

**Assessment of England Coast Path  
proposals between Kingswear and  
Lyme Regis on:  
Lyme Bay & Torbay Special Area of  
Conservation (SAC);  
South Hams SAC;  
Dawlish Warren SAC;  
Sidmouth to West Bay SAC;  
Exe Estuary Special Protection Area (SPA)  
and  
Exe Estuary Ramsar site**

**Version 2.0**

**Revised and updated: 26 March 2020**



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# Summary

## I) Introduction

This is a record of the Habitats Regulations Assessment ('HRA') undertaken by Natural England (in its role of competent authority) 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 from Kingswear to Lyme Regis on the following sites of international importance for wildlife:

- Lyme Bay to Torbay Special Area of Conservation
- South Hams Special Area of Conservation
- Dawlish Warren Special Area of Conservation
- Sidmouth to West Bay Special Area of Conservation
- Exe Estuary Special Protection Area
- Exe Estuary Ramsar site

England Coast Path proposals are within scope of a European Court judgment which was handed down in April 2018. Known colloquially as People over Wind, the judgment 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 it alongside the previously made proposals. This revised and updated version of 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 30<sup>th</sup> March 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.**

[www.gov.uk/government/publications/england-coast-path-from-kingswear-to-lyme-regis-comment-on-proposals](http://www.gov.uk/government/publications/england-coast-path-from-kingswear-to-lyme-regis-comment-on-proposals)

## II) Background

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

**Table 1: Main wildlife interests**

Interest	Description
Reefs	The Lyme Bay and Torbay SAC is comprised of two separate geographical areas containing Annex 1 reef. The areas are described (from east to west) as Lyme Bay reefs and Mackerel Cove to Dartmouth reefs. The Lyme Bay reefs extend from Chesil Beach in the east to west of Beer Head. Unlike other areas in the site, the reefs here occur as outcropping bedrock slightly offshore rather than extending directly from the coast. The Mackerel Cove to Dartmouth reefs

Interest	Description
	extend along the coastline from Mackerel Cove in the east to Landcombe Cove in the west.
Caves	There are a total of 85 recorded submerged and partially submerged sea caves within the Lyme Bay and Torbay SAC, located from Mackerel Cove in the north to Sharkham Point in the south. The South Hams SAC includes three separate cave networks, Buckfastleigh Caves, Chudleigh Caves and the coastal cave system at Berry Head.
Open Coastal Habitats	A variety of coastal vegetation types including heath, grassland, woodland and scree slopes form part of the South Hams and Sidmouth to West Bay sites.
Dune Habitats	Dawlish Warren is a sand spit established at the mouth of the Exe estuary. It exhibits both mobile and fixed dune habitats, as well as dune slacks.
Greater horseshoe bat	Greater horseshoe bats are a feature of the South Hams SAC. Colonies are found in three locations within the site including Chudleigh Caves, Buckfastleigh and Berry Head Caves.
Non-breeding waterbirds	The Exe Estuary SPA and Ramsar site is designated for the internationally important numbers of non-breeding waterbirds that use it on passage and to overwinter. The site extends 10 km south from Exeter on the River Exe to the open sea.

### III) Our approach

Natural England's approach to ensuring the protection of sensitive nature conservation features under the Coastal Access Programme is set out in the Coastal Access Scheme [1]. Note that, following a ruling by the Court of Justice of the European Union (Case C-323/17 – usually cited as *People over Wind*), we have issued a technical memorandum concerning the application of this methodology where assessment under the Habitats Regulations is required.

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

Evidence is also gathered as appropriate from a range of other sources which can include information and data held locally by external partners or from the experience of local land owners, environmental consultants and occupiers. The approach includes looking at any current visitor management practices, either informal or formal. It also involves discussing our emerging conclusions as appropriate with key local interests such as land owners or 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 interests 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 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.

#### IV) Aim and objectives for the design of our proposals

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

A key consideration in developing coastal access proposals for this stretch has been the possible impact of disturbance on non-breeding waterbirds as a result of recreational activities, 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
- Work with local partners to design detailed proposals that take account of and complement efforts to manage access in sensitive locations

#### V) Conclusion

We have considered whether our detailed proposals for coastal access between Kingswear and Lyme Regis might have an impact on the designated sites and their associated features listed in the introduction and Table 3 below. 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 some of 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 any of these sites. These measures are summarised in Table 2.

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

Risk to conservation objectives	Relevant design features of the access proposals
The access proposals modify how the site is used for recreation causing disturbance and displacement of non breeding waterbirds as features of the Exe Estuary SPA and Ramsar site.	A year round exclusion of coastal access rights is proposed, in line with existing measures to limit access within the wildlife refuge area north of Dawlish Warren.
The access proposals increase the public use of the disused quarry on Berry Head reducing the suitability of the site as a viable roost for the Greater horseshoe bat feature within the South Hams SAC.	A year round exclusion of coastal access rights will ensure an increase in public access close to the roost site is prevented.

## VI) Implementation

Once a route for the trail has been confirmed by the Secretary of State, we will work with Devon and Dorset County Councils and Torbay 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 Neil Harris and the Exe Estuary partnership and to other organisations and local experts whose contributions and advice have helped inform the development of our proposals and the writing of this assessment.

# PART A: Introduction and information about the England Coast Path

## A1. Introduction

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

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

Where implementation of a Coastal Access Report could impact on a site designated for its international importance for wildlife, called a ‘European site’<sup>1</sup>, a Habitats Regulations Assessment must be carried out.

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

Natural England’s approach to ensuring the protection of sensitive nature conservation features under the Coastal Access Programme is set out in the Coastal Access Scheme [1]. Note that, following a ruling by the Court of Justice of the European Union (Case C-323/17 – usually cited as *People over Wind*), we have issued a technical memorandum concerning the application of this methodology where assessment under the Habitats Regulations is required. In order to comply with this ruling the Secretary of State had 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 Kingswear to Lyme Regis and published on 30<sup>th</sup> March 2017. Our proposals to the Secretary of State for this stretch of coast are presented in a single report subdivided into a number of chapters 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 part of the stretch in question.

The access proposals published on 30/3/2017 propose to exclude new coastal access rights from an area at Dawlish Warren for conservation reasons. At the time the access proposals were made, a proposal had been made by the Exe Estuary Management Partnership for a Voluntary Quiet Zone. This proposal was implemented later that year and has become known as the Dawlish Warren Wildlife Refuge.

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

A review and consultation about the refuge areas in the Exe Estuary was carried out by South and East Devon Habitats Regulation Executive Committee in 2019 [2]. As a result of this review the boundary of the Dawlish Warren wildlife refuge has been changed slightly. The current boundary for the refuge area can be viewed by following the link below:

[www.exe-estuary.org/visitor-information/wildlife/wildlife-designations](http://www.exe-estuary.org/visitor-information/wildlife/wildlife-designations)

The boundary of the proposed local exclusion of coastal access rights will be updated accordingly.

Our proposals for coastal access have two main components:

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

### **England Coast Path**

A continuous walking route around the coast – the England Coast Path National Trail - will be established by joining up existing coastal paths and creating new sections of path where necessary. The route will be established and maintained to National Trail quality standards. The coastal path will be able to ‘roll back’ as the coast erodes or where there is significant encroachment by the sea such as occurs in the case of a deliberate breach of sea defences.

### **Coastal Margin**

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

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

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

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

The Coast Path will be promoted as part of the family of National Trails. On the ground, the path will be easy to follow, with distinctive signposting at key intersections and places people can join the route. Directional way markers incorporating the National Trail acorn symbol will be used to guide people along the route. The coastal margin will not normally be marked on the ground, except where signage is necessary to highlight dangers that might not be obvious to visitors, or clarify to the scope and/or extent of coastal access rights.

Information about the Coast Path will be available on-line, including via the established National Trails website that has a range of useful information, including things for users to be aware of, such as temporary closures and diversions. The route is depicted on Ordnance Survey maps using the acorn symbol. The extent of the coastal margin is also depicted,



together with an explanation about coastal access, where they do and don't apply and how to find out about local restrictions or exclusions.

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

The access proposals provide for the permanent establishment of a path and associated infrastructure, including additional mitigation measures referred to in this assessment and described in the access proposals. 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 Devon and Dorset County Councils and Torbay 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.

## **PART B: Information about the European Sites which could be affected**

### **B1. Brief description of the European Sites and their Qualifying Features**

#### **Lyme Bay and Torbay SAC**

The Lyme Bay and Torbay SAC is designated as a Special Area of Conservation for its reefs and infralittoral sea caves. The site comprises two separate geographical areas (from east to west), the Lyme Bay Reefs and the Mackerel Cove to Dartmouth Reefs.

#### **South Hams SAC**

The South Hams SAC is a complex of five sites dispersed across 300 km<sup>2</sup> of South Devon, designated as a Special Area of Conservation for its limestone and steep coastal habitats. The site is also designated for the internationally important population of the Greater horseshoe bats it supports.

