

Coastal Access – Isle of Sheppey lengths IOS5 and IOS8



Representations with Natural England’s comments

August 2022

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1. Introduction

This document records the representations Natural England has received on the proposals in length reports IOS5 and IOS8 from persons or bodies. It also sets out any Natural England comments on these representations.

Where representations were made that relate to the entire stretch for the Isle of Sheppey they are included here in so far as they are relevant to lengths IOS5 and IOS8 only.

2. Background

Natural England’s compendium of reports setting out its proposals for improved access to the coast on the Isle of Sheppey, comprising an overview and ten separate length reports, was submitted to the Secretary of State on 22 January 2020. This began an eight-week period during which representations and objections about each constituent report could be made.

In total, Natural England received 11 representations pertaining to length reports IOS5 and IOS8

, of which 6 were made by organisations or individuals whose representations must be sent in full to the Secretary of State in accordance with paragraph 8(1)(a) of Schedule 1A to the National Parks and Access to the Countryside Act 1949. These

'full' representations are reproduced in Section 4 in their entirety, together with Natural England's comments. Also included in Section 4 is a summary of the 5 representations made by other individuals or organisations, referred to as 'other' representations. Section 5 contains the supporting documents referenced against the representations.

3. Layout

The representations and Natural England's comments on them are separated below into the lengths against which they were submitted. Each length below contains the 'full' and 'other' representations submitted against it, together with Natural England's comments. Where representations refer to two or more lengths, they and Natural England's comments will appear in duplicate under each relevant length. Note that although a representation may appear within multiple lengths, Natural England's responses may include length-specific comments which are not duplicated across all lengths in which the representation appears. Where Natural England's comments and/or the text of the representation are the same for each length in which the representation appears, they will be produced in full only at the first occurrence. Thereafter, to save repetition Natural England's comments and/or the representation text will refer to the first occurrence.

4. Representations and Natural England's comments on them

Length Report IOS5

Full representations

Representation number:

MCA/IOS Overview/R/1/IOS0076

Organisation/ person making representation:

The Kent County Council Public Rights of Way and Access Service

Route section(s) specific to this representation:

All stretch reports

Other reports within stretch to which this representation also relates:

IOS 1 to IOS 4 and IOS 6 to IOS 10

Representation in full

In broadest terms, the Kent County Council (KCC) Public Rights of Way (PRoW) and Access Service support the creation of the England Coast Path, recognising the benefits this new National Trail will bring to the County. The establishment of the England Coast Path will supplement the delivery of Kent's Rights of Way Improvement Plan by encouraging active lifestyles, providing sustainable travel choices and supporting the Kent economy.

Having worked closely with Natural England during the development of this stretch, we are grateful for the opportunity we have been given to input into this process. While it is disappointing to see the proposed trail has not being aligned closer to the sea in places, the reasons for the preferred route are understood given the wildlife and environmental constraints of the existing landscape. We also fully understand the difficulties that have been encountered when balancing public and private interests.

The proposed trail alignment would be a welcome addition to the PRow network, linking together existing paths and improving connectivity across the Isle of Sheppey. The KCC PRow and Access Service look forward to working with Natural England in the future and delivering this stretch of the England Coast Path.

Natural England's comments

We thank Kent County Council's Public Rights of Way and Access Service for working closely with Natural England in developing coastal access on the Isle of Sheppey and for supporting the final proposals. We are particularly pleased that there is recognition of the various constraints that have resulted in the need to align the trail away from the coast in certain circumstances.

We ask that the Secretary of State note these views and the expected benefits of the coast path in terms of linking communities across the island, encouraging active lifestyles and boosting the local economy.

Relevant appended documents (see section 5): N/A

Representation number:

MCA/IOS5/R/1/IOS1652

Organisation/ person making representation:

Ramblers

Route section(s) specific to this representation:

Report IOS 5

Other reports within stretch to which this representation also relates:

N/A

Representation in full

The Ramblers fully support the proposed route along this section of the Coast Path. In particular we are pleased to see the new path along the top of the cliffs from Palm Trees Holiday Park to Manor Way which will provide views of the cliffs and across the estuary. It will also provide a very pleasant walking route from the Holiday Park to Warden and Leysdown.

Natural England's comments

We very much welcome the support for the proposals from the Ramblers, including our proposals for new cliff top access along the north coast of Sheppey.

