

Since classification, the numbers of breeding Sandwich tern have declined across the Dungeness, Romney Marsh and Rye Bay SPA from 420 breeding pairs (five year peak mean 2011-2015) to 308 pairs (five year average 2014-2018). A target has been set within

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

the Supplementary Advice for the SPA to 'restore' abundance [2]. Sandwich tern have been recorded nesting and roosting on pools at Rye Harbour Nature Reserve. Sandwich tern also utilise an area of foreshore south of the Reserve where a sand bank provides island refuges from disturbance whilst the tide is falling [4]. Sandwich tern have also been recorded at Pett Level.

Little tern

Since classification, the numbers of breeding little tern have declined across the Dungeness, Romney Marsh and Rye Bay SPA from 35 breeding pairs (five year peak mean 1992/93 - 1996/97) to 13 pairs (five year average 2014-2018). A target has been set within the Supplementary Advice for the SPA to 'restore' abundance [2]. The main nesting site used by little tern is secured by anti-predator fence at Rye Harbour Nature Reserve. Little tern have also attempted nesting on the foreshore at Rye Harbour but this site is exposed to frequent access by people, as well as ground predators [4].

Marsh harrier

Since classification, the numbers of marsh harrier across Dungeness, Romney Marsh and Rye Bay SPA have remained stable, with an average of 5 breeding females (five year average 2014-2018). A target to 'maintain' abundance has been set within the Supplementary Advice for the SPA [2]. Marsh harriers are present all year-round at Rye Harbour Nature Reserve where they have been recorded nesting and feeding [3].

Mediterranean gull

Since classification, the numbers of Mediterranean gull across Dungeness, Romney Marsh and Rye Bay have declined from 56 breeding pairs (five year peak mean 2002/3-2006/7) to 38 (five year average 2014-2018). A target to 'restore' the size of the breeding population has been set within the Supplementary Advice for the SPA [2]. Mediterranean gulls are present all year-round at Rye Harbour Nature Reserve and have been recorded nesting on island pools. Most Mediterranean gull feeding at Rye Bay is away from the coast on sheep grazed pasture where gulls feed on invertebrates, although they will take the young and eggs of other seabirds [3]. Mediterranean gull have also been recorded at Pett Level.

Disturbance of non-breeding birds

The Dungeness, Romney Marsh and Rye Bay SPA and Ramsar site is recognised as being internationally important for non-breeding water birds. Along the Eastbourne to Camber England Coast Path disturbance could potentially be problematic for wintering birds if it occurs repeatedly. Disturbance as a result of recreational activities during the wintering period can affect energy expenditure, impacting on feeding and roosting. As part of the Supplementary Advice on Conservation Objectives for the SPA, Natural England has recently set targets for all of the qualifying features, in order to meet the conservation objectives for the site. All of the non-breeding features have a target to 'reduce disturbance caused by human activities'. **These attributes within the Supplementary Advice are considered to be those which best describe the site's ecological integrity which if preserved will achieve the Conservation Objectives.**

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

Aquatic warbler

Aquatic warbler migrate during the autumn and winter, stopping off in the UK for short periods during this time. The five year peak mean (2004-2008) at the SPA is 2 individuals and a target to 'maintain' abundance has been set within the Supplementary Advice. Within the Dungeness, Romney Marsh and Rye Bay SPA and Ramsar site aquatic warblers occur on the grazing marsh at Pett Level, where they have been recorded by bird ringers [2] [6]. The ditches that intersect marshes at Pett Level provide important habitat [7].

Mute swan

The Dungeness, Romney Marsh and Rye Bay Ramsar site regularly supports 1% of the mute swan population of Great Britain (348 individuals, 5 year peak mean 2002/3 to 2006/7). Mute swan are present all year-round at Rye Harbour Nature Reserve [8].

Shoveler

Since classification, the numbers of Shoveler across the Dungeness, Romney Marsh and Rye Bay SPA have increased from 485 individuals (five year peak mean 2002/2003 to 2006/2007) to 777 (2012/13 to 2016/17). The available evidence suggests this feature is in good condition and/or currently un-impacted by anthropogenic activities. A target to 'maintain' the size of the non-breeding population has been set within the Supplementary Advice for the SPA [2]. Shoveler are present in the Dungeness and Rye Bay area all year round and also found at Pett Level [3][8].

Bewick's Swan

Since classification, the numbers of Bewick's swan across the Dungeness, Romney Marsh and Rye Bay SPA have declined from 155 individuals (five year peak mean 2002/2003 to 2006/2007) to 107 individuals (peak mean 2012/13 to 2016/17). This decline follows the national trend. A target to 'restore' the size of the non-breeding population has been set within the Supplementary Advice for the SPA [2]. Grazing marsh at Rye Harbour Nature Reserve and Pett Level supports Bewick's swan [7] along with freshwater lakes, agricultural land and marshes within the SPA at Dungeness RSPB Reserve and Walland Marsh.

Bittern

Since classification, the numbers of bittern across Dungeness, Romney Marsh and Rye Bay SPA have fluctuated due to influxes of birds migrating. Numbers across Great Britain have followed the same pattern. Currently the site supports an average of 3 individuals (peak mean 12/13 to 16/17). The available evidence suggests this feature is in good condition and a target to 'maintain' has been set within the Supplementary Advice for the SPA [2]. Bittern are a winter visitor to Rye Harbour Nature Reserve and have been recorded using grazing marsh and coastal lagoons at this location and at Pett Level [3] [8].

Golden plover

Since classification, the numbers of golden plover have declined across Dungeness, Romney Marsh and Rye Bay SPA from 4,050 individuals (five year peak mean 2002/03 to 2006/07) to 2,700 (2012/13 to 2016/17), therefore a target to 'restore' the size of the non-

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

breeding population has been set within the Supplementary Advice for the SPA [2]. Golden plover are a winter visitor and have been recorded roosting in large numbers at Rye Harbour Nature Reserve and Pett Level [3].

Hen harrier

Since classification, the numbers of hen harrier across Dungeness, Romney Marsh and Rye Bay SPA have declined from 11 individuals (five year peak mean 2002/03 to 2006/07) to 2 individuals (2013/14 to 2017/18). This decline follows the national trend. A target to 'restore' has been set within the Supplementary Advice for the SPA. Foraging hen harriers disperse widely across and outside of the SPA during the day and return to regularly used roost sites, typically in reedbed. Hen harrier are a winter visitor to the Dungeness and Rye Bay area and have been recorded using roost sites on Pett Level [2].