#### **Dawlish Warren SAC**

The Dawlish Warren SAC is designated as a Special Area of Conservation for its dune habitats. Dawlish Warren is a geomorphologically important sand spit that protects the mouth of the Exe estuary. This complex sand spit, exhibiting two parallel ridges, is predominantly composed of sandy sediments and contains a variety of habitats from bare sand and embryo sand dunes, to mobile dunes, fixed dunes, dune grassland and dune slack. Large populations of petalwort occur in two dune slacks at Dawlish Warren.

#### **Sidmouth to West Bay SAC**

The Sidmouth to West Bay SAC is designated as a Special Area of Conservation for its vegetated coastal slopes and cliffs and drift line vegetation. Sidmouth to West Bay is an example of a highly unstable soft cliff coastline subject to mudslides and landslips.

#### **Exe Estuary SPA**

The Exe Estuary is designated as a Special Protection Area for the internationally important numbers of non-breeding waterbirds that use it on passage and to overwinter. The site extends 10 km south from Exeter on the River Exe to the open sea and encompasses the coastal and offshore waters, intertidal mudflat and sandflats, low lying land and marshes and the beaches and dunes of Dawlish Warren where an unusual double spit occurs across the mouth of the estuary.

#### **Exe Estuary Ramsar site**

The Exe Estuary is designated as a Ramsar site for dark-bellied brent goose and a non-breeding waterbird assemblage. The site shares its boundary with the Exe Estuary SPA.

The following table provides a complete list of the qualifying features of the European Sites which could be affected by the access proposals.

**Table 3: Qualifying features**

Qualifying feature	Lyme Bay and Torbay SAC	South Hams SAC	Dawlish Warren SAC	Sidmouth to West Bay SAC	Exe Estuary SPA	Exe Estuary Ramsar site
H1170 Reefs	✓					
H8330 Submerged or partially submerged sea caves	✓					
H8310 Caves not open to the public		✓				
H4030 European dry heaths		✓				
H6210 Semi-natural dry grasslands and scrubland facies on calcareous substrates <i>Festuco-Brometalia</i>		✓				
H1230 Vegetated sea cliffs of the Atlantic and Baltic coasts		✓		✓		
H9180 Forests of slopes, screes and ravines <i>Tilio-Acerion</i>		✓		✓		
S1304 Greater horseshoe bat <i>Rhinolophus ferrumequinum</i>		✓				
H2120 Shifting dunes along the shoreline with <i>Ammophila arenaria</i>			✓			
H2130 Fixed dunes with herbaceous vegetation			✓			
H2190 Humid dune slacks			✓			
S1395 Petalwort <i>Petalophyllum ralfsii</i>			✓			
H1210 Annual vegetation of drift lines				✓		
A132 Avocet <i>Recurvirostra avosetta</i> (non-breeding)					✓	
A616 Black-tailed godwit <i>Limosa limosa islandica</i> (non-breeding)					✓	
A046a Dark-bellied brent goose <i>Branta bernicla bernicla</i> (non-breeding)					✓	✓
A672 Dunlin <i>Calidris alpina alpina</i> (non-breeding)					✓	
A141 Grey plover <i>Pluvialis squatarola</i> (non-breeding)					✓	
A130 Oystercatcher <i>Haematopus ostralegus</i> (non-breeding)					✓	
A007 Slavonian grebe <i>Podiceps auritus</i> (non-breeding)					✓	
Waterbird assemblage <sup>1</sup> (non-breeding)					✓	✓

**Notes:**

<sup>1</sup> 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. The main component species for this assemblage include: Oystercatcher *Haematopus ostralegus*, Black tailed godwit *Limosa limosa*, Dunlin *Calidris alpina*, Dark-bellied brent goose *Branta bernicla bernicla*, Wigeon *Anas penelope*, Greenshank *Tringa nebularia*, Little Egret, *Egretta garzetta*, Blackheaded Gull, *Chroicocephalus ridibundus*, Herring Gull, *Larus argentatus* and the Annex I species Avocet *Recurvirostra avosetta*. These species have been identified using the WeBs data five year mean peaks from 2013/14 – 2017/18 [3].

## 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.

Supplementary advice packages for the sites included within this assessment can be viewed using the following links:

Lyme Bay and Torbay SAC [4]

<https://designatedsites.naturalengland.org.uk/Marine/MarineSiteDetail.aspx?SiteCode=UK0030372&SiteName=&countyCode=&responsiblePerson=&SeaArea=&IFCAArea=#suppadvice>

South Hams SAC [5]

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

Dawlish Warren SAC [6]

<http://publications.naturalengland.org.uk/publication/5964744200552448>

Sidmouth to West Bay SAC [7]

<http://publications.naturalengland.org.uk/publication/5076579893903360>

Exe Estuary SPA and Ramsar site [8]

<https://designatedsites.naturalengland.org.uk/Marine/MarineSiteDetail.aspx?SiteCode=UK9010081&SiteName=exe&countyCode=&responsiblePerson=&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 Conservation Objectives. As the provisions on the Habitats Regulations relating to Habitat Regulations Assessments extend to Ramsar sites, Natural England considers the Conservation Advice packages for the overlapping European Marine Site designations to be, in most cases, sufficient to support the management of the Ramsar interests.

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

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

The Coastal Access Plan is not directly connected with or necessary to the management of the European 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 sites' qualifying features, and/or contains non-conservation elements, further Habitats Regulations assessment is required.

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

This section details whether those constituent elements of the plan or project which are (a) not directly connected with or necessary to the management of the European Sites 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 sites.

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 as shown in Table 4.

**Table 4: Feature groups**

Feature group	Qualifying features
Reefs	H1170 Reefs
Caves	H8330 Submerged or partially submerged sea caves; H8310 Caves not open to the public
Open coastal habitats	H4030 European dry heaths; H6210 Semi-natural dry grasslands and scrubland facies on calcareous substrates <i>Festuco-Brometalia</i> ; H1230 Vegetated sea cliffs of the Atlantic and Baltic coasts; H1210 Annual vegetation of drift lines; H9180 Forests of slopes, screes and ravines Tilio-Acerion;
Dune habitats	H2120 Shifting dunes along the shoreline with <i>Ammophila arenaria</i> ; H2130 Fixed dunes with herbaceous vegetation; H2190 Humid dune slacks
Petalwort	S1395 Petalwort <i>Petalophyllum ralfsii</i>
Greater horseshoe bat	S1304 Greater horseshoe bat <i>Rhinolophus ferrumequinum</i>
Non-breeding waterbirds	A132 Avocet <i>Recurvirostra avosetta</i> (non-breeding), A616 Black-tailed godwit <i>Limosa limosa islandica</i> (non-breeding), A046a Dark-bellied brent goose <i>Branta bernicla bernicla</i> (non-breeding), A672 Dunlin <i>Calidris alpina alpina</i> (non-breeding), A141 Grey plover <i>Pluvialis squatarola</i> (non-breeding), A130 Oystercatcher <i>Haematopus ostralegus</i> (non-breeding), A007 Slavonian grebe <i>Podiceps auritus</i> (non-breeding), Waterbird assemblage (non-breeding)

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

**Table 5: Assessment of likely significant effects alone**

Feature group	Relevant pressure	Sensitivity to coastal access proposals	Assessment of risk to site conservation objectives	LSE alone?
Reefs	None identified	Our access proposals, (including the associated coastal margin), extend to Mean Low Water (MLW). The reef features are located below MLW and so are outside of the scope of these proposals.	No risk	No
Caves	Physical damage	There are 85 known sea caves, (H8330 Submerged or partially submerged sea caves), within the Lyme Bay and Torbay SAC. These range from those located above high tide, to fully submerged caves in several different rock types. The cave feature within the South Hams SAC is present at three separate locations: Berry Head to Sharkham Point, Buckfastleigh Caves and Chudliegh Caves. The latter two sites occur inland of the proposed coastal margin. The Berry Head to Sharkham complex are either difficult to access or do not contain features sensitive to occasional public access. The only exception are those caves that accommodate populations of greater horseshoe bats. This species will be considered separately within this table.	No risk The submerged or partially submerged caves are not excessively disturbed as they are in places that are physically difficult to access (in sea cliffs), or are submerged below mean low water. Cave-specialist fauna within the Berry Head to Sharkham Point complex is likely to be found within relatively inaccessible parts of the cave system and is therefore deemed to be at low risk of disturbance.	No
Open Coastal Habitats	Trampling of vegetation	Due to the nature of the vegetation of these habitats they are somewhat resilient to trampling. However, repeated, focused trampling along new paths could adversely impact the vegetation and potentially cause erosion of the substrate.	No risk The existing line of the SWCP is proposed to be adopted throughout the coastal stretch between Kingswear to Lyme Regis. Therefore, there is no risk of focused trampling along new paths within the European sites. Establishment of the seaward coastal margin is considered low risk due to sections of coast that are already designated as open access or where informal	No

