

Assessment of England Coast Path proposals for Whitstable to Iwade

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

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

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Summary

I) Introduction

This is a record of the Habitats Regulations Assessment ('HRA') undertaken by Natural England, on behalf of the Secretary of state in accordance with the assessment and review provisions of the Conservation of Habitats and Species Regulations 2017 (as amended) ('the Habitats Regulations').

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

The Swale Special Protection Area (SPA) and Ramsar site

Outer Thames Estuary SPA

England Coast Path proposals are within the scope of a European Court judgement which was handed down in April 2018. Known colloquially as People over Wind, the judgement clarified how the impact of proposals on European protected sites is to be assessed. As a consequence, Natural England has reviewed the HRA previously undertaken and provided this updated HRA to the Secretary of State, to consider alongside the previously made proposals. This revised and updated version of the HRA replaces the HRA element of the previously published Access and Sensitive Features Appraisal.

This assessment should be read alongside Natural England's related Coastal Access Report, published on 21 June 2017, which fully describes and explains the access proposals for this stretch. The Overview explains common principles and background and the chapters 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-whitstable-to-ivade-comment-on-proposals>

II) Background

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



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Table 1 - Summary of the main wildlife interest

Interest	Description
Breeding waterbirds	<p>The Swale SPA is recognised for its breeding waterbirds. Breeding waterbirds require suitable nesting habitats coupled with low disturbance levels to prevent egg abandonment, chilling and predation, plus safe areas for successful fledging.</p> <p>The coastal waters of the Outer Thames Estuary SPA are used by breeding little and common tern for foraging, as well as a wide range of maintenance activities, such as bathing and loafing.</p>
Non-breeding waterbirds	<p>During the winter months The Swale supports an internationally recognised population of non-breeding waterbirds. The extensive areas of soft mud exposed at low tide, and grazing marshes are the main feeding areas and these protected birds need suitable undisturbed places to roost at high tide.</p> <p>The Outer Thames Estuary SPA is used by non-breeding red-throated diver for all activities other than breeding, including feeding, roosting, bathing and preening.</p>
Wetland and coastal plants and invertebrates	<p>The Swale Ramsar supports endangered plant species, nationally scarce plants and British Red Data Book invertebrates. These species are mainly found in the intertidal habitat, grazing marshes and ditches.</p>

III) Our approach

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



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

As part of updating this HRA, Natural England has contacted relevant stakeholders and interest to ask whether they are aware of any new substantive data or evidence relating to the European site conservation objectives that has become available since the proposals were submitted to the Secretary of state and which might have a bearing on reviewing the HRA

The conclusions of this assessment are approved by a member of Natural England staff who is not a member of coastal access programme team and who has responsibility for protected sites. This ensures appropriate separation of duties within Natural England.



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IV) Aim and objectives for the design of our proposals

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

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

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

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

V) Conclusion

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

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

Risk to conservation objectives	Relevant design features of the access proposal
<p>Disturbance to feeding or resting non-breeding waterbirds from recreational activities following changes in recreational activities as a result of the access proposal, leads to reduced fitness and reduction in population and/or contraction in the distribution of Qualifying Features within the site</p> <p>and</p> <p>Disturbance of breeding birds from recreational activities as a result of the access proposal, leads to nest trampling and abandonment, and the resultant reduction in the breeding population</p>	<p>The proposed route will be well marked and clear to follow, and for the most part on an existing promoted route PRow. Therefore visitors are unlikely to have reason to stray from the path.</p> <p>There will be collaboration with Bird Wise and Kent Wildlife Trust to install and maintain new interpretation panels in key locations to encourage responsible behaviour (particularly in relation to dog walking) – namely at South Swale LNR, Oare Marshes LNR and at Conyer Creek.</p> <p>A year round nature conservation S26a restriction excluding access will be applied to the margin at The South Swale LNR.</p> <p>Much of the foreshore, and the saltmarsh are unsuitable for walking and access will be excluded by a S25A direction from the South Swale LNR at Cleve Marshes to Iwade.</p>
<p>Disturbance to qualifying features from construction works as a result of the access proposal, leads to temporary or enduring effects on their population and/or distribution within the site.</p>	<p>Table 8 in section D3.1 provides a summary of the mitigation measures to reduce the disturbance to non-breeding and breeding waterbirds, this includes scheduling works to limit disturbance risk.</p>
<p>The installation of access management infrastructure may lead to a loss of habitat which</p>	<p>The Swale Estuary:</p> <p>Within supporting habitat in The Swale Estuary the proposal will install two new way-marker posts:</p>

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Risk to conservation objectives	Relevant design features of the access proposal
<p>supports the qualifying features.</p> <p>This includes all necessary stages of the non-breeding bird period (moulting, roosting, loafing, and feeding); the breeding bird period (courting, nesting and feeding); and the habitats that support sensitive plants and the habitats that support wetland invertebrates.</p>	<p>Within grazing marsh, this infrastructure equates to a total loss of 0.01m². This is trivial in relation to the amount of grazing marsh within the site, 25.12million m². The area concerned is not a key site for non-breeding or breeding waterbirds.</p> <p>Within saltmarsh this infrastructure equates to a total loss of 0.01m². This is trivial in relation to the amount of saltmarsh within the site, 9.15million m². The area concerned is not a key site for non-breeding or breeding waterbirds.</p> <p>The Outer Thames Estuary:</p> <p>There is no new infrastructure within the supporting habitats of the Outer Thames Estuary.</p>
<p>Trampling of sensitive plants and of the habitats that support wetland invertebrates may lead to a direct loss of habitat and habitat which supports the qualifying features within the sites.</p>	<p>The vast majority of the proposal will follow paths that have existing highways or rights of way. Where this is the case we expect no additional significant impacts from the slight increase in visitors.</p> <p>Access to the margin will be restricted year round at Castle Coote within the South Swale LNR for wintering and breeding bird purposes.</p> <p>Elsewhere the saltmarsh foreshore, which may support sensitive vegetation, is unsuitable for walking and access will be excluded here by a S25A direction. This includes Oare Marshes LNR and Conyer Creek.</p> <p>The proposed route will be well marked and clear to follow, for the most part adopting the Saxon Shore Way / PRow. Visitors are therefore unlikely to stray from the path, particularly given the inaccessibility of most of the intertidal saltmarsh and mudflats.</p> <p>The trampling of sensitive vegetation has been assessed for the new section of path at Seasalter Levels. No significant impact can be concluded here as the trail follows the landward base of the seawall (slightly inland) which is regularly mown by the Environment Agency for</p>



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Risk to conservation objectives	Relevant design features of the access proposal
	maintenance purposes and supports little botanical interest. Additionally there are better examples of seawall habitat elsewhere.

VI) Implementation

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

VII) Thanks

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

Special thanks are due to the following individuals, for their generous contributions of time and invaluable knowledge of the dynamics of local bird populations: Gareth Fulton, Alan Johnson, Julian Nash, Sam Richardson, Carol Donaldson, Bob Gomes, Laura Steuart, Brian Watmough, Rod Smith, Geoff Orton and Gavin Coultrip.



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PART A: Introduction and information about the England Coast Path

A1. Introduction

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

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

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

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

Natural England's approach to ensuring the protection of sensitive nature conservation features under the Coastal Access Programme is set out in section 4.9 of the Coastal Access Scheme [Ref 1]. 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. In order to comply with this ruling the Secretary of State has asked Natural England to update the HRAs of any proposals that were not determined before April 2018.

A2. Details of the plan or project

This assessment considers Natural England's proposals for coastal access along the stretch of coast between Whitstable and Iwade that were published on 21 June

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



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2017. Our proposals to the Secretary of State for this stretch of coast are presented in a report that explains 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 chapters, 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,
- identification of coastal margin.



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England Coast Path

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

Coastal Margin

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

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

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

Of particular relevance to this assessment is that most areas of salt marsh and mud flat within The Swale and Medway Estuaries, are considered unsuitable for public access and will be excluded from the new coastal access rights at all times regardless of any other considerations. As above, this will not affect other forms of established use, such as wildfowling.