Relevant appended documents (see section 5): N/A

Representation number:

MCA/IOS2/R/1/IOS1651

Organisation/ person making representation:

Historic England

Route section(s) specific to this representation:

All stretch reports, with particular comments on Map IOS 2c

Other reports within stretch to which this representation also relates:

IOS 1 to IOS 4 and IOS 6 to IOS 10

Representation in full

We (Historic England) would like to make representations on the proposal in general, but also more specifically on report/map numbers:

Report IOS 2 (MAP IOS 2c)

Designated Archaeology

The England Coast Path proposed on Sheppey will pass through one scheduled monument, notably the Sheerness Defences (List Entry Ref: 1005145). However, we do not believe the proposal will have any impact upon its setting or visual amenity. We do not believe any ground works or additions (e.g. re-surfacing, creation of new surfaces, or installation of signposts or other paraphernalia) are proposed within the scheduled area; and thus there will also be no harm to the monument's archaeological value. Scheduled Monument Consent will therefore not be required for any element of the works.

If at any point the proposal changes and you will need to do ground works within, or make any additions to, the scheduled monument then you should re-consult Historic England – as Scheduled Monument Consent may be required for such additional works.

Non-designated Archaeology

Although most of the Path will follow the line of existing paths, tracks and footpaths, there will be a need for some ground works in places. For instance, to provide a path surface across more muddy areas, or to install bridges over existing brooks and water courses. Some new footpath 'furniture' (e.g. sign posts, benches, interpretation boards, etc.) may also be required which will require some ground disturbance.

Although ground disturbance associated with the proposal would appear to be minimal in general, it could potentially disturb non-designated archaeological remains. This may be particularly true in more rural areas and along the banks of natural watercourses, where archaeology is more likely to have been left undisturbed by previous modern development.

We therefore recommend that you consult the Heritage Conservation Team at Kent County Council ([redacted]) to obtain their advice on the proposal's impact upon non-designated archaeology.

We do not think that the proposal is likely to cause much if any change to the setting of heritage assets, or to the historic landscape or town character along its course. You should however also consult the local Conservation Officers with regard to the proposal's potential impact upon the setting of Listed Buildings, and the character of historic landscape and conservation areas.

Natural England's comments

We welcome the positive engagement from Historic England during the development of our proposals. Throughout this process we consulted with Historic England regarding Scheduled Monuments (SM) and the Heritage Conservation Team at Kent County Council over local heritage assets (in line with para 4.9.5 Coastal Access Scheme) to ensure that our proposals would not have a detrimental effect on heritage or landscape features.

Designated Archaeology

Report IOS 5 does not contain any designated Scheduled Monuments, and therefore no consents or further liaison with Historic England will be necessary prior to establishment of the proposals between Palm Trees Holiday Park and Warden Road, Warden Point.

Non-designated archaeology

The proposed route in Report IOS 5 does not pass through any conservation areas or affect the listed buildings it passes.

We will also pass to the Public Rights of Way and Access Service the suggested contact within KCC's Heritage Conservation Team, so that prior to carrying out any ground disturbance work, all necessary precautions, permissions, authorisations and consents are in place, to ensure any non-designated heritage assets are unaffected by the proposed trail.

Relevant appended documents (see section 5): N/A

Other representations

Representation number:

MCA/IOS Stretch/R/1/IOS0008

Organisation/ person making representation:

Disabled Ramblers

Route section(s) specific to this representation:

All stretch reports

Other reports within stretch to which this representation also relates:

IOS 1 to IOS 4 and IOS 6 to IOS 10

Summary of representation

It was really encouraging to read of the positive physical changes that Natural England are intending to make to improve access for mobility vehicles, and also to read that, where possible, alternative ways to progress along the Coast Path will be indicated. Disabled Ramblers are also grateful that the proposals included explanations in those instances where satisfactory solutions could not be found.

[redacted] thanks Natural England for their hard work on this, and for helping to open up the opportunities available to those with limited mobility.

Natural England's comments

We welcome such positive support from the Disabled Ramblers and their appreciation of our efforts to provide access for those with limited mobility, wherever possible.

Meeting Disabled Ramblers members in 2019 and the trialling of different types of scooters and a variety of gate designs has helped to raise our own awareness of the issues and opportunities for those with limited mobility. This along with the consideration of a wider choice of infrastructure options has helped in drafting our proposals.

Although for some parts of Sheppey the infrastructure options are limited by landscape and/or land management issues, we have sought to improve accessibility where we can (in line with Coastal Access Scheme para 4.3.1). This includes creating gaps, providing ramps, removing stiles and specifying suitably wide gates wherever possible.

Relevant appended documents (see section 5): N/A

Representation number:

MCA/IOS stretch/R/2/IOS0137

Organisation/ person making representation:

South Eastern Power Networks plc

Route section(s) specific to this representation:

All stretch reports

Other reports within stretch to which this representation also relates:

IOS 1 to IOS 4 and IOS 6 to IOS 10, with particular comments on IOS 1

Summary of representation

The representation applies to all reports/maps as UKPN apparatus is present.