Feature group	Relevant pressure	Sensitivity to coastal access proposals	Assessment of risk to site conservation objectives	LSE alone?
			access is otherwise tolerated. The establishment of coastal access rights will therefore not change the current use of the margin within the designated sites concerned.	
Open Coastal Habitats	Loss of extent	The installation of new infrastructure along a realigned coast path could destroy coastal habitats if hard structures or materials were placed over areas occupied by such SAC features.	No risk No new infrastructure is proposed within the path corridor.	No
Open Coastal Habitats	Temporary damage to habitat	Realignments of the SWCP could temporarily damage surrounding habitat if machinery used to install the path was not used carefully or during wet weather.	No risk No new realignments of the SWCP are proposed.	No
Dune Habitats	Physical damage	Dunes are somewhat resilient to trampling. Walking can be a contributing agent to management of the dunes, helping to maintain egg mobility / areas of bare sand or low vegetation. Care is needed over sighting of new path infrastructure or if significant changes to access permissions are proposed.	No risk The proposed route for the Coast Path bypasses Dawlish Warren where the dunes are found. Use of the trail will not affect the SAC, which is separated from the Coast Path by a railway line. Dawlish Warren is a National Nature Reserve and access to the area is actively managed. There is a visitor centre on site and other facilities including promoted trails. The SAC will be within the coastal margin, however; the access proposals will make no practical difference to visitor management of the site. Note that the risk of localised impacts on Petalwort are separately considered.	No
Petalwort	Trampling / Eutrophication	Petalwort <i>Petalophyllum ralfsii</i> favours areas of short and open turf. Therefore, a certain level of trampling can help to maintain the right conditions for this species. However; petalwort is sensitive to excessive	Petalwort is found within dune slacks at Dawlish Warren. As explained above, we do not expect the access proposals to affect visitor management within the SAC. Because Petalwort is highly localised in the SAC and may be sensitive to small changes in	Yes



Feature group	Relevant pressure	Sensitivity to coastal access proposals	Assessment of risk to site conservation objectives	LSE alone?
		trampling or the growth of rank vegetation as a result of eutrophication caused by concentrated dog fouling.	recreation related pressures (trampling and eutrophication), this feature is considered in more detail in Part D of the assessment.	
Greater horseshoe bat	Disturbance by walkers when foraging.	Bats might be disturbed or deterred from using foraging or commuting habitat by those exercising their coastal access rights.	No risk Few people will be using the path at times when the species are likely to be foraging or commuting.	No
Greater horseshoe bat	Disturbance by human access to roosting and breeding sites.	Bats may be sensitive to disturbance if people were to enter a roost / breeding site or be in the proximity of such a site, particularly at times when the bats are in hibernation or nursing young.	The Berry Head site is closed off to the public at present. However, as it will be located within the seaward coastal margin there is a risk that those exercising their coastal access rights may attempt to access the Berry Head quarry and/or caves, causing disturbance to the colony. All other roost sites within the South Hams SAC fall landward of the trail and coastal margin and so will not be considered further within this assessment.	Yes
Non-breeding waterbirds	Disturbance from human activity.	The Exe Estuary supports a large population of non-breeding waterbirds. Birds feeding on the foreshore or roosting at high tide may be disturbed by recreational activities including walking and more likely if walking with a dog.	The level of risk is higher where the access proposals are likely to bring people close to places on which large numbers of birds depend, including undisturbed high tide roost sites and important feeding areas.	Yes

## Conclusion:

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

- S1395 Petalwort *Petalophyllum ralfsii*
- Greater horseshoe bat *Rhinolophus ferrumequinum*
- A132 Avocet *Recurvirostra avosetta* (non-breeding),
- A616 Black-tailed godwit *Limosa limosa islandica* (non-breeding)
- A046a Dark-bellied brent goose *Branta bernicla bernicla* (non-breeding)
- A672 Dunlin *Calidris alpina alpina* (non-breeding)
- A141 Grey plover *Pluvialis squatarola* (non-breeding)
- A130 Oystercatcher *Haematopus ostralegus* (non-breeding)
- A007 Slavonian grebe *Podiceps auritus* (non-breeding)
- Waterbird assemblage (non-breeding)

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

- H1170 Reefs
- H8330 Submerged or partially submerged sea caves; H8310 Caves not open to the public
- H4030 European dry heaths; H6210 Semi-natural dry grasslands and scrubland facies on calcareous substrates *Festuco-Brometalia*; H1230 Vegetated sea cliffs of the Atlantic and Baltic coasts; H1210 Annual vegetation of drift lines; H9180 Forests of slopes, screes and ravines Tilio-Acerion
- H2120 Shifting dunes along the shoreline with *Ammophila arenaria*; H2130 Fixed dunes with herbaceous vegetation; H2190 Humid dune slacks

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

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

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

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

### C3. Overall Screening Decision for the Plan/Project

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

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

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

## PART D: Appropriate Assessment and Conclusions on Site Integrity

### D1. Scope of Appropriate Assessment

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

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

**Table 6: Scope of Appropriate Assessment**

Environmental pressure	Qualifying Features affected	Risk to Conservation Objectives
Reduction in abundance of the Petalwort, population due to a change in access patterns.	S1395 Petalwort <i>Petalophyllum ralfsii</i>	Reduction in abundance of the Petalwort population within the Dawlish Warren SAC below the threshold stated as a viable population due to a change in access patterns.
Disturbance to the Greater horseshoe bat colony at Berry Head through an increase in human activity close to or within the roost / breeding sites.	Greater horseshoe bat, <i>Rhinolophus ferrumequinum</i>	The access proposals result in an increase in disturbance from human activity to the Greater horseshoe bat colony at Berry Head, impacting the ability of the colony to hibernate and / or successfully rear young.
Disturbance of non-breeding waterbirds from human activity	A132 Avocet <i>Recurvirostra avosetta</i> (non-breeding); A616 Black-tailed godwit <i>Limosa limosa islandica</i> (non-breeding); A046a Dark-bellied brent goose <i>Branta bernicla bernicla</i> (non-breeding); A672 Dunlin <i>Calidris alpina alpina</i> (non-breeding), A141 Grey plover <i>Pluvialis squatarola</i> (non-breeding); A130 Oystercatcher <i>Haematopus ostralegus</i> (non-breeding); A007 Slavonian grebe <i>Podiceps auritus</i> (non-breeding); and Waterbird assemblage (non-breeding)	The access proposals modify how the Exe Estuary site is used for recreation, and could cause an increase in disturbance to non-breeding waterbirds that reduces their population and/or distribution within the site.

## 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

### **Petalwort (Dawlish Warren SAC)**

Petalwort is found in dune slacks at Dawlish Warren SAC. Its distribution is limited and highly localised within the site, occurring only in two slacks, one near the visitor centre and the other at Greenland Lake. This species requires firm or compacted substrates with either very low vegetation or bare ground to survive. Therefore, a moderate level of trampling and grazing is considered beneficial to maintain the required conditions for this species, hence the existing recreational use of the site and grazing regime, may in part, assist in maintaining such conditions.

Surveys for this species were undertaken in 2012 and 2017 and concluded that this feature of the SAC was in favourable condition [9&10]. The Supplementary Advice on Conservation Objectives for this site details a threshold population required to consider the species in favourable condition and targets to maintain the distribution and extent of supporting habitat for petalwort within the site are described [6].

### **Greater horseshoe bat colony at Berry Head (South Hams SAC)**

South Hams SAC is a complex of five sites dispersed across 300 km<sup>2</sup> of South Devon between Brixham, Buckfastleigh, Haytor, Bulkamore, and Chudleigh. This suite of sites falls within three National Character Areas: Dartmoor (NCA 150); South Devon (NCA 151) and Devon Redlands (NCA 148). They are a diverse group and between them include two disused mine systems, old buildings (managed as roosts), three cave networks, one large block of ancient woodland and a stretch of rugged coastline backed by extensive areas of heathland and calcareous grassland.

South Hams SAC is thought to hold the largest population of Greater horseshoe bat *Rhinolophus ferrumequinum* in the UK, and is the only one containing more than 1,000 adult bats (31% of the UK species population at designation). It contains the largest known maternity roost in the UK and possibly in Europe. As the site contains both maternity and hibernation sites it demonstrates good conservation of the features required for survival. The landscape around the SAC sites is essential for the bats for foraging and other behaviours.

A relatively small population (average summer counts around 60-70 adults) of bats use caves within the disused quarry at Berry Head, both as a maternity and hibernation roost. The site was last assessed in 2009 and is considered to be in favourable condition.

