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Assessment of King Charles III England Coast Path proposals between **Rye Harbour and Camber Sands**

On **Dungeness Special Area of Conservation (SAC)** and **Dungeness, Romney Marsh and Rye Bay Special Protection Area (SPA)** and **Ramsar site**



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

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Summary

I) Introduction

This is a record of the Habitats Regulations Assessment ('HRA') undertaken by Natural England (in its role of competent authority) in accordance with the assessment and review provisions of the Conservation of Habitats and Species Regulations 2017 (as amended) ('the Habitats Regulations').

Natural England has a statutory duty under the Marine and Coastal Access Act 2009 to improve access to the English coast. This assessment considers the potential impacts of our detailed proposals for coastal access from Rye Harbour to Camber Sands on the following sites of international importance for wildlife: Dungeness Special Area of Conservation (SAC) and Dungeness, Romney Marsh and Rye Bay Special Protection Area (SPA) and Ramsar site.

This assessment should be read alongside Natural England's related Coastal Access Report which fully describes and explains how we propose to implement coastal access between Rye Harbour and Camber Sands.

<https://www.gov.uk/government/publications/king-charles-iii-england-coast-path-from-rye-harbour-to-camber-sands-ebc8-comment-on-proposals>

II) Background

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

Table 1. Summary of main wildlife interest

Interest	Description
Breeding birds	Dungeness, Romney Marsh and Rye Bay SPA is recognised for its breeding birds. Breeding birds require suitable nesting habitats coupled with low disturbance levels to prevent egg abandonment, chilling and predation, plus safe areas for successful fledging. Along this stretch the key site where birds are known to nest is Rye Harbour Nature Reserve.
Non-breeding birds	During the winter months Dungeness, Romney Marsh and Rye Bay SPA and Ramsar site supports an internationally recognised population of non-breeding birds. These birds need suitable undisturbed places to feed and roost. Along this stretch the key sites where non-breeding birds are known to feed and roost are Rye Harbour Nature Reserve, Camber Sands, and the saltmarsh and mudflats of the Rother Estuary.
Shingle habitats	The Dungeness and Rye Harbour area is one of the most important in the country for shingle foreshore. These important habitats are vulnerable to repeated trampling and habitat loss. Along this stretch there is shingle habitat at Rye Harbour Nature Reserve.
Wetland plants and invertebrates	The wetlands at Dungeness, Romney Marsh and Rye Bay Ramsar site support nationally scarce wetland plants and

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Interest	Description
	invertebrates, many of which are associated with grazing marsh, saltmarsh and ditches. These assemblages are vulnerable to repeated trampling and habitat loss. Along this stretch wetland plants and invertebrates are present at Rye Harbour Nature Reserve, standing water features at Northpoint Lake and Rye Golf Course, and the saltmarsh and mudflats of the Rother Estuary.
Vulnerable, endangered or critically endangered species	The Dungeness, Romney Marsh and Rye Bay Ramsar site supports vulnerable, endangered or critically endangered species including water vole; great crested newt; a rare moth; a rare beetle; a rare snail and medicinal leech. These species are vulnerable to habitat loss.

III) Our approach

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

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

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

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

IV) Aim and objectives for the design of our proposals

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

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

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

- Avoid exacerbating disturbance at sensitive locations by making use of established paths.
- Develop proposals that take account of risks to sensitive nature conservation features and incorporate mitigation as necessary in our proposals.
- Clarify where people may access the foreshore and other parts of the coastal margin on foot for recreation purposes.
- Work with local partners to design detailed proposals that take account of and complement efforts to manage access in sensitive locations.
- Where practical, incorporate opportunities to raise awareness of the importance of this stretch of coast for wildlife and how people can help efforts to protect it.

V) Conclusion

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

Table 2. Summary of risks and consequent mitigation built into our proposals

Risk to conservation objectives	Relevant design features of the access proposal
Disturbance to breeding birds at their nesting, roosting or feeding sites, following changes in recreational activities as a result of the access proposal, leads to reduction in the abundance and distribution of the qualifying features within the site.	<ul style="list-style-type: none"> • Path improvements at Rye Harbour Nature Reserve will encourage visitors to stay on the trail and away from breeding bird nesting sites, reducing current levels of disturbance. • New signage at Camber will advise visitors of sensitive wildlife and how they can ensure its protection.
Disturbance to non-breeding birds following changes in recreational activities as a result of the access proposal, may result in changes to roosting and feeding behaviour,	<ul style="list-style-type: none"> • New signage at Camber will advise visitors of sensitive wildlife and how they can ensure its protection.

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Risk to conservation objectives	Relevant design features of the access proposal
leading to reduced fitness and reduction in population and/or contraction in the distribution of qualifying features within the site.	
The trampling of qualifying and supporting habitat, following changes in recreational activities as a result of the access proposal, leads to the reduction in the extent and distribution of qualifying natural habitats and habitats of the qualifying species.	<ul style="list-style-type: none"> • Path improvements at Rye Harbour Nature Reserve will reduce trampling by encouraging visitors stay on the trail.
Loss of qualifying and supporting habitat through installation of access management infrastructure	<ul style="list-style-type: none"> • Path improvement works at Rye Harbour Nature Reserve will be restricted to 1.5 metres in width to reduce impact on the marsh mallow plant which is the larval food plant of the marsh mallow moth.

VI) Implementation

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

VII) Thanks

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

PART A: Introduction and information about the King Charles III 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 (King Charles III) England Coast Path; the other relating to a margin of coastal land associated with the route where in appropriate places people will be able to spread out and explore, rest or picnic.

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

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

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

Natural England's approach to ensuring the protection of sensitive nature conservation features under the Coastal Access Programme is set out in section 4.9 of the Coastal Access Scheme (1).

A2. Details of the plan or project

This assessment considers Natural England's proposals for coastal access along the Eastbourne to Camber stretch of coast between Rye Harbour and Camber Sands. Our proposals to the Secretary of State for this stretch of coast are presented in a report that explains how we propose to implement coastal access along the stretch.

Our proposals for coastal access have two main components:

- alignment of the King Charles III England Coast Path; and,
- designation of coastal margin.

King Charles III England Coast Path

A continuous walking route around the coast – the King Charles III England Coast Path National Trail - will be established by joining up existing coastal paths and rights of way and creating new sections of path where necessary. The route will be established and

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

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maintained to National Trail quality standards. The coast path will be able to 'roll back' if flooding occurs, to maintain a continuous route on this stretch of coast.

