



Strategic mitigation for North Kent Special Protection Areas and Ramsar sites

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Strategic mitigation for North Kent Special Protection Areas and Ramsar sites



This presentation covers:

- Natural England's role
- Legislative background – protection for SPAs and Ramsar sites
- North Kent Special Protection Areas and Ramsar sites
- The impact of new housing development – recreation disturbance
- North Kent Environmental Protection Group
- Strategic mitigation for recreation disturbance impacts

Natural England's role



- Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.
- Natural England is a statutory consultee for a range of Development Management Consultations including:
 - development consent orders
 - many planning applications
 - Environmental Impact Assessments (EIA)
 - and Habitats Regulations Assessments (HRA)

Legislative background – protection for SPAs and Ramsar sites



Special Protection Areas (SPAs)

SPAs are protected sites classified in accordance with Article 4 of the EC Birds Directive. They are classified for rare and vulnerable birds (as listed on Annex I of the Directive), and for regularly occurring migratory species.

Birds Directive (2009/147/EC)

Article 4(4):

'In respect of the protection areas ...[SPA] , Member States shall take appropriate steps to avoid pollution or deterioration of habitats or any disturbances affecting the birds, in so far as these would be significant having regard to the objectives of this Article.'

Legislative background – protection for SPAs and Ramsar sites



Ramsar sites

Wetlands of international importance designated under the Ramsar Convention (1971).

Conservation of Habitats and Species Regulations (2010)

'A competent authority, before deciding to give any consent ... for a plan or project which... is likely to have a significant effect on a European site... must make an appropriate assessment of the implications for the site in view of that site's conservation objectives.'

National Planning Policy Framework (2012)

Para 119:

'The presumption in favour of sustainable development ... does not apply where development requiring appropriate assessment under the Birds or Habitats Directives is being considered, planned or determined.'