No objection to the works, but UKPN insist on a dialogue with them to discuss working arrangements with them under HSE guidance and Energy Networks Association Technical Specifications, relating to work near underground cables and overhead wires.

UKPN insist on appropriate mitigation and guidance when working around electrical apparatus and give contact number for working in the vicinity of their apparatus.

No formal objection but wish to make a representation that a dialogue occurs directly with UKPN before any works are carried out in the vicinity of their apparatus so as to manage and co-ordinate the works safely.

Natural England's comments

We welcome the representation from South Eastern Power Networks (SEPN) highlighting the presence of utility infrastructure in the vicinity of the proposed trail on the Isle of Sheppey.

Working arrangement near SEPN apparatus

The Public Rights of Way and Access Service of Kent County Council (KCC), the relevant Access Authority, will install the required infrastructure highlighted in our proposals, and we have passed them SEPN's contact number. KCC are familiar with installing the type of small works identified in our proposals, such as fingerposts, waymark post, steps, culverts and sleeper bridges, along with the necessary mitigation required around utilities. They therefore adopts standard risk assessments to ensure that there is no adverse impact on structures, such as underground cabling or overhead wires. For example, where installing a waymarker post into the ground, the contractor would be digging less than 1m into the ground and measures such as using a CAT scan before starting work and digging carefully are deemed appropriate to manage these risks.

If any larger excavation works are undertaken, such as surfacing schemes, that use heavy plant, KCC would conduct a search with the utility companies (e.g. through linesearchbeforeyoudig.co.uk) before starting the groundworks. If any major utilities were identified in the vicinity of the job site, the utility company would be consulted accordingly. We believe the above approach is pragmatic and proportional to the type of works being completed as part of our proposals.

Relevant appended documents (see section 5): N/A

Length Report IOS8

Full representations

Representation number:

MCA/IOS Overview/R/1/IOS0076

Organisation/ person making representation:

The Kent County Council Public Rights of Way and Access Service

Route section(s) specific to this representation:

All stretch reports

Other reports within stretch to which this representation also relates:

IOS 1 to IOS 4 and IOS 6 to IOS 10

Representation in full

Refer to representation MCA/IOS Overview/R/1/IOS0076 under Isle of Sheppey 5

Natural England's comments

Refer to representation MCA/IOS Overview/R/1/IOS0076 under Isle of Sheppey 5

Relevant appended documents (see section 5): N/A

Representation number:

MCA/IOS8/R/1/IOS1652

Organisation/ person making representation:

Ramblers

Route section(s) specific to this representation:

Whole Report 8: IOS-8-S001 to IOS-8 –S012

Other reports within stretch to which this representation also relates:

N/A

Representation in full

The Ramblers are very pleased to see this significant section of the south coast of Sheppey opened up to walkers. However, [redacted] questions the reasoning for accepting the inland diversion at Bells Creek. The Pumping Station is new and was opened in 2019. He says that at the planning stage it must have been obvious to the Lower Medway Internal Drainage Board that it would obstruct the likely route of the Coast Path. Provision should have been made for pedestrian access across Bells Creek at the time. While the diversion inland does not significantly add to the distance, it does take the Coast Path away from the coast.

The Pumping Station presumably affected the hydrology of the creek a lot more than the provision of a bridge would? Since this would appear to be a flagship project for the Board, can they not be persuaded to correct their oversight?

Natural England's comments

We very much welcome the Ramblers support in securing a significant section of new access along the south coast of Sheppey that will enable the public to enjoy the wildlife and sense of wilderness in this more remote part of the island for the very first time.

Natural England consulted with the Environment Agency and the Inland Drainage Board regarding access through the new pumping station/sluice at Bells Creek during its development. Due to the remote setting and automated mechanisms (such as an automated weed-wiper), access provision was considered by both organisations to represent a significant health and safety risk to the public and any infrastructure or management introduced to facilitate access, too costly. The RSPB, who manage the adjacent Great Bells Farm Reserve, also do not have access across the structure.

A separate bridge crossing, landward of the pumping station, was considered as an option for the trail, but for reasons of telemetry and maintenance of the creek this would have had to be located at least 300m upstream. This, combined with the considerable cost of a bridge, made the bridge an unattractive option with little benefit over the proposed inland route.

Relevant appended documents (see section 5): N/A

Representation number:

MCA/IOS2/R/1/IOS1651

Organisation/ person making representation:

Historic England

Route section(s) specific to this representation:

Whole Report 8: IOS-8-S001 to IOS-8-S012

Other reports within stretch to which this representation also relates:

Reports IOS 1, IOS 2, IOS 3, IOS 4, IOS 5, IOS 6, IOS 7, IOS 9, IOS 10.