Ruff

Since classification, there has been a slight decline in numbers of ruff across Dungeness, Romney Marsh and Rye Bay SPA from 51 individuals (five year peak mean 2000/01 to 2004/05) to 43 individuals (five year peak mean 2012/13 to 2016/17). There is a target to 'maintain' the size of the non-breeding population set within the Supplementary Advice for the SPA. Ruff are widespread across the SPA but have been counted in particularly high numbers at Rye Harbour Nature Reserve and on Pett Level [2].

Waterbird assemblage

Dungeness, Romney Marsh and Rye Bay supports an assemblage of non-breeding water birds that is of European and international importance. Key components of this assemblage, which are not features in their own right, include European white-fronted goose, wigeon, gadwall, pochard, little grebe, great crested grebe, cormorant, coot, sanderling, whimbrel, common sandpiper and lapwing. Since classification, there has been a slight decline in the overall number of non-breeding waterbirds supported by the SPA from 34,625 individuals (average peak count 2002/3 to 2006/7) to 30,243 (average peak count 2012/13 to 2016/2017). This may be due to a natural fluctuation so a target to 'maintain' the size of the non-breeding population has been set within the Supplementary Advice for the SPA [2].

European white-fronted goose

Numbers of European white-fronted goose within the Dungeness and Rye Bay area exceed the British National Importance threshold (44 individuals, 2013/14 to 2017/18 five year average) [9]. European white-fronted goose are a winter visitor to Dungeness and Rye Harbour Nature Reserve [8]

Wigeon

The Dungeness and Rye Bay area supports more than 2,000 wigeon (3,439 individuals, 2013/14 to 2017/18 five year average) [9]. Wigeon are a winter visitor to Rye Harbour Nature Reserve and have been recorded feeding within areas secured by an anti-predator fence [3] [8].

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

Gadwall

Numbers of gadwall within the Dungeness and Rye Bay area exceed the International Importance threshold (776 individuals, 2013/14 to 2017/18 five year average) [9]. Gadwall are present all year-round at Rye Harbour Nature Reserve where they have been recorded using wet areas within fields [3] [8].

Pochard

Numbers of pochard within the Dungeness and Rye Bay area exceed the British National Importance threshold (595 individuals, 2013/14 to 2017/18 five year average) [9].

Little grebe

The 2013/4 to 2017/18 five year average for little grebe within the Dungeness and Rye Bay area was 88 individuals [9]. Little grebe have been recorded all year round at Rye Harbour Nature Reserve using deep pools where they will feed on small fish and shrimp [8].

Great crested grebe

Numbers of great crested grebe within the Dungeness and Rye Bay area exceed the British National Importance threshold (1,557 individuals, 2013/14 to 2017/18 five year average) [9]. Great crested grebe are present all year-round at Rye Harbour Nature Reserve where they have been recorded feeding at the deep pools and on the sea [8]. Wetland Bird Survey data also show that great crested grebe are present offshore at Glyne Gap within the SPA. Great Crested Grebe have also been recorded offshore at Pett Level.

Cormorant

Numbers of cormorant within the Dungeness and Rye Bay area exceed the International importance threshold (2,060 individuals, 2013/14 to 2017/18 five year average) [9]. Cormorant use the River Rother and have been recorded feeding and roosting at Rye Harbour Nature Reserve [3]. Wetland Bird Survey data also show cormorant are present at Glyne Gap within the SPA. Cormorant have also been recorded at Pett Level.

Coot

Numbers of coot within the Dungeness and Rye Bay area exceed the British National Importance threshold (2,143 individuals, 2013/14 to 2017/18 five year average) [9]. Coot are present all year-round at Rye Harbour Nature Reserve [8].

Sanderling

Numbers of sanderling within the Dungeness and Rye Bay area exceed the British National Importance threshold (289 individuals, 2013/14 to 2017/18 five year average) [9]. Sanderling are a winter visitor to the Dungeness and Rye Bay area where they roost at the lagoons [8]. They have also been recorded feeding on the sand at Camber.

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

Whimbrel

The 2013/14 to 2017/18 five year average for whimbrel within the Dungeness and Rye Bay area was 17 individuals [9]. Whimbrel have been recorded feeding on grassland and intertidal mud within Rye Harbour Nature Reserve [3].

Common sandpiper

The 2013/14 to 2017/18 five year average for common sandpiper within the Dungeness and Rye Bay area was 36 individuals [9]. Common sandpiper have been recorded feeding on intertidal mud at Rye Harbour Nature Reserve [3].

Lapwing

The Dungeness and Rye Bay area supports more than 2,000 lapwing (5,239 individuals, 2013/14 to 2017/18 five year average) [9]. Large numbers (1000+) of lapwing have been recorded roosting and feeding on grassland Rye Harbour Nature Reserve [3]. Lapwing are also present at Pett Level in numbers of up to 100.

Disturbance of non-breeding birds (breeding mute swan, shoveler, waterbird assemblage)

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. Mute swan and shoveler are non-breeding qualifying features of the SPA/Ramsar that breed at Rye Harbour Nature Reserve. Gadwall, pochard, little grebe, great crested grebe, cormorant, coot and lapwing are not features of the SPA/Ramsar, but are part of the non-breeding waterbird assemblage, and also nest at Rye Harbour Nature Reserve. Changes in recreational activities as a result of access proposals, has the potential to increase disturbance and lead to trampling of the eggs and nests of breeding birds.

Trampling of sensitive species and habitats

Vegetated shingle

The frontage at Rye Harbour and Dungeness is one of the most important areas in the country for this scarce habitat, which is visible in the form of plants during the growing season (June to September) but will exist in the form of a seedbank within the beach sediments and in coastal waters for the rest of the year. The Supplementary Advice on Conservation Objectives has set a target to 'restore' the total extent and distribution of annual vegetation of drift lines [10] [6]. The habitat overlaps with the more stable perennial vegetation of stony banks that grows on ridges inland from the beach, of which the Supplementary Advice on Conservation Objectives has set a target to 'maintain' the extent and distribution [10]. The qualifying features are sensitive to changes in coastal access arrangements due to the possible increase in repeated trampling.

