

Maidstone Borough Council

Maidstone Borough Local Plan

HRA Scoping Report

Final report

Prepared by LUC

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Maidstone Borough Council

Maidstone Borough Local Plan HRA Scoping Report

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Chapter 1

Introduction

1.1 LUC has been commissioned by Maidstone Borough Council to carry out a Habitats Regulations Assessment (HRA) of the Maidstone Borough Local Plan.

1.2 This HRA Scoping relates to the 'Maidstone Borough Local Plan. This HRA Scoping contains a high-level commentary on the HRA considerations for the Local Plan. HRA of the more detailed options for the Local Plan will be undertaken as they are developed.

1.3 The main purpose of this report is to identify which European sites have potential to be affected by the Local Plan, evidence key information on these sites and outline the pathways by which they could be affected, and to set out the scope of the subsequent HRA Screening and Appropriate Assessment stages in agreement with Natural England, who will be consulted on this report.

Context for the Maidstone Borough Local Plan

1.4 Maidstone Borough Council adopted the Maidstone Borough Local Plan in October 2017. It covers the period 2011-31 and provides for an annual requirement of 883 homes, equating to 17,660 new dwellings over the 20-year plan period. The Local Plan meets its growth requirements through a dispersed spatial strategy; it focuses growth in and at the edge of Maidstone, the Borough's largest settlement, with lesser amounts at five rural service centres and five larger villages. The council is committed to an early review of the plan which will be adopted by April 2022.

The requirement to undertake Habitats Regulations Assessment of Development Plans

1.5 The requirement to undertake HRA of development plans was confirmed by the amendments to the Habitats Regulations published for England and Wales in 2007¹; the currently applicable version is the Conservation of Habitats and Species Regulations 2017² (as amended). When preparing the plan, the Councils are required by law to carry out an HRA. The Councils can commission consultants to undertake HRA work on its behalf and this (the work documented in this report) is then reported to and considered

¹ The Conservation (Natural Habitats, &c.) (Amendment) Regulations 2007 (2007) SI No. 2007/1843. TSO (The Stationery Office), London.

² The Conservation of Habitats and Species Regulations 2017 (2017) SI No. 2017/1012, TSO (The Stationery Office), London.

by the Councils as the 'competent authority'. The Councils will consider this work and may only progress the Local Plan if it considers that the Plan will not adversely affect the integrity of any European site. The requirement for authorities to comply with the Habitats Regulations when preparing a Local Plan is also noted in the Government's online planning practice guidance.

1.6 HRA refers to the assessment of the potential effects of a development plan on one or more European sites, including Special Protection Areas (SPAs) and Special Areas of Conservation (SACs):

- SACs are designated under the European Habitats Directive and target particular habitat types (Annex I) and species (Annex II). The listed habitat types and species (excluding birds) are those considered to be most in need of conservation at a European level.
- SPAs are classified in accordance with Article 4(1) of the European Union Birds Directive³ for rare and vulnerable birds (as listed in Annex I of the Directive), and under Article 4(2) for regularly occurring migratory species not listed in Annex I.
- Potential SPAs (pSPAs)⁴, candidate SACs (cSACs)⁵, Sites of Community Importance (SCIs)⁶ and Ramsar sites should also be included in the assessment.

1.7 Ramsar sites support internationally important wetland habitats and are listed under the Convention on Wetlands of International Importance especially as Waterfowl Habitat (Ramsar Convention, 1971).

1.8 For ease of reference during HRA, these designations can be collectively referred to as European sites⁷ despite Ramsar designations being at the international level.

1.9 The overall purpose of the HRA is to conclude whether a proposal or policy, or the whole development plan, would adversely affect the integrity of the European site in question

either alone or in combination with other plans and projects. This is judged in terms of the implications of the plan for the 'qualifying features' for which the European site was designated, i.e.:

- SACs – Annex I habitat types and Annex II species⁸;
- SPAs – Annex I birds and regularly occurring migratory species not listed in Annex I⁹;
- Ramsar sites – the reasons for listing the site under the Convention¹⁰.

1.10 Significantly, HRA is based on the precautionary principle meaning that where uncertainty or doubt remains, an adverse impact should be assumed.

Stages of Habitats Regulations Assessment

1.11 The HRA of development plans is undertaken in stages (as described below) and should conclude whether or not a proposal would adversely affect the integrity of the European site in question.

1.12 The HRA should be undertaken by the 'competent authority', in this case Maidstone Borough Council, and LUC has been commissioned to do this on the Council's behalf. The HRA also requires close working with Natural England as the statutory nature conservation body¹¹ in order to obtain the necessary information, agree the process, outcomes and mitigation proposals. The Environment Agency, while not a statutory consultee for the HRA, is also in a strong position to provide advice and information throughout the process as it is required to undertake HRA for its existing licences and future licensing of activities.

1.13 Table 1.1 summarises the stages and associated tasks and outcomes typically involved in carrying out a full HRA, based on various guidance documents^{12, 13, 14}.

³ Council Directive 2009/147/EC of 30 November 2009 on the conservation of wild birds (the codified version of Council Directive 79/409/EEC, as amended).

⁴ Potential SPAs are sites that have been approved by the Minister for formal consultation but not yet proposed to the European Commission, as listed on the GOV.UK website.

⁵ Candidate SACs are sites that have been submitted to the European Commission, but not yet formally adopted, as listed on the JNCC's SAC list.

⁶ SCIs are sites that have been adopted by the European Commission but not yet formally designated as SACs by the UK Government.

⁷ The term 'Natura 2000 sites' can also be used interchangeably with 'European sites' in the context of HRA, although the latter term is used throughout this report.

⁸ As listed in the site's citation on the JNCC website (all features of European importance, both primary and non-primary, need to be considered).

⁹ As identified in sections 3.1, 3.2 and 4.2 of the SPA's standard data form on the JNCC website; at sites where there remain differences between species listed in the 2001 SPA Review and the extant site citation in the standard data form, the relevant country agency (Natural England or Natural Resources Wales) should be contacted for further guidance.

¹⁰ As set out in section 14 of the relevant 'Information Sheet on Ramsar Wetlands' available on the JNCC website.

¹¹ Regulation 5 of the Habitats Regulations 2017.

¹² European Commission (2001) Assessment of plans and projects significantly affecting European Sites. Methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC.

¹³ DCLG (2006) Planning for the Protection of European Sites: Appropriate Assessment

¹⁴ RSPB (2007) The Appropriate Assessment of Spatial Plans in England. A guide to why, when and how to do it.

Table 1.1 Stages of Habitat Regulations Assessment

Stage	Task	Outcome
Stage 1: HRA Screening	Description of the development plan. Identification of potentially affected European sites and factors contributing to their integrity. Review of other plans and projects. Assessment of likely significant effects of the development plan alone or in combination with other plans and projects.	Where effects are unlikely, prepare a 'finding of no significant effect report'. Where effects judged likely, or lack of information to prove otherwise, proceed to Stage 2.
Stage 2: Appropriate Assessment (where Stage 1 does not rule out likely significant effects)	Information gathering (development plan and European Sites). Impact prediction. Evaluation of development plan impacts in view of conservation objectives. Where impacts are considered to affect qualifying features, identify how these effects will be avoided or reduced.	Appropriate assessment report describing the plan, European site baseline conditions, the adverse effects of the plan on the European site, how these effects will be avoided or reduced, including the mechanisms and timescale for these mitigation measures. If effects remain after all alternatives and mitigation measures have been considered proceed to Stage 3.
Stage 3: Assessment where no alternatives exist, and adverse impacts remain taking into account mitigation	Identify 'imperative reasons of overriding public interest' (IROPI). Demonstrate no alternatives exist. Identify potential compensatory measures.	This stage should be avoided if at all possible. The test of IROPI and the requirements for compensation are extremely onerous.

1.14 It is normally anticipated that an emphasis on Stages 1 and 2 of this process will, through a series of iterations, help ensure that potential adverse effects are identified and eliminated through the inclusion of mitigation measures designed to avoid, reduce or abate effects. The need to consider alternatives could imply more onerous changes to a plan document. It is generally understood that so called 'imperative reasons of overriding public interest' (IROPI) are likely to be justified only very occasionally and would involve engagement with both the Government and European Commission.