Coastal Margin

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






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

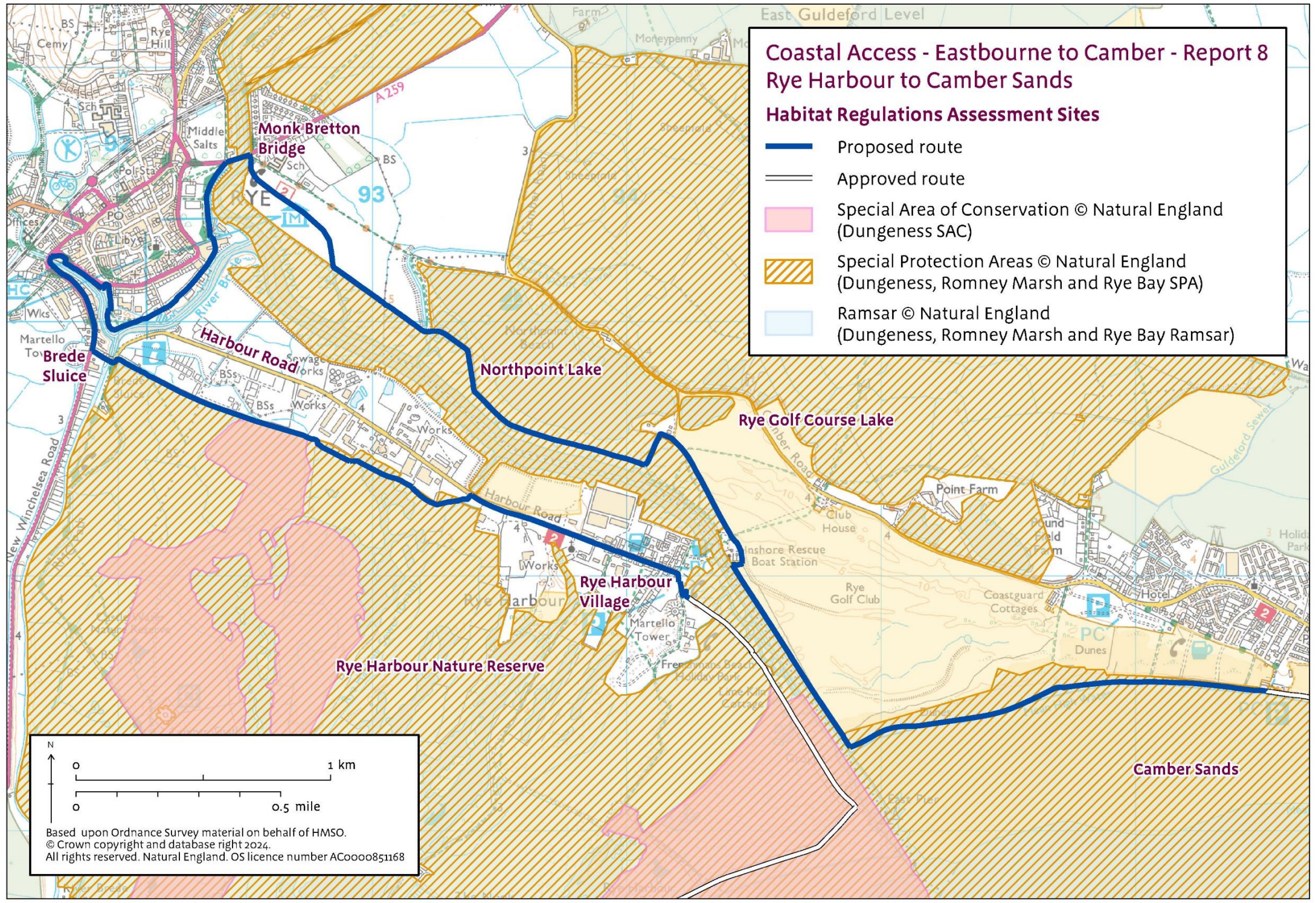
Where public access on foot already takes place on land within the margin without any legal right for people to use the land in this way, the new coastal access rights will secure this existing use legally. Access secured in this way is subject to various national restrictions. It remains open to the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

Of particular relevance to this assessment is that most areas of salt marsh and mud flat around the Rother Estuary between Rye Harbour and Camber Sands are considered unsuitable for public access and will be excluded from the new coastal access rights at all times regardless of any other considerations.

Coastal Access - Eastbourne to Camber - Report 8 Rye Harbour to Camber Sands

Habitat Regulations Assessment Sites

-  Proposed route
-  Approved route
-  Special Area of Conservation © Natural England (Dungeness SAC)
-  Special Protection Areas © Natural England (Dungeness, Romney Marsh and Rye Bay SPA)
-  Ramsar © Natural England (Dungeness, Romney Marsh and Rye Bay Ramsar)



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

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

Dungeness, Romney Marsh and Rye Bay SPA and Ramsar site

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

Dungeness SAC

Dungeness is the UK's largest shingle structure. It includes the vast sand and shingle beaches of the Dungeness foreland with the flat marshland between Hythe in Kent and Pett in Sussex. This area contains a wealth of wildlife and geomorphological features.

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Table 3. Qualifying Features

Qualifying feature	Dungeness SAC	Dungeness, Romney Marsh and Rye Bay SPA	Dungeness, Romney Marsh and Rye Bay Ramsar Site
H1210 Annual vegetation of drift lines	X		
H1220 Perennial vegetation of stony banks	X		
S1166 Great crested newt <i>Triturus cristatus</i>	X		X
A294 Aquatic warbler, <i>Acrocephalus paludicola</i> (non-breeding)		X	
A132-A Avocet <i>Recurvirostra avosetta</i> (breeding)		X	
A037 Bewick's swan, <i>Cygnus columbianus bewickii</i> (non-breeding)		X	
A021 Bittern <i>Botaurus stellaris</i> (non-breeding)		X	
A193 Common tern, <i>Sterna hirundo</i> (breeding)		X	
A140 Golden plover <i>Pluvialis apricaria</i> (non-breeding)		X	
A082 Hen harrier, <i>Circus cyaneus</i> (non-breeding)		X	
A195 Little tern <i>Sterna albifrons</i> (breeding)		X	
A081 Marsh Harrier, <i>Circus aeruginosus</i> (breeding)		X	
A176 Mediterranean gull, <i>Larus melanocephalus</i> (breeding)		X	
A151 Ruff <i>Philomachus pugnax</i> (non-breeding)		X	
A191 Sandwich tern, <i>Sterna sandvicensis</i> (breeding)		X	

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Qualifying feature	Dungeness SAC	Dungeness, Romney Marsh and Rye Bay SPA	Dungeness, Romney Marsh and Rye Bay Ramsar Site
A056 Shoveler <i>Anas clypeata</i> (non-breeding)		X	
Waterbird assemblage		X	
Annual vegetation of sand, shingle and pebble shores			X
Aquatic warbler, <i>Acrocephalus paludicola</i> (passage)			X
DeFolin's lagoon snail <i>Caecum amoricum</i>			X
Greater water-parsnip <i>Sium latifolium</i>			X
Ground beetle <i>Omophron limbatum</i>			X
Marsh mallow moth <i>Hydraecia osseola hucherardi</i>			X
Medicinal leech <i>Hirudo medicinalis</i>			X
Mute swan <i>Cygnus olor</i> (wintering)			X
Natural shingle wetlands			X
Shoveler <i>Anas clypeata</i> (wintering)			X
Warne's thread-moss <i>Brym warneum</i>			X
Water vole <i>Arvicola amphibius</i>			X
Waterbird assemblage (wintering)			X
Wetland bryophyte assemblage			X
Wetland invertebrate assemblage			X
Wetland plant assemblage			X

B2. European Site Conservation Objectives (including supplementary advice)

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

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

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

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

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

Supplementary advice on the conservation objectives can be viewed using the links below. The relevant issues have been assessed as part of this report.