Representation in full

Refer to representation MCA/IOS2/R/1/IOS1651 under Isle of Sheppey 5.

Natural England's comments

Refer to representation MCA/IOS2/R/1/IOS1651 under Isle of Sheppey 5.

Relevant appended documents (see section 5): N/A

Other representations

Representation number:

MCA/IOS Stretch/R/1/IOS0008

Organisation/ person making representation:

Disabled Ramblers

Route section(s) specific to this representation:

Whole stretch report

Other reports within stretch to which this representation also relates:

Reports IOS 1, IOS 2, IOS 3, IOS 4, IOS 5, IOS 6, IOS 7, IOS 9, IOS 10.

Representation in full

It was really encouraging to read of the positive physical changes that you are intending to make to improve access for mobility vehicles, and also to read that, where possible, you will be indicating alternative ways to progress along the Coast Path. I am also grateful that you have included explanations of various points where you have been unable to find satisfactory solutions.

Thank you so much for your hard work on this, and for helping to open up the opportunities available to those with limited mobility.

Natural England's comments

We welcome such positive support from the Disabled Ramblers and their appreciation of our efforts to provide access for those with limited mobility, wherever possible.

Meeting Disabled Ramblers members in 2019 and the trialling of different types of scooters and a variety of gate designs has helped to raise our own awareness of the issues and opportunities for those with limited mobility. This along with the consideration of a wider choice of infrastructure options has helped in drafting our proposals.

Although for some parts of Sheppey the infrastructure options are limited by landscape and/or land management issues, we have sought to improve accessibility where we can (in line with Coastal Access Scheme para 4.3.1). This includes creating gaps, providing ramps, removing stiles and specifying suitably wide gates wherever possible.

Relevant appended documents (see section 5): N/A

Representation number:

MCA/IOS stretch/R/2/IOS0137

Organisation/ person making representation:

South Eastern Power Networks plc

Route section(s) specific to this representation:

All stretch reports

Other reports within stretch to which this representation also relates:

IOS 1 to IOS 4 and IOS 6 to IOS 10, with particular comments on IOS 1

Summary of representation

Refer to representation MCA/IOS stretch/R/2/IOS0137 under Isle of Sheppey 5.

Natural England's comments

Refer to representation MCA/IOS stretch/R/2/IOS0137 under Isle of Sheppey 5.

Relevant appended documents (see section 5): N/A

Representation number:

MCA/IOS8/R/2/IOS1669

Organisation/ person making representation:

[redacted]

Route section(s) specific to this representation:

IOS-8-S001 to IOS-8-S005

Other reports within stretch to which this representation also relates:

Summary of representation

[redacted] has raised a number of concerns regarding the proposals for new access on South Sheppey (sections IOS-7-S013 to IOS-8-S005) and the accompanying Habitats Regulation (HRA) in relation to the impact on wildlife, which we have summarised and addressed in the following categories:

1. Importance of the area for birds of prey

Southern Sheppey has one of the largest populations of marsh harrier in the country for both breeding and wintering. This is a priority species with just 400 pairs throughout the UK. It is imperative that the utmost consideration is given for its protection against unnecessary disturbance. The area additionally attracts other birds of prey and is credited with being the best place in the country to see these birds during the winter months.

2. Disturbance to birds of prey – roosting, nesting and foraging

Little Bells farm hosts one of the largest marsh harrier roosts in the country and it must remain undisturbed. In addition there is a healthy number of these nesting birds in the reed beds (including at this roost site) and often in crops close to the proposed path.

People standing on top of the seawall watching the birds go in to roost would be only a little over a hundred metres from the roosting area in the reed bed. Marsh Harriers are a very wary bird that are easily disturbed especially by human presence. The recommended distance to monitor marsh harriers at roost time is 350-500 metres.

The reed bed close to the proposed coastal path has areas of higher ground that stay dry during the winter and becomes the only reed bed on the marsh that is suitable for the birds to roost in during wet periods. Any human disturbance at this time would drive them from the roost and with no other suitable roost sites available would force them from the area.

Marsh harriers arrive at their roost site anything up to half an hour before going into roost. They sit on posts or in the fields nearby (commonly 25-30 birds) preening before entering the reed bed. Human presence just a few hundred metres away, especially on top of the seawall and breaking the skyline, would deter the birds from landing on the fields and scare them off.

In addition this reed bed has been used as a nest site for marsh harriers for the last three years. Human presence would deter the birds from nesting here.