The Supplementary Advice on Conservation Objectives for the SAC [5], include a target to minimise disturbance from public access to the roost sites. The guidance details the following... *Site should be secured against unauthorised access, which can result in disturbance to bats at critical times of year and which can affect their population viability and use of the site... Prevent light disturbance, temperature changes and noise from human access to roost sites.*

The Site Improvement Plan for the SAC also mentions public access and the disturbance of the bat colonies within the cave systems... *Investigate the potential impacts of, and mitigation for, public disturbance... Roost sites are protected, where necessary by grilles to control access. Activities of climbers and general recreational use nearby could potentially cause disturbance.*

## **Non-breeding waterbirds (Exe Estuary SPA and Ramsar site)**

The Exe Estuary is an internationally important feeding and roosting site for overwintering migratory waterfowl and waders, providing one of the most important sites for wintering and passage waterfowl in the south-west. The intertidal mudflat and sandflats of the estuary support large populations of invertebrates attracting internationally important numbers of wintering and passage waterbirds to feed at low tide. During severe winter weather, the site assumes even greater international importance as a cold weather refuge. Waterfowl from other areas concentrate here, attracted by the relatively mild climate and the availability of abundant food resources.

### **Avocet**

Avocet numbers using the estuary are currently estimated to be 630 individuals (5 yr avg 13/14-17/18) [3]. Targets to maintain the size of the non-breeding population and restrict disturbance from recreational activities are described within the Supplementary Advice for the SPA [8]. Areas of intertidal mud and open, bare low lying ground along the edges of the saltmarsh habitats provide important supporting habitats for roosting and feeding avocet. The intertidal mud and shallow waters to the north of the Exe Estuary, eg at the confluence of the Exe and the Clyst are particularly important supporting habitats for this species. [8].

### **Black-tailed godwit**

Black-tailed godwit numbers using the estuary are currently estimated to be 1,409 individuals (5 yr avg 13/14-17/18) [3]. Targets to maintain the size of the non-breeding population and restrict disturbance from recreational activities are described within the Supplementary Advice for the SPA [8]. Black-tailed godwit are distributed throughout the site during the over-wintering period, however the main supporting habitats are the intertidal mudflats of the upper estuary. [Ref 8].

### **Dark-bellied brent goose**

Dark-bellied brent goose numbers using the estuary are currently estimated to be 2027 individuals (5 yr avg 13/14-17/18) [3]. Targets to restore the size of the non-breeding population and reduce disturbance from recreational activities are described within the Supplementary Advice for the SPA [8]. Dark-bellied brent geese feed on seagrass beds, saltmarsh communities and on the mudflats throughout the winter season, however as food resources become depleted and at times of high tide, the birds disperse to the surrounding grazing marshes and amenity grasslands, particularly golf courses and playing fields [8].

### **Dunlin**

Dunlin numbers using the estuary are currently estimated to be 4,048 individuals (5 yr avg 13/14-17/18) [3]. Targets to maintain the size of the non-breeding population and restrict disturbance from recreational activities are described within the Supplementary Advice for the SPA [8]. Dawlish Warren supports the largest spring high tide roosts for Dunlin with other important roost locations at Bowling Green Marsh and during neap tides, the shoreline opposite Exe Canal and Cackle Sand at Exmouth. Birds will not be roosting on habitat regularly flooded by the tide but they will be found in intertidal habitats above the Mean High Water Mark (which may not have been mapped). Dunlin forage on intertidal mud and sandy mud all over the estuary, with the intertidal areas of the upper estuary supporting the greatest numbers of this species at low tide [8].

## **Grey plover**

Grey plover numbers using the estuary are currently estimated to be 188 individuals (5 yr avg 13/14-17/18) [3]. Targets to maintain the size of the non-breeding population and restrict disturbance from recreational activities are described within the Supplementary Advice for the SPA [8]. Dawlish Warren supports the largest spring high tide roosts for grey plover. Birds will not be roosting on habitat regularly flooded by the tide but they will be found in intertidal habitats above the Mean High Water Mark (which may not have been mapped). Supporting habitats exist throughout the site, particularly on the intertidal of the upper estuary in areas with the highest prey densities of polychaete worms and a combination of other taxa [8].

## **Oystercatcher**

Oystercatcher numbers using the estuary are currently estimated to be 2,271 individuals (5 yr avg 13/14-17/18) [3]. Targets to restore the size of the non-breeding population and reduce disturbance from recreational activities are described within the Supplementary Advice for the SPA [8]. The intertidal substrates of the estuary support extensive beds of blue mussel *Mytilus edulis*, which are important supporting habitats for oystercatcher [8].

## **Slavonian grebe**

Slavonian grebe numbers using the estuary are currently estimated to be 2 individuals (5 yr avg 13/14-17/18) [3]. Targets to maintain the size of the non-breeding population and restrict disturbance from recreational activities are described within the Supplementary Advice for the SPA [8]. The supporting habitat for Slavonian grebe is the water column (extent unknown). The Slavonian grebes on the Exe Estuary tend to forage in waters seaward of Dawlish Warren and the lower estuary [8].

## **Waterbird assemblage**

Targets to maintain the overall abundance of the non-breeding waterbird assemblage, maintain or increase species diversity and reduce disturbance from recreational activities are described within the Supplementary Advice for the SPA [8]. The site's ability to support and sustain an assemblage comprising a very large number of birds (in excess of 20,000) made up of a diverse mix of species will be reliant on the overall quality and diversity of the habitats that support them. The feeding and roosting habitats which support the assemblage will occur within, and in some cases outside, the site boundary [8].

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

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

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

### **D3.1 Design of the access proposal to address possible risks**

In this section of the assessment we consider the risks identified in Table 6 in more detail.

For readers who wish to cross–refer between this assessment and the corresponding Coastal Access Report in which access proposals are described, the relationship between the geographic units used in this assessment and the way the stretch is sub divided is shown in table 7.

**Table 7: Summary of key locations**

Location	Coastal Access Report	Excessive trampling of petalwort	Disturbance to greater horseshoe bats	Disturbance to non-breeding waterbirds
Dawlish Warren	Chapter 5 Maps 5c & 5d	✓		
Berry Head	Chapter 2 Map 2b		✓	
Exe Estuary	Chapter 5			✓

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

Since the publication of our proposals on 30th March 2017, the following information has become available and has informed the drafting of this assessment:

- Lyme Bay and Torbay SAC Supplementary Advice Package [4]
- South Hams SAC Supplementary Advice Package [5]
- Dawlish Warren SAC Supplementary Advice Package [6]
- Sidmouth to West Bay SAC Supplementary Advice Package [7]
- Petalwort condition assessment [10]
- Review of the wildlife refuge areas on the Exe Estuary [2]

Note also that the most recent WeBS data has been used up to 2016-17 [1]

## **Reduction in abundance of the Petalwort, *Petalophyllum ralfsii* population, Dawlish Warren SAC**

Petalwort occurs at two locations within the dunes at Dawlish Warren:

### **Visitor Centre Dune Slack**

The smaller of the two populations occurs in a slack near the visitor centre. Management has been carried out in recent years to increase the area of suitable habitat for petalwort. The slack is just west of the visitor centre. Visitors enter the site from the car park. The risk of eutrophication is highest close to the car park where people enter the site. There is a surfaced path to the visitor centre, which is approximately 400m. The habitat is reported to be in good condition [10]. Rabbits play the main role but trampling is also beneficial to maintaining short open vegetation with a high cover of damp compacted bare ground.



## Greenland Lake Dune Slack

The main Petalwort populations are in the Greenland Lake slack to the east of the visitor centre. There is a track through the slack. Trampling may be beneficial in helping to keeping the vegetation open with sufficient bare ground near the main track. Dogs are on a lead in this area. A recent condition assessment found that the hollows that support Petalwort in the Greenland Lake Dune slack were in favourable condition, with low vegetation and much suitable damp bare ground [10]. Rabbits are the main grazing agent also.

## Conclusion

The proposed route for the Coast Path follows that of the existing South West Coast Path National Trail landwards of Dawlish Warren. Its use has no impact on the distribution or intensity of recreational activities in the dunes. The SAC will be within the coastal margin and coastal access rights will be created over the area, however; this will not make a difference to public access to the dunes since the site is already a promoted visitor destination and visitor management to the reserve will not be affected by the proposals.

Ongoing monitoring of the Petalwort populations at Dawlish Warren is carried out as part of Natural England condition assessments and will identify if further management interventions are needed, including measures to manage visitors to the site.

## Disturbance to the Greater horseshoe bat colony at Berry Head through an increase in human activity close to or within the roost / breeding site, South Hams SAC

The focus of this section is the abandoned limestone quarry located on Berry Head, which includes a number of caves used by the greater horseshoe bat colony to hibernate and during their maternity period. Table 8 summarises the time of year when the bats are either in hibernation or are rearing young.

**Table 8: Greater horseshoe bat breeding and hibernating periods**

Season	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Breeding			✓	✓	✓	✓	✓	✓	✓	✓		
Hibernation	✓	✓	✓	✓					✓	✓	✓	✓

As is noted within section D2 above, the Supplementary Advice Package and Site Improvement Plan for the South Hams SAC identify the potential for disturbance to the bat colony by public access to both the quarry and the caves themselves.