Vegetated sea cliffs

Vegetated sea cliffs are steep slopes created by past or present coastal erosion that support a wide diversity of vegetation types. Hastings cliffs are soft clay and sandstone and have a

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

sloping or slumped profile. The undercliff, mudslides and/or landslips create habitats ranging from bare ground and early pioneer habitats to mature ancient woodland. Woodland on this site is dominated by pedunculate oak *Quercus robur*. Ground flora species include bracken *Pteridium aquilinum*; dog's mercury *Mercurialis perennis* and pendulous sedge *Carex pendula*. Wooded streams support byrophytes such as river pocket-moss *Fissidens rivularis* and Dumortier's liverwort *Dumortiera hirsute* and are important for freshwater beetles. Trees growing on sandstone boulders support important bryophyte flora including the liverwort *Lophocolea fragrans*. Coastal scrub along the cliff edges consist of privet and blackthorn. The Supplementary Advice on Conservation Objectives has set targets to 'maintain' the extent and distribution of the cliff system which is capable of supporting sea cliff vegetation and to 'restore' the distribution and continuity of the habitat and any associated transitions which reflects the natural functioning of the cliff system [11].

Wetland plant assemblage

The Dungeness, Romney Marsh and Rye Bay Ramsar site is designated, in part, for its wetland plant assemblage. Species are associated with grazing marsh and saltmarsh, gravel pits, saline lagoons, shingle beaches and fens [6]. The risk associated with the coastal access proposal is the possible increase in repeated trampling where the Coast Path changes current access levels and patterns at sensitive sites.

Wetland invertebrate assemblage

The Dungeness, Romney Marsh and Rye Bay Ramsar site is designated, in part, for its invertebrate assemblage. Much of the assemblage is found within ditch systems. Species are also associated with saltmarsh, saline lagoons, brackish ditches and damp brackish hollows in the shingle beaches [6]. The risk associated with the coastal access proposal is the possible increase in repeated trampling where the Coast Path changes current access levels and patterns at sensitive sites.

Permanent loss of habitat

The non-breeding birds, vegetated shingle, vegetated sea cliffs, wetland plant and invertebrate assemblages have been identified as being at risk to permanent loss of habitat due to the installation of establishment works. Inappropriate management and direct or indirect impacts may affect the extent and distribution of habitats, which may adversely affect the population and alter the distribution of birds.

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

In this section of the assessment we describe our overall approach to address the potential impacts and risks from our proposal. The key nature conservation issues for the Eastbourne to Camber England Coast Path are the protection of breeding and non-breeding birds, trampling of sensitive vegetation and loss of supporting habitat.

Visitor activity along the stretch is diverse, ranging from tourists, kite surfers, anglers and birdwatchers to sightseers and walkers, including dog walkers. Within the Rother area, the visitor economy is a key economic driver and the volume and economic value of visitors is increasing. Rye Harbour and Camber are popular locations for recreation and experience high levels of access. Rye Harbour receives around 30,000 visitors each year and in the summer Camber can receive up to 25,000 visitors. Camber has three large holiday parks and extensive visitor facilities, including several car parks, which provide easy access to the designated sites. Rother Council plan to increase the number of visitors to Camber [12]. At Rye Harbour, a new visitor centre is currently being developed to encourage more people to visit the reserve and improve their experience [7].

In order to address recreation pressures that might arise from planning policies and provide a strategic approach to issues relating to disturbance within the designated sites, Rother and Folkestone & Hythe District Councils have produced a draft Sustainable Access and Recreation Management Strategy, covering an area between Pett Level and Romney Marsh. The strategy recommends improving visitor information (including interpretation and signage), monitoring visitor usage and disturbance events, and monitoring biodiversity [12].

Development pressures in the Rother area include proposals for at least 10,000sqm of employment floor space at Rye Harbour Road industrial estate and up to 400 new dwellings in the Rye and Rye Harbour village area [13]. There are also proposals for the redevelopment of the Central Car Park at Camber, which have been taken forward in the Development and Site Allocations Plan. The loss of parking here may put increased recreational pressure to the western extent of the Camber Foreshore [12].

In Hastings, tourism has declined but is still an important part of the Hastings economy. Hastings Country Park is the largest area of accessible natural greenspace in Hastings and a popular site for recreation, receiving an estimated 500,000 visits per year. The site is carefully managed by Hastings Council to minimise impact to the SAC features. There is no indication currently that the Country Park is at or close to visitor capacity [14].

Within the Hastings Local Plan there are proposals to deliver 4,200 dwellings. The local authority have recognised the pressure of residential growth and have incorporated strategic solutions to address this in adopted local plans. The Habitat Regulations Assessment for the Hastings Planning Strategy concluded no significant impact on the designated sites, although included recommendations for mitigation within the environmental policies of the planning strategy, in particular relating to minimising recreation impact on the Hastings Cliffs SAC. Measures include access management, such as fencing off areas of sensitive habitat within the SAC to limit or prevent public access [14].

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

Our objective in designing proposals for coastal access has been to ensure they do not increase the pressures affecting the sites, such as trampling and disturbance to breeding and non-breeding birds, and that where possible they contribute to efforts to manage existing and future demand for places for coastal recreation in ways that help to reduce impact. To achieve this between Eastbourne and Camber, our proposals for coastal access:

- Make use of popular established paths where increase in the level of use is unlikely to increase the disturbance pressure affecting the SPA. The proposed alignment for the England Coast Path between Eastbourne and Camber predominantly follows existing walked paths including already promoted routes.
- Exclude coastal access rights over areas of mudflat and saltmarsh that are unsuitable for public access (see Directions Map EBC 7A)
- Exclude access year-round on the foreshore to mean high water south of Rye Harbour Nature Reserve on nature conservation grounds to protect sensitive plants from repeated trampling (see Directions Map EBC 7A)
- Contribute to raising awareness and encouraging appropriate visitor behaviour by installing new advisory panels at key points along the stretch. These will display information about flora and fauna and request that dogs be kept under close control.

Permanent loss of habitat as a consequence of establishment work has also been considered. Our proposals will see the installation of the following new infrastructure within designated sites across the trail: 11 multi finger posts (0.11 sq.m), 1 single finger post (0.01sq.m), 10 waymarker posts (0.10 sq.m), 3 trail information signs (0.03 sq.m), 1 roadside sign (0.01 sq.m), 5 advisory signs (0.05 sq.m) and 5 timber steps (2.5 sq.m), in addition to the replacement of a waymarker post with a multi finger post, and 20 eroded timber steps with new timber steps.

Of this infrastructure, 7 multi finger posts, 1 waymarker post and the trail information signs, roadside sign and advisory signs will be installed within the Dungeness, Romney Marsh and Rye Bay SPA and Ramsar Site or Dungeness SAC. These items will be attached to existing infrastructure or installed on tarmac within the site which is not considered a qualifying feature or supporting habitat, so will result in no loss of designated habitat.