Dungeness, Romney Marsh and Rye Bay SPA

<https://designatedsites.naturalengland.org.uk/Marine/SupAdvice.aspx?SiteCode=UK9012091&SiteName=dungeness&SiteNameDisplay=Dungeness%2c+Romney+Marsh+and+Rye+Bay+SPA&countyCode=&responsiblePerson=&SeaArea=&IFCAArea=&NumMarineSeasonality=13>

Dungeness SAC

<https://designatedsites.naturalengland.org.uk/TerrestrialAdvicePDFs/UK0013059.pdf>

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

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

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

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

Conclusion:

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

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

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

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

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

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

C2.1 Risk of Significant Effects Alone

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

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

For the purposes of this assessment, the qualifying features of the European Sites listed in B1 (Table 3) have been grouped as follows:

Table 4. Feature groups

Feature group	Qualifying feature(s)
Breeding birds	Little tern; Sandwich tern
Breeding birds	Avocet; Common tern; Marsh Harrier; Mediterranean gull;
Non-breeding birds	Aquatic warbler; Bewick's Swan; Golden Plover; Hen Harrier.
Non-breeding birds	Bittern; Mute swan; Ruff; Shoveler; waterbird assemblage
Marsh mallow moth	Marsh mallow moth
Vegetated shingle and natural shingle wetlands	Annual vegetation of drift lines; Perennial vegetation of stony banks; Annual vegetation of sand, shingle and pebble shores; Natural shingle wetlands
Vulnerable, endangered, or critically endangered species	DeFolin's lagoon snail; Greater water-parsnip; Great crested newt; Ground beetle; Medicinal leech; Warne's thread-moss; water vole.
Wetland bryophyte assemblage	Wetland bryophyte assemblage
Wetland plants and invertebrates	Wetland invertebrate assemblage, wetland plant assemblage

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Table 5. Assessment of likely significant effects alone

Feature	Relevant pressure/s	Sensitivity to coastal access proposals	Assessment of risk to site conservation objectives	LSE alone?
Breeding birds: little tern and Sandwich tern	<ul style="list-style-type: none"> Disturbance of breeding birds at nesting sites. Disturbance of breeding birds that are feeding and/or roosting. Disturbance caused by path establishment works. 	<ul style="list-style-type: none"> Breeding birds that breed in the vicinity of a coastal path may be disturbed, or nests may be trampled by recreational activities. Breeding birds that rest or feed in the vicinity of a coastal path may be disturbed by recreational activities including walking and walking with a dog. Breeding birds feeding or roosting in the vicinity of a coastal path may be disturbed by path establishment works. 	<p>Breeding little tern and Sandwich tern are known to nest within fenced off areas at Rye Harbour Nature Reserve Beach Reserve (2) which is outside of the KCIIIECP proposals. There are no known records of breeding little tern or Sandwich tern nesting sites within the vicinity of the proposed KCIIIECP between Rye Harbour and Camber Sands.</p> <p>Terns forage mainly offshore giving enough spatial separation between path users and the birds. The presence of people on the shore may discourage birds from feeding close to the shore at times when people are present, but it is unlikely to compromise foraging activity.</p>	No
Breeding birds: little tern and Sandwich tern	<ul style="list-style-type: none"> Loss of habitat through installation of access management infrastructure. 	<ul style="list-style-type: none"> The supporting habitats of the qualifying features may be permanently lost due to the installation of new access management infrastructure. 	Access infrastructure will not be installed within or close to breeding tern habitats.	No

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Feature	Relevant pressure/s	Sensitivity to coastal access proposals	Assessment of risk to site conservation objectives	LSE alone?
Breeding birds: Avocet; Common tern; Marsh Harrier; Mediterranean gull	<ul style="list-style-type: none"> Disturbance of breeding birds at nesting sites. Disturbance of breeding birds that are feeding and/or roosting. Disturbance caused by path establishment works. 	<ul style="list-style-type: none"> Breeding birds that breed in the vicinity of a coastal path may be disturbed, or nests may be trampled by recreational activities. Breeding birds that rest or feed in the vicinity of a coastal path may be disturbed by recreational activities including walking and walking with a dog. Breeding birds feeding or roosting in the vicinity of a coastal path may be disturbed by path establishment works. 	<p>There are suitable habitats for breeding birds at Rye Harbour Nature Reserve and the mudflats and saltmarsh along the Rother Estuary. The level of risk is higher where the access proposals are likely to bring people close to places on which breeding birds depend for nesting, feeding or roosting; and when establishment works involving loud machinery and movement create visual stimuli which can evoke a disturbance response.</p> <p>Avocet are known to nest at Rye Harbour Nature Reserve Beach Reserve (outside of these proposals) but will use saltmarsh and mudflats for feeding (2) that are adjacent to the proposed route and within the proposed coastal margin around the Rother Estuary.</p> <p>Common Tern are known to roost at low tide at Camber Sands (within the proposed coastal margin).</p> <p>Marsh Harrier are known to nest, roost and feed in the reed bed adjacent to the proposed route through Rye Harbour Nature Reserve on the west side of the Rother Estuary (2).</p> <p>Mediterranean Gull are known to nest at Rye Harbour Nature Reserve Beach Reserve (outside of these proposals) but may use fields adjacent to the proposed KCIIECP on the west side of the Rother Estuary for feeding (2).</p>	Yes
Breeding birds: Avocet; Common tern;	<ul style="list-style-type: none"> Loss of habitat through installation of 	<ul style="list-style-type: none"> The supporting habitats of the qualifying features may be permanently lost 	Access infrastructure will not be installed in breeding bird habitats.	No

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Feature	Relevant pressure/s	Sensitivity to coastal access proposals	Assessment of risk to site conservation objectives	LSE alone?
Marsh Harrier; Mediterranean gull	access management infrastructure.	due to the installation of new access management infrastructure.		
Non-breeding birds: Aquatic warbler; Bewick's Swan; Golden Plover; Hen Harrier.	<ul style="list-style-type: none"> Disturbance of feeding or resting birds. Disturbance of breeding birds. Loss of supporting habitat through installation of access management infrastructure. Disturbance caused by path establishment works. 	<ul style="list-style-type: none"> Birds feeding on or near the foreshore or resting in the vicinity of a coastal path may be disturbed by recreational activities including walking and walking with a dog. Non-breeding birds (that are wholly or largely resident) that breed within or near to the SPA in the vicinity of a coastal path may be disturbed, or nests may be trampled by recreational activities. The supporting habitats of the qualifying features may be permanently lost due to the installation of new access management infrastructure. Birds feeding or roosting in the vicinity of a coastal path may be disturbed by 	<p>Aquatic Warbler migrate during the autumn and winter, stopping off in the UK for short periods during this time. In previous years they have only been recorded within the SPA by bird ringers at Pett Level (outside of the KCIIECP proposals) in 2009 and 2010, but no birds have been ringed since (3). Since this qualifying feature is not in the vicinity of the coastal access proposals between Rye Harbour and Camber Sands there is no scope for interaction between users of the path and this feature.</p> <p>Bewick's Swan is found within the SPA on gravel pits at Dungeness RSPB Reserve and the grazing marsh at Cheyne Court on Walland Marsh (3) (outside of KCIIECP proposals). Since this qualifying feature is not in the vicinity of the coastal access proposals between Rye Harbour and Camber Sands there is no scope for interaction between users of the path and this feature.</p> <p>Golden Plover is found in the SPA in large numbers at Dungeness RSPB Reserve, Cheyne Court, Scotney Court and Rye Bay (3) (outside of the KCIIECP proposals). Since this qualifying feature is not in the vicinity of the coastal access proposals between Rye Harbour and Camber Sands there is no scope for interaction between users of the path and this feature.</p>	No