Berry Head is a popular site for visitors at present receiving around 135,000 visits each year, with a large proportion of these visitors arriving on foot from the nearby town of Brixham. The coastal access proposal for this section of coast uses the line of the existing South West Coast Path with the majority of the headland, including the quarry, falling within the proposed seaward coastal margin.

At present the entrance to the quarry is secured by a metal railing fence and locked gate to prevent disturbance to the bats and to remove the health and safety risk posed by the steep quarry sides. It is noted however, that a small number of people do either climb the gate or climb down the quarry sides and trespass in the quarry from time to time.

Although no new physical means of access to the quarry are proposed to be created by our proposals, the site is on the urban fringe and so there is considered to be a risk that more people might be encouraged to attempt to enter the quarry and use it for recreational purposes once coastal access rights are established and the site is included within the coastal margin. As such, there is potentially an increased risk of disturbance to bats that are either hibernating or raising young, resulting in sub optimal conditions for the bats present due to the potential for light disturbance, temperature changes or noise within the quarry or caves themselves.

To mitigate this risk, it is proposed to put in place a statutory exclusion under section 26(3)(a) of the Countryside and Rights of Way Act to remove coastal access rights from the quarry and cave entrances year round. Signage will be placed at the entrance to the quarry to ensure it is clear to the public that access to the quarry is not permitted.

Natural England will liaise with the site manager to ensure appropriate signage will be installed at the entrance to the quarry.

## **Disturbance of non-breeding waterbirds from human activity, Exe Estuary SPA and Ramsar site**

### **Access baseline**

There is limited current access to the foreshore between Dawlish Warren and Cockwood Harbour. The railway line follows the coastline and is on a raised embankment that provides a physical barrier and screening between the road and the South West Coast Path, that are landward of the railway along this section. The main access point to the foreshore is via public steps at Cockwood and rail crossing.

Access around Dawlish Warren is managed through Dog byelaws which includes the sand dune spit and beach. These byelaws include a ban on dogs on the beach during the summer months, with dogs on leads on the national nature reserve. No public access is allowed on the golf course which is considered excepted land under the Coastal Access Scheme. Existing signage and other visitor facilities help in managing public access to this popular location.

### **Environmental baseline**

There are few available high tide roosts around the estuary, with Dawlish Warren providing the main roost site for the entire SPA [12]. The waterbirds using this roost site are sensitive to disturbance during the times around high tide and the availability of alternative roost sites is limited. The saltmarsh associated with Dawlish Warren and to the north of Dawlish Warren are important high tide roosts for bar-tailed godwit, dunlin, redshank, grey plover, oystercatcher, shelduck and turnstone [13].

Areas of intertidal habitat are important for feeding by a number of waterbird species, during times when these areas are uncovered. At low tide the mudflat provided between Dawlish Warren and Starcross is important for the majority of wildfowl and waders. These include oystercatcher, curlew, redshank, turnstone, dark-bellied brent goose, shelduck, wigeon and, to a limited extent, dunlin [14]. Dawlish Warren which runs across Cockwood Corner is considered to have some of the highest bird counts of the estuary coupled with some of the lowest levels of access [12].

As shown in Table 9, some non-breeding species are present throughout the year, including outside the main passage and winter periods. This is particularly the case for oystercatcher

whose numbers peak between August and February, however moderate numbers can be found in the remaining months [3]. Over the summer months, moderate numbers of non-breeding individuals (first year birds and other failed or non-breeding adults) depend on the mussel beds in the area as a source of food.

**Table 9: Seasonal presence of individual site features**

Species and months present on site	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Avocet	✓	✓								✓	✓	✓
Black tailed godwit	✓	✓	✓	✓			✓	✓	✓	✓	✓	✓
Dark-bellied brent goose	✓	✓	✓							✓	✓	✓
Dunlin	✓	✓	✓						✓	✓	✓	✓
Grey plover	✓	✓	✓								✓	✓
Oystercatcher	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Slavonian grebe	✓	✓	✓								✓	✓

**Notes:**

In the table above, the months ticked in each row indicate the months in which significant numbers of each mobile designated feature are most likely to be present at the site during a typical calendar year. Where count data was available, highlighted months with significant numbers were defined on the basis of one or both of the following criteria being met in more than three-fifths (60%) of the years within the six years period 2007-2012. The two criteria used were: i) monthly maxima exceed 10% of the highest mean of monthly maxima over the six-year period; ii) monthly maxima exceed the 2012/2013 national significance threshold. These criteria were predominantly used for non-breeding bird features (based on WeBS data). Where insufficient count data were available to use these criteria, months with significant numbers were highlighted on the basis of generic information on seasonal patterns of occurrence in published sources.

**Langstone Rock to Starcross Wildlife Refuge Area – Dawlish Warren**

Due to the Exe estuary’s nature conservation importance and popularity for recreational activities, a disturbance study was undertaken in 2011. The study identified a link between bird distributions and public access, with dog walkers with dogs off leads on the intertidal area; walking on the shore and intertidal; bait digging on the intertidal and kite surfing accounting for the majority of major disturbance events. Recommendations from the study included ensuring Dawlish Warren, located south of Starcross, remains relatively undisturbed for the bird species using this part of the estuary. The Exe Estuary Recreational Framework followed this study and identified public access on the intertidal area at Dawlish Warren / Cockwood as a key pressure zone. In 2016 a review of zonation within the estuary began and involved an extensive public consultation process. The result of this was the formal adoption of wildlife refuge areas on the intertidal area north of Exmouth, as well as

the intertidal area at Dawlish Warren south of Starcross. The latter included a year round exclusion of public access to benefit the designated bird species, (see link for further details).

[www.exe-estuary.org/visitor-information/wildlife/wildlife-designations/](http://www.exe-estuary.org/visitor-information/wildlife/wildlife-designations/)

As the line of the existing South West Coast Path is proposed to be adopted as the England Coast Path, the area of intertidal habitat at Dawlish Warren will be within the seaward coastal margin and so access rights will apply to this area once the coastal access proposals are formally adopted. The wildlife refuge area north of Exmouth will not fall within the coastal margin as the proposal is to use the seasonal ferry as the ordinary route to cross the estuary. Therefore, the wildlife refuge area north of Exmouth will not be affected.

The refuge area at Dawlish Warren however, will fall within the proposed coastal margin. The refuge area is marked out with yellow 'special mark' buoys which have an "X" at the top and the words "Wildlife Refuge" printed on them. Smaller yellow marker buoys are placed in between the 'special mark' buoys and have "WR" in black letters printed on them. People are being asked to avoid the areas, all year round.

Therefore, coastal access rights will apply at times when the current wildlife refuge area at Dawlish Warren is in force. To address this risk to the non-breeding waterbird features, it is proposed to put in place a statutory exclusion of access rights under section 26(3)(a) of the Countryside and Rights of Way Act that will mirror the boundary of the current wildlife refuge area at Dawlish Warren. This measure will ensure that the designated bird species at this particularly sensitive part of the site will not be at risk of increased disturbance through walkers and particularly walkers with dogs accessing the intertidal area. Although the designated feature is non-breeding waterbirds and so refers to overwintering species, it is noted that some of the species are present on site outside of the winter period. This includes oystercatcher, *Haematopus ostralegus* which is present on site throughout the year with black tailed godwit, *Limosa limosa islandica* present apart from the months of May and June, (see table 9). For this reason it is concluded that an exclusion should be in place year round which will replicate the existing wildlife refuge.

### **Risk assessment**

The public consultation undertaken in 2016 resulted in a minor change to the boundary of the Wildlife Refuge area both at the northern end near Starcross and adjacent to Dawlish Warren. A monitoring programme has since begun by Footprint Ecology to assess the effectiveness of the refuge areas by surveying bird disturbance incidents and the timing and type of use by the public at times when the refuge was in place. The following questions were hoped to be answered as a result of the monitoring programme:

- 1) How well are the Wildlife Refuges adhered to in general?
- 2) Are the Wildlife Refuges working to reduce disturbance to the designated bird species on the Exe?
- 3) Have the Wildlife Refuges positively affected the ability of the Exe Estuary to support designated bird populations? I.e. if a reduction in disturbance is observed, is this enough to conclude no adverse effect on site integrity for the SPA features?
- 4) If there is an insufficient reduction in disturbance to conclude no adverse effect on site integrity for the SPA features, what further actions in these areas can be taken to avoid and minimise the disturbance to waterbirds from recreational activities?

## 5) Do any particular activities continue to cause disturbance within the refuges?

The results found that high numbers of birds were in and around both refuges, (Exmouth and Dawlish). There were relatively few times that people were recorded within the refuges while they were active, but incursions were recorded. Walkers, bird watchers, crab tilters and shore fishing were the main incursions into the refuge at Dawlish. In summary the first years data from this study indicates that the refuges do support significant numbers of birds and that incursions into the refuges (when they are active) are relatively infrequent, but when they do occur they can have a marked impact in terms of a behavioural response from the birds present.