Requirements of the Habitats Regulations Assessment

1.15 In assessing the effects of a Plan in accordance with Regulation 105 of the Conservation of Habitats and Species Regulations 2017, there are potentially two tests to be applied by the competent authority: a 'Significance Test', followed if necessary by an Appropriate Assessment which would inform the 'Integrity Test'. The relevant sequence of questions is as follows:

- Step 1: Under Reg. 105(1)(b), consider whether the plan is directly connected with or necessary to the management of the sites. If not, as is the case for the Maidstone Local Plan, proceed to Step 2.
- Step 2: Under Reg. 105(1)(a) consider whether the plan is likely to have a significant effect on a European site, either alone or in combination with other plans or projects (the 'Significance Test'). If yes, proceed to Step 3.
- Step 3: Under Reg. 105(1), make an Appropriate Assessment of the implications for the European site in view of its current conservation objectives (the 'Integrity Test'). In so doing, it is mandatory under Reg. 105(2) to consult Natural England, and optional under Reg. 105(3) to take the opinion of the general public.
- Step 4: In accordance with Reg. 105(4), but subject to Reg. 107, give effect to the land use plan only after having ascertained that the plan would not adversely affect the integrity of a European site.
- Step 5: Under Reg. 107, if Step 4 is unable to rule out adverse effects on the integrity of a European site and no alternative solutions exist then the competent authority may nevertheless agree to the plan or project if it must be carried out for 'imperative reasons of overriding public interest' (IROPI)

Recent case law changes

1.16 This HRA will be prepared in accordance with recent case law, including most notably the ‘People over Wind’ and ‘Holohan’ rulings from the Court of Justice for the European Union (CJEU).

1.17 *The People over Wind, Peter Sweetman v Coillte Teoranta* (April 2018) judgment ruled that Article 6(3) of the Habitats Directive should be interpreted as meaning that mitigation measures should be assessed as part of an Appropriate Assessment and should not be taken into account at the screening stage. The precise wording of the ruling is as follows:

“Article 6(3)must be interpreted as meaning that, in order to determine whether it is necessary to carry out, subsequently, an appropriate assessment of the implications, for a site concerned, of a plan or project, it is not appropriate, at the screening stage, to take account of measures intended to avoid or reduce the harmful effects of the plan or project on that site.”

1.18 In light of the above, the HRA screening stage will not rely upon avoidance or mitigation measures to draw conclusions as to whether the Strategic Plan could result in likely significant effects on European sites, with any such measures being considered at the Appropriate Assessment stage as relevant.

1.19 The HRA will also fully consider the recent *Holohan v An Bord Pleanala* (November 2018) judgement which stated that:

“Article 6(3) of Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora must be interpreted as meaning that an ‘appropriate assessment’ must, on the one hand, catalogue the entirety of habitat types and species for which a site is protected, and, on the other, identify and examine both the implications of the proposed project for the species present on that site, and for which that site has not been listed, and the implications for habitat types and species to be found outside the boundaries of that site, provided that those implications are liable to affect the conservation objectives of the site.

Article 6(3) of Directive 92/43 must be interpreted as meaning that the competent authority is permitted to grant to a plan or project consent which leaves the developer free to determine subsequently certain parameters relating to the construction phase, such as the location of the construction compound and haul routes, only if that authority is certain that the development consent granted establishes conditions that are strict enough to guarantee that those parameters will not adversely affect the integrity of the site.

Article 6(3) of Directive 92/43 must be interpreted as meaning that, where the competent authority rejects the findings in a

scientific expert opinion recommending that additional information be obtained, the ‘appropriate assessment’ must include an explicit and detailed statement of reasons capable of dispelling all reasonable scientific doubt concerning the effects of the work envisaged on the site concerned.”

1.20 LUC will fully consider the potential for effects on species and habitats, including those not listed as qualifying features, to result in secondary effects upon the qualifying features of European sites, including the potential for complex interactions and dependencies. In addition, the potential for offsite impacts, such as through impacts to functionally linked land, and or species and habitats located beyond the boundaries of European site, but which may be important in supporting the ecological processes of the qualifying features, has also been fully considered in this HRA.

Structure of the HRA Report

1.21 This chapter has introduced the requirement to undertake HRA of the Local Plan. The remainder of the report is structured as follows:

- **Chapter 2** describes the European sites in Maidstone and within a 15km buffer that could be affected by the Local Plan and summaries the key issues that will need to be considered during the HRA.
- **Chapter 3** sets out the assumptions that will underpin the HRA judgements made and also identifies which sites and impacts can be scoped in or out of the subsequent HRA screening.
- **Chapter 4** describes the next steps that will be carried out in the HRA of the Local Plan.

Chapter 2

European Sites

2.1 This chapter identifies European sites located in Maidstone or within a 15km buffer, which have potential to be affected by proposed development within the Local Plan and will be considered as part of the HRA process.

2.2 The potential for impacts beyond 15km will also be considered where impact pathways could extend beyond this distance, for example via watercourses.

Identification of European sites which may be affected by the Local Plan

2.3 In order to initiate the search of European sites that could potentially be affected by the Local Plan, it is established practice in HRAs to consider European sites within the local planning authority areas covered by a Plan, and also within a buffer distance from the boundary of the Plan area.

2.4 A distance of 15km was used to identify European sites likely to be affected by impacts relating to development in Maidstone. In addition to this, consideration was also given to European sites connected to the plan area beyond this distance, for example through hydrological pathways or recreational visits by residents of Maidstone.

2.5 European sites identified for inclusion in the HRA are listed below in **Table 2.1** below and **Figure 2.1** in **Appendix A**. Detailed information about each site is provided in **Appendix B**:

Table 2.1: European sites to be considered in the HRA of Maidstone Local Plan

European site	Closest Distance / Location from Maidstone Borough
<u>SACs</u>	
North Downs Woodlands	Within the Borough
Peters Pit	3.7km / North
Queendown Warren	Adjacent / North
Wye and Crundale	12.3km / East
Stodmarsh SAC	23km / East
<u>SPAs</u>	
Medway Estuary and Marshes	4.1km / North
The Swale	7km / North

European site	Closest Distance / Location from Maidstone Borough
Thames Estuary & Marshes	12.5km / North
Stodmarsh	23km / East
<u>Ramsar sites</u>	
Medway Estuary and Marshes	4.1 / North
The Swale	7km / North
Thames Estuary & Marshes	11.5km / North
Outer Thames Estuary	14.6km / North
Stodmarsh Ramsar	23km / East

Ecological attributes of the European sites

2.6 The designated features and conservation objectives of the European sites, together with current pressures on and potential threats, was established using the Standard Data Forms for SACs and SPAs and the Information Sheets for Ramsar Wetlands published on the JNCC website¹⁵ as well as Natural England's Site Improvement Plans¹⁶, Supplementary Advice Notes¹⁷ and the most recent conservation objectives published on the Natural England website (most were published in 2014)¹⁸.

2.7 An understanding of the designated features of each European site and the factors contributing to its integrity will inform the assessment of the potential likely significant effects of the plan. This approach will be useful for informing the inter-dependencies of non-qualifying species and habitats which the qualifying species depend, as recently highlighted as a requirement by the 'Holohan' ruling.

¹⁵ www.jncc.defra.gov.uk

¹⁶ <http://publications.naturalengland.org.uk/category/5458594975711232>

¹⁷ Supplementary Advice Notes, Natural England,

<http://publications.naturalengland.org.uk/category/6490068894089216>

¹⁸ <http://publications.naturalengland.org.uk/category/6490068894089216>

Chapter 3

Approach to HRA

3.1 This chapter describes the approach that will be taken to the HRA of the Local Plan throughout its development including the specific tasks that will be undertaken and the assumptions that will underpin the HRA judgements made.

Stage 1: Screening Methodology

3.2 As required under Regulation 105 of The Conservation of Habitats and Species Regulations 2017 (the 'Habitats Regulations'), an assessment will be undertaken of the 'likely significant effects' of the Plan. The assessment will be prepared in order to identify which policies or site allocations would be likely to have a significant effect on European sites. The screening assessment will be conducted without taking pre-embedded mitigation into account, in accordance with the 'People over Wind' judgment.

3.3 Consideration will be given to the potential for the development proposed to result in significant effects associated with:

- Physical loss of/damage to habitat;
- Non-physical disturbance (noise, vibration and light);
- Non-toxic contamination;
- Air pollution;
- Recreation pressure; and
- Changes to hydrology including water quality and quantity.

3.4 This approach will also allow for consideration to be given to the cumulative effects of the site allocations rather than focussing exclusively on individual developments provided for by the plan.

3.5 A risk-based approach involving the application of the precautionary principle will be adopted in the assessment, such that a conclusion of 'no significant effect' will only been reached where it is considered very unlikely, based on current knowledge and the information available, that a proposal in the Local Plan would have a significant effect on the integrity of a European site.

3.6 The following section identifies the assumptions that have been applied at this early Scoping Stage to enable specific impacts on European sites to either be scoped in or scoped out.