When the marsh becomes waterlogged in winter large numbers of rodents make for the high ground on the seawall. This makes 2km new access along the seawall prime hunting ground for the raptors. To allow people to walk on top of the only elevated section of ground for miles around in full view against the skyline would deter birds of prey from using the area denying them the use of prime foraging ground.

3. Disturbance to breeding waders and wildfowl

Landward of the seawall and SSSI/SPA, the grassland of Harty marshes supports nesting lapwing, redshank, oystercatchers and various species of wildfowl in the spring (possibly more than nest on the adjacent Great Bells RSPB reserve) yet Natural England only make reference to just six pairs of waders.

4. Disturbance to nesting passerines

The sea wall is an important area for nesting birds such as corn bunting, skylark, and yellow wagtail. Corn bunting numbers have dropped drastically throughout the country but are thriving on this part of Sheppey. These birds are on the UK red list, protected under the EU Birds Directive (79/409/EEC) and require additional protection to ensure a successful breeding season free from disturbance.

5. Lack of / inadequate mitigation

The proposal includes nothing to protect the highly sensitive wildlife features along the route of the path.

Nesting and roosting marsh harriers are highly sensitive to human disturbance. The mitigation proposed of interpretation panels and keeping dogs on leads cannot stop the visual disturbance caused by people walking on top of the seawall or counter wall.

Signage and a dogs to leads restriction is inadequate and will be ignored by the public. There is also no reference in the HRA to mitigation for the passerines (non-waterbirds) using the area.

6. Lack of evidence – surveys, assessments and up to date data

There is a lack of adequate and reliable data to inform the HRA as no breeding bird surveys or any other wildlife studies have been carried out. There has been a failure to strike a balance between the provision of Coastal Access Duty and the protection of habitats as required by the Wildlife and Countryside Act 1981, and other legislation regarding habitat designations.

7. Alternative routes available inland

This area should remain undisturbed and access free, especially as there are alternative routes a path could take around, rather than through, this most sensitive part of the island.

8. Supporting habitats / functionally-linked land status

Eastchurch and Harty marshes should be regarded as supporting habitat along the boundary of the SPA for feeding, breeding and roosting birds and therefore classed as functionally-linked land. Thousands of birds use these fields in winter, which are necessary for maintaining the favourable conservation status of the SPA.

Natural England's comments

1. Importance of the area for birds of prey

Natural England recognises the national importance of the Sheppey marshes for marsh harrier. The most recent estimate of numbers for breeding marsh harriers have seen an increase to 590-695 pairs in the UK (British Birds, Feb 2020). This important species is fully considered within the published Habitats Regulation Assessment (HRA) for the Isle of Sheppey.

2. Disturbance to birds of prey – roosting, foraging and nesting

The marsh harriers congregate at the Capel Fleet site at dusk, in the autumn/winter months, to roost in the cover of the reedbeds. We predict that very few walkers or birders will be near this roost site at this time of the day, given its isolated location and the fact that the area is a 6km round trip from the nearest access point. For birders and the public, a far more convenient place to view marsh harriers coming in to roost is already provided by the RSPB, directly off the Harty Ferry Road – to the north east of this location.

We therefore do not believe that this marsh harriers roost is at significant risk from disturbance, as explained in section D3.2D - pages 44-46 of the HRA). Other harrier roosts have been reported close to public rights of way, notably at the nearby Elmley and Swale National Nature Reserves (NNR), as well as elsewhere on Harty Marshes.

We note the observation about birds alighting on fence posts and in fields prior to roosting in the cover of the reeds. Other roosts, such as reported on The Swale NNR, are close to seawall paths – and the low numbers of walkers along the seawall at this time of day and in this isolated location would be unlikely to cause any significant disturbance to birds prior to roost, especially given the expanse of habitat available for the birds, away from the seawall.

In regard to nesting marsh harriers, the concern raised relates to potential disturbance of breeding marsh harriers from walkers along the top of the seawall. The recommended distance of 350-500m mentioned in the representation (from Ruddock & Whitfield 2007), refers to monitoring of marsh harrier nests and is set at a level to avoid detection by the birds. Ruddock and Whitfield canvassed expert opinion on how close a surveyor could get without either the marsh harrier being alerted or flushing from the nest. The small number of respondents gave a range of distances (10-50m up to 300-500m) for the responses marsh harriers had to observers/surveyors approaching and then watching the nests – an action the birds are likely to be wary of. This is a different situation to walkers passing by.

In regard to the path denying a vital food source to marsh harriers, the low number of walkers on section IOS-8-S001, particularly in winter, is unlikely to completely prevent harriers from hunting for voles etc. along the route and in the adjacent grassland, especially during quiet periods. In addition, the birds have very large foraging grounds (80-1250ha depending on sex, stage of breeding cycle, habitat and prey density¹) and while this 800m stretch of seawall habitat may be a good source of voles, other higher ground within their range is likely to be available for foraging.