The remaining infrastructure (4 multi finger posts, 1 single finger post, 9 waymarker posts and 5 timber steps) will be installed at Hastings Cliffs SAC, along with the replacement of a waymarker post with a multi finger post, and the replacement of 20 eroded timber steps with new timber steps. The replacement of the waymarker and the 20 eroded steps will not exceed the footprint of the existing items. The installation of the 4 multi finger posts, 9 waymarker posts and 5 timber steps will affect an area of approximately 2.77 m² and is considered not a risk to the site's conservation objectives. These items will be installed on or next to existing paths at Hastings Cliffs. The scale of loss 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 continuity and functioning of the habitat types or their transitions. As the signs and steps are intended to guide people along the existing coastal path they will also help to minimise any potential impact on the wider habitat.

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

Trampling of sensitive features is another risk identified as a consequence of promoting the coast path. Our proposed trail is aligned primarily on existing coastal routes and a year-round exclusion will apply over the majority of mudflats and saltmarsh along the stretch such that no new coastal access rights will be created over these areas.

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 Eastbourne and Camber where establishing the England Coast Path and associated coastal access rights might impact qualifying features of a European Site. We explain how the detailed design of our proposals at these locations takes account of possible risks.

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

A number of locations have been identified as being potentially at risk to an increase in disturbance as a result of the access proposals. Wetland Bird Survey (WeBs) count data, data from Rye Harbour Nature Reserve and supplementary advice on conservation objectives were used to identify locations that accommodate significant numbers of breeding birds, non-breeding birds, vegetated shingle, wetland plants and invertebrates and their supporting habitat or SAC qualifying habitat.

The features occurring at each of these key locations are shown in the table below. To make it easier to cross-reference between this assessment and the corresponding Coastal Access Reports in which access proposals are made, the relationship between the geographical units in this assessment and the way the stretch is sub divided in the Coastal Access Reports is shown.

Table 7. Summary of key locations

Location	Cross reference to a Coastal Access Report	Breeding birds	Non-breeding birds	Ramsar wetland plants and invertebrates	Vegetated shingle	Vegetated sea cliffs
Glyne Gap	Report EBC 3: Herbrand Walk, Cooden to West Parade, Bexhill-on-sea to Report EBC 4: West Parade, Bexhill-		X			

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

Location	Cross reference to a Coastal Access Report	Breeding birds	Non-breeding birds	Ramsar wetland plants and invertebrates	Vegetated shingle	Vegetated sea cliffs
	on-sea to Tackleway, Hastings / Route sections EBC-3-S068 to EBC-4-S022 (Maps EBC 3a, 3b, 4a, 4b, 4c, 4d)					
Hastings Cliffs	Report EBC 5: Tackleway, Hastings to Cliff End, Pett Level / Route sections EBC-5-S003 to EBC-5-S044 (Maps 5a, 5b, 5c 5d)					X
Pett Level	Report EBC 6: Cliff End, Pett Level to Winchelsea Beach / Route sections EBC-6-S027 to EBC-6-S028 (Maps EBC 6b, 6c)	X	X	X		
Rye Harbour Nature Reserve to the west bank of the River Rother	Report EBC7: Winchelsea Beach to Camber Sands / Route sections EBC-7-S002 to EBC-7-S008 (Maps EBC 7a, 7b, 7c)	X	X	X	X	
Camber	Report EBC7: Winchelsea Beach to Camber Sands / Route sections EBC-	X	X			

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

Location	Cross reference to a Coastal Access Report	Breeding birds	Non-breeding birds	Ramsar wetland plants and invertebrates	Vegetated shingle	Vegetated sea cliffs
	7-S012 to EBC-7-S017 (Map EBC 7d)					

D3.2A Glyne Gap

Current situation

Glyne Gap is a popular recreational site used by walkers and dog walkers. In the summer the site attracts tourists and beach users. There are beach huts along the frontage which are rented out by the council. WeBs data for Glyne Gap from 2018/19 indicates the site is used by cormorant (up to 2,100) and great crested grebe (up to 424) that are part of the SPA waterbird assemblage.

Detailed design and assessment of risk

The proposed route of the England Coast Path follows existing walked routes through the site that are set back from the foreshore. Land seaward of the trail will become coastal margin, by default.

Considering each of the possible risks to qualifying features

- i. Disturbance of non-breeding birds

Based on current demand, we expect a small increase in access to the trail at Glyne Gap, as the trail will become part of a long distance promoted route but follows an existing walked route that is already well used. We expect a negligible increase in access to the coastal margin, as the trail is set back from the foreshore and follows an established concrete path that is easy to follow. Shingle is difficult to walk on so it is expected that walkers will continue their existing patterns of access across the concrete path which is the main route of the trail. Interaction between coast path users and the non-breeding birds at this location that are part of the SPA waterbird assemblage (cormorant and great crested grebe) is not likely to cause any significant disturbance.

Conclusion

Natural England has considered the possible risks to qualifying features at this location, and given the design of our proposals detailed above, considered 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.

D3.2B Hastings Cliffs

Current situation

Hastings Cliffs SAC is part of Hastings Country Park which is the largest area of accessible natural greenspace in Hastings and a popular site for recreation, receiving an estimated 500,000 visits per year. The site has several footpaths and trails, which are carefully managed to minimise impact to the SAC features. There are four main and 18 minor access entry points. There is currently no permissible pedestrian access to the vegetated cliffs and much of the SAC features are away from the footpath network and within the most inaccessible parts of the site or fenced off. The site is managed by Hastings Council Ranger service and has a five-year management plan to inform management of the site, including recreational access. Site Rangers monitor the conditions of the footpaths with an aim to

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

make them more accessible to walkers and keep visitors to the designated paths. There is no indication currently that the Country Park is at or close to visitor capacity [14].

Detailed design and assessment of risk

The proposed route of the England Coast Path follows existing walked routes through the site which direct recreational activity away from sensitive features. Land seaward of the trail will become coastal margin, by default.

Considering each of the possible risks to qualifying features

- i. Trampling of sensitive features

Based on current demand, we expect a small increase in access to the trail, as the coast path will become part of a long distance promoted route but follows existing walked routes, including the Saxon Shore Way, that are already well used. Change in access to the coastal margin is expected to be negligible, as these areas are within the already accessible country park. The SAC features are away from the footpath network and separated from the trail by dense scrub, so coast path users are unlikely to interact with the sensitive features at this location.

Conclusion

Natural England has considered the possible risks to the qualifying features at this location, and given the design of our proposals detailed above, consider that no new significant trampling will be caused. The proposals will therefore not adversely affect the achievement of the conservation objectives in this location. The proposed alignment for the Coast Path along existing routes is consistent with long term management of the site.