Legislative background – protection for SPAs and Ramsar sites



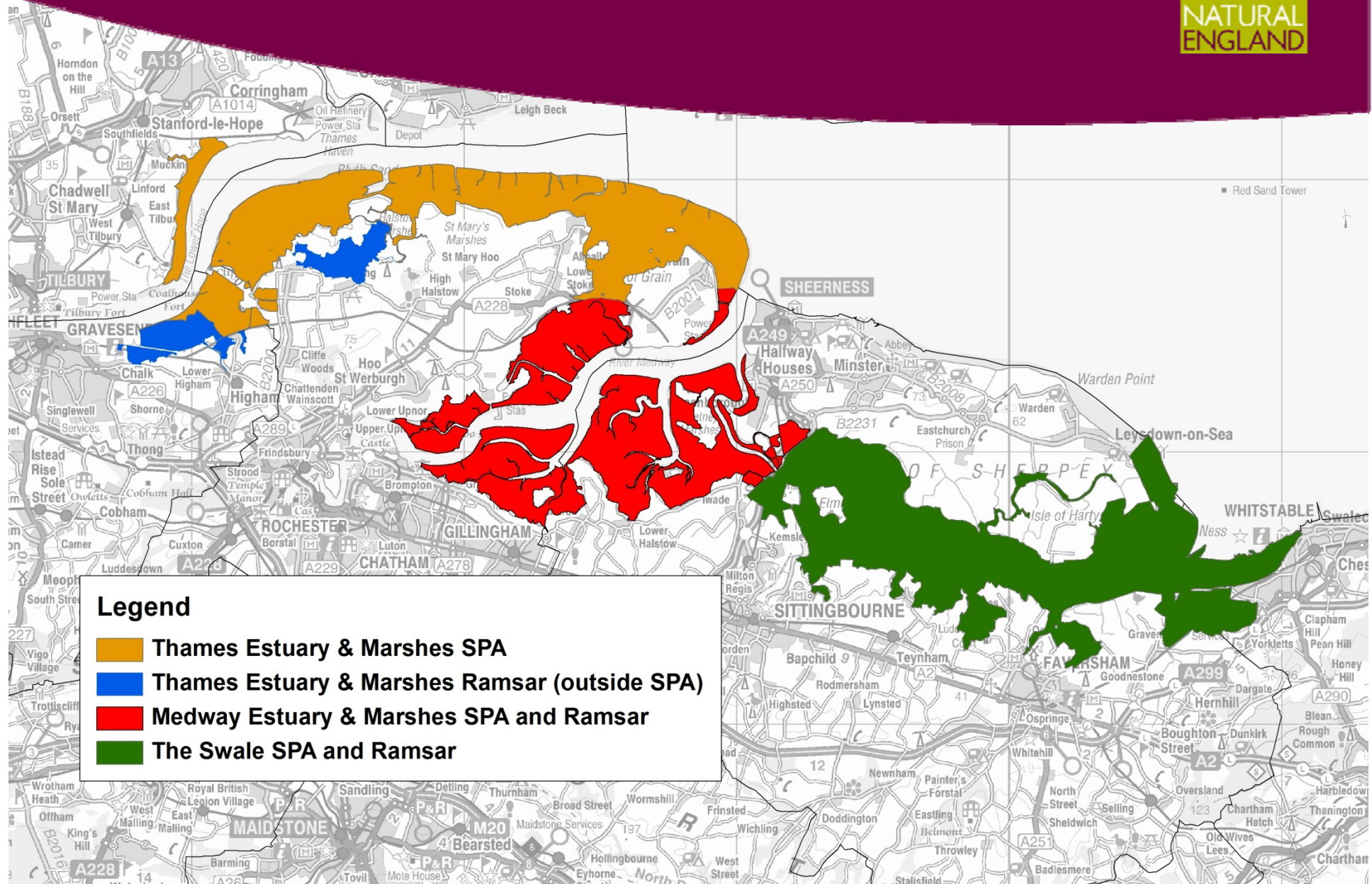
National Planning Policy Framework

Para 118:

'The following wildlife sites should be given the same protection as European sites:

- *potential Special Protection Areas and possible Special Areas of Conservation;*
- *listed or proposed Ramsar sites; and*
- *sites identified, or required, as compensatory measures for adverse effects on European sites, potential Special Protection Areas, possible Special Areas of Conservation, and listed or proposed Ramsar sites.'*

North Kent Special Protection Areas and Ramsar sites



North Kent Special Protection Areas and Ramsar sites



- All three of the north Kent SPA sites are classified for their waders and waterfowl, both Annex 1 and migratory species.
- Bird assemblages of international importance and bird species/populations occurring at levels of international importance are also part of the reason for the Ramsar status of these sites.

Size of SPA: The SPA covers an area of 4,838.94 ha.

European ornithological importance of the SPA: Thames Estuary and Marshes SPA is of European importance because:

- a) the site qualifies under **article 4.1** of the Directive (79/409/EEC) as it is used regularly by 1% or more of the GB populations of the following species listed on Annex I, in any season:

Annex I species	5 year peak mean 1993/94 - 1997/98	% GB population
Avocet <i>Recurvirostra avosetta</i>	283 individuals - wintering	28.3% GB
Hen Harrier <i>Circus cyaneus</i>	7 individuals - wintering	1.0% GB

- b) the site qualifies under **article 4.2** of the Directive (79/409/EEC) as it is used regularly by 1% or more of the biogeographical populations of the following regularly occurring migratory species (other than those listed on Annex I), in any season:

Species	5 year peak mean 1993/94 - 1997/98	% of population
Ringed Plover <i>Charadrius hiaticula</i>	1,324 individuals - passage	2.6% Europe/ Northern Africa (win)
Grey Plover <i>Pluvialis squatarola</i>	2,593 individuals - wintering	1.7% Eastern Atlantic (wintering)
Dunlin <i>Calidris alpina alpina</i>	29,646 individuals - wintering	2.1% N Siberia/Europe/ W Africa
Knot <i>Calidris canutus islandica</i>	4,848 individuals - wintering	1.4% NE Can/Grl/ Iceland/NW Eur
Black-tailed Godwit <i>Limosa limosa islandica</i>	1,699 individuals - wintering	2.4% Iceland (breeding)
Redshank <i>Tringa totanus totanus</i>	3,251 individuals - wintering	2.2% Eastern Atlantic (wintering)

North Kent Special Protection Areas and Ramsar sites



- Wide range of species, including great-crested grebe, dark-bellied Brent goose, curlew, shelduck, pintail, oystercatcher, ringed plover, grey plover, dunlin, bar-tailed godwit, curlew and redshank.