Given the important bird populations in this area, we shared and discussed our proposals with RSPB and North Kent Bird Wise. No representations arose from either of these organisations.

3. Disturbance to breeding waders and wildfowl

Natural England (NE) recognises that the undesignated fields behind the seawall support a range of both breeding and wintering birds. Breeding wader surveys have been carried out on these fields on behalf of the RSPB and NE for several seasons, and this data has helped to inform our HRA and Nature Conservation Assessment (NCA). The reference to half a dozen breeding waders in the HRA has been made specifically to assess the role played by a newly created scrape (just landward of the seawall) to the designated site and not the area as a whole. The breeding birds using the undesignated land north of the seawall is further referenced and assessed in the Nature Conservation Assessment (see page 37).

4. Disturbance to nesting passerines

We considered the species raised while developing our proposals, however there is no evidence to suggest that passerines such as corn buntings, skylark (which are in-field ground nesters) and yellow wagtails (that mostly use wet grassland) are especially vulnerable to recreational disturbance.

We considered the breeding bird assemblage of The Swale SSSI and SPA, and focused on species that may be vulnerable to disturbance within i) the Nature Conservation Assessment for non-SPA features (tables: Assessment of coastal access proposals on The Swale Estuary SSSI & Assessment of coastal access proposals on other feature about which concern has been expressed), and ii) within the HRA regarding SPA features (section D3.2C The Ferry Inn, Isle of Harty to Mocketts and D3.2D Mocketts to Capel Fleet).

5. Lack of / inadequate mitigation

As described earlier (section 2.), the risk of significant disturbance from seawall walkers to the marsh harrier roost or nesting sites is considered low with examples of similar situations found on the island.

Regarding the concern over any dogs on lead signs not working – we consider that any access management objectives, such as these, are normally more successful when the reasons for them are clearly explained (Scheme Figure 18e). Our proposals to restrict dogs to leads along this part of the south coast will be accompanied by new interpretation signs at The Ferry Inn and at the eastern boundary of Elmley NNR - the main access points to this part of the route, and will be supplemented by additional interpretation signs at Capel Fleet and by Little Bells Farm.

Natural England has worked closely with Bird Wise North Kent (an organisation focussed on managing recreation to protect birdlife) to develop clear interpretation messages to encourage the responsible behaviour of visitors in areas of wildlife sensitivity. Provision of information on the special bird interest of the coast is referenced as a key part of Bird Wise North Kent's mitigation strategy. We consider the majority of coast path walkers

with dogs will read and understand that this part of the coast supports important and sensitive birdlife and will respect the need to help protect wildlife by preventing dogs from running off lead and into land adjacent to the trail. The presence of salt marsh on one side of the seawall, and a wide borrowdyke to the landward side will also reduce the ability of dogs to leave the trail and disturb birds in adjacent habitats.

Bird Wise North Kent will maintain the interpretation signage, and they work closely with the public and landowners over increasing awareness of the wildlife sensitivities of North Kent. If any concerns were to arise in the future over for example, dog walkers - Bird Wise North Kent may be well placed to liaise with the landowners and the public.

Regarding the concern over passerines, these species are not thought to be especially vulnerable to recreational disturbance (see section 4.). There is no evidence to suggest the need for specific mitigation.

6. Lack of evidence – surveys, assessments and up to date data

All available evidence was gathered from a wide range of sources and those with local knowledge of the island such as bird movements, roosts and nest sites. This includes information and data provided on both breeding and wintering birds, including birds of prey, and information from Mr Haynes (see supporting evidence: Habitats Regulation Assessment Data Audit - Isle of Sheppey).

A breeding marsh harrier survey was carried out in 2017, as requested by the RSPB, and further observations were commissioned by Natural England in 2019, to clarify the status of these birds where new access is being proposed. The survey was unable to confirm any nest sites along the route of the trail, although it is recognised that these can vary year on year.

The data that we sought from the various individuals and organisations listed in the HRA was for the whole of southern Sheppey, not just the 2km of new access identified here and so is very relevant to the HRA as a whole. The HRA and Nature Conservation Assessment (NCA) together address all relevant wildlife legislation.

In addition an access assessment has been carried out to establish the predicted changes in access levels and patterns of use with the introduction of the coast path (see p36 of the HRA) and this has been considered as part of the HRA process.

7. Alternative routes available inland

A more landward option was not considered necessary for nature conservation purposes. Any such route would require a major detour inland of several kilometres. This would not only fail to meet the requirements of the Coastal Access Scheme, but would increase potential disturbance to breeding and wintering birds in the grassland and arable fields inland from

the seawall, both from such a route itself and from associated spreading room.