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Feature	Relevant pressure/s	Sensitivity to coastal access proposals	Assessment of risk to site conservation objectives	LSE alone?
		<p>path establishment works.</p>	<p>Hen Harrier will disperse widely across the SPA to forage and return to regularly used roost sites typically in reed beds. The main roost sites are at Lydd Ranges, Scotney Court, Cheyne Court and the Woolpack/Beaconsfield Fleet (3). These areas are outside of the KCIIIECP proposals. Since this qualifying feature is not in the vicinity of the coastal access proposals between Rye Harbour and Camber Sands there is no scope for interaction between users of the path and this feature.</p>	
<p>Non-breeding birds: Bittern; Mute swan; Ruff; Shoveler; waterbird assemblage</p>	<ul style="list-style-type: none"> • Disturbance of feeding or resting birds. • Disturbance of breeding birds. • Loss of supporting habitat through installation of access management infrastructure. • Disturbance caused by path establishment works. 	<ul style="list-style-type: none"> • Birds feeding on or near the foreshore or resting in the vicinity of a coastal path may be disturbed by recreational activities including walking and walking with a dog. • Non-breeding birds (that are wholly or largely resident) that breed within or near to the SPA in the vicinity of a coastal path may be disturbed, or nests may be trampled by recreational activities. • The supporting habitats of the qualifying features may be permanently lost due to the installation of 	<p>There are suitable habitats for non-breeding birds at Rye Harbour Nature Reserve, standing water features at Northpoint Lake and Rye Golf Course, and the mudflats and saltmarsh along the Rother Estuary.</p> <p>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.</p> <p>The level of risk is higher at places where a breeding population of species significantly contributes to the non-breeding population and where the access proposals are likely to place breeding birds at risk from recreational activities.</p> <p>The level of risk is higher where there is a permanent and irreversible loss of the extent of supporting habitat which the birds depend on.</p> <p>The level of risk is higher when establishment works involving loud machinery and movement create visual stimuli which can evoke a disturbance response.</p>	<p>Yes</p>

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Feature	Relevant pressure/s	Sensitivity to coastal access proposals	Assessment of risk to site conservation objectives	LSE alone?
		<p>new access management infrastructure.</p> <ul style="list-style-type: none"> Birds feeding or roosting in the vicinity of a coastal path may be disturbed by path establishment works. 		
Marsh mallow moth	<ul style="list-style-type: none"> Loss of supporting habitat through installation of access management infrastructure. 	<ul style="list-style-type: none"> Habitat may be lost due to the installation of new access management infrastructure. 	Marsh mallow moth is associated with the nationally scarce marsh-mallow plant <i>Althaea officinalis</i> , which is the larval food plant of the moth. The marsh-mallow plant is present along the proposed KCIIIIECP at Rye Harbour Nature Reserve (2). Establishment works at this location may impact upon the marsh-mallow plant.	Yes
Vegetated shingle and natural shingle wetlands	<ul style="list-style-type: none"> Regular trampling of sensitive vegetation. Loss of feature through installation of access management infrastructure. 	<ul style="list-style-type: none"> The qualifying features may be damaged due to trampling where people regularly walk away from established paths. Habitat may be lost due to the installation of new access management infrastructure. 	<p>The closest shingle habitat to the proposed KCIIIIECP is inland on the west side of the Rother Estuary approximately 16m landward of the trail. There will be no new coastal access rights over this area of vegetated shingle, therefore the risk of KCIIIIECP users damaging this habitat through trampling is low.</p> <p>The natural shingle wetlands that are a Ramsar feature are not in the vicinity of the KCIIIIECP proposals and therefore, there is no scope for interaction between KCIIIIECP users and this feature.</p> <p>There will be no new infrastructure installed within vegetated shingle and natural shingle wetland habitats.</p>	No

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Feature	Relevant pressure/s	Sensitivity to coastal access proposals	Assessment of risk to site conservation objectives	LSE alone?
Vulnerable, endangered, or critically endangered species	<ul style="list-style-type: none"> • Killing or injuring species during path establishment works. • Loss of supporting habitat through installation of access management infrastructure. • Loss of species due to regular trampling. 	<ul style="list-style-type: none"> • Species may be killed or injured path establishment works. • Habitat may be lost due to the installation of new access management infrastructure. • The qualifying features may be damaged due to trampling where people regularly walk away from established paths. 	<p>DeFolin's lagoon snail is present at the Saline lagoons at the seaward end of Lydd Ranges (4) (outside of the KCIIECP proposals). Since this qualifying feature is not in the vicinity of the coastal access proposals between Rye Harbour and Camber Sands there is no scope for interaction between users of the path and this feature.</p> <p>Greater water-parsnip is present mostly within in the northern areas of Walland Marsh (4) (outside of the KCIIECP proposals). Since this qualifying feature is not in the vicinity of the coastal access proposals between Rye Harbour and Camber Sands there is no scope for interaction between users of the path and this feature.</p> <p>Warne's thread-moss colonises wet sand beside the margins of freshwater gravel pits at Dungeness RSPB Reserve (4) (outside of the KCIIECP proposals). Since this qualifying feature is not in the vicinity of the coastal access proposals between Rye Harbour and Camber Sands there is no scope for interaction between users of the path and this feature.</p> <p>Great crested newt uses a combination of aquatic and terrestrial habitats in the site which provide exceptional breeding, foraging and hibernation conditions. The Ramsar site contains three metapopulations; two in the Dungeness area and one at Romney Warren (4) (outside of the KCIIECP proposals). Within the vicinity of the coastal access proposals between Rye Harbour and Camber Sands there are records of great crested newt within ditches and ponds landward of the proposed KCIIECP route on the east bank of the River Rother (5) (6) however</p>	No

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Feature	Relevant pressure/s	Sensitivity to coastal access proposals	Assessment of risk to site conservation objectives	LSE alone?
			<p>KCIIIECP users are unlikely to interact with these aquatic habitats and there will be no infrastructure installed on these habitats, therefore the risk to this feature is low.</p> <p>Ground beetle is a species living in burrows in sand at the margins of freshwater, where it is active at dusk and at night. It has been recorded from the margins of waterbodies at Dungeness and Rye Harbour (4). There are no known records of this species within the vicinity of the coastal access proposals between Rye Harbour and Camber Sands, and there will be no infrastructure installed on suitable habitat, therefore the risk to this feature is low.</p> <p>Medicinal leech is found at a wide range of localities between Dungeness and Rye. Ideal conditions are shallow, well-vegetated waterbodies including ponds, ditches, and shallow areas in flooded gravel pits (4). There are ditches and ponds landward and seaward of the proposed route for KCIIIECP between Rye Harbour and Camber Sands that may provide suitable habitat however KCIIIECP users are unlikely to interact with these aquatic habitats and there will be no infrastructure installed on these habitats, therefore the risk to this feature is low.</p> <p>Water vole is a species that is dependent on the network of ditches that drain the grazing marsh and arable habitats of the Romney Marsh and Rye Bay area (4). There are records of water vole using a petty sewer seaward of the proposed KCIIIECP, a pond landward of the proposed KCIIIECP, and drainage ditches both landward and seaward of the proposed KCIIIECP (5) (7). KCIIIECP users are unlikely to interact with the aquatic habitats used by</p>	