Screening assumptions

3.7 For many types of impacts, screening for likely significant effects will be determined on a proximity basis, using GIS data to determine the proximity of potential development locations to the European sites that are the subject of the assessment. However, there are many uncertainties associated with using set distances as there are very few standards available as a guide to how far impacts will travel. Therefore, the following section applies a number of precautionary assumptions to enable specific impacts on European Sites to be either scoped in or out of the subsequent HRA screening.

Physical damage and loss

3.8 Any development resulting from the plan would take place within Maidstone; therefore, only European sites within the boundary could be affected directly by physical damage or loss of habitat within the site boundaries. North Downs Woodland SAC is the only site located within Maidstone and therefore with the potential to be directly affected by physical damage and/or loss from development.

3.9 Habitat loss from development in areas outside of the European site boundaries may also result in likely significant effects where that habitat contributes towards maintaining the interest feature for which the European site is designated. This includes land which may provide offsite foraging and roosting habitat for birds. Natural England has advised that their recognised distance for the consideration of offsite functionally linked land is generally 2km, but for certain species, including most notably golden plover and lapwing, a much greater distance of up to 15km may be appropriate.

3.10 In light of these guidelines, all European sites that support wetland bird species (excluding golden plover and lapwing) with potential to be affected by indirect physical damage and/or loss to offsite habitat were situated over 2km from the local authority boundary and were therefore scoped out of the assessment. This included Medway Estuary and Marshes SPA and Ramsar, The Swale SPA and Ramsar, Thames Estuary and Marshes SPA and Ramsar, Outer Thames Estuary SPA and Stodmarsh SPA and Ramsar.

3.11 All other European sites, including Queendown Warren SAC, Peter's Pit SAC, Wye and Crundale SAC and Stodmarsh SAC lie outside of the Borough boundary and do not support qualifying features, which are reliant on off-site functional habitat. Therefore, these sites were scoped from the assessment.

Therefore, the potential for likely significant effects as a result of physical damage and loss needs to be

considered further in relation to North Downs Woodland SAC.

Non-physical disturbance

3.12 Noise and vibration effects, e.g. during the construction of new housing or employment development, are most likely to disturb bird species and are thus a key consideration with respect to European sites where birds are the qualifying features. Artificial lighting at night (e.g. from streetlights, flood lighting and security lights) has the potential to affect species where it occurs in close proximity to key habitat areas, such as key roosting sites of SPA birds.

3.13 It has been assumed that the effects of noise, vibration and light are most likely to be significant within a distance of 500 metres. There is also evidence of 300 metres being used as a distance up to which certain bird species can be disturbed by the effects of noise; however, it has been assumed (on a precautionary basis) that the effects of noise, vibration and light pollution are capable of causing an adverse effect if development takes place within 500 metres of a European site with qualifying features sensitive to these disturbances.

3.14 The qualifying features of North Downs Woodland SAC and Queendown Warren SAC, which lie within and adjacent to the Borough, do not support features that are susceptible to impacts from non-physical disturbance and were therefore scoped out of the assessment.

3.15 All other European sites were scoped out of the assessment because they occur over 500 metres from the Maidstone local authority boundary.

Therefore, the potential for likely significant effects as a result of non-physical disturbance does not need to be considered further.

Non-toxic contamination

3.16 Habitats can be subject to non-toxic contamination, such as nutrient enrichment, changes in salinity and smothering from dust, due to industrial action, agriculture, construction and water abstraction and discharge. European sites with potential to be affected by non-toxic contamination are likely to be sites that lie within close proximity, or those that are hydrologically connected to areas of development provided for by the plan but potential changes to water quantity and quality are separately considered below.

3.17 North Downs Woodland SAC and Queendown Warren SAC are the only European sites which lie within or adjacent to Maidstone and have potential to be susceptible to impacts

from non-toxic contamination. Due to the distance, all other European sites have been scoped out of the assessment.

Therefore, the potential for likely significant effects as a result of non-toxic contamination needs to be considered further in relation to North Downs Woodland SAC.

Air pollution

3.18 Air pollution is most likely to affect European sites where plant, soil and water habitats are the qualifying features, but some qualifying animal species may also be affected, either directly or indirectly, by deterioration in habitat as a result of air pollution. Deposition of pollutants to the ground and vegetation can alter the characteristics of the soil, affecting the pH and nitrogen levels, which can then affect plant health, productivity and species composition.

3.19 In terms of vehicle traffic, nitrogen oxides (NO_x, i.e. NO and NO₂) are considered to be the key pollutants. Deposition of nitrogen compounds may lead to both soil and freshwater acidification, and NO_x can cause eutrophication of soils and water.

3.20 Based on the Highways Agency Design Manual for Road and Bridges (DMRB) Manual Volume 11, Section 3, Part 114 (which was produced to provide advice regarding the design, assessment and operation of trunk roads including motorways), it is assumed that air pollution from roads is unlikely to be significant beyond 200m from the road itself. Where increases in traffic volumes are forecast, this 200m buffer needs to be applied to the relevant roads in order to make a judgement about the likely geographical extent of air pollution impacts.

3.21 The DMRB Guidance for the assessment of local air quality in relation to highways developments provides criteria that should be applied at the Screening Stage of an assessment of a plan or project, to ascertain whether there are likely to be significant impacts associated with routes or corridors. Based on the DMRB guidance, affected roads which should be assessed are those where:

- Daily traffic flows will change by 1,000 AADT (Annual Average Daily Traffic) or more; or
- Heavy duty vehicle (HDV) flows will change by 200 AADT or more; or
- Daily average speed will change by 10 km/hr or more; or
- Peak hour speed will change by 20 km/hr or more; or

- Road alignment will change by 5 m or more.

3.22 Where significant increases in traffic are possible on roads within 200m of European sites, traffic forecast data may be needed to determine if increases in vehicle traffic are likely to be significant. In line with the Wealden judgment¹⁹, the traffic growth considered by the HRA should be based on the effects of development provided for by the Plan in combination with other drivers of growth such as development proposed in neighbouring districts and demographic change.

3.23 It has been assumed that only those roads forming part of the primary road network (motorways and 'A' roads) are likely to experience any significant increases in vehicle traffic as a result of development (i.e. greater than 1,000 AADT). As such, where a site is within 200m of only minor roads, no significant effect from traffic-related air pollution is considered to be the likely outcome.

3.24 The key commuting corridor for new housing and employment development will likely include the M2, M11, A20, A26, A249, A274 and A229, which are highlighted in **Figure 3.1** in **Appendix A**. European sites within 15km of the Maidstone boundary and also within 200m of a strategic road to the Borough include North Downs Woodlands SAC (A249, A229), Medway Estuary and Marshes SPA and Ramsar (A249) and The Swale SPA and Ramsar (A249).

In addition to this, there are proposals to develop a Lower Thames Crossing (LTC) to the east Gravesend and to the west of East Tilbury which will provide an alternative route to the existing Dartford Crossing. The LTC will link up with the M2 and A2 in Kent and which will as a result will have potential to increase levels of traffic in Maidstone. In particular, there is potential that increased traffic as a result of the LTC will increase air pollution to North Downs Woodland SAC, which lies within 200m of the A229. Based on the current location of the proposed route, which has been altered to reduce the impact on the Thames Estuary SPA and Ramsar, the SPA lies over 200m from the proposed route. However, given that proposed design will be subject to further iterations and given the close proximity of the Europeans site in relation to the LTC a precautionary approach has been applied. Although, the LTC as a Nationally Significant Infrastructure Project (NSIP) will be subject to its own environmental assessment, this HRA will nevertheless consider the potential in-combination effects of traffic pollution of this project with the plan. This will be reliant on plans for the LTC being sufficiently advanced to allow such an assessment. If the plan is submitted before the NSIP and accompanying HRA, it is assumed that the HRA of the LTC will assess its effects in combination with those of the plan.

¹⁹ Wealden v SSCLG [2017] EWHC 351 (Admin)

3.25 All other sites were situated over 200m from key strategic roads to the Borough and were therefore scoped out.

Therefore, likely significant effects relating to increased air pollution need to be considered further in relation to North Down Woodlands SAC, Medway Estuary and Marshes SPA and Ramsar, The Swale SPA and Ramsar and Thames Estuary and Marshes SPA and Ramsar.

Recreational disturbance

3.26 Recreational activities and human presence can result in significant effects on European sites as a result of erosion and trampling, associated impacts such as fire and vandalism or disturbance to sensitive features, such as birds through both terrestrial and water-based forms of recreation.

3.27 The plan will result in housing growth, and associated population increase within Maidstone. Where increases in population are likely to result in significant increases in recreation at a European site, either alone or in-combination, the potential for likely significant effects will require assessment. At this stage, there is no definitive figure of the number and location of dwellings the plan will make provision for over the plan period.