Promotion of the England Coast Path

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



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

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

Maintenance of the England Coast Path

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

Responding to future change

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

Establishment of the trail

Establishment works to make the trail fit for use and prepare for opening, including any special measures that have been identified as necessary to protect the environment 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 Kent County Council, subject to any further necessary consents being obtained, including to undertake operations on a SSSI. Natural England will provide further advice to the local authority carrying out the work as necessary.



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

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

The Swale SPA and Ramsar site

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

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

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

Wet grassland breeding waders are amongst England’s most threatened wildlife, with large scale declines in both abundance and range in recent decades. The Swale supports the highest density of breeding waders on lowland wet grassland in the UK, with over 500 pairs of lapwing and 300 pairs of redshank. It also supports the largest population of marsh harriers in the south east in terms of both breeding and wintering/roosting birds.

Overall records show the Swale to be the 20th most important site for waterbirds in the UK with a five year average peak of 49,000 birds. There are internationally important numbers of brent geese and black-tailed godwit and nationally important numbers of a further eight species including white-fronted geese, avocet and bar-tailed godwit.

From ringing and recapture work and casual observation, it is clear that there is movement of birds between the Isle of Sheppey (Elmley to Shellness) and the South Swale Marshes, particularly at Cleve, Graveney and Nagden, as well as to Murston -



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e.g. black-tailed godwit, curlew, marsh and hen harrier. This is dependent on the prevailing weather conditions, height of the tide and disturbance.

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

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

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

The Outer Thames Estuary SPA

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

The site is designated for non-breeding red-throated diver (*Gavia stellata*), a diving bird which overwinters in large numbers within the southern North Sea, feeding predominately on fish. The red-throated diver lives mostly in shallow inshore waters, except when coming ashore to breed as observed in the north of Scotland in summer. This species uses the SPA for all other activities, including feeding, roosting, bathing and preening. A new survey carried out in early 2018 used high-resolution digital video imagery and generated a peak population estimate of 22,280 birds (95% CI 15,611–29,784). This confirms that the Outer Thames Estuary SPA supports by far the largest aggregation of non-breeding red-throated divers in UK waters.

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

Table 3 - Qualifying features

Qualifying feature	The Swale SPA	The Swale Ramsar	Outer Thames Estuary SPA
A046a <i>Branta bernicla bernicla</i> Dark-bellied brent goose (non-breeding)	✓	✓	
A048 <i>Tadorna tadorna</i> Common shelduck (non-breeding)		✓	
A137 <i>Charadrius hiaticula</i> Ringed plover (non-breeding)		✓	
A141 <i>Pluvialis squatarola</i> Grey plover (non-breeding)		✓	
A149 <i>Calidris alpina alpina</i> Dunlin (non-breeding)	✓	✓	
A162 <i>Tringa totanus</i> Common redshank (non-breeding)		✓	
A195 <i>Sternula albifrons</i> Little tern (breeding)			✓
A160 <i>Numenius arquata</i> Curlew (non-breeding)		✓	
A130 <i>Haematopus ostralegus</i> Oystercatcher (non-breeding)		✓	
A704 <i>Anas crecca</i> Teal (non-breeding)		✓	
A050 <i>Anas penelope</i> Wigeon (non-breeding)		✓	
A193 <i>Sterna hirundo</i> Common tern (breeding)			✓
A001 <i>Gavia stellata</i> Red-throated diver (non-breeding)			✓
Waterbird assemblage (non-breeding) ¹	✓	grey plover,	

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Qualifying feature	The Swale SPA	The Swale Ramsar	Outer Thames Estuary SPA
(Main component species are avocet, bar-tailed godwit, black-tailed godwit, curlew, little egret, dunlin, ringed plover, golden plover, knot, lapwing, oystercatcher, sanderling, green sandpiper, greenshank, ruff, grey plover, redshank, spotted redshank, dark-bellied brent goose, pintail, shelduck, shoveler, teal, European white-fronted goose and wigeon)		redshank, spotted redshank and dark-bellied brent goose	
Breeding bird assemblage (Main component species are teal, mallard, gadwall, shelduck, moorhen, coot, snipe, ringed plover, oystercatcher, redshank, lapwing, avocet, marsh harrier, yellow wagtail, reed bunting and reed warbler).	✓		
Nationally scarce plant assemblage		✓	
Wetland invertebrate assemblage		✓	

Notes:

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

Bird Wise North Kent

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



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Proposals for the England Coast Path between Whitstable and Iwade have been mindful of the work of the Bird Wise project. We have worked with representatives of Bird Wise to ensure that our proposals complement this initiative.

B2. European Site Conservation Objectives (including supplementary advice)

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

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

- The extent and distribution of their qualifying natural habitats,
- The structure and function (including typical species) of their qualifying natural habitats,
- The supporting processes on which their qualifying natural habitats rely,
- The supporting processes on which the habitats of their qualifying features rely,
- The population of each of their qualifying features, and
- The distribution of their qualifying features within the site.

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

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

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

The Swale SPA

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



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Outer Thames Estuary SPA

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

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



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

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

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

Conclusion:

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

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

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

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

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

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

C2.1 Risk of Significant Effects Alone

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

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

Some of the qualifying features considered in this assessment occupy similar ecological niches and share ways in which they might be sensitive to the access proposals. To avoid repetition and improve the clarity of this assessment we have grouped the qualifying features of the European Sites listed in B1 as shown in Table 4

Table 4 - Feature groups

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

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The risk of significant effects alone is considered in Table 5:

Table 5 - Assessment of likely significant effects alone

Feature	Relevant pressure	Sensitivity to coastal access proposals	Assessment of risk to site conservation objectives	LSE alone ?
Non-breeding waterbirds	Disturbance of feeding or resting birds from recreational activities	Birds feeding on or near the foreshore or grazing marsh or resting in the vicinity of the coastal path may be disturbed by recreational activities including walking and walking with a dog.	The level of risk is higher where the access proposals are likely to bring people close to places on which large numbers of birds depend including undisturbed high tide roost sites and important feeding areas, such as the winter wader roost at Conyer Creek (dunlin(QF) and redshank (QF) in particular)	Yes
Non-breeding waterbirds	Loss of supporting habitat through installation of access management infrastructure	The supporting habitats of the qualifying features may be permanently lost due to the installation of new access management infrastructure.	The level of risk is higher where there is a permanent and irreversible loss of the extent of supporting habitat which the birds depend on.	Yes
Non-breeding waterbirds	Disturbance from construction works	Waterbirds may be disturbed by construction activities necessary for the physical establishment of the path	The level of risk is higher where construction activities are undertaken close to places on which large numbers of birds depend including undisturbed high tide roost sites and important feeding areas.	Yes

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Feature	Relevant pressure	Sensitivity to coastal access proposals	Assessment of risk to site conservation objectives	LSE alone ?
Breeding waterbirds	Disturbance of breeding birds from recreational activities	Breeding waterbirds that breed in the vicinity of the coastal path may be disturbed, or nests may be trampled by recreational activities.	The level of risk is higher at places where the access proposals are likely to place breeding birds at risk from recreational activities.	Yes
Breeding waterbirds	Loss of supporting habitat through installation of access management infrastructure	The supporting habitats of the qualifying features may be permanently lost due to the installation of new access management infrastructure.	The level of risk is higher where there is a permanent and irreversible loss of the extent of supporting habitat which the birds depend on.	Yes
Breeding waterbirds	Disturbance from construction works	Breeding waterbirds may be disturbed by construction activities necessary for the physical establishment of the path	The level of risk is higher at places where the access proposals are likely to place breeding birds at risk from construction activities.	Yes
Breeding waterbirds	Disturbance of non-breeding birds from recreational activities	Breeding waterbirds (that are wholly or largely resident) that overwinter within or near to the SPA in the vicinity of the	The level of risk is higher at places where a non-breeding population of a species significantly contributes to the breeding population and where the access proposals are	Yes