D3.2C Pett Level

Current situation

At Pett Level there is an area of grazing marsh, separated from the sea by a seawall and a road. The grazing marsh and network of ditches provide habitat for important wetland plants and invertebrates and migrating aquatic warbler [7]. Common tern are known to nest on pools at Pett Level [4]. The site is also used by roosting birds including: mute swan, Bewick's swan, shoveler, bittern, hen harrier, golden plover and ruff [7]. The level of access across the marsh is low due to the presence of numerous ditches. The area is not well promoted but the roadside and seawall provide good views of the pools and are popular with bird watchers. The seawall is also used by walkers and dog walkers and the beach attracts some visitors from the nearby caravan parks. There is a car park in Pett village and areas to park at the road side next to the seawall. There are toilets and a pub in Pett village. The foreshore seaward of the sea wall at Pett Level is used regularly by lapwing (up to 100 individuals) and Mediterranean gull (up to 100 individuals). In the winter the site is used occasionally by sanderling (up to ten individuals). Sandwich tern have been recorded in numbers of up to 300 in the autumn and common tern in the summer in numbers of up to 50. Cormorant and great crested grebe have also been recorded feeding offshore. Dogs are prohibited from using the western end of the beach between May and September.

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

Detailed design and assessment of risk

The proposed route will follow an existing coastal walked route along the seawall. The grazing marsh at Pett Level is landward of the trail and separated from it by a road. Land seaward of the trail will become part of the coastal margin, by default. Way marking will be used to encourage people to follow the England Coast Path.

Considering each of the possible risks to qualifying features

- i. Disturbance to breeding birds that are nesting, roosting or feeding at Pett Level

The proposed route will follow an existing coastal walked route along the seawall. At Pett Level we expected a small increase in access to the trail as it will become part of a long distance promoted route but follows an existing walked route that is already well used. We expect negligible increase in access to the coastal margin as shingle is difficult to walk on and we expect walkers to continue their existing patterns of access across the existing path along the seawall which is the main route of the trail.

The proposed path is separated from the grazing marsh at Pett Level by a road and access to the marsh is difficult due to the presence of numerous ditches. Coast path users are unlikely to interact with the breeding bird features (common tern) present at this location.

On the foreshore, seaward of the trail, we expect negligible increase in access to the coastal margin, as shingle is difficult to walk on and we expect walkers to continue their existing patterns of access across the existing path along the seawall which is the main route of the trail. As negligible increase in access is expected, interaction between coast path users and the breeding bird features at this location (Mediterranean gull, Sandwich tern and common tern) is not likely to cause any significant disturbance.

- ii. Disturbance to non-breeding birds that are roosting or feeding at Pett Level

The proposed path is separated from the grazing marsh at Pett Level by a road and access to the marsh is difficult due to the presence of numerous ditches. Coast path users are unlikely to interact with the non-breeding bird features (mute swan, Bewick's swan, shoveler, bittern, hen harrier, golden plover and ruff) present at this location.

On the foreshore, seaward of the trail, we expect negligible increase in access to the coastal margin, as shingle is difficult to walk on and we expect walkers to continue using the existing path along the seawall which is the main route of the trail. As negligible increase in access is expected interaction between coast path users and the non-breeding birds that are part of the SPA waterbird assemblage (sanderling, lapwing, cormorant, great crested grebe) at this location is not likely to cause any significant disturbance.

- iii. Trampling of sensitive features at Pett Level

The proposed path is separated from the grazing marsh at Pett Level by a road and access to the marsh is difficult due to the presence of numerous ditches. Coast path users are unlikely to interact with the wetland plants and invertebrates present at this location.

Conclusion

Natural England has considered the possible risks to qualifying features at this location, and given the design of our proposals detailed above, consider that no new significant disturbance or trampling 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.

D3.2D Rye Harbour Nature Reserve to the west bank of the River Rother

Current situation

Rye Harbour Nature Reserve is a key location for breeding and non-breeding birds within the SPA that is managed by Sussex Wildlife Trust. It provides feeding areas and day and night roosting areas for birds and there is some evidence that it is important as a refuge area for birds disturbed from Camber and Winchelsea [12]. All of the qualifying breeding bird features (avocet, common tern, little tern, Sandwich tern, marsh harrier, Mediterranean gull) have been recorded nesting at Rye Harbour Nature Reserve. All of these species nest only within areas secured by an anti-predator fence, with the exception of little tern that also attempt to nest on the foreshore. As nesting on the foreshore has been unsuccessful for little tern, Sussex Wildlife Trust actively encourage them away from nesting on the foreshore by using decoys and sound recordings to encourage colony formation within fenced areas [4]. Both breeding and non-breeding birds feed on the foreshore south of the nature reserve when the tide is out. Common tern, Sandwich tern and little tern will use this area for roosting. Currently walkers and birds interact as high tide conditions approach and the window for disturbance here is relatively short. If birds are disturbed they are likely to fly on to roosting areas within secure areas of the Nature Reserve. Avocet and cormorant have been recorded using the west bank of the River Rother at low tide and cormorant and common tern have been recorded using the river channel.

The shingle beach at Rye includes areas of coastal vegetated shingle which is a SAC and Ramsar feature. A 2018 survey showed evidence of significant trampling at vulnerable locations including tracks and access points [15]. The west bank of the River Rother features areas of saltmarsh and mudflats.

Rye Harbour Nature Reserve is popular with a wide range of visitors. Sussex Wildlife Trust actively encourage visitors onto the Reserve and are currently developing a new visitor centre and interpretation plan across the site. New interpretation aims to support better management of the site and reduce environmental impacts by giving visitors more guidance on how to enjoy and care for sensitive habitats and species, such as shingle, mudflats and saltmarsh, and waterbirds [16]. Visitor numbers have increased steadily year on year at the Reserve [17] and the site management plan indicates that the reserve can accommodate more visitors [7]. There is a permissive path through the nature reserve which is well used by walkers and adopted as a long distance cycle route. There is easy access to the site on foot from Rye, Rye Harbour, Winchelsea Beach and Winchelsea with options for circular routes. Access within the Nature Reserve itself is controlled to reduce disturbance to breeding and

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

non-breeding birds with no access permitted to the fenced off areas [12]. The area has high pulling power as there are wide views across the sea over the shingle beach and opportunities for birdwatching, walking dogs and picnicking on the beach. Parking and public toilets are available at Rye Harbour. There is also a village shop, two pubs and two cafes.