3.28 European sites with qualifying bird species are likely to be particularly susceptible to recreational disturbances from walking, dog walking, angling, illegal use of off-road vehicles and motorbikes, wildfowling, and water sports. An increase in recreational pressure from development therefore has the potential to disturb bird populations of SPA and Ramsar sites as a result of both terrestrial and water-based recreation.

3.29 In addition, recreation can physically damage habitat as a result of trampling and also through erosion associated with boat wash and terrestrial activities such as use of vehicles.

3.30 Each European site will typically have a 'Zone of Influence' (ZOI) within which increases in population would be expected to result in likely significant effects. ZOIs are usually established following targeted visitor surveys and the findings are therefore typically specific to each European site (and often to specific areas within a European site). The findings are likely to be influenced by a number of complex and interacting factors and therefore it is not always appropriate to apply a generic or non-specific ZOI to a European Site. Particularly in relation to coastal European sites, which have the potential to draw large number of visitors from areas much further afield.

3.31 At this stage, there is limited information available for the non-coastal European sites within 15km of Maidstone to determine a specific ZOI. Although, these sites are unique, they do not have the same draw as coastal sites and with recreational activities more easily managed and directed to alternative greenspace in the area. Using a precautionary approach and based on the findings of the Thames Basin Heath Delivery Framework²⁰, a ZOI of 7km was applied to all non-coastal European sites. Given the sensitivities of the Thames Basin Heath SPA to recreational pressure, it was deemed appropriate to use the same ZOI in this assessment. A more specific ZOI may be defined following targeted visitor surveys and discussions with land managers.

3.32 A review of the European sites within 7km of the Borough identified the following European sites:

- North Downs Woodland SAC;
- Peter's Pit SAC; and
- Queendown Warren SAC.

3.33 In relation to the coastal European sites, previous visitor and bird disturbance studies were undertaken in 2011 and 2012 of the North Kent Coast, which included Medway Estuary and Marshes SPA and Ramsar, The Swale SPA and Ramsar and Thames Estuary and Marshes SPA, and is currently being used to inform North Kent Strategic Access Management and Monitoring Scheme (SAMMS). These studies identified that development within 6km of the coastline is particularly likely to lead to an increase in recreational use to these European sites. Based on this the SAMMS has applied a Zone of Influence of 6km, which will also be applied to this assessment. Given the time period which has elapsed since the original visitor survey in 2011, it is recommended that further surveys are conducted to confirm whether the 6km ZOI remains valid. It is understood that visitor surveys data will be updated later this year in 2020 by BirdWise to monitor the progress of the SAMMS (subject to restriction measures in place by Covid-19). If undertaken these findings will be used to inform this assessment.

3.34 The Medway Estuary SPA and Ramsar is located approximately 4km from the Borough boundary and based on the 6km ZOI at this stage will require further consideration at the screening assessment. The Swale SPA and Ramsar is located 7km and Thames Estuary SPA and Ramsar is located 11km from the Borough boundary and was therefore scoped out of the assessment.

Therefore, likely significant effects relating to recreational pressure need to be considered further

²⁰ Thames Basin Heaths Joint Strategic Partnership Board, (2009), Thames Basin Heaths Special Protection Area Delivery Framework.

in relation to North Downs Woodland SAC, Peter's Pit SAC, Queendown Warren SAC and Medway Estuary and Marshes SPA and Ramsar.

Water quantity and quality

3.35 An increase in demand for water abstraction and treatment resulting from the growth proposed in the Strategic Plan could result in changes in hydrology at European sites. Depending on the qualifying features and particular vulnerabilities of the European sites, this could result in likely significant effects; for example, due to changes in environmental or biotic conditions, water chemistry and the extent and distribution of preferred habitat conditions. To fully understand the potential impacts of proposed development on European sites a review of relevant Water Cycle Studies (WCS) and liaison with the Environment Agency and relevant water companies will be required.

3.36 Given the proximity and potential hydrological connectivity between Medway Estuary and Marshes SPA and Ramsar, The Swale SPA and Ramsar and Thames Estuary and Marshes SPA and Ramsar and water sources in the Borough, these sites were considered likely to be affected by impacts from changes in water quantity and quality. These sites therefore need to be considered further at the screening assessment.

3.37 In addition to this, Stodmarsh SAC, SPA and Ramsar site supports qualifying features, which are reliant on water resources. Although, this European site is situated 23km away from the Borough at the nearest point, there is potential for this European site, which is fed by the Great Stour River and Lampen Stream to be affected by potential impacts from water quantity and quality as a result proposed development within the local plan. Further assessment is required at the screening assessment.

3.38 North Downs Woodland SAC, Queendown Warren and Wye and Crundale SAC were scoped out because the qualifying features were not considered susceptible to changes in water quantity and quality which could be affected as a result of the plan.

3.39 Peter's Pit SAC supports qualifying features, which rely on water resources within and in close proximity to the designated site. However, due to the distance and lack of hydrological connectivity to this site as the ponds used by the qualifying species is entirely rain-fed, this site was not considered susceptible to changes in water quantity and quality changes in Maidstone and was therefore scoped out of the assessment.

3.40 The Outer Thames Estuary SPA lies approximately 14km from the Borough and is located away from the coastline, extending for over 12 nautical miles into the North Sea, and comprises an extensive area of 3,924km². As a result, the potential for changes in water quality and quantity to result in likely significant effects on the sites wintering bird species is negligible. This site was therefore scoped out of the assessment.

Therefore, likely significant effects relating to water quantity and quality needs to be considered further in relation to Medway Estuary and Marshes SPA and Ramsar, The Swale SPA and Ramsar, Thames Estuary and Ramsar and Stodmarsh SAC, SPA and Ramsar.

Summary of Screening Assumptions

3.41 Table 3.1 below summarises the results of scoping and identifies those potential impacts on European sites which will require further consideration at the HRA Screening stage or can be scoped out from further assessment. Where certain types of effects are scoped out in Table 3.1, they do not need to be considered further.

Table 3.1: Summary of Screening Assumptions

European Site	Physical Damage/Loss	Non-physical disturbance	Non-toxic Contamination	Air Pollution	Recreational Disturbance	Water Quantity and Quality
North Downs Woodland SAC	Scoped in	Scoped out	Scoped in	Scoped in	Scoped in	Scoped out
Peter's Pit SAC	Scoped out	Scoped out	Scoped out	Scoped out	Scoped in	Scoped out
Queendown Warren SAC	Scoped out	Scoped out	Scoped in	Scoped out	Scoped in	Scoped out
Wye and Crundale SAC	Scoped out	Scoped out	Scoped out	Scoped out	Scoped out	Scoped out

European Site	Physical Damage/Loss	Non-physical disturbance	Non-toxic Contamination	Air Pollution	Recreational Disturbance	Water Quantity and Quality
Medway Estuary and Marshes SPA and Ramsar	Scoped out	Scoped out	Scoped out	Scoped in	Scoped in	Scoped in
The Swale SPA and Ramsar	Scoped out	Scoped out	Scoped out	Scoped in	Scoped out	Scoped in
Thames Estuary and Marshes SPA and Ramsar	Scoped out	Scoped out	Scoped out	Scoped in	Scoped out	Scoped in
Outer Thames Estuary SPA	Scoped out	Scoped out	Scoped out	Scoped out	Scoped out	Scoped out
Stodmarsh SAC	Scoped out	Scoped out	Scoped out	Scoped out	Scoped out	Scoped in
Stodmarsh SPA and Ramsar	Scoped out	Scoped out	Scoped out	Scoped out	Scoped out	Scoped in

Interpretation of 'likely significant effect'

3.42 Relevant case law helps to interpret when effects should be considered as being likely to result in a significant effect, when carrying out a HRA of a plan.

3.43 In the Waddenzee case²¹, the European Court of Justice ruled on the interpretation of Article 6(3) of the Habitats Directive (translated into Reg. 102 in the Habitats Regulations), including that:

- An effect should be considered 'likely', "if it cannot be excluded, on the basis of objective information, that it will have a significant effect on the site" (para 44).
- An effect should be considered 'significant', "if it undermines the conservation objectives" (para 48).

3.44 Where a plan or project has an effect on a site "*but is not likely to undermine its conservation objectives, it cannot be considered likely to have a significant effect on the site concerned*" (para 47).

3.45 An opinion delivered to the Court of Justice of the European Union²² commented that:

3.46 "*The requirement that an effect in question be 'significant' exists in order to lay down a de minimis threshold. Plans or projects that have no appreciable effect on the site are thereby excluded. If all plans or projects capable of having*

any effect whatsoever on the site were to be caught by Article 6(3), activities on or near the site would risk being impossible by reason of legislative overkill."