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Feature	Relevant pressure	Sensitivity to coastal access proposals	Assessment of risk to site conservation objectives	LSE alone ?
		coastal path may be disturbed by recreational activities.	likely to place non-breeding birds at risk from recreational activities.	
Breeding terns	Disturbance of breeding terns	Terns that breed in the vicinity of the coastal path may be disturbed, or nests may be trampled by recreational activities.	The path is located very near to habitat in the margin required by breeding little tern - shingle and bare and sparsely vegetated sediment (i.e. intertidal coarse and intertidal mixed sediments) at Castle Coot, South Swale LNR. As this is a non-qualifying feature of The Swale SPA breeding little terns at this location are considered within the associated Access and Sensitive Features Appraisal (21 June 2017)	Yes
Off shore foraging and resting waterbirds	Disturbance of foraging and resting waterbirds	In general, the spatial separation between foraging and recreation activity will be sufficient to conclude that there will be no interaction. However, birds may make use of foraging habitat	No appreciable risk. The presence of people on the shore may discourage birds from feeding close to the shore at times when people are present but is unlikely to compromise foraging activity. The only area of intertidal sediment that is accessible is between Whitstable Harbour and South Swale	No

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Feature	Relevant pressure	Sensitivity to coastal access proposals	Assessment of risk to site conservation objectives	LSE alone ?
		(e.g. coastal areas, inland waterways and wetlands) that may lead to interaction with shore-based recreation activities	<p>NNR where there is established access.</p> <p>A survey undertaken in 2013 modelled the distribution of red-throated diver within The Outer Thames SPA [ref 3]. The highest densities were recorded in the southern part of the SPA, especially towards the centre and northeast of that area, not adjacent to the southern shore of The Swale.</p>	
Nationally scarce plants and wetland invertebrates.	Regular trampling of sensitive vegetation	The associated habitats of the qualifying features may be damaged due to trampling where people regularly walk away from established paths.	The level of risk is higher at places where the access proposals are likely to place nationally scarce plants and the habitats that support wetland invertebrates at risk from repeated trampling.	Yes
Nationally scarce plants and wetland invertebrates.	Loss of supporting habitat through installation of access management infrastructure	Habitat may be lost due to the installation of new access management infrastructure	<p>There will be a minor loss of land due to the installation of new infrastructure</p> <p>Swale Estuary: 0.01 m² grazing marsh and 0.0 1 m² saltmarsh</p>	Yes



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Conclusion:

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

Non-breeding waterbirds (dark-bellied brent goose; common shelduck; ringed plover; grey plover; dunlin; redshank; curlew; oystercatcher; teal; wigeon; waterbird assemblage (non-breeding))

Breeding waterbirds (Breeding bird assemblage)

Nationally scarce plants and wetland invertebrates assemblages

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

Breeding terns (little tern and common tern)

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

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

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

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

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

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

C3. Overall Screening Decision for the Plan/Project

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



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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 detailed in Table 6.

Table 6 - Scope of Appropriate Assessment

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

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Environmental pressure	Qualifying Feature(s) affected	Risk to Conservation Objectives
Loss of supporting habitat through installation of access management infrastructure	<p>Non-breeding waterbirds: dark-bellied brent goose; common shelduck; ringed plover; grey plover; dunlin; redshank; curlew; oystercatcher; teal; wigeon</p> <p>Non-breeding waterbird assemblage</p> <p>Breeding bird assemblage</p> <p>Nationally scarce plants and wetland invertebrates</p>	The installation of access management infrastructure may lead to a loss of habitat which supports the qualifying features. This includes all necessary stages of the non-breeding bird period (moulting, roosting, loafing, and feeding); the breeding bird period (courting, nesting and feeding); and the habitats that support nationally scarce plants and the habitats that support wetland invertebrates
Regular trampling of sensitive vegetation	Nationally scarce plants and wetland invertebrates	The repeated trampling of sensitive plants and of the habitats that support wetland invertebrates may lead to a direct loss of habitat and habitat which supports the qualifying features within the sites.

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

The 40 km of England Coast Path between Whitstable and Iwade passes through two SPAs and one Ramsar site: The Swale SPA and Ramsar and the Outer Thames SPA.

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

- The Habitats Regulation Assessment (HRA) for the Isle of Sheppey was published 20 January 2020.
- The Habitats Regulation Assessment for the Iwade to Grain Coast Path was published 15 January 2020.

Since the publications of our proposals on 21 June 2017 we have updated the information regarding the sites of interest along the stretch, including the most recent Wetland Bird Survey (WeBS) data for 2016-17, to inform the drafting of this assessment



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.Disturbance of non-breeding waterbirds

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

The WeBS report for 2016-17 records The Swale as the twentieth most important site for waterbirds in the UK, with a five year average peak counts of 49,004 birds.

Within the Swale Estuary extensive mudflats at low tide provide the main feeding areas, supplemented by large areas of freshwater grazing marsh behind the seawall along the south Sheppey coastline. This supporting habitat is important for both feeding and resting.

Fringes of saltmarsh, which are particularly extensive in the east, also provide essential high tide roosts for large numbers of wildfowl and waders, as does the shell beach and spit at Shell Ness and at Castle Coote. For south Swale the key saltmarsh roosts can be found at Conyer Creek and Little Murston/Milton Creek.

The main roosts on the southern shore of the Swale are at Castle Coote, South Swale LNR (year-round), Oare Marshes LNR, Conyer Creek and Little Murston. Fowley Island (just east of Conyer) provides an important high tide roost for wildfowl and waders generally from both sides of The Swale and particularly for dunlin and redshank feeding in the Conyer Creek (See Maps 3 & 4).

Along the southern shore, in addition to the main roosts on saltmarsh, shingle and islands there are also sub-roosts on the fields inland, particularly either side of Conyer and at Seasalter. These support curlew, black-tailed godwit, redshank and dunlin.

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

As part of the Supplementary Advice on Conservation Objectives for the SPAs, Natural England has set targets for all the qualifying features, in order to meet the conservation objectives for the site.

There are no targets to 'restore' the population of qualifying features of The Swale SPA as there is no evidence to demonstrate declining populations within the estuary. However, all the features have a target to 'reduce disturbance caused by human activities'.



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

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

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

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

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

Disturbance of breeding birds

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



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

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

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

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

South Sheppey, with its saltmarsh, reedbeds, borrow dykes, fleets and arable fields provides an outstanding mix of habitats for both breeding and roosting marsh harriers and as a result supports one of the largest populations in the country and the most important roost sites in the south east.

The overwintering of marsh harrier on South Sheppey in particular is considered here because there is evidence that this may make a significant contribution to the breeding population of The Swale. The main winter roosts are at Capel Fleet and Elmley NNR, with minor roosts on the mainland. Marsh harrier is a main component of the Swale Estuary breeding bird assemblage and the population here is estimated to be 10% of the national population. The national survey in 2005 revealed 41 nests on Sheppey and 21 nests at nine sites elsewhere in Kent, including 3-5 pairs between Kingsferry and Murston (with the latter supporting a minor roost).

On Sheppey at Elmley and The Swale NNRs, and between the Isle of Harty and Windmill Creek reedbeds/reed-fringed ditches, borrowdykes and crops provide breeding habitat for marsh harrier. The seawall borrowdyke/reedbeds along the southern shore of the Swale also supports marsh harrier, which also may breed here in small numbers.



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

Loss of supporting habitat through installation of access management infrastructure

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

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

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

The Supplementary Advice for The Swale SPA has also provided baseline information (based on the best available evidence) on the extent and distribution of supporting habitat used by the qualifying features:

Breeding birds: Intertidal mud: 2411 ha, Intertidal sand and muddy sand: 0.01 ha, Intertidal coarse sediment (extent unknown), Intertidal mixed sediment (extent unknown), Saltmarsh: 915 ha, Freshwater and coastal grazing marsh: 2512 ha. NB saltmarsh extent may or may not contain the specific saltmarsh habitat types used by the feature.

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

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

Regular trampling of sensitive vegetation



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

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

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

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

D3.1 Design of the access proposals 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 the access proposals.

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

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

Disturbance to non-breeding and breeding waterbirds from recreational activities



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

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

The majority of the proposal will follow paths that are existing highways or rights of way, the exceptions are sections of new path. Table 7 details the approximate length of new path within the designated sites

Table 7 - Length of new path within the designated sites

Location	Designated site	Approx. length of new path within the designated site (m)
Seasalter Levels (Faversham Road)	The Swale	700

The Seasalter section follows the landward base of the seawall which provides a sheltered backdrop avoiding sky-lining disturbance to birds inland on the RSPB Reserve within the SPA. Habitat creation works on the Reserve will take place some distance from the trail and the development of the site will occur alongside the establishment of new access here. The seawall which is landward of the Faversham Road, screens the trail from the foreshore which is some 100m away.

