

Habitats Regulations Assessment (HRA) Screening Matrix and Appropriate Assessment (AA) Statement

IMPORTANT NOTE: Undertaking the HRA and AA process is the responsibility of the decision maker as the Competent Authority (i.e. Dartford Borough Council) for the purpose of the Habitats Regulations¹. However, it is the responsibility of the applicant to provide the Competent Authority with the information required to complete this process as part of the planning application submission.

Application reference:	
Application address:	
Application description:	
Lead Planning Officer:	
HRA Screening Date:	

Part 1 – Details of the plan or project	
European site or sites potentially impacted by planning application, plan or project (Delete as appropriate):	Thames Estuary & Marshes Special Protection Area (SPA) and Ramsar Site Medway Estuary & Marshes Special Protection Area (SPA) and Ramsar Site
Is the planning application directly connected to the management of the site?	

¹ All references in this document to the 'Habitats Regulations' refer to the Conservation of Habitats and Species Regulations 2017

Part 2 – HRA Screening Assessment

Screening under Regulation 63(1)(a) of the Habitats Regulations – The Applicant should provide evidence to allow a judgement to be made as to whether there could be any potential significant impacts of the development on the integrity of the SPAs / Ramsar sites.

Classification

The Thames Estuary and Marshes Special Protection Area (SPA) and Medway Estuary and Marshes Special Protection Area (SPA) are classified in accordance with the European Birds Directive. This requires Member States² to classify sites that are important for bird species listed on Annex 1 of the European Directive, which are rare and / or vulnerable in a European context, and also sites that form a critically important network for birds on migration. The sites are also listed as Wetlands of International Importance under the Ramsar Convention (Ramsar Site³). For clarity, and the purpose of this assessment, 'European Sites' refers to both the SPAs and Ramsar Sites.

Thames Estuary and Marshes SPA / Ramsar Site Qualifying Features

The Thames Estuary and Marshes SPA is used by large numbers of migratory birds. The site qualifies under Article 4.1 of the Birds Directive by regularly supporting overwintering hen harrier (*Circus cyaneus*) and pied avocet (*Recurvirostra avosetta*). It also qualifies under Article 4.2 of the Birds Directive by regularly supporting overwintering dunlin (*Calidris alpina alpina*), red knot (*Calidris canutus*), black-tailed godwit (*Limosa limosa islandica*), grey plover (*Pluvialis squatarola*), and common redshank (*Tringa totanus*), and on passage ringed plover (*Charadrius hiaticula*). There are internationally important assemblages of many of these species of waterfowl.

The Natura 2000 data reference document (<https://jncc.gov.uk/jncc-assets/SPA-N2K/UK9012021.pdf>) outlines the following general site character:

Habitat Class	% Cover
Dry grassland, Steppes	1.9
Bogs, marshes, water fringed vegetation, Fens	3.7
Shingle, Sea cliffs, Islets	0.9
Inland water bodies (Standing water, Running water)	5.6
Humid grassland, Mesophile grassland	29.1
Salt marshes, salt pastures, salt steppes	1.5
Tidal rivers, Estuaries, Mud flats, Sand flats, Lagoons (including saltwork basins)	57.3
Total Habitat Cover	100.0

An assessment of threats and pressures identified the following issues as high rank for negative impacts:

- Invasive non-native species (inside and outside)
- Outdoor sports and leisure activities, recreational activities (inside)
- Changes in biotic conditions (inside and outside)

² Whilst the UK is no longer an EU member state, the EU Directive is transposed into UK law through the Habitats Regulations and still applies.

³ Paragraph 181 of the National Planning Policy Framework 2021 states that Ramsar Sites should be given the same protection as European Sites.

- Changes in abiotic conditions (inside and outside)

The Thames Estuary and Marshes Ramsar site is designated as supporting one endangered plant species and at least one endangered plant species, at least 14 nationally scarce plants of woodland habitats and more than 20 British Red Data Book invertebrates. It supports assemblages of waterfowl of international importance and a number of bird species of international importance, i.e. ringed plover (*Charadrius hiaticula*), black-tailed godwit (*Limosa limosa islandica*), grey plover (*Pluvialis squatarola*), red knot (*Calidris canutus islandica*), dunlin (*Calidris alpina alpina*) and common redshank (*Tringa totanus totanus*).

The full citation is available at: <https://jncc.gov.uk/jncc-assets/RIS/UK11069.pdf>.

The general overview of the site is described as “A complex of brackish, floodplain grazing marsh ditches, saline lagoons and intertidal saltmarsh and mudflat. These habitats together support internationally important numbers of wintering waterfowl. The saltmarsh and grazing marsh are of international importance for their diverse assemblages of wetland plants and invertebrates.”