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Feature	Relevant pressure/s	Sensitivity to coastal access proposals	Assessment of risk to site conservation objectives	LSE alone?
			water voles and there will be no infrastructure installed at these locations, therefore the risk to this feature is low.	
Wetland bryophyte assemblage	<ul style="list-style-type: none"> Regular trampling of sensitive vegetation. Loss of habitat through installation of access management infrastructure. 	<ul style="list-style-type: none"> The qualifying features may be damaged due to trampling where people regularly walk away from established paths. Habitat may be lost due to the installation of new access management infrastructure. 	<p>This feature occurs on wet sand beside large gravel pits and small pools at Dungeness RSPB Reserve (4) (outside of the KCIIIECP proposals). Since the qualifying features are not in the vicinity of the coastal access proposals between Rye Harbour and Camber Sands there is no scope for interaction between users of the path and this feature.</p> <p>There will be no new infrastructure installed on wetland bryophyte habitat.</p>	No
Wetland plants and invertebrates	<ul style="list-style-type: none"> Loss of supporting habitat through installation of access management infrastructure Regular trampling of sensitive vegetation 	<ul style="list-style-type: none"> Habitat may be lost due to the installation of new access management infrastructure. The qualifying features may be damaged due to trampling where people regularly walk away from established paths. 	<p>The level of risk is higher at places where there is a permanent and irreversible loss of wetland plants and the habitats that support wetland invertebrates.</p> <p>The level of risk is higher at places where the access proposals are likely to place wetland plants and the habitats that support wetland invertebrates at risk from repeated trampling.</p>	Yes

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Conclusion:

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

- **Breeding birds (Avocet; Common tern; Marsh Harrier; Mediterranean gull)** - as a result of disturbance
- **Non-breeding bird (Bittern; Mute Swan; Ruff; Shoveler; waterbird assemblage)** - as a result of disturbance and habitat loss
- **Marsh mallow moth** – as a result of habitat loss
- **Wetland plants and invertebrates** – as a result of habitat loss and/or trampling

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

- **Breeding little tern and Sandwich tern** – as a result of disturbance and/or habitat loss
- **Breeding birds (Avocet; Common tern; Marsh Harrier; Mediterranean gull)** - as a result of habitat loss
- **Non-breeding birds (Aquatic warbler; Bewick's Swan; Golden Plover; Hen Harrier)** – as a result of disturbance and/or habitat loss
- **Vegetated shingle and natural shingle wetlands (annual vegetation of drift lines; perennial vegetation of stony banks; annual vegetation of sand, shingle and pebble shores; natural shingle wetlands)**– as a result of regular trampling and/or habitat loss
- **Wetland bryophyte assemblage** – as a result of regular trampling and/or habitat loss
- **Vulnerable, endangered or critically endangered species (DeFolin's lagoon snail; greater water parsnip; great crested newt; ground beetle; medicinal leech; Warne's thread moss; water vole)** – as a result of killing or injuring, trampling and/or habitat loss.

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

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

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

Further to the risks identified as being significant alone (in C2.1), it is considered that there are no other residual and appreciable risks likely to arise from this project which have the potential to act in-combination with similar risks from other proposed plans or projects to also become significant. It has therefore been excluded, on the basis of objective information, that the project is likely to have a significant effect in-combination with other proposed plans or projects.

C3. Overall Screening Decision for the Plan/Project

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

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

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

PART D: Appropriate Assessment and Conclusions on Site Integrity

D1. Scope of Appropriate Assessment

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

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

Table 6. Scope of Appropriate Assessment

Environmental pressure	Qualifying Feature(s) affected	Risk to Conservation Objectives
Disturbance of breeding birds	Avocet; common tern; marsh harrier; mediterranean gull	Disturbance to breeding birds at their nesting, roosting or feeding sites, following changes in recreational activities as a result of the access proposal, leads to reduction in the abundance and distribution of the qualifying features within the site.
Disturbance of non-breeding birds	Bittern; mute swan; ruff; shoveler; waterbird assemblage.	Disturbance to non-breeding birds following changes in recreational activities as a result of the access proposal, may result in changes to roosting and feeding behaviour, leading to reduced fitness and reduction in population and/or contraction in the distribution of qualifying features within the site.
Trampling of qualifying and supporting habitat following changes in access	Wetland plants and invertebrates	The trampling of qualifying and supporting habitat, following changes in recreational activities as a result of the access proposal, leads to the reduction in the extent and distribution of qualifying natural habitats and habitats of the qualifying species.

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Environmental pressure	Qualifying Feature(s) affected	Risk to Conservation Objectives
Loss of qualifying and supporting habitat through installation of access management infrastructure	Bittern; mute swan; ruff; shoveler; waterbird assemblage; wetland invertebrates; wetland plants; marsh mallow moth.	The installation of access management infrastructure may lead to the reduction in the extent and distribution of qualifying natural habitats and habitats of the qualifying species.

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

The coastal access proposals for Rye Harbour to Camber Sands affect a small proportion of the large Dungeness, Romney Marsh and Rye Bay SPA and Ramsar Site -namely Rother Estuary and Camber Sands. The following contextual statement focusses on the habitats and species of international importance that are found here.

Disturbance of breeding birds

The changes in coastal access arrangements may increase interaction, above the current environmental baseline, between KCIIIECP users and breeding birds that are nesting, feeding or roosting. All of the breeding bird species have a target within the Supplementary advice for the Dungeness, Romney Marsh and Rye Bay SPA to restrict the frequency, duration and/or intensity of disturbance caused by human activity (3).

Avocet

Avocet currently breed across the SPA, mostly at Rye Harbour Nature Reserve where 50 breeding pairs were recorded in 2023 (2). As the population has increased from 31 breeding pairs when the SPA was classified in 2016, a target to 'maintain' the size of the breeding population has been set within the Supplementary advice (3). **Avocet are known to nest at Rye Harbour Nature Reserve Beach Reserve (outside of these proposals) but will use saltmarsh and mudflats along the Rother Estuary for feeding (2). Avocet have also been recorded at Camber (5).**

Marsh Harrier

Marsh Harrier are currently breeding across the SPA and numbers have remained stable over the years since classification. A target to 'maintain' the size of the breeding population has been set within the Supplementary advice for the SPA (3). **Marsh Harrier are known to nest, feed and roost in the reedbed adjacent to the proposed route through Rye Harbour Nature Reserve on the west side of the Rother Estuary (2).**

Mediterranean Gull

Mediterranean Gull currently breed across the SPA with numbers fluctuating over the years since classification. In 2023 there were 10 breeding pairs of Mediterranean Gull recorded at Rye Harbour Nature Reserve (2). A target to 'restore' the size of the breeding population to a level above 56 breeding pairs has been set within the Supplementary Advice for the SPA (3). **There are no records of nesting sites in the vicinity of the proposed route, but fields adjacent to the proposed route through Rye Harbour Nature Reserve and grazing marsh further north provide feeding areas for Mediterranean Gull (2).**

Common Tern

Common Tern currently breed across the SPA, with 187 breeding pairs recorded at Rye Harbour Nature Reserve in 2023 where they nest within fenced off areas at the Beach Reserve (2) (outside of these proposals). Numbers have fluctuated since the extension of

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the SPA in 2016 but remain stable. A target to 'maintain' the size of the breeding population above 188 breeding pairs has been set with the Supplementary Advice for the SPA (3). **There are no known records of breeding common tern nesting sites within the vicinity of the proposed KCIIIECP between Rye Harbour and Camber Sands, however common tern are known to roost on the beach at Camber Sands at low tide during the summer months.**

Disturbance of non-breeding birds

The changes in coastal access arrangements may increase interaction, above the current environmental baseline, between KCIIIECP users and non-breeding birds that are feeding or roosting. All of the breeding bird species have a target within the Supplementary Advice for the Dungeness, Romney Marsh and Rye Bay SPA to restrict the frequency, duration and/or intensity of disturbance caused by human activity (3).