8. Supporting habitats / functionally-linked land status

It is recognised that the undesignated marshland fields landward of the seawall alignment in report IOS 8 support breeding and roosting birds, including large numbers of waterfowl - particularly during winter flash flooding – and that these birds will also use land within the designated site. However, our assessment in undertaking the HRA is that this area is not essential for the functioning of the Special Protection Area (SPA), or for maintaining the integrity of its interest features (reference is specifically made to this on the HRA: Maps 1 and 2, pp 56-57). In addition, we consider that the relatively low use of the seawall would not significantly affect the overall use of this large area of habitat by nesting or wintering birds, given the large field sizes within which birds can redistribute themselves.

Relevant appended documents (see section 5): Annex A

5. Supporting documents

Annex A

Habitats Regulation Assessment Data Audit - Isle of Sheppey

Number and Theme	Sub number	Location	Date	Source	Comments
1: Wetland Bird Survey (WeBS) data – Counts for Elmley Conservation Trust sites / NNRs and the Swale SPA	1a	Capel Fleet	2011-2012	[redacted]	WeBS data for Capel Fleet
	1b	ECT WeBS data	2016	[redacted] WeBS	WeBS data for Shellness, Middle Harty, Spitend, Elmley
				BTO	
				BTO	
	1c	Elmley	2017		WeBS distribution
	1d	Isle of Sheppey	Unknown		IOS web sectors
	1e	Swale Estuary Low tide counts	2011	WeBS	Low tide data showing preferred habitat

				WeBS	used by different species
	1f	Shellness, Harty	2011-2017	WeBS	Counts for Shellness, harty
	1g	Swale	2017	WeBS	Counts for the whole of the Swale
	1h	Elmley	2015-2016	WeBS	Standard counts
	1i	Elmley—Spitend sector	2016	WeBS	Wetland birds at high tide
	1j	South West of Isle of Sheppey	2016	WeBS	Wetland birds at high tide
	1k	Elmley Nature Reserve	2015	BTO	Wetland birds at high tide
	1l	Spitend	2015-2016		Standard core count
	1m	Swale Estuary	2011/2012		Low tide counts for Godwit, Dunlin, Lapwing, Redshank and Wigeon.
2: Swale High Tide Roost Sites	2	Swale	2017	[redacted] – Swale Wader Group	Swale High tide roosts
3: RSPB Great Bells WeBS and Breeding data	3a	Great Bells	2012 and 2015	WeBS	Standard core count for species at Great Bells
	3b	Great Bells	2014-2016	RSPB	Annual report audit explaining what is on site and what management occurs.
	3c	Great Bells	2015-2016	RSPB	As above
	3d	Great Bells	2016	RSPB	Breeding bird survey

4: RSPB Great Bells Water Vole data	4a	Great Bells	2016	RSPB	Water vole extent
5: Elmley Conservation Trust (ECT) Sites- Breeding bird data and bird usage	5a	Elmley	2014	ECT	Breeding bird data on coastal footpath fields
	5b	Elmley	2015	[redacted]	Breeding bird data 2015
	5c	Elmley and Spitend	2016	Unknown	2016 Breeding Bird Results for Elmley NNR including Spitend – FINAL
	5d	Elmley	2014	[redacted]	Breeding bird data 2014 Working maps of Spitend
	5e	Elmely/Spitend	Unknown	ECT	Lapwing breeding survey
	5f	Elmley	2015	ECT	Lapwing breeding survey
	5g	Elmley	2016	ECT	
6: Neatscourt Marshes, Kingsferry- wintering and breeding bird data (Elmley Conservation Trust)	6a	Neatscourt Marshes	2019	[redacted]	Neatscourt Marshes, Kingsferry – bird usage and records (ECT)
	6b	Neatscourt Marshes	2019	[redacted]	Bird interest map
	6c	Neatscourt Marshes	2019	[redacted]	Bird usage map
	6d	Neatscourt Marshes	2017-2018	[redacted]	Breeding waders Survey results
	6e	Neatscourt Marshes	2016	[redacted]	
7: Park Farm, Isle of Harty, bird records	7a	Park Farm	2000-2019	[redacted]	Bird usage