As such the proposal to put in place an exclusion of coastal access rights which replicates the current Dawlish wildlife refuge area will ensure that the access proposals do not exacerbate disturbance issues.

### **Alternative route: Starcross to Exmouth**

The South West Coast Path goes up the estuary as far as the Starcross to Exmouth ferry. The ferry operates between Easter and November and an alternative route for the Coast Path is proposed for times when the ferry service is not running. The alternative route follows the Exe Estuary Trail, which is a popular multi-user route that has recently been upgraded. Possible impacts of use of the Exe Estuary Trail on non-breeding waterbirds were considered and mitigation measures included in the design at the time, including screening at sensitive locations. No coastal margin is identified in respect of the alternative route.

The wildlife refuge area at Exmouth LNR will not fall within the coastal margin as the proposal is to use the seasonal ferry as the ordinary route to cross the estuary. Therefore, the wildlife refuge area north of Exmouth will not be affected by the proposals.

### **Exmouth to Orcombe Rocks**

The proposal on the east side of the estuary from the ferry crossing is to use the line of the existing South West Coast Path. This is a short section of trail on the outer limit of the SPA boundary within a built up section of coast. Therefore, it is not anticipated that the access proposals will increase or change the pattern of use within this area.

## D3.2 Assessment of potentially adverse effects (taking account of any additional mitigation measures incorporated into the design of the access proposal) alone

**Table 10: Assessment of adverse effect on site integrity alone**

Risk to conservation objectives	Qualifying features affected	Relevant design features of the access proposal	Can 'no adverse effect' on site integrity be ascertained?  (Yes/No) Give reasons.	Residual effects?
The access proposals modify how the site is used for recreation, causing excessive trampling of qualifying features that reduces their extent and distribution	S1395 Petalwort <i>Petalophyllum ralfsii</i>	The proposed trail follows the existing South West Coast Path landward of the SAC.  Visitor management at Dawlish Warren will not be affected by the proposals.	Yes  Current levels of trampling help to maintain favourable conditions for Petalwort and the distribution and intensity of recreational activities where Petalwort occurs will not be altered by the proposals.	No
The access proposals increase the public use of the disused quarry on Berry Head impacting the suitability of the site as a viable roost.	S1304 Greater horseshoe bat <i>Rhinolophus ferrumequinum</i>	The proposed trail follows the existing South West Coast Path.  An exclusion of coastal access rights is proposed over the disused quarry to prevent disturbance to the roost sites.  New signage will be installed at the entrance to the quarry.	Yes  New access rights will be restricted to ensure an increase in public access close to the roost sites is prevented.	No
The access proposals modify how the site is used for recreation causing	A132 Avocet <i>Recurvirostra avosetta</i> (non-breeding)	The proposed trail follows the existing South West Coast Path up the estuary as far as the seasonal Starcross to Exmouth ferry.	Yes  The proposals will encourage walkers to use the existing South West Coast Path/ Exe Estuary	No

Risk to conservation objectives	Qualifying features affected	Relevant design features of the access proposal	Can 'no adverse effect' on site integrity be ascertained?  (Yes/No) Give reasons.	Residual effects?
disturbance and displacement of site features.	<p>A616 Black-tailed godwit <i>Limosa limosa islandica</i> (non-breeding),</p> <p>A046a Dark-bellied brent goose <i>Branta bernicla bernicla</i> (non-breeding),</p> <p>A672 Dunlin <i>Calidris alpina alpina</i> (non-breeding),</p> <p>A141 Grey plover <i>Pluvialis squatarola</i> (non-breeding),</p> <p>A130 Oystercatcher <i>Haematopus ostralegus</i> (non-breeding),</p> <p>A007 Slavonian grebe <i>Podiceps auritus</i> (non-breeding),</p> <p>Waterbird assemblage (non-breeding)</p>	<p>An exclusion of coastal access rights for conservation reasons is proposed to reinforce the existing wildlife refuge in place at Dawlish Warren.</p> <p>An alternative route around the top of the estuary follows the existing multi-user Exe Estuary Trail.</p> <p>No coastal margin will be identified upstream of the the Starcross to Exmouth ferry.</p>	<p>Trail and so will not exacerbate disturbance issues.</p> <p>No coastal margin will be identified over the majority of the Exe estuary and where margin is created in a sensitive area, coastal access rights will be excluded in line with the established refuge area at Dawlish Warren.</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:

- Reduction in abundance of the petalwort population within the Dawlish Warren SAC below the threshold stated as a viable population due to a change in access patterns.
- The access proposals result in an increase in disturbance from human activity to the greater horseshoe bat colony at Berry Head, impacting the ability of the colony to hibernate and / or successful rear young.
- The access proposals modify how the Exe Estuary site is used for recreation, causing an increase in disturbance to non-breeding waterbirds that reduces their population and/or distribution within the site.

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

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

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

Natural England considers that in this case the potential for adverse effects from the plan or project has been wholly avoided by the incorporated or additional mitigation measures outlined in section D3. It is therefore considered that there are no 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. It has therefore been excluded, on the basis of objective information, that the project can have an adverse effect on site integrity in-combination with other proposed plans or projects.

## D5. Conclusions on Site Integrity

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

### Natural England has concluded that:

It can be ascertained, in view of site conservation objectives, that the access proposal (taking into account any incorporated avoidance and mitigation measures) will not have an adverse effect on the integrity of Lyme Bay and Torbay SAC, South Hams SAC, Dawlish Warren SAC, Sidmouth to West Bay SAC, Exe Estuary SPA and Exe Estuary Ramsar site either alone or in combination with other plans and projects.



## **PART E: Permission decision with respect to European Sites**

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

**We, Natural England, are satisfied that our proposals to improve access to the English coast between Kingswear to Lyme Regis 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**

HRA prepared by:

Name: Hugh Tyler

Date: 26<sup>th</sup> March 2020

HRA approved by:

Name: Michaela Barwell

Date: 26<sup>th</sup> March 2020

## References to evidence

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11. Natural England. 2019. European Site Conservation Objectives: Supplementary advice on conserving and restoring site features Sidmouth to West Bay (SAC) Site code UK 0019864 (see B2 for web link)
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<https://democracy.eastdevon.gov.uk/documents/g307/Public%20reports%20pack%2016th-Jul-2019%2014.00%20South%20and%20East%20Devon%20Habitat%20Regulations%20Executive%20Committ.pdf?T=10>

## **Appendices / Maps**

Map 1: Dawlish Warren Special Area of Conservation (SAC)

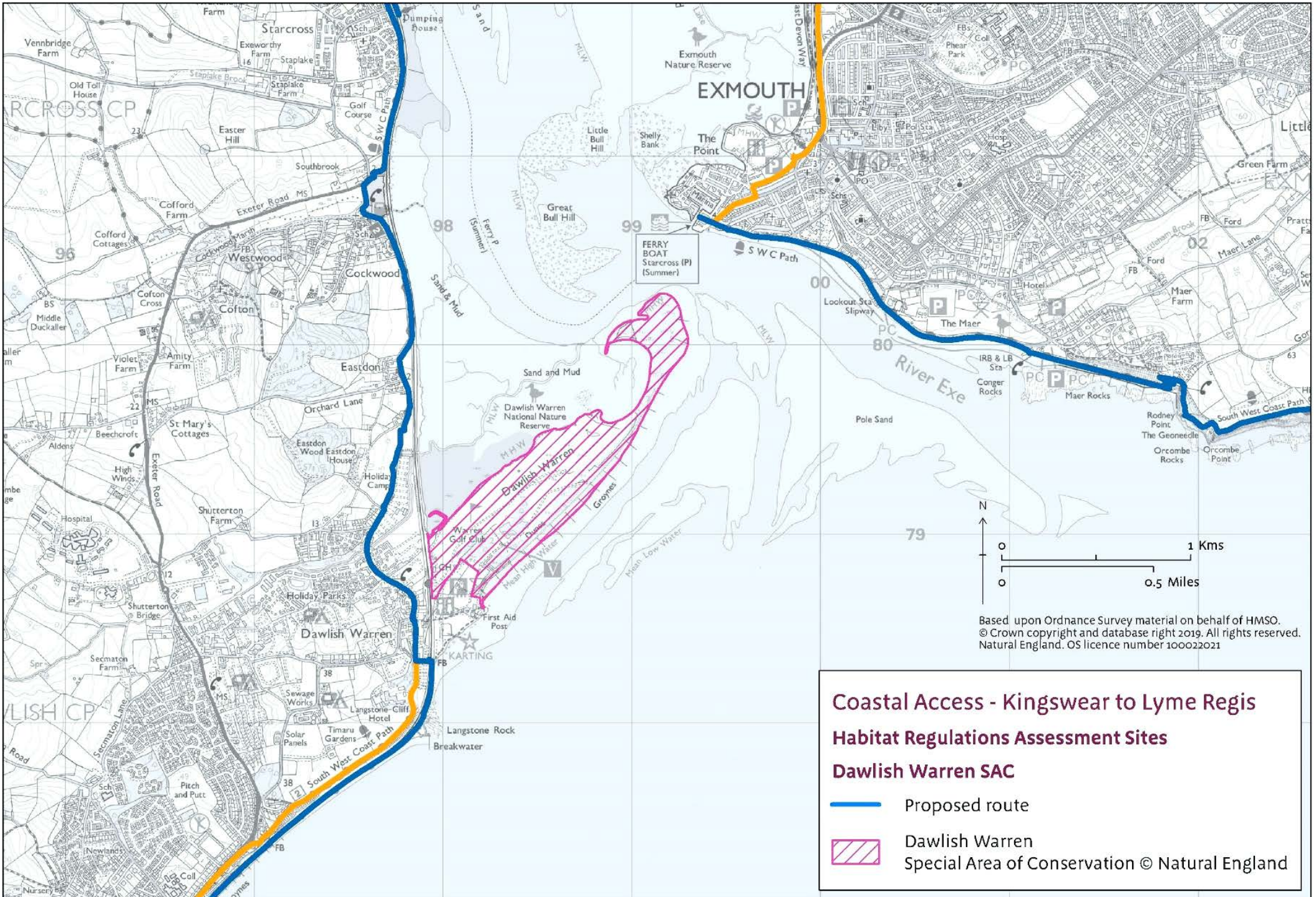
Map 2: Exe Estuary Special Protection Area (SPA) and Ramsar site