The citation identifies the following types of marine/coastal wetland:

Wetland Types	% Area
Tidal flats	49.6
Seasonally flooded agricultural land	38.6
Saline / brackish lakes: permanent	4.2
Saline / brackish marshes: seasonal / intermittent	3.2
Other	1.6
Salt marshes	1.3
Sand / shingle shores (including dune systems)	0.8
Freshwater lakes: permanent	0.7

The citation identifies the following factors which are considered to have a major impact on the site's ecological character:

- Dredging (on-site and off-site)
- Erosion (on-site)
- Eutrophication (on-site and off-site)
- General disturbance from human activities (on-site)

Medway Estuary and Marshes SPA/ Ramsar Site Qualifying Features

The Medway Estuary and Marshes SPA is also important for migratory birds and additionally supports a number of breeding bird species. The site qualifies under Article 4.1 of the Birds Directive by regularly supporting breeding pied avocet (*Recurvirostra avosetta*), little tern (*Sterna albifrons*), common tern (*Sterna hirundo*), and overwintering Bewick swan (*Cygnus columbianus bewickii*) and pied avocet (*Recurvirostra avosetta*). It also qualifies under Article 4.2 of the Birds Directive by regularly supporting overwintering northern pintail (*Anas acuta*), northern shoveler (*Anas clypeata*), Eurasian teal (*Anas crecca*), Eurasian wigeon (*Anas penelope*), ruddy turnstone (*Arenaria interpres*), dark-bellied brent goose (*Branta bernicla bernicla*), dunlin (*Calidris alpina alpina*), red knot (*Calidris canutus*), ringed plover (*Charadrius hiaticula*), oystercatcher (*Haematopus ostralegus*), black-tailed godwit (*Limosa limosa islandica*), curlew (*Numenius arquata*), grey plover (*Pluvialis squatarola*), common shelduck (*Tadorna tadorna*), greenshank (*Tringa nebularia*) and common redshank (*Tringa totanus*). There are internationally important assemblages of many of these species of waterfowl and also red throated diver (*Gavia stellata*), great crested grebe

(*Podiceps cristatus*), cormorant (*Phalacrocorax carbo*), mallard (*Anas platyrhynchos*), common pochard (*Aythya farina*), lapwing (*Vanellus vanellus*) and curlew (*Numenius arquata*).

The Natura 2000 data reference document (<https://jncc.gov.uk/jncc-assets/SPA-N2K/UK9012031.pdf>) outlines the following general site character:

Habitat Class	% Cover
Bogs, marshes, water fringed vegetation, Fens	1.0
Humid grassland, Mesophile grassland	15.0
Inland water bodies (Standing water, Running water)	1.0
Salt marshes, salt pastures, salt steppes	15.0
Dry grassland, Steppes	1.0
Tidal rivers, Estuaries, Mud flats, Sand flats, Lagoons (including saltwork basins)	67.0
Total Habitat Cover	100.0

An assessment of threats and pressures identified the following issues as high rank for negative impacts:

- Changes in abiotic conditions (inside and outside)
- Changes in biotic conditions (inside and outside)
- Invasive non-native species (inside and outside)
- Outdoor sports and leisure activities, recreational activities (inside)

The Medway Estuary and Marshes Ramsar site is designated as supporting a number of species of rare plants and animals (including a number of nationally scarce plants), at least 12 British Red Data Book species of wetland invertebrates, and a significant number of non-wetland British Red Data Book species. It supports assemblages of waterfowl of international importance and a number of bird species of international importance, i.e. grey plover (*Pluvialis squatarola*), and common redshank (*Tringa totanus totanus*), dark-bellied brent goose (*Branta bernicula bernicula*), common shelduck (*Tadorna tadorna*), northern pintail (*Anas acuta*), ringed plover (*Charadrius hiaticula*), red knot (*Calidris canutus islandica*) and dunlin (*Calidris alpina alpina*). The black-tailed godwit (*Limosa limosa islandica*) has been identified subsequent to designation for possible future consideration as a bird species of international importance.

The full citation is available at: <https://jncc.gov.uk/jncc-assets/RIS/UK11040.pdf>.

The general overview of the site is described as “A complex of rain-fed, brackish, floodplain grazing marsh with ditches, and intertidal saltmarsh and mudflat. These habitats together support internationally important numbers of wintering waterfowl. Rare wetland birds breed in important numbers. The saltmarsh and grazing marsh are of international importance for their diverse assemblages of wetland plants and invertebrates.”