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

For the vast majority of the route where there is existing access the England Coast Path will result in a slight increase in access on the trail and a negligible increase in the margin. On the proposed short section of new access at Seasalter there will be a high increase on the trail and a negligible increase in the margin. For the already busy sections at Whitstable and Sittingbourne at either end of the stretch there will be no change in access levels to either the trail or the margin.

The cumulative effect of more frequent use of a path on disturbance pressure depends on the circumstances and is difficult to predict with complete confidence. Away from more sensitive areas, such as roost and nesting sites, the main measurable impact is likely to be a greater chance of interruptions to feeding



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behaviour in waterbirds close to the path, including alertness or short escape flights. Such impacts are unlikely to produce a noticeable effect on birds use of the estuary or SPA population levels and by promoting responsible behaviour amongst path users, this can be minimised.

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

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

In order to support the conservation objectives of the SPAs, and complement both the Bird Wise strategy and the current visitor management at the LNRs, we have designed our proposals for the stretch to maintain refuge areas for wintering and breeding waterbirds, where access is discouraged, such as at Castle Coote at South Swale LNR.

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

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

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

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

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



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Table 8 - Establishment works - mitigation measures

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

The main works needed are various interpretation boards, signs and gates installed throughout the stretch.

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

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

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



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Our proposals will see the installation of the following new infrastructure items in the designated sites across approximately 40 km of trail. Table 9 details the new infrastructure proposed within the designated sites.

Table 9 - New infrastructure items within the designated sites

New infrastructure items	The Swale SPA & Ramsar	The Outer Thames SPA
Sign (multi finger/single finger/simple waymark / advisory)	57	0
Interpretation panel	9	0
Gate (pedestrian access)	1	0
Cycle chicane	2	0
Steps	3	0
Fencing (chestnut paling)	1 x 50m (screen for pre-hedge establishment)	0
Tree planting	750 whips of local species in a 2x50m band	0

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Table 10 details the following new infrastructure items located within habitats identified as supporting habitat in the Supplementary Advice on Conservation Objectives (listed in D2):

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

New infrastructure items potentially located within supporting habitat	The Swale SPA & Ramsar	The Outer Thames SPA
Sign (multi finger/single finger/simple waymark/advisory)	2	0
Interpretation panel	0	0
Gate (pedestrian access)	0	0
Steps (wooden)	0	0
Fencing (chestnut paling)	0	0
Tree planting	0	0

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

Where posts are to be erected, a method statement will require hand tools and the replacement of any turf around the base of the post. Doing so will limit habitat loss to 0.125 m² in each location for the posts

Out of 18.31m² of new infrastructure inside the SPA boundary only two waymarker posts are within supporting habitat for The Swale – one within grazing marsh totalling 0.01m² out of 2512 ha (25.12 million m²) and the other within saltmarsh, totalling 0.01m² out of 915 ha (9.15 million m²). We can conclude in both cases that the loss is trivial in relation to the amount of habitat within the site and will not adversely affect the achievement of the conservation objectives.

The chestnut paling fencing and tree planting at Conyer, to provide a screen between the trail and the creek, is adjacent to but not within supporting habitat.

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



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Regular trampling of sensitive vegetation

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

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

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

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

The new section of path at Seasalter (WSI-1-S042) crosses grassland not considered to be a priority habitat and contains no supporting habitat or rare plants.

The plants that are named on the Ramsar information sheet that may be found on seawalls are *Peucedanum officinale* hogs fennel, *Bupleurum tenuissimum* slender hare's-ear and *Hordeum marinum* sea barley. The access assessment predicts a slight increase in access levels where the trail is on seawalls due to the relatively well walked nature of this stretch, increasing to significant for the very short section of new access at Seasalter. The trail largely adopts PROW with existing access and therefore there is a low risk that damage from trampling would take place. Within the Swale Estuary there are other sections of similar seawall habitat likely to support these species where access is restricted (e.g. within Elmley NNR).

Other sections are mainly on existing gravel tracks or promenades where there is a very low risk that any rare plants or sensitive supporting habitat would be present.

Rare plants listed as part of the Ramsar site assemblage which live coastal floodplain grazing marsh, for example *Chenopodium chenopodioides* Goosefoot and *Hordeum marinum* sea barley are widely distributed throughout The Swale. As the trail adopts PROW seaward of the grazing marshes between Seasalter and Little Murston there is no impact on these wet grassland species.



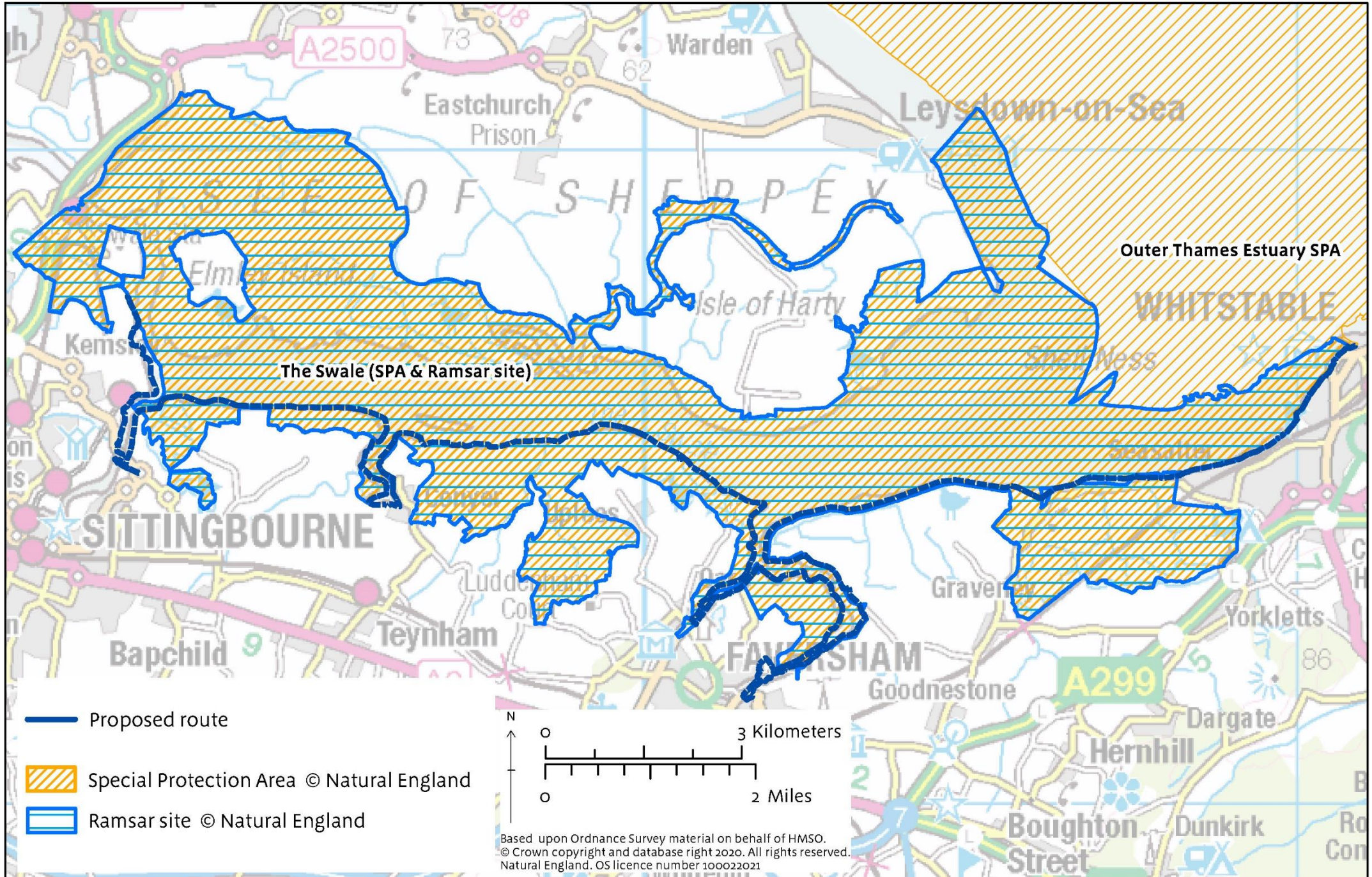
Assessment of Coastal Access proposals under regulation 63 of the Habitats Regulations 2017 (as amended) ('Habitats Regulations Assessment')

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

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

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Map 1: Natura 2000 designations within the Whitstable to Iwade ECP Stretch



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

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

Each location is considered in a separate subsection (3.2A, 3.2B etc.) and in each subsection we explain how the detailed design of our proposals in the relevant chapters takes account of possible risks.