Detailed design and assessment of risk

The proposed route for the Coast Path through Rye Harbour Nature Reserve is a well walked permissive path and promoted a cycle route. There will be new way marking along the proposed route. Land seaward of the Coast Path will become part of the coastal margin, by default. Access is to be excluded year-round to the vegetated shingle in the coastal margin south of the reserve to mean high water by direction under Section 26(3)(a) on nature conservation grounds, to protect this sensitive feature (see Directions Map EBC 7A). Walkers are permitted to access the foreshore on an existing designated boardwalk and along various existing PROWs that run north to south on the beach. Access to these routes will not be affected by the direction. Signage on site will define the boundary of the excluded area. Along the west bank of the River Rother the proposed route will follow existing walked routes until the trail ends on the bank of the River Rother at Rye Harbour near the lifeboat station. A small increase in access is expected to this part of the trail, as it will become part of a long distance promoted route but is already well used. Increase in access to the margin on the west bank of the River is expected to be minimal as much of this area is inaccessible due to steep banks and deep water channels. Areas that are accessible are already well used and popular with school groups and visitors to the Nature Reserve. Access to much of the mudflats and saltmarsh in the coastal margin will be excluded by a Section 25A as these areas are unsuitable for public access (see Directions Map EBC 7A).

Considering each of the possible risks to qualifying features

- i. Disturbance to breeding birds that are nesting, roosting or feeding at Rye Harbour Nature Reserve or on the west bank of the River Rother

Based on current demand, we expect a small increase in access to the trail between Rye Harbour Nature Reserve and the west bank of the River Rother, as the England Coast Path will become a long distance promoted route but will be adopting already well-walked routes. The existing visitor management at the Reserve which includes fenced off areas means that the breeding bird features (avocet, common tern, little tern, Sandwich tern, marsh harrier, Mediterranean gull) that are nesting, feeding or roosting within the reserve are largely protected from disturbance. The installation of waymarker posts near these locations will occur outside of the breeding season (May-September) to avoid disturbance to birds that are breeding at Rye Harbour Nature Reserve.

Common tern, Sandwich Tern and little tern use the mud and sand on the foreshore south of the nature reserve at low tide. Walkers and birds interact here as high tide conditions approach and the window for disturbance is relatively short. If birds are disturbed they are likely to fly onto secure roosting areas within Rye Harbour Nature Reserve slightly earlier than they may have normally done, but this is not likely to significantly reduce time available for feeding.

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

Breeding birds feeding on the mudflats and saltmarsh on the west bank of the River Rother are unlikely to be disturbed since the terrain is unsuitable for walking and a Section 25A is proposed.

- ii. Disturbance to non-breeding birds that are breeding, roosting or feeding at Rye Harbour Nature Reserve or on the west bank of the River Rother

Based on current demand, we expect a small increase in access to the trail at Rye Harbour Nature Reserve and the west bank of the River Rother, as the England Coast Path will become a long distance promoted route but will be adopting already well-walked routes. The existing visitor management at the Reserve which includes fenced off areas means that the non-breeding bird features (mute swan, shoveler, Bewick's swan, bittern, golden plover, hen harrier, ruff, waterbird assemblage) feeding and/or roosting within the reserve, and the non-breeding bird features that are breeding (mute swan, shoveler and some component species of the water bird assemblage - gadwall, pochard, little grebe, great crested, grebe, cormorant, coot, lapwing) are largely protected from disturbance.

Walkers and non-breeding birds using the mud and sand on the foreshore interact as high tide conditions approach and the window for disturbance is relatively short. If birds are disturbed they are likely to fly onto secure roosting areas within Rye Harbour Nature Reserve slightly earlier than they may have normally done, but this is not likely to significantly reduce time available for feeding. On the west bank of the River Rother non-breeding birds feeding on the mudflats and saltmarsh are unlikely to be disturbed since the terrain is unsuitable for walking and a Section 25A access exclusion is proposed.

- iii. Trampling of sensitive features

Rye Harbour Nature Reserve already has high visitor numbers and the proposed route is already well walked. A small increase in access to the trail is expected as a result of the England Coast Path, as it will become a long distance promoted route but will be adopting an already well-walked route. To reduce the risk of damage to sensitive features within the coastal margin through trampling we are proposing a year-round exclusion on nature conservation grounds under Section 26(3)(a) to the vegetated shingle foreshore south of Rye Harbour Nature Reserve, to mean high water (see Directions Map EBC 7A). At the River Rother, coastal access rights will be excluded over much of the mudflats and saltmarsh in the coastal margin as these areas are unsuitable for public access (see Directions Map EBC 7A). This exclusion has the added benefit of reducing the risk of damage to sensitive features here through trampling.

Conclusion

Natural England has considered the possible risks to qualifying features at this location, and given the mitigation measures detailed above, consider that no new significant disturbance or trampling will be caused. The proposals will therefore not adversely affect the achievement of the conservation objectives in this location. The proposed alignment for the Coast Path along existing routes is consistent with long term management of the site.

D3.2E Camber

Current situation

At low tide there are vast areas of intertidal mud and sand used by feeding sanderling during the winter and roosting common tern (30-50 birds) during the summer. Camber is a popular tourist destination and human disturbance is a factor here with dog walkers walking their dogs along the tideline causing the greatest disturbance. Three PROWs and two permissive routes provide access to the beach. There is a permissive path across Rye golf course, which leads to the beach, although this is not waymarked from Camber Beach. The level of beach use is influenced by the holiday parks and opening times of car parks, of which there are three. Most visitors to the area currently arrive by car. The large western car park is currently open only at weekends in the winter months, which helps limit disturbance during the week to birds using the foreshore at the western end of Camber. Rother District Council has made a Dog Control Order, and dogs are not permitted in zoned areas between May and September. There is an inland diversion for dog walkers to use during this time. Dog restrictions at Camber are enforced and on-the-spot fines of £80 can be charged if ignored. Camber has extensive visitor facilities including holiday accommodation, convenience stores, a post office, bars and cafes.

The Camber to Folkestone stretch of the England Coast Path is already open as far as the Central car park at Camber.

Detailed design and assessment of risk

The proposed route for the Coast Path at Camber follows an existing walked route along the sand dunes between Camber Central car park and the estuary mouth on the eastern bank of the River Rother, where it terminates. The England Coast Path will not be proposed around Rother Estuary, because at this time we are unable to provide a safe crossing at Rye.