Bittern

The number of bittern across the SPA has fluctuated since classification due to influxes of birds migrating. The latest five-year mean (2017/18 to 2021/22) from WeBS is 1 individual and the feature is currently in unfavourable declining condition (8). A target to 'restore' the size of the non-breeding population to a level above 5 individuals has been set within the Supplementary advice for the SPA (3). **Bittern are known to nest and feed at Rye Harbour Nature Reserve (2). Individuals have also been recorded at Northpoint Lake (5).**

Mute Swan

The Dungeness, Romney Marsh and Rye Bay Ramsar site regularly supports 1% of the mute swan population of Great Britain (348 individuals, 5 year peak mean 2002/3 to 2006/7) (4). **Mute Swan are known to use Northpoint Lake, Rye Golf Course Lake, saltmarsh at Camber Fields; Camber Sands (5); and areas adjacent to the proposed route at Rye Harbour Nature Reserve (2).**

Ruff

Since classification, there has been a slight decline in numbers of ruff across the SPA. The latest five-year mean (2017/18 – 2021/22) from WeBS is 31 individuals (8). A target to 'maintain' the size of the non-breeding population at a level which is above 51 individuals has been set within the Supplementary Advice for the SPA (3). **There are records of ruff using Camber Fields, Northpoint Lake, Camber, the mouth of the River Rother, and the saltmarsh and mudflats on the east bank of Rother Estuary (5). Ruff are also known to feed at fields at Rye Harbour Nature Reserve, although these areas are two fields away from the proposed route (2).**

Shoveler

Since classification, numbers of Shoveler across the SPA have increased. The current five-year mean (2017/18 – 2021/22) from WeBS is 664 individuals where the population is stable if not increasing in line with British trends (8). A target to 'maintain' the size of the non-breeding population has been set within the Supplementary Advice for the SPA (3). **Shoveler are known to use areas near the proposed route through Rye Harbour Nature Reserve (2).**

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Waterbird Assemblage

Dungeness, Romney Marsh and Rye Bay supports an assemblage of non-breeding water birds that is of European and international importance. Key components of this assemblage, which are not features in their own right, include European white-fronted goose, wigeon, gadwall, pochard, little grebe, great crested grebe, cormorant, coot, sanderling, whimbrel, common sandpiper and lapwing. **Several of these species have been recorded using Northpoint Lake; Rye Golf Course Lake; Camber Sands; and the saltmarsh/mudflats along the Rother Estuary. Of particular note are lapwing (up to 30 individuals) using grazing marsh within the proposed coastal margin at Harbour Road (2) (5) and sanderling (up to 100 individuals) feeding at the western end of Camber Sands in the summer (2).**

Trampling of qualifying and supporting habitat

Wetland plant assemblage

The Dungeness, Romney Marsh and Rye Bay Ramsar is designated, in part, for its wetland plant assemblage. Between Rye Harbour and Camber Sands these species are found within grazing marsh and saltmarsh habitats. Notable species (present at the saltmarsh near Rye Golf Course) include *Frankenia laevis* saltmarsh community *Halimione portulacoides* which is confined to the south coast of Sussex and is of restricted distribution nationally (9).

The risk associated with the coastal access proposals is the possible increase in repeated trampling where KCIIECP changes current access levels and patterns at sensitive sites.

Wetland invertebrate assemblage

The Dungeness, Romney Marsh and Rye Bay Ramsar is designated, in part, for its wetland plant assemblage. Between Rye Harbour and Camber Sands these species are found within ditch systems and saltmarsh habitats. The risk associated with the coastal access proposals is the possible increase in repeated trampling where KCIIECP changes current access levels and patterns at sensitive sites.

Loss of qualifying and supporting habitat

The non-breeding birds, wetland invertebrate and plant assemblages and marsh mallow moth have been identified as being at risk to permanent loss of habitat due to the installation of access management infrastructure. Direct and indirect impacts may affect the extent and distribution of habitats, which may adversely affect the population and alter the distribution of species.

The Marsh mallow moth is associated with the nationally scarce marsh-mallow *Althaea officinalis*, which is the larval food plant. The marsh-mallow is present along the proposed KCIIECP at Rye Harbour Nature Reserve (2).

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

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

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

D3.1 Design of the access proposal to address possible risks – at a stretch level

The proposed trail alignment through the designated sites follows existing highways, public rights of way, permissive paths, existing walked routes and the beach at Camber. There are no sections of new path in the proposals.

Details of the current access situation, potential change arising from the proposals and likely impact on the qualifying features are listed below:

1. Rye Harbour (Rye Harbour Village)

The trail at Rye Harbour village follows a short section of existing walked path along the seawall, near the car park - adjacent to saltmarsh. The trail then follows Harbour Road, through the village, with a mix of industrial units, rough grassland and scrub, saltmarsh and mud flats in the coastal margin. New signs, as part of the proposals, will be installed to direct walkers from the trail near the car park towards the village facilities (pub, café, view point) near the river. There is currently de-facto access along the seawalls and riverside at Rye Harbour village, whereas industrial compounds prevent access to the seawall further north. There are no known records of breeding bird nesting sites at this location although both breeding and non-breeding birds will use the mudflats and saltmarsh for feeding.

Likely change: the access prediction in this area is for a small increase along the path, as these areas are already well used, especially near the car park. A negligible change is predicted in the coastal margin as the area is very well used. Access to the saltmarsh and mudflats in the coastal margin that is unsuitable for public access will be excluded by a direction under Section 25A of the Countryside and Rights of Way Act (2000).

Likely impact on qualifying features:

i) Disturbance of breeding birds

As changes in current access patterns will be limited, there is not considered to be any significant impact on the breeding birds using the saltmarsh and mudflats for feeding at this location.

ii) Disturbance of non-breeding birds

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As changes in current access patterns will be limited, there is not considered to be any significant impact on the non-breeding birds using the saltmarsh and mudflats for feeding at this location.

iii) Trampling of qualifying and supporting habitat following changes in access

As changes in current access patterns will be limited, there is not considered to be any significant impact on the wetland plants and invertebrates present in the saltmarsh and mudflats at this location.

iv) Loss of qualifying and supporting habitat through installation of access management infrastructure

There will be 2 new signposts installed within the SPA/Ramsar, on grass next to the seawall by the car park at Rye Harbour. This part of the site is not considered a qualifying feature or supporting habitat, so there is not considered to be any significant impact as a result of the installation of access management infrastructure. The remaining establishment works in this section will occur outside of the SPA/Ramsar.

Installation locations and methods will be checked at establishment stage and further assessment under the Habitat Regulations made, as necessary, prior to any works being carried out.

2. Rye Harbour Nature Reserve (Rye Harbour to Brede Sluice)

The trail at this location follows an existing nature trail through scrub and grassland, near to areas of wetland with breeding and non-breeding birds. Some sections of the path are wet and heavily poached by walkers - and works are planned as part of the proposals to improve these sections to reduce path side erosion. Further northwest the trail follows an existing walked route and a public footpath along a raised, disused tram line through grazing marsh with relic vegetated shingle ridges, and scrub.

In the coastal margin, on the west bank of Rye Harbour, there is rough grassland, grazing marsh, seawall, saltmarsh and mudflats, with associated breeding and non-breeding birds and wetland plants and invertebrate communities. This area is not readily accessible, although several boats are moored near the seawall.