The relationship between the locations referred to in this assessment and the corresponding Coastal Access Chapter in which the access proposal is described is shown in table 11, along with the relevant qualifying features.

Table 11 - Summary of key locations

Location	Cross reference to the access proposal (chapter and section numbers)	Non-breeding waterbirds	Breeding waterbirds	Nationally scarce plants and wetland invertebrates
Seasalter (new access)	Chapter 1: Whitstable to Nagden, Sections WSI-1-S040 to WSI-1-S042 Map 2	✓	✓	
Castle Coote, South Swale LNR	Chapter 1: Whitstable to Nagden, Section WSI-1-S055 Map 3	✓	✓	✓
Oare Marshes LNR	Chapter 3: Hollowshore to Little Murston, Sections WSI-3-S055 to WSI-3-S057 Map 3	✓		✓
Conyer Creek	Chapter 3: Hollowshore to Little Murston, Sections WSI-3-S067 to WSI-3-S068 Map 4	✓		



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D3.2A Seasalter Levels

I) Baseline situation

Seasalter represents the only section of formal new access on this stretch. The Saxon Shore Way promoted route currently follows the busy Faversham Road here rather than the coastline. South of the road are a number of properties behind which is a grassed bank/seawall. Some low level de-facto use of the top of this seawall exists by local dog walkers avoiding the road.

The fields to the south of the seawall that form part of the RSPB Seasalter Levels Reserve. Currently these fields support only very low numbers of breeding or wintering birds.

II) Detailed design features of the access proposal

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

Both the proposed trail and the margin will fall within The Swale SPA and Ramsar Site.

The proposed route for the coast path follows the landward base of the seawall behind the houses for 700m having crossed the road from the promenade at Beach Court Park Caravan Park (eastern end) before re-crossing the road at the pumping station to access the beach and re-join the Saxon Shore Way (western end).

The fields to the south of the seawall forming part of the RSPB Seasalter Levels Reserve are separated from the proposed trail by a ditch. In due course scrapes will be created in the fields, set back some way from the trail, and low level bunds constructed around the perimeter to enable water level management to take place. The control of water levels will provide habitats and conditions for both breeding waders and overwintering birds.

The EA seawall will provide a back-drop to the trail thereby prevent any sky-lining of walkers.

Signs will also be installed at either end of this section of new access requesting walkers not to access the top of the seawall. This is primarily to protect the privacy of the properties seaward of the trail/seawall but will also ensure that there is no disturbance to bird populations, although it is the RSPB’s view that the enhanced habitats will be sufficiently away for access here not to be an issue.

The trail at the base of the seawall will provide the public, birdwatchers and RSPB members with the opportunity to view and enjoy the bird interest without causing any disturbance.



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

Disturbance of feeding or resting non-breeding waterbirds from recreational activities

There is no risk of disturbance to overwintering birds roosting on the shoreline from recreational activities, particularly dogs off leads as this new access is on the landward side of the coast road and is shielded by the seawall.

Landward of the trail and separated by a ditch, the fields forming part of the RSPB reserve support very little in the way of bird interest. This will change once scrapes are excavated and bunds created to contain and manage water levels, but the newly created habitats will be sufficiently far away to be unaffected by new access and in particular because the seawall provides a backdrop that prevents sky-lining of walkers. To reinforce the access arrangements signs will be installed at either end to request the public to keep to the trail and stay off the seawall.

Conclusion

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

D3.2B Castle Coote, South Swale LNR

I) Baseline situation

The Saxon Shore Way and public footpath follow the seawall along the southern shore of The Swale through the South Swale LNR managed by Kent Wildlife Trust.

At Castle Coote, on the foreshore of the LNR, saltmarsh is enclosed by a shingle/shell crescent and these habitats support breeding redshank, shelduck, oystercatcher, common and little tern, and provide the main roost site for overwintering and passage birds on the south Swale. Harriers and short-eared owl hunt over the saltmarsh here in winter.

The saltmarsh is a valuable habitat in its own right with specialist flora and provides feeding and roosting areas for SPA birds. The mudflats support large numbers of knot, oystercatchers and brent geese, the latter feeding on the eel grass found here.

The public can access Castle Coote long the beach/foreshore from The Sportsman inn 2.5kms to the east. The wildlife trust has fenced off Castle Coote and installed



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signage. However the signage is old and difficult to read from the PRoW and once walkers reach the fenced/signed area from along the foreshore there is no easy way of exiting back onto the seawall/PRoW.

Anecdotal evidence suggests that marsh harrier may have bred in the reedbed/fen along the borrow-dyke landward of the PROW in 2001 during the foot and mouth outbreak, when the Saxon Shore Way was closed to the public. A pair raised four young in 2014 and five in 2015, but there have been no records in recent years, although marsh harrier are likely to nest here from time to time in low numbers. To reduce disturbance to marsh harrier, particularly from dogs, the borrowdyke and reedbed here has been fenced with stock-proof fencing.

II) Detailed design features of the access proposal

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

Both the proposed trail and the margin will fall within The Swale SPA And Ramsar Site.

The coast path is to adopt the public footpath and Saxon Shore Way. Interpretation will be provided at either end of Castle Coote and at the entrance to the LNR near The Sportsman inn, through Bird Wise messages outlining the importance and sensitivity of the area, and the major benefits of keeping dogs on leads.

An s26 nature conservation restriction will apply year-round to the area within coastal margin at Castle Coote. An s25a restriction will also apply to the intertidal within the South Swale LNR. These restrictions will be reflected in interpretation and signage.

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

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

Little tern and other shorebirds nest on the shingle spit at Castle Coote (see map 1) April to August, and are highly sensitive to the presence of people and their dogs. Direct effects are possible via accidental trampling of nests and eggs. Indirect effects can occur where adult birds are disturbed off eggs or away from chicks, leaving them more vulnerable to predation or chilling.

Overwintering and passage wildfowl and waders also roost at Castle Coote at high tide.



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There is therefore a risk of increased disturbance to both breeding and non-breeding SPA birds at this location, given the slight increase in access levels predicted with the introduction of the coast path.

To address this risk a year-round s26a nature conservation restriction will apply to Castle Coote along with a series of interpretation panels, both here and at the eastern entrance to the reserve, linking to other rights of way. These will highlight through Bird Wise messages the importance and sensitivities of the site and the value of keeping dogs on leads for wildlife, particularly marsh harrier. Supporting notices will outline the s25a restriction over the intertidal due to the inaccessible nature of the mudflats.

The location and number of interpretation boards may vary, taking into account and subject to the proposed design and approval of the Cleve Hill Solar Farm.

Conclusion

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

D3.2C Oare Marshes LNR

I) Baseline situation

The Saxon Shore Way continues to follow the seawall along the south Swale through Oare Marshes LNR within The Swale SPA. It is a popular visit amongst walkers, dog walkers and bird watchers, being easily accessible from Oare village and providing a circular walk around the Reserve.

The saltmarsh here is a valuable habitat in its own right with specialist flora and provides a feeding and roosting area for SPA birds.

A variety of breeding bird species are found here including redshanks, bearded reedlings, water rail, gadwall and little grebe. Migratory species include black-tailed godwits, little stints and curlew sandpipers. Brent Geese, short-eared owl, merlin, pintail and wigeon are among the species that overwinter here.