The citation identifies the following types of marine/coastal wetland:

Wetland Types	% Area
Tidal flats	58.3
Salt marshes	16.8
Seasonally flooded agricultural land	13.8
Other	9.3
Rivers / streams / creeks: permanent	1.2
Freshwater marshes / pools: permanent	0.4
Coastal brackish / saline lagoons	0.20
Sand / shingle shores (including dune systems)	0.02

The citation identifies the following factors which are considered to have a major impact on the site's ecological character:

- Water diversion for irrigation/domestic/industrial use (on-site and off-site)
- Dredging (on-site and off-site)
- Erosion (on-site)
- Eutrophication (on-site and off-site)
- Recreational/tourism disturbance (unspecified) (on-site)
- Transport infrastructure development (on-site and off-site)

European Site Conservation Objectives for the Thames and Medway Estuary and Marshes SPAs

The European Site Conservation Objectives for the both the Thames and Medway Estuary and Marshes Special Protection Areas are to:

Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the aims of the Wild Birds Directive, by maintaining or restoring:

- The extent and distribution of the habitats of the qualifying features
- The structure and function of the habitats of the qualifying features
- The supporting processes on which the habitats of the qualifying features rely
- The population of each of the qualifying features, and
- The distribution of the qualifying features within the site.

Studies

Studies carried out in 2011 and 2012⁴ found that there have been marked declines in the numbers of birds using the SPAs and Ramsar sites and that human disturbance is a potential cause of the declines. Additional dwellings are likely to result in increased recreational activity, causing disturbance to protected bird species that over-winter or breed on the SPAs and Ramsar sites. The studies found that 75% of recreational visitors to the North Kent coast originate from within 6km of the SPA and Ramsar site boundaries. These areas are almost wholly outside the Dartford Borough area. The studies concluded that large scale residential development beyond 6km from the sites would also result in increased recreational use of the sites but smaller scale residential development could be potentially screened out as having no likely significant effect.

A further study⁵ (the Dartford Study) was carried out to consider the potential impacts of large developments in Dartford Borough on the SPAs and Ramsar sites. This found that a significant effect on the sites could not be ruled out for developments of more than 15 dwellings located within 6km and 10km of the sites. The impacts of recreational disturbance can be such that they affect the status and distribution of key bird species and therefore act against the stated conservation objectives of the European sites.

Assessment of Potential Significant Impacts

The impacts of recreational disturbance from residential developments of more than 15 dwellings can be such that they affect the status and distribution of key bird species and therefore act against the stated conservation objectives of the European sites.

⁴ Liley, D. & Fearnley, H. (2011) Bird Disturbance Study, North Kent 2010/11, Footprint Ecology; Fearnley, H. and Liley, D. (2011) North Kent Visitor Survey Results 2011, Footprint Ecology; Liley, D, Lake, S. & Fearnley, H. (2012) Phase I Bird Disturbance Report, Footprint Ecology

⁵ Liley, D. (2016) Large developments in Dartford and Implications for European Sites along the North Kent Coast, Footprint Ecology

A 6km to 10km Zone of Influence for the Thames Estuary and Marshes SPA and Ramsar site has been identified to establish which future large scale housing sites are likely to contribute to this recreational impact. The proposed development is located within this Zone of Influence.

Following a ruling by the European Court⁶, avoidance or mitigation measures cannot be taken into account as part of the application at this stage of the HRA, and must be considered under an Appropriate Assessment stage of the HRA in part 3 of this document.

It is considered that the proposal would result in an effect on species which would have implications for the conservation objectives of the European sites from residential development. N.B. This text will be relevant in most cases but alternative text should be included if there is justification for screening out the proposal from the requirement for Appropriate Assessment in part 3.

It is not considered that the proposed development would result in an effect on any other species, which would have implications for the conservation objectives of the European sites, nor are there any implications which would affect the conservation objectives of the European sites for habitat types and species outside their boundaries.

Are there any other plans or projects that together with the planning application being assessed could result in a likely significant effect the site when considered in-combination?

To be completed by competent authority.

Would the proposal lead to a likely significant effect on the European sites, without mitigation measures either alone or in-combination?

YES/NO (if yes, continue to part 3)

⁶ CJEU Ruling Case C-323/17

Part 3 – Appropriate Assessment

Appropriate Assessment under Regulation 63(1) – if there are any potential significant impacts, the Applicant must provide evidence showing avoidance and/or mitigation measures to allow an Assessment to be made. The Applicant must also provide details which demonstrate any long term management, maintenance and funding of any solution.

In the event that the development has not been screened out under part 2 and the applicant has chosen to pay the tariff under mitigation option 1, the following text should be included. If the applicant is choosing mitigation options 2 or 3 then the applicant must provide alternative text and evidence to show that the proposed approach will meet the requirements set out above.