3.47 This opinion (the 'Sweetman' case) therefore allows for the authorisation of plans and projects whose possible effects, alone or in combination, can be considered 'trivial' or de minimis; referring to such cases as those "which have no appreciable effect on the site". In practice such effects could be screened out as having no likely significant effect; they would be 'insignificant'.

In-combination effects

3.48 Regulation 102 of the Amended Habitats Regulations 2017 requires an Appropriate Assessment where "*a land use plan is likely to have a significant effect on a European site (either alone or in combination with other plans or projects) and is not directly connected with or necessary to the management of the site*". Therefore, it will be necessary to consider whether any impacts identified from the Local Plan may combine with other plans or projects to give rise to significant effects in combination.

3.49 This exercise will be carried out as part of the screening stage of the HRA. The potential for in-combination effects will only be considered for those Plan components identified as unlikely to have a significant effect alone, but which could act

²¹ European Court of Justice in Case C-127/02 Landelijke Vereniging tot Behoud van de Waddenzee

²² Advocate General's Opinion to CJEU in Case C-258/11 Sweetman and others v An Bord Pleanála 22nd Nov 2012.

in combination with other plans and projects to produce a significant effect. This approach accords with recent guidance on HRA.

3.50 The first stage in identifying 'in-combination' effects involves identifying which other plans and projects in addition to the Local Plan may affect the European sites that will be the focus of this assessment. This exercise will seek to identify those components of nearby plans that could have an impact on the European sites considered as part of this HRA, e.g. areas or towns where additional housing or employment development is proposed near to the same European sites (as there could be effects from the transport, water use, infrastructure and recreation pressures associated with the new developments).

3.51 There are a large number of potentially relevant plans; therefore, the review will focus on planned spatial growth within authorities adjacent to Maidstone. The findings of any associated HRA work for those plans will be reviewed where available. With help from the Councils, any strategic projects in the area that could have in-combination effects with the Local Plan will also be identified and reviewed, if applicable.

3.52 Should any other plans or projects be identified throughout the HRA process that could lead to in-combination effects on European sites with the Local Plan, they will be included in the review.

3.53 The HRA Screening will identify and review other plans and projects for consideration of in-combination effects and will outline the components of each plan or project that could have an impact on nearby European sites and considering the findings of the accompanying HRA work (where available). This information will be updated as the HRA work for the Local Plan progresses. The local plans and associated HRAs of the following authorities will be included as a minimum:

- Swale
- Medway
- Tonbridge and Malling
- Ashford
- Tunbridge Wells

3.54 The Government's National Infrastructure Planning website²³ will also be reviewed for major projects that could have significant effects in combination with those of the Local Plan.

3.55 A review of these plans and projects are presented in **Appendix C**.

Stage 2: Appropriate Assessment Methodology

3.56 Should it not be possible at the screening stage to conclude that there will be no significant effects on European sites as a result of the Local Plan, it will be necessary to undertake an Appropriate Assessment.

3.57 The Appropriate Assessment stage of the HRA focuses on those impacts judged likely at the screening stage to have a significant effect, and seeks to conclude whether they would result in an adverse effect on the integrity of the qualifying features of a European site(s), or where insufficient certainty regarding this remains. The integrity of a site depends on the site being able to sustain its 'qualifying features' across the whole of the site and ensure their continued viability.

3.58 An Appropriate Assessment will be prepared for each of those European sites where significant effects from the Local Plan could not be ruled out. The Appropriate Assessment would set out each European site's qualifying features and conservation objectives, standards and factors which are needed to maintain the site's integrity, existing trends and pressures at the site including the use of areas of off-site functional land (where data are available), as well as the conservation objectives, and the site vulnerabilities identified during the screening stage. For each European site and likely significant effect identified we would aim to distinguish between direct and indirect effects, short- or long-term effects, construction, operational or decommissioning effects, isolated, interactive or cumulative effects and permanent, intermittent or temporary effects. The impacts will vary, depending on the habitat or species in question for each site.

3.59 As stated in HRA Guidance²⁴, assessing the effects on the site(s) integrity involves considering whether the predicted impacts of the plan policies and site allocations (either alone or in combination) have the potential to:

- Cause delays to achieving the conservation objectives of the site.
- Interrupt progress towards achieving the conservation objectives of the site.
- Disrupt those factors that help to maintain favourable condition of the site.
- Interfere with the balance, distribution and density of key species that are the indicators of favourable condition of the site.

²³ <https://infrastructure.planninginspectorate.gov.uk/projects/south-east/>

²⁴ Assessment of plans and projects significantly affecting European sites. Methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC. European Commission Environment DG, November 2001.

- Cause changes to the vital defining aspects (e.g. nutrient balance) that determine how the site functions as a habitat or ecosystem.
- Change the dynamics of relationships that define the structure or function of the site (e.g. Relationships between soil and water, or animals and plants).
- Interfere with anticipated natural changes to the site.
- Reduce the extent of key habitats or the population of key species.
- Reduce the diversity of the site.
- Result in disturbance that could affect the population, density or balance between key species.
- Result in fragmentation.
- Result in the loss of key features

3.60 The latest available data sources will be drawn on to inform the Appropriate Assessment. The results of this analysis should enable a conclusion to be reached regarding whether the integrity of any European site would be affected. If this were the case, an assessment of alternative solutions or the provision of avoidance and mitigation measures which would avoid adverse effects on integrity would be undertaken. In the context of the Local Plan, such measures may include the clarification of policies to remove areas of uncertainty leading to predicted impacts or to include avoidance and mitigation measures such as conditions or restrictions relating to their implementation, the modification of policies to include alternative solutions or locations for particular developments or the omission of policies where no alternatives exist.

Stage 3: Assessment where no alternatives exist

3.61 If adverse effects on the integrity of a European site cannot be ruled out the plan would not be able to proceed in its current form unless IROPI could be demonstrated. At this stage, we consider it unlikely that the Local Plan would need to demonstrate IROPI because the plan should, as part of the iterative process of HRA, seek to avoid or mitigate potential adverse effects in the first instance, and therefore this has not been discussed in this document.

Chapter 4

Consultation and Next Steps

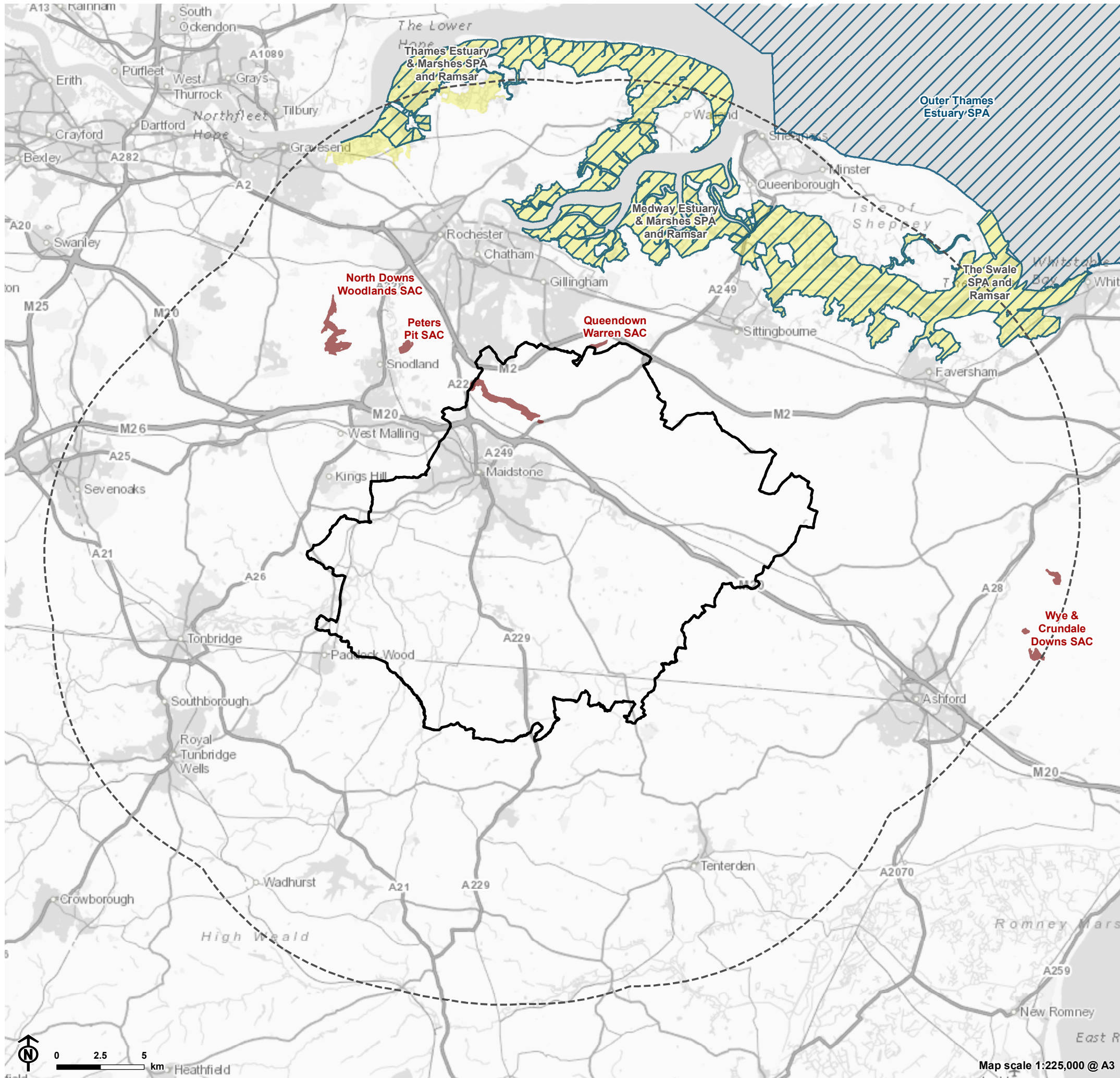
4.1 This Scoping document has been produced to provide guidance and parameters for developing the Local Plan in the context of European sites and as a reference point for stakeholders wishing to comment on the document. This document will be subject to consultation with Natural England to confirm that the proposed scope of the assessment is considered appropriate.