Likely change: the access prediction along the trail in this area is for a small increase in visitors, as the paths are already well used by locals and visitors. The Sussex Wildlife Trust nature trail directs people along a scrub edged pathway and away from any sensitive wetland habitats and breeding bird nesting sites in the nature reserve. Where the trail follows the raised tramway, this creates a clear route to follow. Access to the saltmarsh and mudflats in the coastal margin will be excluded by a direction under Section 25A of the Countryside and Rights of Way Act (2000), as it is unsuitable for public access.

In the coastal margin on the west bank of Rye Harbour, the access prediction is for negligible increase. This area will be distant from the promoted/signed trail and is fenced off; currently locked gates prevent easy passage. Therefore, it is unlikely that significant numbers of walkers or dog walkers will enter these grazing marsh fields or access the seawall that is near to saltmarsh and mudflats used by breeding and non-breeding birds.

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Likely impact on qualifying features:

i) Disturbance of breeding birds

Avocet nest at Rye Harbour Beach Reserve (an area outside of these proposals) but are known to feed on the salt marsh (2) within the proposed coastal margin. Access to the saltmarsh and mudflats will be restricted as these are unsuitable for public access. A negligible increase in access to the seawall is predicted because this area is distant from the proposed route and not easy to access due to locked gates, fences, and ditches. As changes in current access patterns will be limited, there is not considered to be any significant impact on avocet at this location.

Common tern are not known to utilise this area for nesting, feeding or roosting.

Marsh Harrier are known to nest and roost in reed beds in a restricted area adjacent to the proposed route through Rye Harbour Nature Reserve. They will also feed in reed beds and other areas adjacent to the proposed route (2). Works to improve the muddy section of the trail will discourage people from diverting from the poor condition parts of the path and accessing restricted areas that bring them into closer proximity to nesting, roosting and feeding sites. As changes in current access patterns will be limited, and proposed footpath works will help to reduce current levels of disturbance, there is not considered to be any significant impact on Marsh Harrier at this location.

Mediterranean gull nest at Rye Harbour Beach Reserve (an area outside of these proposals) but are known to feed within the grassland and agricultural fields adjacent to the proposed route (2). As these areas are landward of the trail with no new coastal access rights proposed, and changes in current access patterns along the trail will be limited, there is not considered to be any significant impact on Mediterranean gull at this location.

ii) Disturbance of non-breeding birds

Bittern nest and feed at Rye Harbour Nature Reserve but these areas are not close to the proposed route (2), therefore there is not considered to be any significant impact on Bittern at this location.

Ruff are known to feed on fields at Rye Harbour Nature Reserve (2). These areas are two fields away from the proposed route therefore there is not considered to be any significant impact on Ruff at this location.

Mute Swan and shoveler may nest and feed close to the proposed route at Rye Harbour Nature Reserve (2) however existing access management at this location means that birds can move to suitable fenced off areas where they can rest and feed undisturbed. This existing management in addition to the predicted limited changes in current access patterns means there is unlikely to be any significant impact on mute swan or shoveler at this location.

Waterbird assemblage - up to 30 lapwing (part of the waterbird assemblage) have been recorded using grazing marsh at Harbour Road (2) (5) within the

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proposed coastal margin. Since a negligible change in access is predicted here, there is not considered to be any significant impact on lapwing at this location.

iii) Trampling of qualifying and supporting habitat following changes in access

Works to improve the muddy section of the Rye Harbour Nature Reserve trail will reduce trampling and discourage people from diverting from the poor condition parts of the path and accessing restricted areas that bring them into closer proximity to sensitive habitats.

Wetland plant and invertebrate species may also be present at the grazing marsh, saltmarsh and ditches within the coastal margin. Access to the saltmarsh and mudflats will be restricted as these are unsuitable for public access. A negligible increase in access to the seawall is predicted because this area is distant from the proposed route and not easy to access due to locked gates, fences, and ditches. As changes in current access patterns will be limited, there is not considered to be any significant impact due to trampling at this location.

iv) Loss of qualifying or supporting habitat through installation of access management infrastructure

There will be 3 new signposts installed within the SPA/Ramsar to waymark the route along the existing nature trail through Rye Harbour Nature Reserve. These parts of the site are not considered a qualifying feature or supporting habitat, so there is not considered to be any significant impact as a result of the installation of access management infrastructure.

The proposed works to improve the muddy section of the nature trail have the potential to encroach on the marsh mallow plant (the larval plant food for the marsh mallow moth) that grows at this location. The width of the new path will need to be restricted to 1.5 metres to minimise impact on the marshmallow plant.

Installation locations and methods will be checked at establishment stage and further assessment under the Habitat Regulations made, as necessary, prior to any works being carried out.

3. East bank of Rye Harbour (Monk Bretton Bridge to mouth of Rye Harbour)

The trail follows existing public rights of way; permissive and informal paths along the Harbour's edge, including a section of seawall public footpath around the soon to be completed managed re-alignment near Monk Bretton Bridge. There are a number of public footpaths that branch inland and some disused footpaths that lead along/to the rivers edge near Rye Golf Course.

Habitats in the coastal margin include saltmarsh and mudflats that some non-breeding birds features use for feeding. Landward of the trail is scrub, Northpoint Lake and Rye Golf Course Lake.

Likely change: the access prediction in this area is for a medium increase in visitors along the existing seawall paths. The prediction for access into the coastal margin is negligible, as the trail follows existing paths which already provide good views of the river. Walkers are

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unlikely to venture across the saltmarsh near Rye Golf Course, due to unsuitable/flooded habitat, and the fences and scrub landward of the trail would deter new access in that direction. Access to the saltmarsh and mudflats in the coastal margin will be excluded by a direction under Section 25A of the Countryside and Rights of Way Act (2000), as it is unsuitable for public access.

Likely impact on qualifying features:

i) Disturbance of breeding birds

Avocet are known to feed on the saltmarsh (2) within the coastal margin. Access to the saltmarsh and mudflats will be restricted as these areas are unsuitable for public access.

As the seawall public footpaths adjacent to the saltmarsh are already well used, there is not likely to be any significant impact on the avocet as a result of people walking on the seawall.

Common tern, Marsh Harrier and **Mediterranean Gull** are not known to use this location.

ii) Disturbance of non-breeding birds

Non-breeding Bittern, mute swan, ruff, shoveler and species within the waterbird assemblage have been recorded using areas seaward and landward of the trail at this location (5). As the seawall public footpaths adjacent to the saltmarsh/mudflats are already well used, and there will be no new coastal access rights landward of the trail or on saltmarsh/mudflats within the seaward coastal margin, there is not likely to be any significant impact on these features.

iii) Trampling of qualifying and supporting habitat following changes in access

With a negligible increase in predicted access in the coastal margin, there is not likely to be any significant impact on the wetland plants and invertebrates present in the saltmarsh and mudflat habitats at this location.

iv) Loss of qualifying or supporting habitat through installation of access management infrastructure

There will be no access management infrastructure installed within the SPA/Ramsar at this location. Therefore, there will be no loss of qualifying or supporting habitat.

Installation locations and methods will be checked at establishment stage and further assessment under the Habitat Regulations made, as necessary, prior to any works being carried out.