The main wetland with its reedbed and islands in the north-east corner of the reserve, surrounded by grazing marsh, also provides an important wildfowl and wader roost.



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II) Detailed design features of the access proposal

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

Both the proposed trail and the margin will fall within The Swale SPA And Ramsar Site.

The proposed coast path once again adopts the public footpath and Saxon Shore Way around the coastal perimeter of the reserve.

Interpretation will be provided at strategic access points including the existing seawall hide to make visitors aware of the importance of the intertidal habitats for SPA birds, the importance of saltmarsh plant communities and the major benefits of keeping dogs on leads to protect breeding and roosting waterbirds and raptors, particularly marsh harrier.

An s25A restriction will apply to the intertidal due to its unsuitability for public access as elsewhere along the Swale.

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

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

The predominant concern is overwintering wildfowl and waders roosting and feeding on the mudflats and areas of saltmarsh (more so along the Swale than at the mouth of Oare Creek where the saltmarsh habitat is more patchy and fragmented). SPA birds could be disturbed and prevented from feeding here with the slight increase in access levels due to the coast path, if people were to leave the trail and walk out onto the saltmarsh or allow their dogs to access these areas. Non-breeding waterfowl using the inland wetlands, including saline pools, behind the seawall (beyond the coastal margin) to feed and roost could also be disturbed by dogs off leads.

Breeding waders and wildfowl in the wet grassland behind seawall are also vulnerable to disturbance by dogs off leads.

Strategic interpretation, largely focused at the local dog walking community will be sited at the main access points and bird hides and will be supplemented by a panel in the Reserve car park provided by Bird Wise. The interpretation will through brief clear Bird Wise messages emphasise the importance of the intertidal saltmarsh and mudflats, grazing marsh and wetland roost for SPA overwintering and breeding wildfowl and waders. The benefit of keeping dogs on leads to protect these birds and



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in particular marsh harrier will be highlighted as will the value of the saltmarsh as an important and specialist plant community which is prone to trampling.

An s25A restriction across the intertidal saltmarsh and mudflats will be introduced here as elsewhere on The Swale due to its unsuitability for public access.

Conclusion

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

D3.2D Conyer Creek

I) Baseline situation

The Saxon Shore Way (SSW) follows the seawall from the east and then diverts inland before it reaches Conyer Creek. At this point a public footpath continues along the Swale and then south along the creek-side, seaward of the former brickworks to reach the village of Conyer. Combining the Saxon Shore Way with this public footpath provides a convenient circular route, particularly popular with local dog walkers. This whole area falls within The Swale SPA.

The habitats of scrub, grassland and wetland across the former brickworks site at Conyer, also within the SPA, support protected species such as nightingale, water vole and great-crested newt.

Conyer Creek provides important high tide roosts for waders, particularly dunlin and redshank (4.2% and 4.0% respectively of the total Swale SPA population). As the tide rises, waders move up towards Conyer from the Swale to feed and ultimately roost on the upper saltmarsh on either side of the creek. The waders have a preference for the western bank although they will cross to the eastern bank if disturbed by people and dogs on the Saxon Shore Way here. The saltmarsh on the east side of the bank nearest to the PROW extends to 100m in width with waders therefore roosting some 50-100m away from the PROW at south-western boundary of the former brickworks site.

There is well established and dense scrub creek-side of the footpath at the southern end of the east bank for almost the full extent of the adjacent saltmarsh that screens walkers and dogs from roosting waders. However there is a stretch of around 25m in length at the northern end of the saltmarsh that is mostly open with the potential risk of sky-lining. See point C on map 3.



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A housing development of 24 homes has been proposed and given planning permission on appeal subject to conditions stipulated by Natural England, on part of the adjacent former Conyer Brickworks site. The consented layout is for the houses to be located at the furthest point away from the SPA (in the south-east corner). An application for an improved scheme, outlined to NE, has yet to be submitted by the landowner.

II) Detailed design features of the access proposal

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

Both the proposed trail and the margin will fall within The Swale SPA And Ramsar Site.

The proposal is for the coast path to continue to follow the SSW from the east towards Conyer. Where it diverts south and inland the trail it will continue westwards along the seawall adopting the public footpath which then follows the edge of the creek south to the village where it re-joins the Saxon Shore way.

Where the trail passes the high tide roost at the northern end of the saltmarsh and there is an open vista from the PRoW across the creek, a 50m band of scrub (using local native hedgerow species already thriving on the site, such as hawthorn and blackthorn) will be planted up to provide a natural screen to shield roosting waders from walkers, and particularly dogs, at high tide during the winter months. Chestnut paling fencing will be erected to provide an initial screen and protection while the planting becomes established. The whips will be planted in tree shelters to ensure maximum survival rates and generous planting will allow for some losses.

At this same location and at the other end of the public footpath a number of interpretation boards will be installed to highlight the sensitivity of the creek for roosting waders and emphasise the importance of keeping dogs on leads during winter high tides. Bird Wise messages will be used throughout.

Coastal access rights will be excluded over the intertidal saltmarsh and mudflats through a s25a direction, due to their unsuitability for public access. This will include the saltmarsh used by roosting waders.

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

Disturbance of non-breeding waterbirds from recreational activities

Taking the route of the PROW along the east bank of the creek (adjacent to the brickworks site) rather than that of the SSW inland (and later aligning the SSW to it) could potentially increase the level of disturbance to the winter wader roosts at high



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tide given the slight increase in access predicted by the introduction of the coast path. However, the PROW is already very well used by local people and dog walkers and the SSW currently runs along the west bank of Conyer creek, where there is a known preference for waders to roost, perhaps due to the larger area of saltmarsh here.