4.2 Once the Regulation 18 Local Plan is confirmed, the Draft Local Plan will be subject to HRA in line with the methodology described in **Section 3** of this report.

4.3 The HRA report will be updated at the Draft Local Plan and the Proposed Submission Local Plan, and iterations will be published during the corresponding consultation periods. Specific consultation will be undertaken with Natural England throughout as the statutory consultation body for HRA.

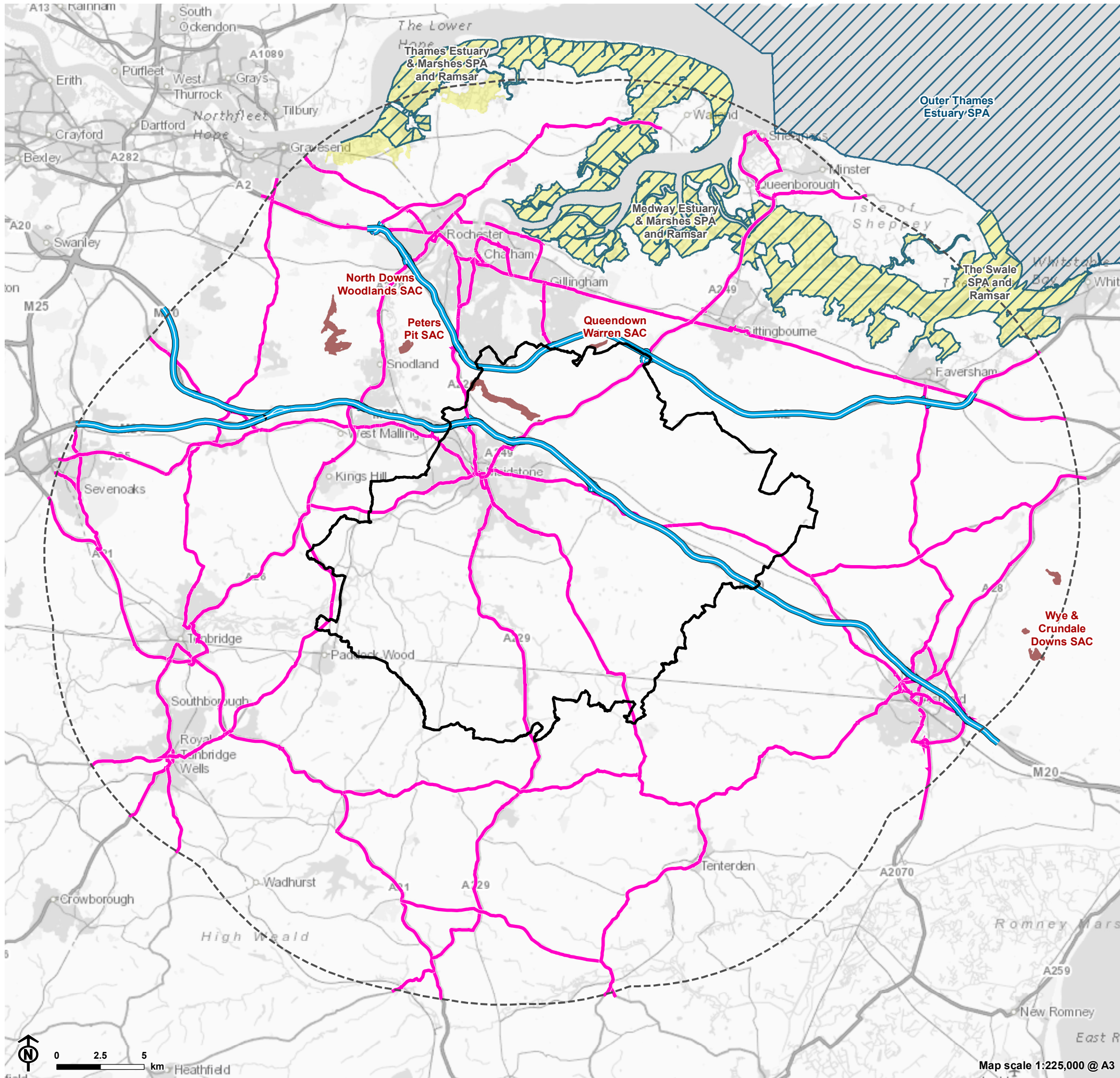
Appendix A

Figures



Appendix A: European Sites within 15km of Maidstone Borough

- Maidstone Borough
- Maidstone Borough 15km buffer
- Ramsar
- Special Area of Conservation (SAC)
- Special Protection Area (SPA)



Appendix A: Strategic roads within Maidstone Borough

- Maidstone Borough
- Maidstone Borough 15km buffer
- Ramsar
- Special Area of Conservation (SAC)
- Special Protection Area (SPA)
- Strategic Roads**
 - Motorway
 - A Road

Appendix B

European Sites Information

This appendix contains information about the European sites scoped into the HRA. Information about each site's area, the site descriptions, qualifying features and pressures and threats are drawn from Natural England's Site Improvement Plans (SIPs)²⁵, Standard Data Forms or Ramsar Information Sheets available from the JNCC website²⁶ and Supplementary Advice Notes²⁷, which advise on the sites features and how to implement the conservation objectives. Site conservation objectives are drawn from Natural England's website and are only available for SACs and SPAs²⁸

This appendix contains information about the European sites scoped into the HRA. Information about each site's area, the site descriptions, qualifying features and pressures and threats are drawn from Natural England's Site Improvement Plans (SIPs) , Standard Data Forms or Ramsar Information Sheets available from the JNCC website and Supplementary Advice Notes , which advise on the sites features and how to implement the conservation objectives. Site conservation objectives are drawn from Natural England's website and are only available for SACs and SPAs.

²⁵ Site Improvement Plans: East of England, Natural England, <http://publications.naturalengland.org.uk/category/4873023563759616>

²⁶ JNCC Data Forms <http://jncc.defra.gov.uk/default.aspx?page=4>

²⁷ Supplementary Advice Notes, Natural England, <http://publications.naturalengland.org.uk/category/6490068894089216>

²⁸European Site Conservation Objectives, Natural England, <http://www.naturalengland.org.uk/ourwork/conservation/designations/sac/conservationobjectives.aspx>