8: Farmland Breeding Bird data (Carol Donaldson)	8a	Isle of Harty	2018	[redacted]	Breeding bird data on Burden Brothers land
	8b	Isle of harty	2016	[redacted]	Key finds of breeding bird data on Burden Brothers land
	8c	Eastchurch Marshes	2018	[redacted]	Breeding birds on Keith Studd's land
	8d	Ferry Marshes	2018	[redacted]	Breeding birds on Stephen Attwood land
9: Marsh Harrier nesting and roosting data	9a	Eastchurch Marshes	2019	[redacted]	Marsh harrier observation
	9b	Kent	2015-2016	[redacted]	Harrier (marsh and hen) roost survey
	9c	Western Sheppey	2016	ECT / [redacted]	Marsh harrier nests
	9d	Eastern Sheppey	2016	[redacted]	Marsh harrier nests
	9e	Mocketts Farm	2017	NE	Marsh harrier surveys
	9f	Kent	2016-2017	[redacted]	Harrier (marsh and hen) roost survey
	9g	Eastchurch and Harty Marshes	2017	[redacted]	Information regarding the known nest sites of Marsh Harriers on the Eastchurch and Harty marshes and information captured during drop in
	9h	Mocketts, Swale NNR, Elmley	2019-2020	ECT	Harrier Roost Survey in Essex, Kent and Sussex

10: Summary maps	10a	Elmley and Spitend Marshes	2000-2019	ECT	locations of key interest features including breeding, roosting and overwintering birds
	10b	Elmley Hills and Island	2000-2019	Various	
	10c	Harty to shellness	2000-2019	Various	
	10d	Spitend to Mocketts	2000-2019	Various	
11: Kent Breeding Atlas 2008-13	11a	Kent	Kent breeding Atlas	2008-13	Data for lapwing
	11b	Kent	Kent breeding Atlas	2008-13	Data for little tern
	11c	Kent	Kent breeding Atlas	2008-13	Data for Marsh harrier
	11d	Kent	Kent breeding Atlas	2008-13	Data for redshank
12: Birds of the North Kent Marshes NECR082	12a	North Kent	Natural England	2011	What do we know about the birds and habitats of the North Kent Marshes?
13: Medway and Swale Little Tern Report	13a	Medway and Swale	RSPB	2015	An overview of former and present little tern nesting sites in the Medway and Swale, issues faced at each location and their potential for recovery.
14: NKEPG: Strategic access management and monitoring survey	14a	Thames, Medway and Swale	Footprint Ecology	2014	Highlighting bird interest and recreation across the 3 estuaries
15: North Kent Functional Land species map for the swale SPA	15a	North Kent	Unknown	1995-present	Identifies land supporting species outside the SPA, essential to its functioning

16: ASFA Panel calls	16a	N/A	[redacted]	April 2018	Discussing Park farm and Great Bells farm
	16b	Mocketts Mile	[redacted]	June 2018	Assessing features on SPA
	16c	Mocketts Mile and Little Bells	[redacted]	May 2018	Little Bells 'Functional Land' status, Mocketts Mile scrape and LE Owl roost
	16d	South Sheppey	[redacted]	November 2018	Discussion with Paul Hyde re South Sheppey ASFA
	16e	Great Bells	[redacted]	April 18	Site visit notes about great bells including when vegetation is cut
	16f	IOS	[redacted]	November 18	Particular focus on dogs on lead restriction Restriction update
	16g	Isle of Harty and Great Bells IOS	[redacted]	January 19	ASFA Call: Access Assessment and alignment
	16h			April 17	
	16i	Mocketts Mile and Great Bells	[redacted]	November 18	Swale habitat creation – strategic N Kent assessment

	16j	Mocketts Mile	[redacted]	June 18	Sea wall considerations prep for call
	16k	Mocketts Mile	[redacted]	May 18	Site visit with Responsible officer
	16l	Great Bells to Harty	[redacted]	November 18	Responsible officer concerns and issues
17: Call and meeting notes with interested parties/recorders	17a	Elmley NNR	[redacted] – Ex RSPB Warden	August 17	Areas important for species
	17b	Swale NNR	[redacted] Voluntary warden	August 17	Bird activity in south swale
	17c	IOS	[redacted] BTO/KOS/WeBS co-ordinator Thames and Medway SPAs	July 17	Supportive of alignment
	17d	Elmley to Harty and Swale NNR	[redacted], Marsh harrier Survey Co-ordinator	July 17	Breeding, wintering and Shellness intertidal
	17e	Elmley, Harty and Swale NNR	[redacted] – Swale Wader Ringing Group and WeBS/MH Counter	June 17	Talks about sensitive saltmarsh
18: Access Assessments	18a	Queenborough to Shellness	[redacted]	2017	Monitoring how people use the site and what affect new access will create
	18b	Queenborough to Kingsferry Crossing	[redacted]	2018	Level 2 Access Assessment scoring the attractiveness of the area to walkers

	18c	IOS	Swale Fire & Rescue Service	May 2017- August 2017	Incident summary for SAR assets
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