The project being assessed would result in a net increase of more than 15 dwellings within the 6km to 10km Zone of Influence for the Thames Estuary and Marshes SPA and Ramsar site. In line with policy DP25 of the Dartford Development Policies Plan 2017, based on the best available evidence, a permanent likely significant effect on the SPA and Ramsar site due to increased recreational disturbance as a result of the new development is likely to occur. As such, in order to avoid and mitigate for an adverse effect on the integrity of the SPA and Ramsar site, the development will need to include a package of avoidance and mitigation measures to reduce the frequency, duration and/ or the intensity of disturbance affecting roosting, nesting, foraging, feeding, moulting and/or loafing birds so that they are not significantly disturbed.

The 'Habitats Regulations and Large Sites in Dartford Borough – Guidance for Developers September 2021' (the Dartford Guidance) sets out the approach for large developments in Dartford Borough. The assessment below relates to the application of option 1 (payment of a tariff per dwelling) in mitigating the impacts of this project.

Strategic Access Management and Monitoring Strategy for the Thames, Medway and Swale Estuaries

The North Kent Strategic Access Management and Monitoring Strategy⁷ (SAMMS) for the Thames, Medway and Swale Estuaries SPAs and Ramsar sites sets out measures to resolve disturbance issues to internationally important bird interest features on the European protected sites on the North Kent Marshes. For development within the identified Zone of Influence, the competent authority will use the collected tariff to help fund the following elements of the SAMMS:

- Rangers to provide wardening and visitor engagement;
- Interpretation and signage, particularly in honeypot locations; and
- Monitoring visitor activities, motivation and profile.

The suite of strategic mitigation measures are being delivered through the Bird Wise North Kent⁸, a partnership of local authorities and conservation organisations, to ensure that development, considered in-combination, does not have an adverse effect on the integrity of the European sites. Dartford Borough Council is not a formal member of this partnership, given its location further away from the European sites. However, the Council recognises the value of the strategic mitigation measures set out in the SAMMS which are being delivered by Bird Wise North Kent in a coordinated way. The SAMMS includes a per dwelling tariff calculation using the total cost of delivering the mitigation measures in-perpetuity and the planned number of additional dwellings expected to be built in North Kent. Option 1 of the Dartford Guidance enables developers to pay the competent authority

⁷ Liley, D. & Underhill-Day, J. (2013) Thames, Medway and Swale Estuaries – Strategic Access Management and Monitoring Strategy, Footprint Ecology

⁸ Full details available at: <https://northkent.birdwise.org.uk/>

1/15th of the annual tariff applied by Bird Wise North Kent, i.e. currently 1/15th of £253.83 = £16.92 per dwelling. This scaled down tariff is justified in the Dartford Study to proportionately reflect the less frequent visit rates of those who live in dwellings in the Zone of Influence compared with development within 6km of the European sites.

Natural England has worked with the North Kent competent authorities to support them in preparing the SAMMS and the underpinning evidence base. Natural England has also agreed the approach set out in the Dartford Guidance. Natural England agree that the mitigation measures to ensure additional impacts from recreational disturbance to the SPAs and Ramsar sites set out in both the SAMMS and the Dartford Guidance are ecologically sound. As such, the applicant does not need to provide their own evidence base on these aspects. Evidence must be submitted showing that a mitigation contribution payment has either:

- been made to the Borough Council to fund the relevant SAMMS measures through a Unilateral Undertaking; or
- will be made through a section 106 agreement where Heads of Terms have been agreed and the agreement will be signed prior to any planning permission being granted.

The website of the project is: <https://northkent.birdwise.org.uk/>

It is considered by virtue of the existing funding secured since 2015 and the appointment of a Bird Wise Project Manager (carrying out duties since 201) that this has demonstrated the efficacy of the project in mitigating the identified effects. This is evidenced by the management plan and work on the project, information on which can be found on the website.

Part 4 – Summary of the Appropriate Assessment – To be carried out by the Competent Authority (the local planning authority) in liaison with Natural England

Competent authority to complete this section. Include the following text if the applicant is using mitigation option 1 (payment of a tariff per dwelling) and this will be used to fund the Bird Wise projects in the Strategic Access Management and Monitoring Strategy above. If alternative mitigation is proposed then different justification text should be set out instead.

Having considered the proposed mitigation and avoidance measures to be provided in perpetuity through the secured contribution to the access and monitoring measures, Dartford Borough Council concludes that, with mitigation, the project will have no adverse effect on the integrity of the Thames Estuary and Marshes SPA and Ramsar site.

Having made this appropriate assessment of the implications of the project for the site in view of the site's conservation objectives, and having consulted Natural England and fully considered any representation received (see below), the authority may now agree to the project under regulation 63 of the Conservation of Habitats and Species Regulations 2017.

Natural England: Summary of Comments

To be added following consultation by the competent authority.

Signed

Development Management Manager
Dartford Borough Council