

Strategic Access Management and Mitigation
Medway Council Interim Policy Statement
November 2015

1. Purpose

- 1.1 This policy statement sets out the council's position on a strategic approach to managing and mitigating the potential impact to the protected habitats of the Thames, Medway and Swale Estuary and Marshes Special Protection Areas and Ramsar sites. In advance of adopting an appropriate policy in an updated Medway Local Plan, the council is establishing its commitment to a strategic mitigation and management approach, to satisfy the requirements of the Conservation and Habitats and Species Regulations, 2010.

2. Context

- 2.1 Much of the estuary and marshes along the north Kent coast on the Thames, Medway and Swale are designated Special Protection Areas, or Ramsar sites in recognition of their international importance for wildlife, in particular wintering birds. These designations establish legal requirements for the protection of these special environments, and specific duties on local authorities, particularly with regards to planning.
- 2.2 The Conservation of Habitats and Species Regulations 2010 (known as the 'Habitats Regulations') set out how Local Planning Authorities must deal with planning applications that have the potential to impact on Special Protection Areas and other European protected sites. As a matter of national policy, the Habitats Regulations also apply to Ramsar Sites. The legislation states that local planning authorities must not grant permission for a development that would, either alone or in-combination with other developments, have a likely significant effect on a European protected site. Only if any likely significant effects can be mitigated can permission be granted.
- 2.3 Over 1,000 new homes are planned to be built each year in North Kent - cumulatively these could have a considerable impact on the three Special Protection Areas and Ramsar sites, with each new home potentially contributing to that cumulative impact. . Research ¹ carried out in north Kent has found that there have been marked declines in the numbers of birds using the SPAs, and these have occurred at the locations with the highest levels of access. It identified that disturbance caused by the presence of people was a potential cause of the decline. A range of activities were found to create

¹ Bird Disturbance Study, North Kent 2010/11. Footprint Ecology, 2011. Available at: <http://www.medway.gov.uk/pdf/Final%20North%20Kent%20Bird%20Report.pdf>

disturbance. Walking dogs off the lead had a noted impact, but also running and cycling.

- 2.4 It identified that 75% of visits to the coast originated from within 6km. Beyond the 6km threshold there is a measurable decline in visitors coming to the coast. It was estimated that there would be 15% additional coastal recreation resulting from new housing planned in the surrounding area.
- 2.5 The research concluded that a likely significant effect cannot be ruled out from residential developments within six kilometres of the coastal designated sites and from larger residential developments further away. This is therefore a consideration when determining planning applications.

3. Addressing the Issue

- 3.1 Further work² was undertaken to develop a response to this issue. This identified that a strategic approach to management and mitigation was the most appropriate measure. The research identified a suite of strategic access, management and monitoring projects, which combine to deliver complementary measures capable of addressing a 15% increase in visitor numbers. These include wardening, development of a code of conduct, targeted activities with dog owners, management of access and site works, and ongoing monitoring.
- 3.2 The strategic package of mitigation and management measures was costed, and from this a tariff was calculated. It was recommended that the tariff should be applied to new development within 6km of the SPAs and Ramsar sites, addressing the impact from projected increases in the population of north Kent. This was established at £223.58 per new dwelling within the 6km buffer, based on an assumed increase of 35,000 dwellings in the area.
- 3.3 Natural England has worked with the North Kent local planning authorities on the measures that are necessary to mitigate the effects of recreational disturbance on the protected sites and has issued advice³ in August 2015. It advises the council that the likely significant effect of recreational impact on the over wintering bird interest from new residential development can be screened out if an appropriate contribution is made to the provision of strategic access management measures across the north Kent marshes. This relates to development within 6km of the SPA/ Ramsar sites.

² Thames, Medway and Swale Estuaries - Strategic Access Management and Monitoring Strategy, Footprint Ecology 2014. Available at: <http://www.medway.gov.uk/pdf/Strategic-Access-and%20RecreationManagementPlan.pdf>

³ Available at: <http://www.medway.gov.uk/pdf/NKEPG%20Letter%20-%206%20August%202015.pdf>