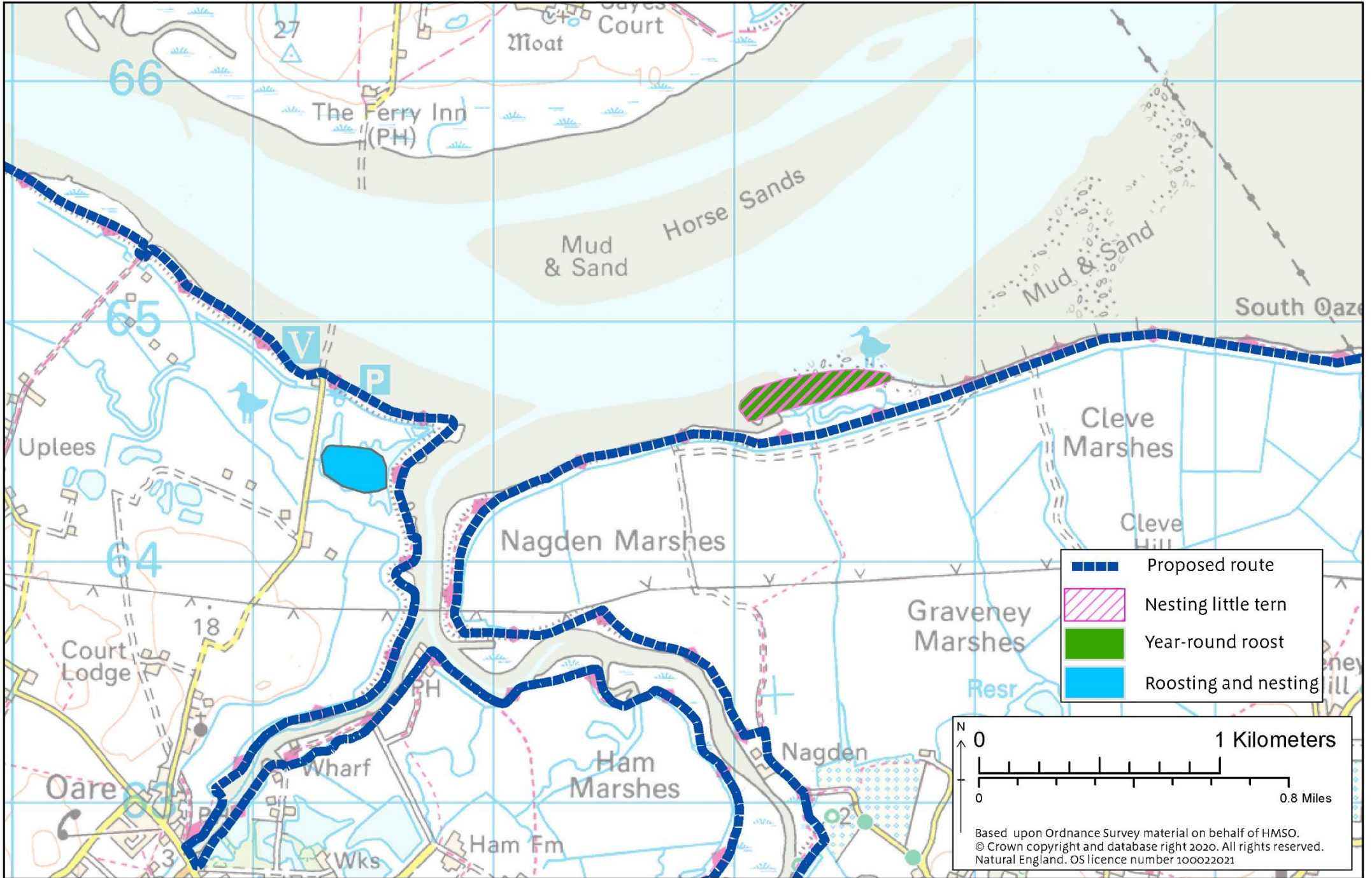
Conclusion

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



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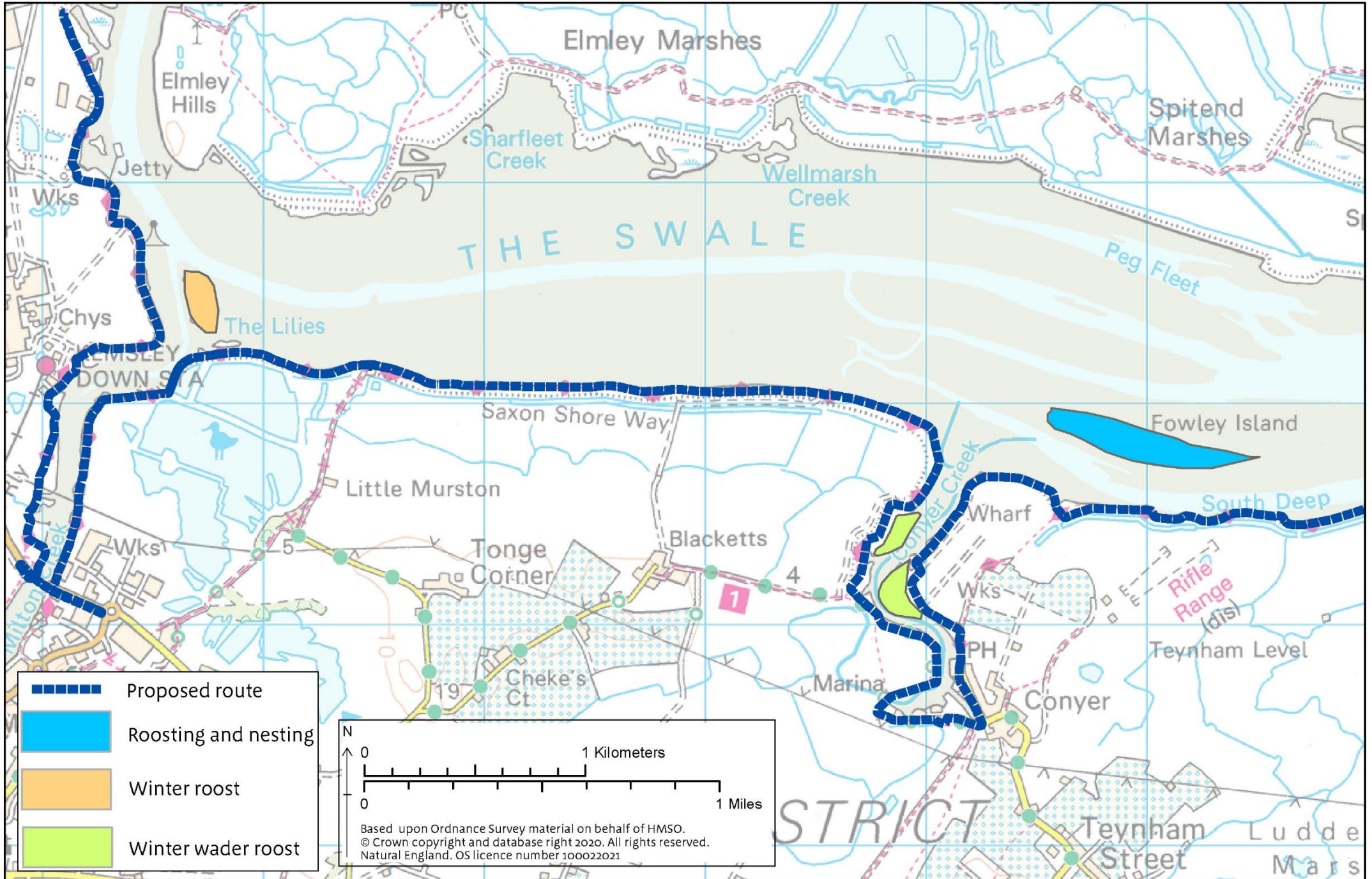
Map 3: Cleve Marshes to Oare Marshes



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Coastal Access - Whitstable to Iwade - Habitat Regulations Assessment

Map 4: Teynham Level to Kemsley Marshes



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

Table 12 - Assessment of adverse effects on site integrity

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>Disturbance to feeding or resting non-breeding waterbirds from recreational activities following changes in recreational activities as a result of the access proposal, leads to reduced fitness and reduction in population and/or contraction in the distribution of Qualifying Features within the site</p> <p>and</p> <p>Disturbance of breeding birds from recreational activities as a result of the</p>	<p>The proposed route will be well marked and clear to follow and therefore visitors are unlikely to stray from the path.</p> <p>There will be collaboration with Bird Wise and Kent Wildlife Trust to install and maintain new interpretation panels in key locations to encourage responsible behaviour.</p> <p>A year round nature conservation S26(3a) restriction excluding access will be applied at Castle Coote, South Swale LNR.</p> <p>Hedge planting at Conyer Creek will provide a natural screen to shield roosting waders from walkers at high tide in winter.</p> <p>The vast majority of the intertidal saltmarsh and mudflats are unsuitable for walking and access will be excluded by S25A directions</p>	<p>Yes.</p> <p>Our proposal is designed to maintain important refuges and facilitate responsible recreation in ways that minimise disturbance to breeding and non-breeding waterbirds.</p> <p>Key roosts and nesting sites will continue to function as important refuges in the SPA through careful alignment of the Coast Path, and by excluding access to the Coastal Margin in these locations.</p> <p>Providing access to wildlife sites through carefully selected and promoted routes is an effective management technique for reducing disturbance pressure over a site. However, managing access in this way requires a co-ordinated approach between partners involved to be effective. The environmental conditions of The Swale SPA and Ramsar sites are dynamic and influenced by a number of human activities. It is possible there are other plans and projects currently in development that could, in combination with the Coast Path, lead to adverse effects on the integrity of the site. In light of</p>	<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?
access proposal, leads to nest trampling and abandonment, and the resultant reduction in the breeding population		this uncertainty, and in order to ensure that the implementation of coastal access in this area doesn’t lead to adverse effects on integrity in combination with other planned initiatives, we have carried out a further in-combination assessment below.	
Disturbance to qualifying features from construction works as a result of the access proposal, leads to temporary or enduring effects on their population and/or distribution within the site.	Table 8 in section D3.1 provides a summary of the mitigation measures to reduce the disturbance to non-breeding and breeding waterbirds, including scheduling works to limit disturbance risk.	Yes. Providing the mitigation measures are implemented during the construction works any impacts from the works to non-breeding and breeding waterbirds should be minimised. The installation methods will be checked at the establishment stage and further assessment under the Habitat Regulations made, as necessary, prior to the works being carried out.	No.
The installation of access management infrastructure may lead to a loss of habitat which supports the qualifying features. This includes all necessary	Within The Swale Estuary the proposal will install: One waymarking post within grazing marsh One waymarking post within saltmarsh	Yes. The Swale Estuary: Within grazing marsh, the infrastructure equates to a total loss of 0.01m ² . This is trivial in relation to the amount of grazing marsh within the site, 25.12million m ² . The area concerned is not a key site for non-breeding or breeding waterbirds.	Yes.