Advisory signs will be installed at the Central and Western car parks at Camber to advise walkers that the trail ends at the river mouth and to direct them towards public transport routes to Rye where they can re-join the England Coast Path trail on the other side of the river. A small increase in access to the trail at Camber is expected as a result of as the England Coast Path as it will become a long distance promoted route but is already well used. Negligible increase in access to the seaward coastal margin is expected as the dunes are an attractive place to picnic and sunbathe and already well used by visitors, particularly in the summer. Public access to the trail and seaward coastal margin may be interrupted from time to time for short periods due to exceptionally high tides that occur on approximately 6 days a year. During this period walkers would be able to utilise the existing tracks and public rights of way that are present within the proposed landward coastal margin. As part of the coastal access proposals new advisory signs will be installed at the Central car park and Western car park to raise awareness about the flora and fauna and to request that dogs be kept under close control.

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

Considering each of the possible risks to qualifying features

- i. Disturbance to breeding birds that are roosting or feeding at Camber

Although there are no known nesting locations for breeding bird features at Camber, common tern are a qualifying breeding bird feature that have been recorded roosting on the beach at low tide where they are often disturbed, with dog walkers walking their dogs along the tideline causing the greatest disturbance. We don't expect use of this area for recreation to change significantly as a result of the access proposals, as it already well-used by visitors. As negligible change in access here is expected the proposals are not likely to cause any significant new disturbance to the breeding bird features (common tern) roosting at this location.

- ii. Disturbance to non-breeding birds feeding or roosting at Camber

Sanderling (part of the waterbird assemblage) have been recorded feeding on the sand at Camber during the winter, where they are often disturbed, with dog walkers walking their dogs along the tideline causing the greatest disturbance. We don't expect use of this area for recreation to change significantly as a result of the access proposals, as it already well-used by visitors. As negligible change in access here is expected the proposals are not likely to cause any significant new disturbance to the non-breeding bird features (sanderling) feeding at this location.

Conclusion

Natural England has considered the possible risks to qualifying features at this location, and given the design of our proposals 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. The installation of advisory signs at Camber will help with existing disturbance issues.

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

Table 8. 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?
Repeated disturbance to breeding birds that are nesting, roosting or feeding, following changes in recreational activities as a result of the access proposal, leads to reduction in the abundance and distribution of the qualifying features within the site.	<ul style="list-style-type: none"> ■ The route is aligned along existing walked routes that are separated from key nesting, feeding and roosting sites for breeding birds. ■ The route will be signposted and waymarked to encourage walkers to stay on the path. ■ Advisory signs will be installed at Camber to raise awareness about sensitive flora and fauna and request that dogs be kept under close control. 	<p>Yes</p> <ul style="list-style-type: none"> ■ At the grazing marsh at Pett Level the nesting site of common tern is landward of the trail and separated from it by a road and series of ditches impeding access to the site. ■ At Rye Harbour Nature Reserve the key nesting, roosting and feeding sites for breeding birds (avocet; common tern; little tern; Sandwich tern; marsh harrier; Mediterranean gull) are landward of the trail and separated from it by an anti-predator fence. Our proposals follow an existing route that is already well walked. Some breeding bird species (Common tern, Sandwich Tern and little tern) also use the mud and sand on the foreshore south of the nature reserve that will become coastal margin. The window for disturbance here is relatively short as walkers and birds are likely to interact only as high tide 	Yes

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

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>conditions approach. If birds are disturbed they are likely to fly onto the secure areas within the Nature Reserve earlier than they may have normally done, but this is not likely to significantly reduce time available for feeding.</p> <ul style="list-style-type: none"> ■ At Rye Harbour Nature Reserve, establishment works will take place outside of the breeding season (May to September) to avoid disturbance to breeding birds. 	
<p>Repeated disturbance to non-breeding birds following changes in recreational activities as a result of the access proposal, may result in changes to roosting and feeding behaviour, leading to reduced fitness and reduction in population and/or contraction in the distribution of qualifying features within the site.</p>	<ul style="list-style-type: none"> ■ The route is aligned along existing walked paths. ■ The route will be signposted and waymarked to encourage walkers to stay on the path. ■ Coastal access rights will be excluded over most areas of mudflats and saltmarsh ■ Advisory signs will be installed at Camber to raise awareness about sensitive flora and fauna and request that dogs be kept under close control. 	<p>Yes</p> <ul style="list-style-type: none"> ■ At Rye Harbour Nature Reserve the key roosting and feeding sites for non-breeding birds are landward of the trail and separated from it by an anti-predator fence. Our proposals follow an existing route that is already well walked. Some non-breeding birds also use the mud and sand on the foreshore south of the nature reserve that will become coastal margin. The window for disturbance here is relatively short as walkers and birds are likely to interact only as high tide conditions approach. If 	<p>Yes</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?
		<p>birds are disturbed they are likely to fly onto the secure areas within the Nature Reserve earlier than they may have normally done, but this is not likely to significantly reduce time available for feeding.</p> <ul style="list-style-type: none"> ■ On the west bank of the River Rother most of the mudflats and saltmarsh in the coastal margin are covered by a Section 25A exclusion as they are unsuitable for public access. This has the added benefit of reducing the risk of disturbance to birds that use these areas to feed. 	
<p>Disturbance to breeding mute swan, shoveler, and some component species of the water bird assemblage (<i>gadwall, little grebe, great crested grebe, cormorant, coot and lapwing</i>) following changes in recreational activities as a result of the access proposal, leads to a reduction in the abundance and distribution of the qualifying features within the site.</p>	<ul style="list-style-type: none"> ■ The route is aligned along existing walked routes ■ The route will be signposted and waymarked to encourage walkers to stay on the path. 	<p>Yes</p> <ul style="list-style-type: none"> ■ At Rye Harbour Nature Reserve the nesting sites for mute swan, shoveler, and other water birds are landward of the trail and separated from it by an anti-predator fence. Our proposals follow an existing route that is already well walked. ■ At Rye Harbour Nature Reserve, establishment works will take place outside of the breeding season (May to September) to avoid 	<p>Yes</p>

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

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 breeding birds.	
The installation of access management infrastructure may lead to the reduction in the extent and distribution of qualifying natural habitats and habitats of the qualifying species.	<ul style="list-style-type: none"> ■ Our proposals will see the installation of the following new infrastructure items in the designated sites across the trail: 11 multi finger posts, 1 single finger post, 10 waymarker posts, 3 trail information signs, 1 roadside sign, 5 advisory signs, and 5 timber steps. ■ Our proposals will see the replacement of one waymarker post with a multi finger post and a set of 20 eroded timber steps with new timber steps ■ Installation methods will be checked at establishment stage and further assessment under the Habitat Regulations made, as necessary, prior to works being carried out. 	<p>Yes</p> <ul style="list-style-type: none"> ■ The installation of access management infrastructure will affect an area of approximately 2.77 m² and after assessing the locations, this loss is considered not to be a risk to the sites conservation objectives. As the signs and steps are intended to guide people along the existing coastal path they will also help to minimise any potential impact on the wider habitat. ■ The precise location of the infrastructure and installation method will be finalised at the establishment stage. Assessment of possible impacts on the European sites will need to be checked and confirmed as part of the SSSI assenting process prior to works being carried out. 	No
The trampling of designated features following changes in recreational activities as	<ul style="list-style-type: none"> ■ The alignment of the Coast Path is along existing walked routes. 	<p>Yes</p> <ul style="list-style-type: none"> ■ At the grazing marsh at Pett Level the wetland plants and invertebrates 	No