- Footprint Ecology Strategic Access Management and Monitoring Strategy states:

'...it is clear that the three European sites together provide a vast and linked expanse of critically important habitat to the SPA network around the British coast.'



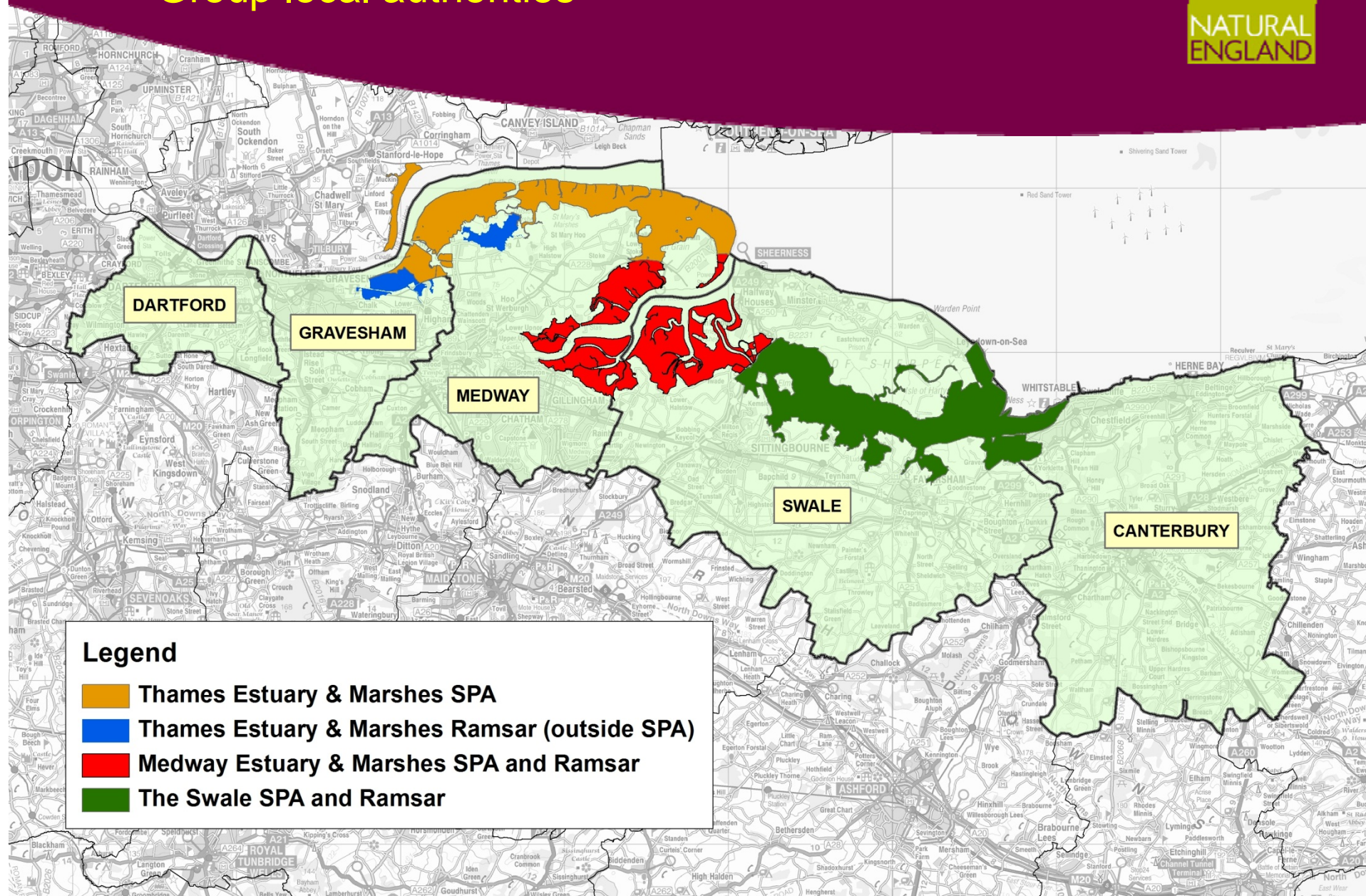
The impact of new housing development – recreation disturbance



- Following the South East Plan allocation of around 70,000 houses between 2006 and 2026, across the North Kent area, concerns were raised about the potential impact of recreational disturbance on bird populations of the three SPAs and Ramsar sites.
- In response to this, the North Kent Environmental Planning Group (NKEPG) commissioned a number of reports to assess the current and future levels of recreational activity on the North Kent Marshes SPAs and Ramsar sites.
- NKEPG comprises Canterbury, Dartford, Gravesham, Medway and Swale local authorities, together with Natural England and other stakeholders.