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Risk to conservation objectives	Relevant design features of the access proposal	Can ‘no adverse effect’ on site integrity be ascertained? (Yes/No) Give reasons.	Residual effects?
<p>stages of the non-breeding bird period (moulting, roosting, loafing, and feeding); the breeding bird period (courting, nesting and feeding); and the habitats that support nationally scarce plants and the habitats that support wetland invertebrates.</p>	<p>There is no infrastructure in relation to the Outer Thames Estuary.</p>	<p>Within saltmarsh, the infrastructure equates to a total loss of 0.01 m². This is trivial in relation to the amount of saltmarsh within the site, 9.15million m². The area concerned is not a key site for non-breeding or breeding waterbirds.</p>	
<p>Trampling of nationally scarce plants and of the habitats that support wetland invertebrates may lead to a direct loss of habitat and habitat which supports the qualifying features within the sites</p>	<p>The vast majority of the proposal will follow existing highways, promoted route or rights of way. Where this is the case we expect no additional significant impacts from the slight increase in visitors.</p> <p>Access will be restricted year round in the margin at Castle Coote, South Swale LNR for wintering and breeding birds and this site is also likely to support sensitive vegetation</p> <p>Nearly all the intertidal saltmarsh and mudflats are unsuitable for walking and</p>	<p>Yes.</p> <p>No key areas for sensitive plants have been identified, for most plants there is a widespread distribution throughout The Swale Ramsar site.</p> <p>The trampling of sensitive vegetation has been assessed for the short section of new path at Seasalter.</p> <p>Sensitive vegetation may be present on seawalls. No significant impact on the botanical interest can be concluded due to the existing levels of access. Additionally there are other areas of similar seawall habitat within The Swale where the</p>	<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>access will be excluded here by direction</p> <p>The proposed route will be well marked and clear to follow and therefore visitors are unlikely to stray from the path</p>	<p>sensitive plants may be present and where access is to be restricted, such as within Elmley NNR.</p> <p>Important plant communities of wet grassland are widely distributed throughout grazing marsh within The Swale. As the trail follows existing access seaward of flood plain grazing marsh habitat there should be significant loss of sensitive plant species.</p>	

Conclusion:

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

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

Trampling of sensitive vegetation

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

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

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



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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 table 13 we identify those for which appreciable effects that are not considered by the relevant competent authority to be significant alone, but which could combine with effects of our access proposal that we would otherwise consider to be insignificant (it is not the purpose of in-combination assessment to consider the effects of other plans or projects that are thought to be significant in their own right).

Table 13 - Review of other live plans and projects

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

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

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Competent Authority	Plan or project	Have any insignificant and combinable effects been identified?
	not implemented yet)	The appropriate assessment concluded that residual effects can be ruled out.
Planning Inspectorate	Wheelabrator Kemsley Generating Station (K3) and Wheelabrator Kemsley North (WKN) Waste to Energy Facility	No. The application has not been submitted to the Planning Inspectorate and therefore the project is not at a stage where an assessment of likely significant effects has been carried out.
Planning Inspectorate	Cleve Hill Solar Park	No. The project has been approved by the Planning Inspectorate. No Habitat Regulations Assessment has been undertaken. The submitted Report to Inform an Appropriate Assessment doesn't identify any residual effects. Natural England has been involved throughout process so far and has raised no significant concerns.
Kent County Council	Incinerator Bottom Ash (IBA) recycling facility at Ridham Dock	No. The proposals for the recycling facility at Ridham Dock, are not at a stage where an assessment of likely significant effects has been carried out.
Kent County Council	East Kent Recycling Limited	No. East Kent Recycling Ltd have applied to Kent County Council for planning permission to improve the route along a road, currently used as an alternative to an obstructed footpath, in order to make it safer for pedestrians. The road runs parallel to, and a few metres above, the edge of the saltmarsh that forms the SSSI boundary. At its closest point, the edge of the SSSI is 9.5m distance from the seaward edge of the path; however in most places the distance is over 15m. The works will not adversely affect the integrity of the designated site.

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Competent Authority	Plan or project	Have any insignificant and combinable effects been identified?
Swale Borough Council	Erection of a building for the storage and distribution of cement, Ridham Dock	No. The Appropriate Assessment did not identify any residual effects due to the proposed mitigation.
Canterbury City Council	CA//19/01769 Proposed erection of gates and fences, installation of piping and formation of bunds and scrapes. Seasalter Levels, Seasalter Lane, Seasalter, CT5 4BS	No. The works are directly connected with or necessary to the management of the SPA and therefore do not need to be considered in-combination with our proposal.
Natural England	Consent - removal of a crossing point across a ditch. Re-siting 50 m North on the same ditch to connect two fields and enable ease of livestock movement and remove poaching in the same area.	No. The consent has not been issued at the time of writing this assessment, no HRA has been undertaken. The proposal is not at a stage where we are able to determine if there would be residual effects that would act in-combination. It will be for Natural England, as competent authority to assess how any residual effects arising from the proposal could interact with the England Coastal Path proposals before issuing the consent.
Natural England	Implementation of coastal access from Iwade to Grain	Yes. The Habitat Regulations Assessment for The Swale and Medway Estuary & Marshes SPA and Ramsar sites could not rule out residual effects from disturbance to foraging or resting non-breeding waterbirds and breeding birds, and loss of sensitive vegetation from trampling.
Natural England	Implementation of coastal access around the Isle of Sheppey	Yes. The Habitat Regulations Assessment for The Swale, Medway Estuary & Marshes and Thames Estuary SPA and Ramsar sites could not rule out residual disturbance impacts to resting non-breeding waterbirds and breeding birds, and loss of sensitive vegetation from trampling.

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

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

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

In light of the conclusions of Steps 1 & 2, we have made an assessment of the risk of in-combination effects. The results of this risk assessment, taking account of each qualifying feature of each site and in view of each site's Conservation Objectives, are as followed in Table 14:

Table 14 - Assessment of adverse effects on integrity in combination

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

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

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Residual risk	In-combination pressure	Assessment of risk to site conservation objectives	Potential adverse effect?
New access within The Swale Ramsar site could lead to the trampling of nationally scarce plants and of the habitats that support wetland invertebrates	Trampling of nationally scarce plants and of the habitats that support wetland invertebrates may lead to a direct loss of habitat and habitat which supports the qualifying features within the sites	<p>700m of new access is proposed within The Swale Ramsar site for the Whitstable to Iwade Coast Path. This is restricted to the landward side of the seawall.</p> <p>4km of new access is proposed within the Swale Ramsar site for the Isle of Sheppey. This is restricted to the trail only, whether on top of the seawall, grass banks or using farm access tracks.</p> <p>With regard to the potential trampling of saltmarsh, no new access rights will be created across the intertidal within the margin as this is unsuitable for public access and will be restricted by direction.</p> <p>Where a well-established trail passes nearby grazing marsh and there is a natural or physical separation of grazing marshes by borrow dykes, ditches, scrub or curtilage of a built development, it is also unlikely that the Coast Path proposals will result in increased trampling.</p>	No

The possibility of adverse effects arising in combination with other plans and projects is thus ruled out.



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D5. Conclusions on Site Integrity

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

Natural England has concluded that:

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



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PART E: Permission decision with respect to European Sites

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

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

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

Certification

Prepared by Rob Carver (Lead Adviser – England Coast Path) 07/12/2020

A handwritten signature in black ink, appearing to read "R. Carver".

Approved by Kristoffer Hewitt (Senior officer with responsibility for protected sites) 07/12/2020

A handwritten signature in black ink, appearing to read "Kristoffer Hewitt".



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Natural England is here to conserve and enhance the natural environment, for its intrinsic value, the wellbeing and enjoyment of people and the economic prosperity it brings.

<https://www.gov.uk/government/collections/england-coast-path-improving-public-access-to-the-coast>

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