4. Implementation

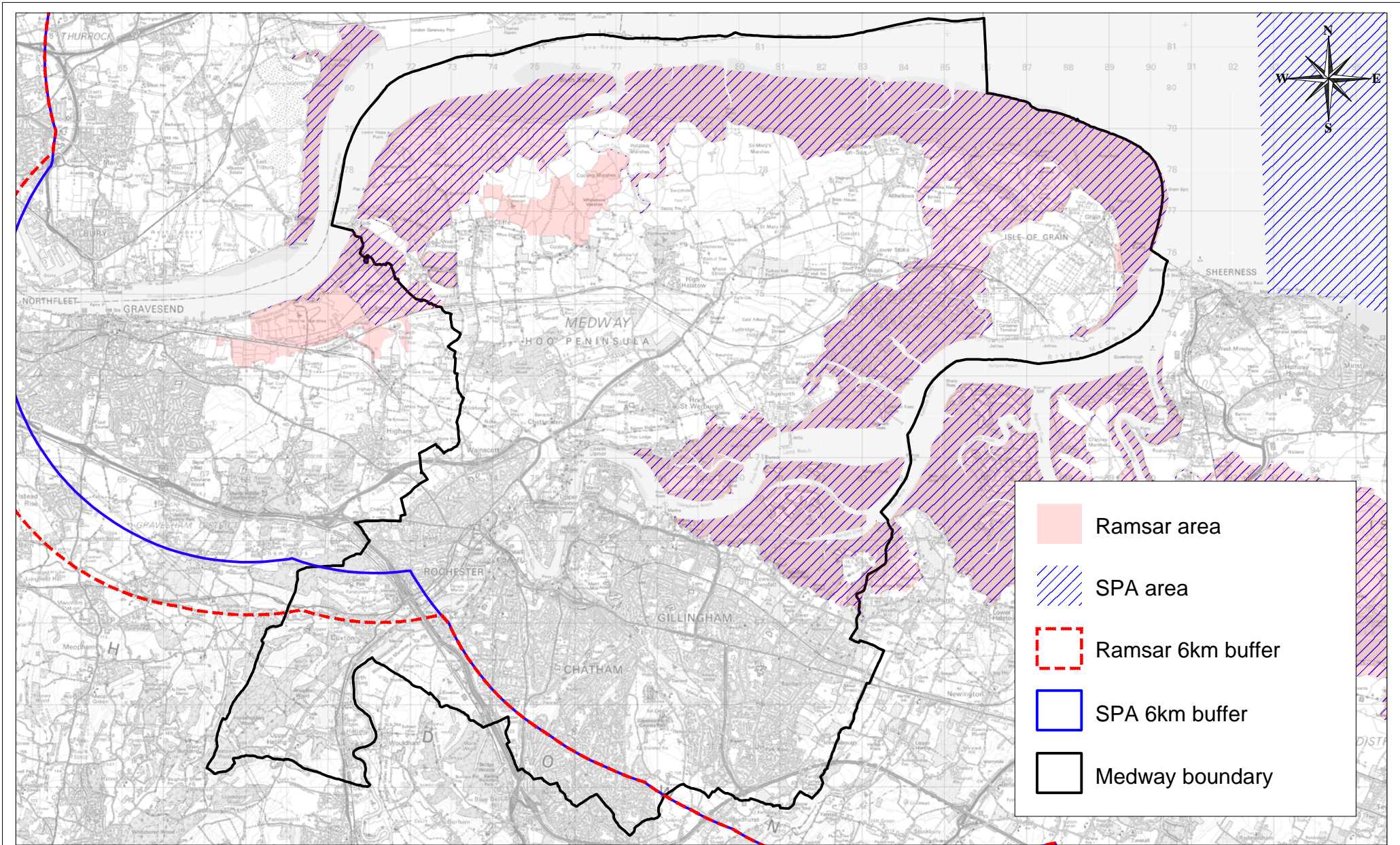
- 4.1 The council will work in collaboration with local planning authorities in north Kent to contribute to the delivery of a strategic access mitigation scheme to address potential damage from population increases on the designated habitats of the Thames, Medway and Swale Estuaries and Marshes.
- 4.2 Natural England has advised that one single dwelling can cause an impact and so planning applications for development of 1 dwelling or more that fall within within 6 km of the SPAs/Ramsar sites should either contain sufficient information to enable the Local Authority to undertake an Appropriate Assessment under the Habitats Regulations; or Medway Council would expect to secure a financial contribution. Medway Council have therefore drafted a Unilateral Undertaking⁴ for the purposes of securing the contribution, which is £223.58 per dwelling. It is noted that this figure is index linked and subject to review based on monitoring the implementation of the scheme.
- 4.3 Natural England's advice sets out further details for other categories of development, and this will be followed by the council. Other uses, including hotels / guesthouses, residential care homes / institutions and camp / caravan sites will be looked at on a case-by-case basis. Furthermore Natural England advise that large developments beyond the 6km zone could also cause impacts and these will again be considered on a case-by-case basis.

5. Conclusion

- 5.1 Medway Council confirms its support for implementation of the mitigation as a partnership between the North Kent local authorities, and contribute funding collected through the tariff to a pooled budget to implement the strategic approach.
- 5.2 The council will participate in the establishment and operation of governance structures, coordination of activities, and commissioning of projects as appropriate.
- 5.3 The extent of the 6 km buffer is set out overleaf.

⁴ Available at:

<http://www.medway.gov.uk/planningandbuilding/localplansandpolicies/developmentbriefsguidance/birddisturbanc einnorthkent.aspx>



SPA and Ramsar 6km buffers