North Kent Environmental Protection Group local authorities

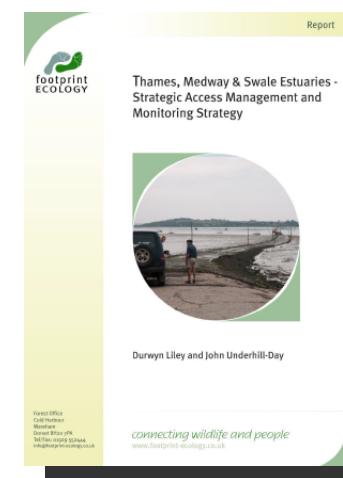
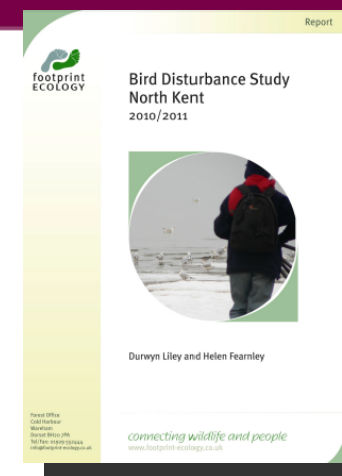
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The impact of new housing development – evidence base

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- Evidence base/ reports include:
 - Bird Disturbance Study, North Kent 2010/11 (Footprint Ecology)
 - What do we know about the birds and habitats of the North Kent Marshes? (Natural England Commissioned Report 2011)
 - North Kent Visitor Survey Results (Footprint Ecology 2011)
 - Estuary Users Survey (Medway Swale Estuary Partnerships, 2011)
 - North Kent Comparative Recreation Study (Footprint Ecology 2012)
 - Recent Wetland Bird Surveys results produced by the British Trust for Ornithology
 - Thames, Medway and Swale Estuaries – Strategic Access Management and Monitoring Strategy (Footprint Ecology 2014)



The impact of new housing development – recreation disturbance



In July 2012, an overarching report summarised the evidence to enable the findings to be used in the assessment of development. The report concluded (in summary):

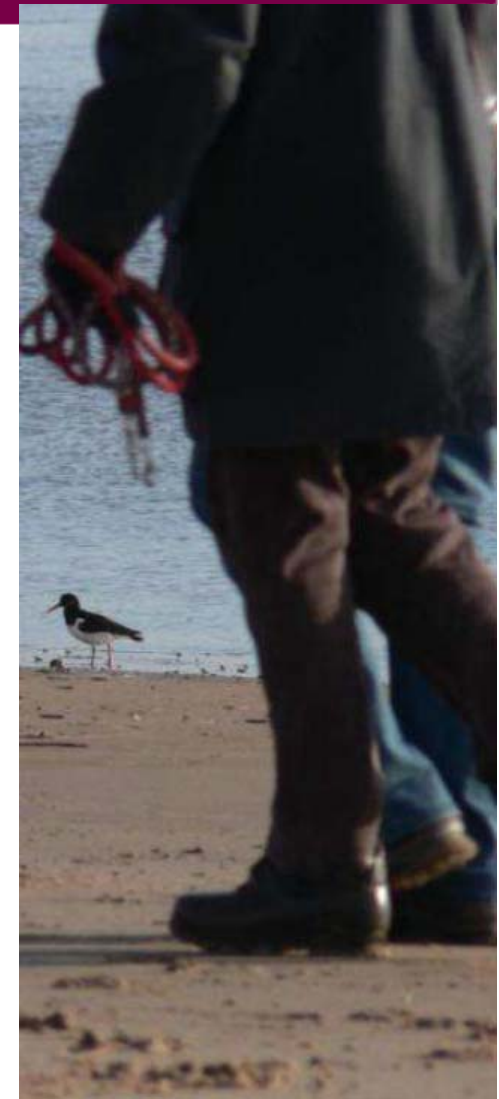
- There have been marked declines in the numbers of birds using the three SPAs.
- Disturbance is a potential cause of the declines. The bird disturbance study provided evidence that the busiest locations support particularly low numbers of birds.
- Within the Medway, the areas that have seen the most marked declines are the area north of Gillingham, including the area around Riverside Country Park. This is one of the busiest areas in terms of recreational pressure.
- Access levels are linked to local housing, with much of the access involving frequent use by local residents.