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

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?
a result of the access proposal leads to the reduction in the extent and distribution of qualifying natural habitats and habitats of the qualifying species.	<ul style="list-style-type: none"> ■ Most areas of mudflat and saltmarsh within the margin are covered by a Section 25A exclusion as they are considered unsuitable for public access. ■ Access to vegetated shingle south of Rye Harbour Nature Reserve will be excluded year-round, under a Section 26(3)(a) for nature conservation, to help reduce the risk of trampling of these sensitive features. ■ Way marking will be used to encourage people to stay on the route of the coast path away from sensitive habitats. 	<p>are landward of the trail and separated from it by a road and a series of ditches.</p> <ul style="list-style-type: none"> ■ On the foreshore south of Rye Harbour Nature Reserve coastal access rights will be excluded up to mean high water under a Section 26(3)(a) for nature conservation, to reduce the risk of trampling of sensitive vegetated shingle plants and habitats. ■ On the west bank of the River Rother most of the mudflats and saltmarsh in the coastal margin are covered by a Section 25A exclusion as they are unsuitable for public access. This has the added benefit of reducing the risk of sensitive plants and invertebrates being trampled on. 	

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

Natural England has concluded that:

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 the reduction in the extent and distribution of qualifying natural habitats and habitats of the qualifying species.
- The trampling of sensitive features

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 breeding birds
- Disturbance to non-breeding birds

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

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

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

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

Natural England considers that in this case the potential for adverse effects from the plan or project has not been wholly avoided by the incorporated or additional mitigation measures outlined in section D3. It is therefore considered that there are residual and appreciable effects likely to arise from this project which have the potential to act in-combination with those from other proposed plans or projects.

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

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

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

Table 9. Review of other live plans and projects

Competent Authority	Plan or project	Have any insignificant and combinable effects been identified?
Rother District Council	Local Plan adopted and emerging	No. The adopted Local Plan (Core Strategy) sets out development sites and policies until 2028. The Rother Development and Site Allocations Plan (DaSA) implements the development strategy and core policies set out in the Core Strategy. The Habitat Regulations Assessment of the DaSA considers potential impacts of Rother District Local Plan policies and housing allocation sites. It will ensure that appropriate policies are in place to ensure that developments will not have adverse effects on the integrity of the relevant sites. A key outcome of the HRA was the preparation of a Strategic Access and Recreation Management Strategy (SARMS) that will be implemented over the planning period. It is designed to ensure that recreational pressures are effectively managed. The Habitat Regulations Assessment concluded that the proposed development sites and policies would not lead to adverse effects on integrity of the Pevensey Levels SAC/Ramsar and Dungeness, Romney Marsh and Rye Bay SPA/Ramsar.
Hastings Borough Council	Local Plan adopted and emerging	No. The Adopted Local Plan ('Core Strategy') sets out planning and development up until 2028. The Habitat Regulations Assessment of the Hastings Core Strategy concluded that with the 'Nature Conservation and the Improvement of Biodiversity' policy included, the Core Strategy will have an adequate and cohesive policy framework through which measures to avoid or mitigate adverse effects on European sites can be delivered. It concluded that the scale of housing growth will not result in adverse recreational pressure effects on the Hastings Cliffs SAC.
Hastings Borough Council	Hastings Country Park Visitors Centre	No. Hastings Borough Council have been granted permission to erect a new visitor centre at Hastings Country Park. The proposal is not likely to have a significant effect on the designated features of Hastings Cliffs SAC, either alone or in combination with other plans or projects.

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

Competent Authority	Plan or project	Have any insignificant and combinable effects been identified?
South East Coastal Group	South Foreland to Beachy Head Shoreline Management Plan	No. The Habitat Regulations Assessment for the South Foreland to Beachy Head Shoreline Management Plan concluded that implementation of Shoreline Management Plan will not have any adverse effects as a result of in-combination effects with other plans or programmes.
Rother District Council	Proposed redevelopment of the Rye Harbour Nature Reserve Centre	No. A shadow Habitat Regulations Assessment was undertaken in respect of the proposed redevelopment of Lime Kiln Cottage at Rye Harbour Nature Reserve that aims to expand on the ability of Sussex Wildlife Trust to manage the reserve and the visitors to it. The assessment concluded that with the use of planning conditions and a strategic approach to visitor management and improving education and awareness the redevelopment of the visitor centre will have no adverse effect on the integrity of the Dungeness, Romney Marsh and Rye Bay SPA/Ramsar and Dungeness SAC.
Rother District Council	Planning application for 150 residential units, a mini supermarket, GP surgery and area of Public Open Space, south of Pett Level Road.	No. The Habitat Regulations Assessment found that the project would result in no significant effects to either Hastings Cliffs Country Park or Dungeness, Romney Marsh and Rye Bay SPA.
Natural England	Implementation of coastal access from Camber to Folkestone	No. Our proposals for coastal access between Camber and Folkestone may also affect designated sites on this stretch. We have previously made an assessment of our proposals for this stretch and no insignificant and combinable risks were identified in that assessment.

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

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 Dungeness, Romney Marsh and Rye Bay Special Protection Area and Ramsar Site, Dungeness Special Area of Conservation, Pevensey Levels Special Area of Conservation and Ramsar Site, and Hastings Cliffs Special Area of Conservation either alone or in combination with other plans and projects.

PART E: Permission decision with respect to European Sites

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

We, Natural England, are satisfied that our proposals to improve access to the English coast between Eastbourne and Camber are fully compatible with the relevant European site conservation objectives.

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

Certification

Assessment prepared and completed by	Laura Whitfield	On behalf of the Coastal Access Programme Team
Date	12 th February 2020	
Assessment quality assured by:	David Pearce	On behalf of the Coastal Access Programme Team
Date	12 th February 2020	
HRA approved:	Kristoffer Hewitt	Senior officer with responsibility for protected sites
Date	12 th February 2020	

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

Front cover photo: Viewpoint at Cliff End looking eastwards overlooking Pett Level towards Camber

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