4. Camber Sands

The trail passes along Camber Sands beach, with the intertidal sandflats, strandline and breeding and non-breeding birds in the seaward coastal margin. Camber Sands is hugely popular especially on sunny days and in the summer – with upwards of 25,000 visitors each day in the peak season. Rother District Council manage access across most of the beach,

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informed by the Sustainable Access Management Strategy (10), including path clearance, signage, beach patrols in the peak periods and a Coastal Officer to help reduce access, trampling and erosion of sensitive geological and biological dune features and associated birds, flora and invertebrate communities. There is also a summer exclusion of dogs on the beach for health and safety.

As part of the proposals, new signage will inform and advise walkers of the wildlife interests and vulnerabilities of the area.

Likely impact on qualifying features:

i) Disturbance of breeding birds

There are no known nesting sites for breeding birds at Camber, however **common tern** is known to roost on Camber beach at low tide during the summer, in an area that is already well used. To help ensure visitors are aware of sensitive wildlife at Camber, new signage is proposed to include information about the habitats and species – including common tern, with clear advice on how visitors can ensure their protection. Signage will support Rother District Council's Sustainable Access Management Strategy. As changes in current access patterns will be limited, and proposed new signage will help to reduce current levels of disturbance, there is not considered to be any significant impact on common tern at this location.

ii) Disturbance of non-breeding birds

Sanderling (part of the waterbird assemblage) are known to feed on the sand at Camber during the winter (2). To help ensure visitors are aware of sensitive wildlife at Camber, new signage is proposed to include information about the habitats and species – including sanderling, with clear advice on how visitors can ensure their protection. Signage will support Rother District Council's Sustainable Access Management Strategy. As changes in current access patterns will be limited, and proposed new signage will help to reduce current levels of disturbance, there is not considered to be any significant impact on sanderling at this location.

iii) Trampling of qualifying and supporting habitat following changes in access

The beach at Camber is already very well used but to help ensure visitors are aware of sensitive wildlife at Camber, new signage is proposed to include information about the habitats and species with clear advice on how visitors can ensure their protection. Signage will support Rother District Council's Sustainable Access Management Strategy. As changes in current access patterns will be limited, and proposed new signage will help to raise awareness of sensitive habitat, there is not considered to be any significant impact on qualifying and supporting habitat at this location.

iv) Loss of qualifying or supporting habitat through installation of access management infrastructure

Several new signs will be necessary at Camber to waymark the trail and provide information to visitors. Where possible, new signs will be installed on existing

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signposts within the SPA/Ramsar. Installation of any new posts that are necessary will avoid areas of qualifying or supporting habitat.

Installation locations and methods will be checked at establishment stage and further assessment under the Habitat Regulations made, as necessary, prior to any works being carried out.

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

Table 7. Assessment of adverse effect on site integrity alone

Risk to conservation objectives	Relevant design features of the access proposal	Can 'no adverse effect' on integrity be ascertained?	Residual effect?
<p>Disturbance to breeding birds at their nesting, roosting or feeding sites, following changes in recreational activities as a result of the access proposal, leads to reduction in the abundance and distribution of the qualifying features within the site.</p>	<ul style="list-style-type: none"> • The proposed route follows existing highways, public rights of way, permissive paths, other existing walked routes and the beach at Camber. These areas are already well accessed. • Coastal access rights will be excluded over areas of mudflats and saltmarsh that are unsuitable for walking. • The route will be signposted and waymarked to encourage walkers to stay on the path. • Path improvements at Rye Harbour Nature Reserve will encourage visitors to stay on the trail and away from breeding bird nesting sites, reducing current levels of disturbance. • New signage at Camber will advise visitors of sensitive wildlife and how they can ensure its protection. 	<p>Yes</p>	<p>No</p>

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Risk to conservation objectives	Relevant design features of the access proposal	Can 'no adverse effect' on integrity be ascertained?	Residual effect?
<p>Disturbance to non-breeding birds following changes in recreational activities as a result of the access proposal, may result in changes to roosting and feeding behaviour, leading to reduced fitness and reduction in population and/or contraction in the distribution of qualifying features within the site.</p>	<ul style="list-style-type: none"> • The proposed route follows existing highways, public rights of way, permissive paths, other existing walked routes and the beach at Camber. These areas are already well accessed. • Coastal access rights will be excluded over areas of mudflats and saltmarsh that are unsuitable for walking. • The route will be signposted and waymarked to encourage walkers to stay on the path. • Path improvements at Rye Harbour Nature Reserve will encourage visitors to stay on the trail away from sensitive areas, reducing current levels of disturbance. • New signage at Camber will advise visitors of sensitive wildlife and how they can ensure its protection. 	<p>Yes</p>	<p>No</p>
<p>The trampling of qualifying and supporting habitat, following changes in recreational activities as a result of the access</p>	<ul style="list-style-type: none"> • The proposed route follows existing highways, public rights of way, permissive paths, other existing walked routes and the beach 	<p>Yes</p>	<p>No</p>

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Risk to conservation objectives	Relevant design features of the access proposal	Can 'no adverse effect' on integrity be ascertained?	Residual effect?
<p>proposal, leads to the reduction in the extent and distribution of qualifying natural habitats and habitats of the qualifying species.</p>	<p>at Camber. These areas are already well accessed.</p> <ul style="list-style-type: none"> • Coastal access rights will be excluded over areas of mudflats and saltmarsh that are unsuitable for walking. • The route will be signposted and waymarked to encourage walkers to stay on the path. • Path improvements at Rye Harbour Nature Reserve will reduce trampling by encouraging visitors stay on the trail. • New signage at Camber will advise visitors of sensitive wildlife and how they can ensure its protection. 		
<p>The installation of access management infrastructure may lead to the reduction in the extent and distribution of qualifying natural habitats and habitats of the qualifying species.</p>	<ul style="list-style-type: none"> • Several signs will be installed within the SPA/Ramsar but in areas that are not qualifying or supporting habitat. • The width of the path improvements at Rye Harbour Nature Reserve will be restricted to 1.5 metres to minimise impact on the marshmallow plant. 	<p>Yes</p>	<p>No</p>

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Risk to conservation objectives	Relevant design features of the access proposal	Can 'no adverse effect' on integrity be ascertained?	Residual effect?
	<ul style="list-style-type: none"> Installation locations and methods will be checked at establishment stage and further assessment under the Habitat Regulations made, as necessary, prior to any works being carried out. 		

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:

- Disturbance to breeding birds at their nesting, feeding or roosting sites, following changes in recreational activities as a result of the access proposal, leads to reduction in the abundance and distribution of the qualifying features within the site.
- Disturbance to non-breeding birds following changes in recreational activities as a result of the access proposal, may result in changes to roosting and feeding behaviour, leading to reduced fitness and reduction in population and/or contraction in the distribution of qualifying features within the site.
- The trampling of designated features, following changes in recreational activities as a result of the access proposal, leads to the reduction in the extent and distribution of qualifying natural habitats and habitats of the qualifying species.
- The installation of access management infrastructure may lead to the reduction in the extent and distribution of qualifying natural habitats and habitats of the qualifying species.

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

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

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

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

Natural England considers that in this case the potential for adverse effects from the plan or project has 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 Dungeness Special Area of Conservation and Dungeness, Romney Marsh and Rye Bay Special Protection Area and 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 Rye Harbour and Camber Sands are fully compatible with the relevant European site conservation objectives.

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

Certification

Assessment prepared by: Laura Whitfield
Role: Higher Officer, Coastal Access
Date: 31/05/2024

HRA approved by: Ken Obbard
Role: Senior officer with responsibility for protected sites
Date: 31/05/2024

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