European Site	Summary of reasons for designation	European site pressures and threats	Conservation objectives	Non-qualifying habitats and species on which the qualifying habitats and/or species depend
This site consists of mature Beech forests and Yew woods on steep slopes. The stands lie within a mosaic of scrub and other woodland types and are the most easterly of the Beech woodland sites selected. Parts of the woods were affected by the storm of 1987. Small areas of unimproved chalk grassland are also present.				
North Downs Woodland SAC	H6210 Semi-natural dry grasslands and scrubland facies: on calcareous substrates (<i>Festuco-Brometalia</i>); Dry grasslands and scrublands on chalk or limestone H9130. <i>Asperulo-Fagetum</i> beech forests; Beech forests on neutral to rich soils H91J0. <i>Taxus baccata</i> woods of the British Isles; Yew-dominated woodland	Public Access/Disturbance - Off-road vehicles as well as all-terrain bikes are having an impact on parts of the woodland. Vehicle damage is associated with vehicles coming off the Public Rights of Way (PRoW) into the woodland. All-terrain bikes favour Yew woodland where there is no understorey and the creation of tracks by bikes is eroding soil around the roots of Yews. Forestry and woodland management – Beech regeneration is insufficient to retain canopy cover in the long term. In addition, Beech saplings are susceptible to squirrel damage. Invasive Species – Invasive Sycamore has the potential to regenerate in woodland gaps reducing overall extent of SAC feature. This is more of an issue in Beech stands than in Yew woodland where Yew tends to eventually succeed in dominating the canopy. Air Pollution: impact of atmospheric nitrogen deposition – Nitrogen deposition exceeds site relevant critical loads.	Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring; ■ The extent and distribution of the qualifying natural habitats ■ The structure and function (including typical species) of the qualifying natural habitats, and, ■ The supporting processes on which the qualifying natural habitats rely	In general, qualifying habitats of the SAC rely on: ■ Key species to maintain the structure, function and quality of habitat. ■ Natural vegetation transitions to create diversity and support a range of species. ■ Habitat connectivity to the wider landscape to allow for migration, dispersal and genetic exchange of species typical of this habitat. ■ Active and ongoing conservation management to protect, maintain or restore these habitats. More specific information has been provided for each qualifying habitat as follows: H6210 Semi-natural dry grasslands and scrubland facies: on calcareous substrates (<i>Festuco-Brometalia</i>) ■ Grazing and pollination plays a key role in maintaining areas of

Appendix B
European Sites Information
Maidstone Borough Local Plan
July 2020

				typical grassland species, including orchids. H9130. <i>Asperulo-Fagetum</i> beech forests; Beech forests on neutral to rich soils ■ Light grazing and browsing from herbivores, such as deer to promote diverse woodland structure and continuous seedling establishment. H91J0. <i>Taxus baccata</i> woods of the British Isles; Yew-dominated woodland ■ Light grazing and browsing from herbivores, such as deer to promote diverse woodland structure and continuous seedling establishment.
Peter's Pit SAC	<i>Triturus cristatus</i> : Great crested newt	No current issues affecting the European site's feature(s) have been identified on this site.	Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring: ■ The extent and distribution of the habitats of qualifying species ■ The structure and function of the habitats of qualifying species	In general, the qualifying species of the SAC rely on: ■ The sites ecosystem as a whole (see list of habitats below). ■ Maintenance of populations of species that they feed on (see list of diets below). ■ Habitat connectivity to between breeding and terrestrial habitat to sustain metapopulations. <i>Triturus cristatus</i>: Great crested newt

			■ The supporting processes on which the habitats of qualifying species rely ■ The populations of qualifying species, and, ■ The distribution of qualifying species within the site.	■ Habitat – Large ponds situated amongst grassland, scrub and woodland. The ponds have widely fluctuating water levels and large great crested newt <i>Triturus cristatus</i> populations have been recorded breeding here. ■ Diet – primarily of invertebrates including insects, worms, water snails, larvae and sometimes tadpoles.
This site hosts the priority habitat type "orchid rich sites". Queendown Warren contains an important assemblage of rare and scarce species, including Early Spider-orchid <i>Ophrys sphegodes</i> , Burnt orchid <i>Orchis ustulata</i> and Man orchid <i>Aceras anthropophorum</i> .				
Queensdown Warren SAC	Semi-natural dry grasslands and scrubland facies on calcareous substrates (<i>Festuco-Brometalia</i>) (*important orchid sites)	Species Decline – Numbers of Early Spider-orchid have declined from 10 years ago. Trials are underway to assess the impact of rabbit grazing on the orchid population. There is also a concern with potential effects of air pollution, climate change, lack of genetic diversity or lack of pollinating insects. Habitat fragmentation – The small size and relative isolation of the site raises concern for the long-term genetic viability of some of the orchid populations. Air Pollution: risk of atmospheric nitrogen deposition – Nitrogen deposition exceeds the site-relevant critical load for ecosystem protection and hence there is a risk of harmful effects, but the sensitive features are currently considered to be in	Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring; ■ The extent and distribution of qualifying natural habitats ■ The structure and function (including typical species) of qualifying natural habitats, and ■ The supporting processes on which qualifying natural habitats rely	In general, qualifying habitats of the SAC rely on: ■ Key species to maintain the structure, function and quality of habitat. ■ Natural vegetation transitions to create diversity and support a range of species. ■ Habitat connectivity to the wider landscape to allow for migration, dispersal and genetic exchange of species typical of this habitat. ■ Active and ongoing conservation management to protect, maintain or restore these habitats.

		favourable condition on the site. This requires further investigation.		More specific information has been provided for each qualifying habitat as follows: Semi-natural dry grasslands and scrubland facies on calcareous substrates (<i>Festuco-Brometalia</i>) (*important orchid sites) ■ Thin, well-drained, lime-rich soils. Most of these agriculturally unimproved calcareous grasslands are maintained by grazing.
This site hosts the priority habitat type "orchid rich sites". Wye and Crundale Downs has an important assemblage of rare, scarce and uncommon orchids, including Early Spider-orchid <i>Ophrys sphegodes</i>, Late Spider-orchid <i>Ophrys fuciflora</i>, Burnt orchid <i>Orchis ustulata</i> and Lady orchid <i>Orchis purpurea</i>.				
Wye and Crundale Downs SAC	H6210 Semi-natural dry grasslands and scrubland facies: on calcareous substrates (<i>Festuco-Brometalia</i>) (important orchid sites)	Overgrazing – Grazing pressure from livestock and rabbits is only partially controlled and parts of the site are overgrazed resulting in too short a sward height and inhibiting flowering plants. A programme of rabbit control is underway, but effectiveness needs to be monitored. Inappropriate scrub control – Scrub encroachment on the steep slopes of the Devil's Kneading Trough and other areas of the NNR is only partially controlled by grazing, which is leading to a reduction in the extent of grassland feature. Air Pollution: risk of atmospheric nitrogen deposition – Nitrogen deposition exceeds the site-relevant critical load for ecosystem protection and hence there is a risk of harmful effects, but the sensitive features are currently considered to be in favourable condition on the site.	Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring; ■ The extent and distribution of qualifying natural habitats ■ The structure and function (including typical species) of qualifying natural habitats, and ■ The supporting processes on which qualifying natural habitats rely	In general, qualifying habitats of the SAC rely on: ■ Key species to maintain the structure, function and quality of habitat. ■ Natural vegetation transitions to create diversity and support a range of species. ■ Habitat connectivity to the wider landscape to allow for migration, dispersal and genetic exchange of species typical of this habitat. ■ Active and ongoing conservation management to protect, maintain or restore these habitats.

				More specific information has been provided for each qualifying habitat as follows: Semi-natural dry grasslands and scrubland facies: on calcareous substrates (Festuco-Brometalia) (important orchid sites) ■ This habitat is maintained by grazing and is reliant on key pollinator species.
The Medway Estuary feeds into and lies on the south side of the outer Thames Estuary in Kent, south-east England. It forms a single tidal system with the Swale and joins the Thames Estuary between the Isle of Grain and Sheerness. It has a complex arrangement of tidal channels, which drain around large islands of saltmarsh and peninsulas of grazing marsh.				
Medway Estuary & Marshes SPA	Breeding bird assemblage <i>Recurvirostra avosetta</i>: Pied avocet <i>Pluvialis squatarola</i>: Grey plover <i>Branta bernicla bernicla</i>: Dark-bellied brent goose <i>Tadorna tadorna</i>: Common shelduck <i>Anas acuta</i>: Northern pintail <i>Calidris canutus</i>: Red knot <i>Charadrius hiaticula</i>: Ringed plover <i>Calidris alpina alpina</i>: Dunlin Waterbird assemblage <i>Tringa totanus</i>: Common redshank <i>Calidris alpina alpina</i>: Dunlin	Public Access/Disturbance – Breeding and overwintering waterbirds are susceptible to human disturbance from a range of land- and water-based activities, including boating and watersports; walking; bait-digging; fishing, and wildfowling. Some activities such as powerboating, may produce physical disturbance to habitats. Public access, (especially dog walking and recreational boating) was identified as a medium risk during the 2009 EMS risk review project and this activity is still occurring. Moderate levels of disturbance in less sensitive locations may have no significant effect on the numbers of birds using the SIP area but the types, levels and locations of potentially disturbing activities are constantly changing. Managing the	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.	In general, the qualifying bird species of the SPA rely on: ■ The sites ecosystem as a whole (see list of habitats below). ■ Maintenance of populations of species that they feed on (see list of diets below). ■ Off-site habitat, which provide foraging habitat for these species. ■ Open landscape with unobstructed line of sight within nesting, foraging or roosting habitat. The individual qualifying species of the SPA also rely on the following habitats and species: <i>Recurvirostra avosetta</i>: Pied avocet