Map 3 Lyme Bay Torbay SAC

Map 4 Sidmouth West Bay SAC

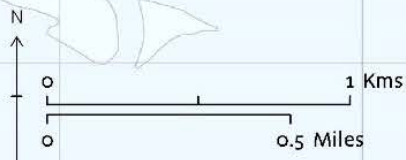
Map 5 South Hams SAC

**Front cover photo: Budleigh Salterton beach/Flickr**



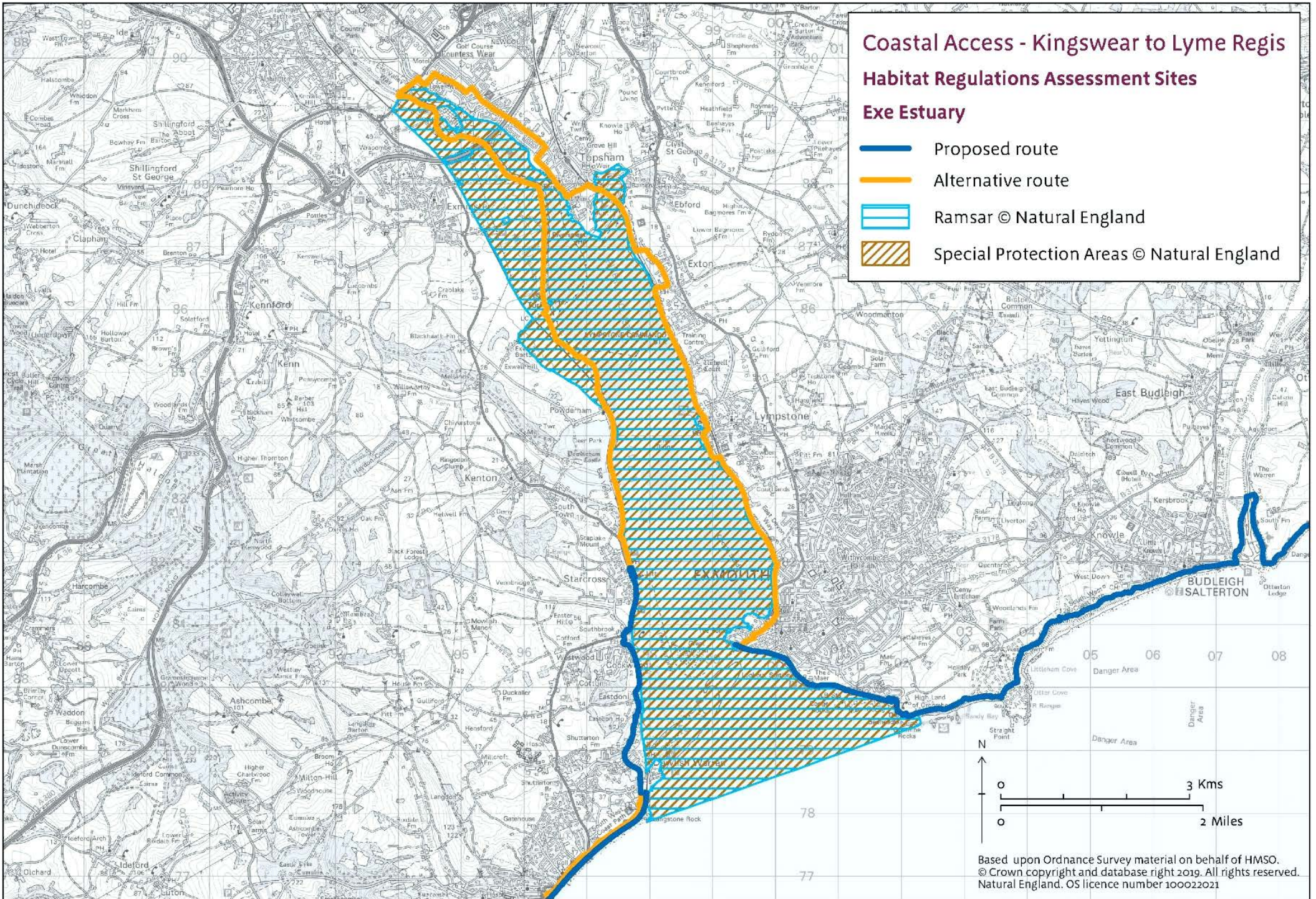
FERRY BOAT  
Starcross (P)  
(Summer)

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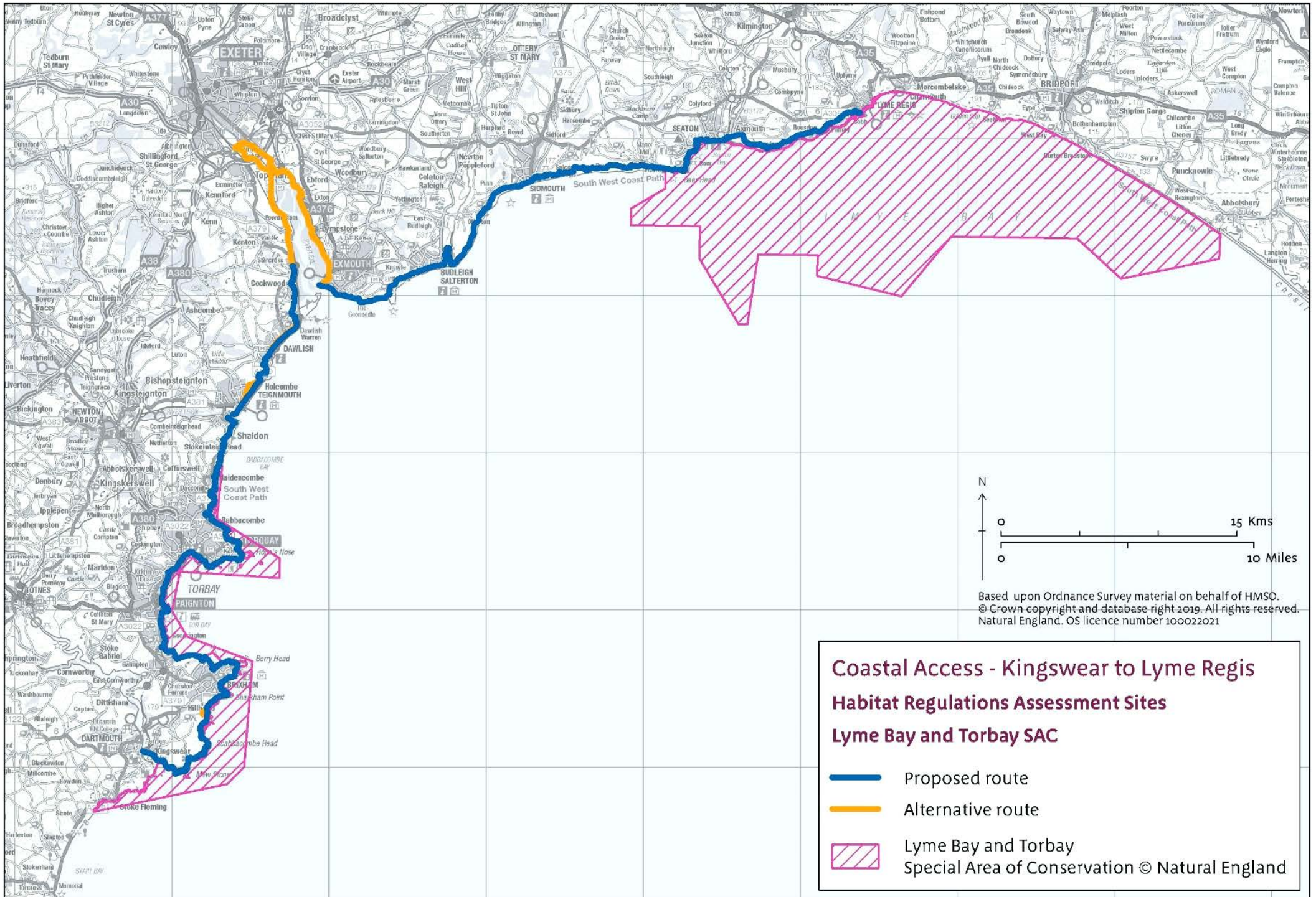