The impact of new housing development – recreation disturbance



- Bird disturbance study - dog walking accounted for 55% of all major flight observations, with a further 15% attributed to walkers without dogs along the shore.
- All activities (i.e. the volume of people) are potentially likely to contribute to additional pressure on the SPA sites. Dog walking, and in particular dog walking with dogs off leads, is currently the main cause of disturbance.
- Development within 6km of the SPAs is particularly likely to lead to increase in recreational use.



Strategic solution to recreation disturbance impacts



Natural England's advice to the affected local authorities is, that it is likely that a significant effect will occur on the SPAs / Ramsar sites from recreational pressure arising from new housing proposals in the North Kent coastal area.

The agreed response between Natural England and the local authorities is to put in place strategic mitigation to avoid this effect – a 'strategic solution.'

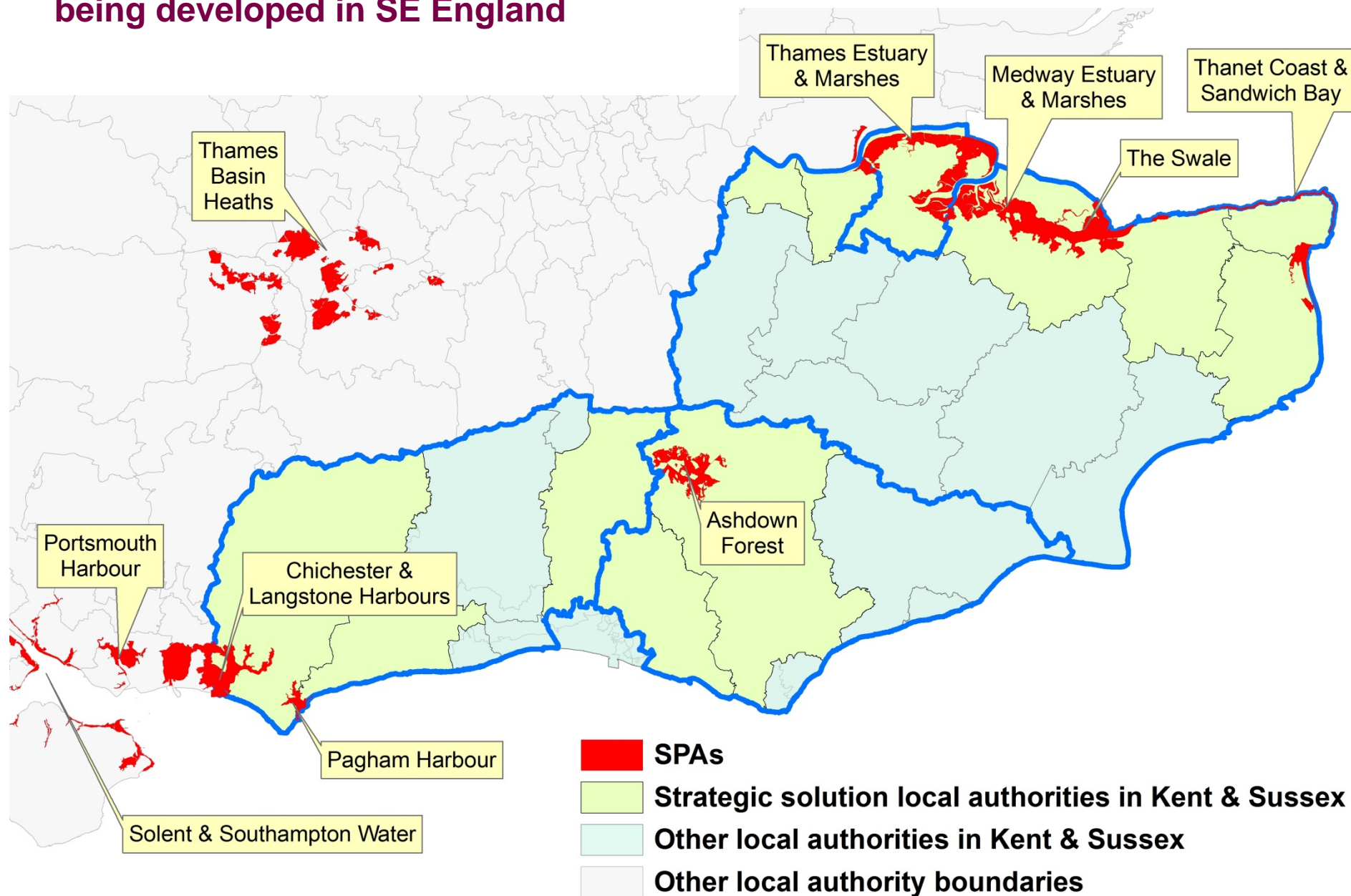


Strategic solutions across SE England



- Strategic solution - an approach for providing strategic mitigation for the effects of recreational disturbance arising from development pressure on international sites.
- Enables residential development to proceed on basis of mitigation provided avoiding a likely significant effect.
- Usually encompasses two or more authorities working in partnership with Natural England and other bodies. Examples include:
 - Thames Basin Heaths (11 local authorities)
 - The Solent (15 local authorities)
 - Ashdown Forest (4 local authorities)
 - Pagham Harbour (2 local authorities)

SPA strategic solutions in place or being developed in SE England



Strategic Solutions



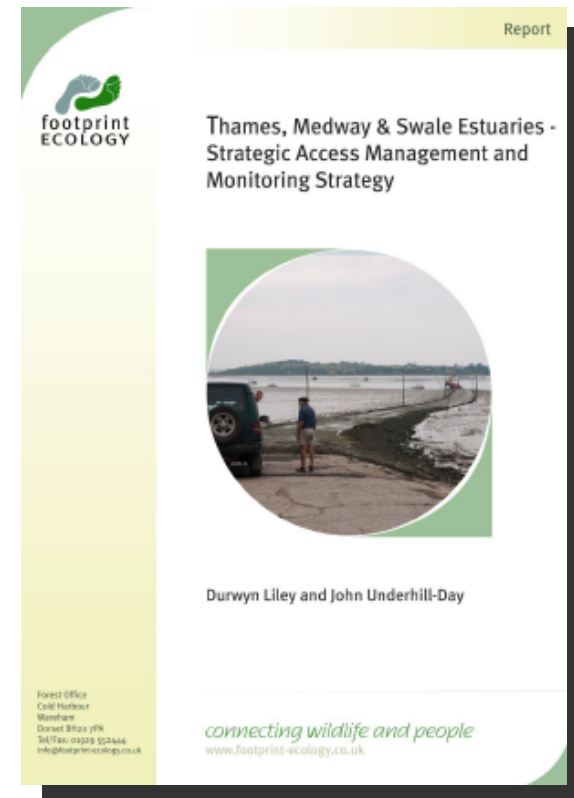
- Benefits include:
 - Provides certainty for development in terms of meeting Habitats Regulations requirements.
 - Strategic approach enables more efficient, co-ordinated delivery and avoids 'displacement' effects between local authority areas.
 - Enables strategic mitigation delivery with economies of scale.

North Kent strategic mitigation



Mitigation proposed in north Kent Strategic Access Management and Monitoring Strategy includes:

- Strategic wardening/ visitor engagement
- Access infrastructure improvements
- Codes of Conduct
- Interpretation/signage
- Monitoring



North Kent strategic mitigation – interim approach



Natural England is working with the NKEPG local authorities to secure the strategic mitigation.

We are currently advising on and agreeing an interim approach to enable development to proceed. This would comprise:

- A local authority having a policy stating its intention to support the implementation of strategic mitigation.
- That the costing provided in the SAMM strategy be used as the initial, indicative tariff.
- That the tariff is collected on the basis that it will be used to fund strategic measures, in anticipation of:
 - An administrative body being identified to manage the strategic tariff collected by the local authorities.
 - A memorandum of understanding or legal agreement between the local authorities and administrative body to underpin the strategic approach.



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