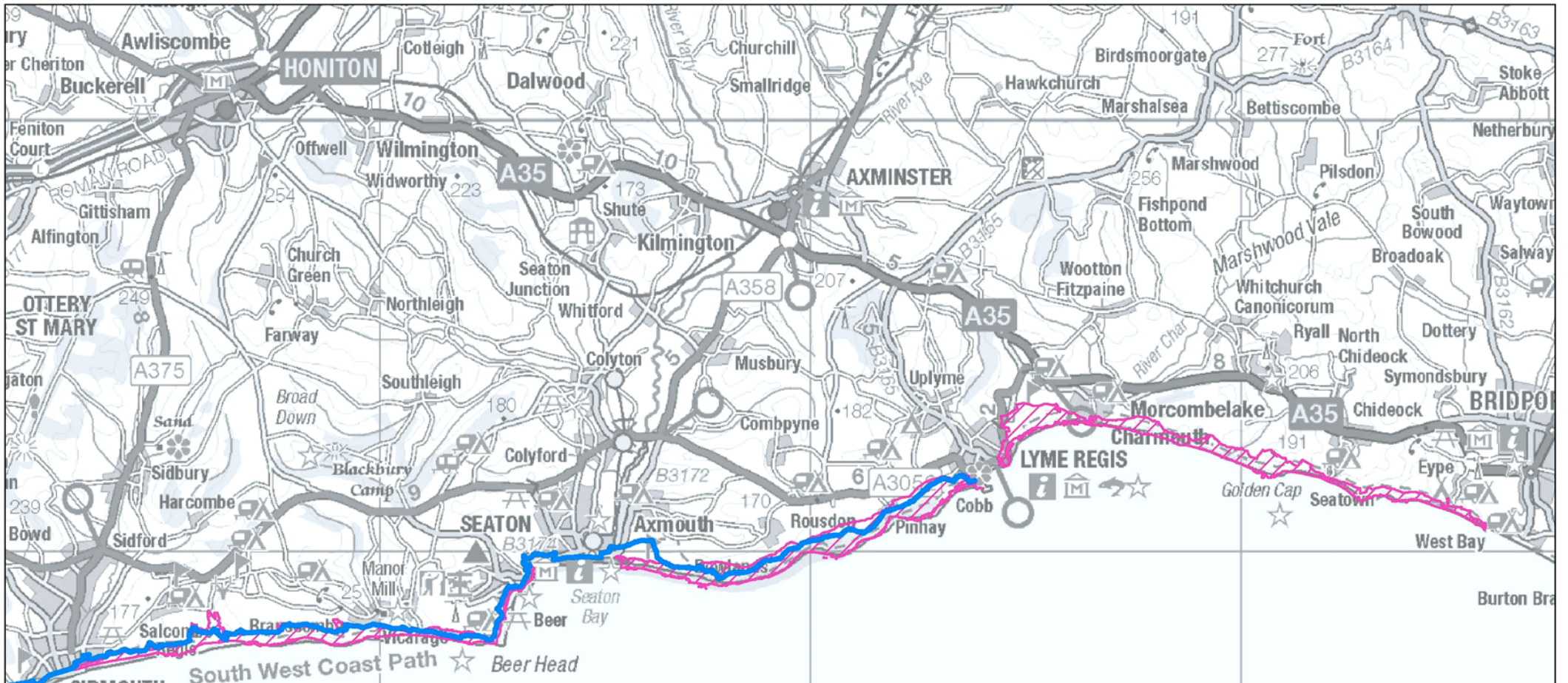
**Coastal Access - Kingswear to Lyme Regis**  
**Habitat Regulations Assessment Sites**  
**Dawlish Warren SAC**

- Proposed route
- / / / / / Dawlish Warren Special Area of Conservation © Natural England



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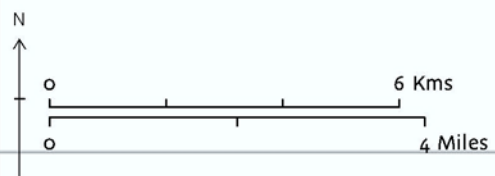


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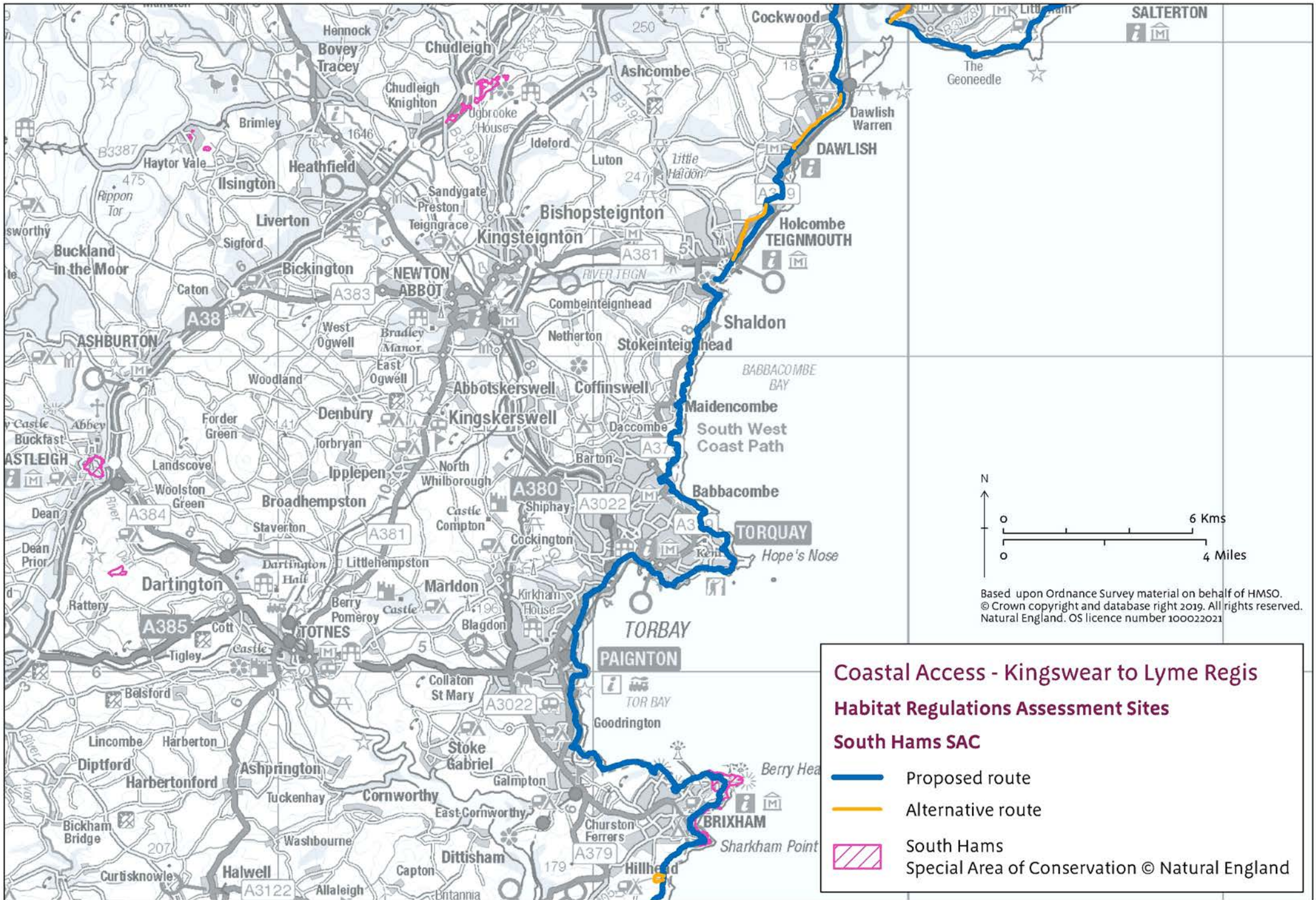
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**Habitat Regulations Assessment Sites**  
**Sidmouth to West Bay SAC**

— Proposed route

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**Coastal Access - Kingswear to Lyme Regis**  
**Habitat Regulations Assessment Sites**  
**South Hams SAC**

- Proposed route
- Alternative route
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