		changes to minimise the risk of disturbance impacts will require a better understanding of which species and habitats are most susceptible, which types of activity are most disturbing, and which locations and times of year are most sensitive. There is inadequate information to provide appropriate management. Invasive species – Freshwater non-native invasive species such as pennywort, crassula, parrots feather etc. can engulf ditches, leading to loss of habitat for diving ducks. Although there are some mechanisms in place to ensure ditch management, more baseline information is needed, particularly on those species for which ditch management is not the solution. Changes in species distributions – There is a decline in population size for some of the bird species on some of the SPAs (Cook et al. 2013*). A greater understanding of the relative importance of site-based and wider influences is required in order to identify the potential for further actions that might halt declines, restore populations or identify scenarios where it is thought unlikely		■ Habitat Preference – Mudflats, lagoons and sandy beaches. ■ Diet - Aquatic insects and their larvae, crustaceans and worms. <i>Pluvialis squatarola</i>: Grey plover ■ Habitat Preference – Tundra, and on migration pasture and estuaries. ■ Diet - In summer, invertebrates and in winter primarily marine worms, crustaceans and molluscs. <i>Branta bernicla bernicla</i>: Dark-bellied brent goose ■ Habitat Preference – Tundra, and on migration marshes and estuaries. ■ Diet - Vegetation, especially eel-grass. <i>Tadorna tadorna</i>: Common shelduck ■ Habitat Preference – Coasts, estuaries and lakes. ■ Diet - Mostly invertebrates, especially insects, molluscs and crustaceans. <i>Anas acuta</i>: Northern pintail ■ Habitat Preference – Lakes, rivers, marsh & tundra.
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		that site-based measures will reverse population declines. Fisheries: Commercial marine and estuarine – The extent and impacts of fisheries on private grounds, particularly in the Swale Estuary, needs to be better understood. There are particular concerns regarding the dredging of shellfish within the SPAs which are a food source for the protected birds. Commercial fishing activities categorised as 'amber or green' under Defra's revised approach to commercial fisheries in European Marine Sites require assessment and (where appropriate) management. This assessment will be undertaken by Kent & Essex IFCA. For activities categorised as 'green', these assessments should take account of any in-combination effects of amber activities, and/or appropriate plans or projects, in the site. Vehicles: illicit – The illicit use of motor vehicles (often bikes) occurs across the area. This can cause disturbance to SPA birds. This activity was identified as a medium risk during the 2009 EMS risk review project and is still occurring. Whilst various mechanisms are in place to		■ Diet - A variety of plants and invertebrates. <i>Calidris canutus</i>: Red knot ■ Habitat Preference – Tundra, and on migration coastal habitat. ■ Diet - In summer, insects and plant material, and in winter inter-tidal invertebrates, esp molluscs. <i>Charadrius hiaticula</i>: Ringed plover ■ Habitat Preference – Sandy areas with low vegetation, and on migration estuaries. ■ Diet - In summer, invertebrates and in winter primarily marine worms, crustaceans and molluscs. <i>Calidris alpina alpina</i>: Dunlin ■ Habitat Preference – Tundra, moor, heath, and on migration estuaries and coastal habitat. ■ Diet - Insects, snails and worms. <i>Tringa totanus</i>: Common redshank ■ Habitat Preference – Rivers, wet grassland, moors and estuaries. ■ Diet - Invertebrates, especially earthworms, crane fly larvae
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		prevent the use of vehicles they are clearly not entirely effective. Air pollution: risk of atmospheric nitrogen deposition – Nitrogen deposition exceeds site-relevant critical loads		(inland) crustaceans, molluscs, marine worms (estuaries). <i>Sterna albifrons</i>: Little tern ■ Habitat Preference – Seacoasts, rivers and lakes. ■ Diet - Small fish and invertebrates. Waterbird Assemblage – At the time of classification, the site supported internationally or nationally important wintering populations of the migratory waterfowl.
Medway Estuary & Marshes Ramsar	<u>Ramsar criterion 2</u> The site supports a number of species of rare plants and animals. The site holds several nationally scarce plants, including sea barley <i>Hordeum marinum</i>, curved hard-grass <i>Parapholis incurva</i>, annual beard-grass <i>Polypogon monspeliensis</i>, Borrer's saltmarsh-grass <i>Puccinellia fasciculata</i>, slender hare's-ear <i>Bupleurum tenuissimum</i>, sea clover <i>Trifolium squamosum</i>, saltmarsh goose-foot <i>Chenopodium chenopodioides</i>, golden samphire <i>Inula crithmoides</i>, perennial glasswort <i>Sarcocornia perennis</i> and one-flowered glasswort <i>Salicornia pusilla</i>. A total of at least twelve British Red Data Book species of wetland invertebrates have been recorded on the site. These include a ground beetle <i>Polistichus connexus</i>, a fly <i>Cephalops perspicuus</i>, a dancefly	Similar to Medway Estuary and Marshes SPA above.	None available.	Plants - Plant communities are reliant on the coastal habitats within the Ramsar site. These habitats are dependent on a range of coastal factors and processes, including salinity, sedimentation, sea level, turbidity and elevation. Invertebrates - These species are reliant on the saltmarsh habitat and characteristic flora and fauna present within the European site. Key sources of food range from flowering plants, organic matter and other invertebrate species. Birds - Refer to Medway Estuary and Marshes SPA above.

	<i>Poecilobothrus ducalis</i>, a fly <i>Anagnota collini</i>, a weevil <i>Baris scolopacea</i>, a water beetle <i>Berosus spinosus</i>, a beetle <i>Malachius vulneratus</i>, a rove beetle <i>Philonthus punctus</i>, the ground lackey moth <i>Malacosoma castrensis</i>, a horsefly <i>Atylotus latistriatus</i>, a fly <i>Campsicnemus magius</i>, a soldier beetle, <i>Cantharis fusca</i>, and a crane fly <i>Limonia danica</i>. A significant number of non-wetland British Red Data Book species also occur. <u>Ramsar criterion 5</u> Assemblages of international importance: Species with peak counts in winter: ■ 47637 waterfowl (5 year peak mean 1998/99-2002/2003) Ramsar criterion 6 – species/populations occurring at levels of international importance. Qualifying Species/populations (as identified at designation): Species with peak counts in spring/autumn: ■ Grey plover <i>Pluvialis squatarola</i> ■ Common redshank <i>Tringa totanus tetanus</i> Species with peak counts in winter: ■ Dark-bellied brent goose <i>Branta bernicla bernicla</i>			
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	■ Common shelduck <i>Tadorna tadorna</i> ■ Northern pintail <i>Anas acuta</i> ■ Ringed plover <i>Charadrius hiaticula</i> ■ Red knot <i>Calidris canutus islandica</i> ■ Dunlin <i>Calidris alpina alpina</i> Species/populations identified subsequent to designation for possible future consideration under criterion 6. Species with peak counts in spring/autumn: ■ Black-tailed godwit <i>Limosa limosa islandica</i>			
The Swale is an estuarine area that separates the Isle of Sheppey from the Kent mainland and joins the Medway to the west. This site forms part of the Greater Thames complex, which support a wide diversity of coastal habitats, such as grazing marsh, saltmarsh and mud/sandflat and eelgrass beds that support important numbers of waterbirds throughout the year. Wintering birds that use these estuaries include grebes, geese, ducks and waders whilst in summer breeding birds can be found, such as waders and terns. The area is also important for spring and autumn migration periods.				
The Swale SPA	Breeding Bird Assemblage <i>Pluvialis squatarola</i>: Grey plover <i>Branta bernicla bernicla</i>: Dark-bellied brent goose <i>Charadrius hiaticula</i>: Ringed plover Waterbird Assemblage <i>Tringa totanus</i>: Common redshank <i>Calidris alpina alpina</i>: Dunlin	Similar to Thames Estuary and Marshes SPA above. Invasive species – Non-native invasive species such as sea squirt and pacific oyster are spreading along the Kent coast and could begin to impact on the Swale. Sea squirt has been found in the Medway, and Pacific oysters are regarded as increasing in the Essex-Southend area. These species threaten habitats due to their ability to smother substrate and other sessile organisms. There is no good	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	In general, the qualifying bird species of the SPA rely on: ■ The sites ecosystem as a whole (see list of habitats below). ■ Maintenance of populations of species that they feed on (see list of diets below).

		understanding of the overall distribution of these species in this site. Assessment is needed in key areas of ports and marinas, where introductions tend to first occur.	■ 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.	■ Off-site habitat, which provide foraging habitat for these species. ■ Open landscape with unobstructed line of sight within nesting, foraging or roosting habitat. The individual qualifying species of the SPA also rely on the following habitats and species: <i>Pluvialis squatarola</i>: Grey plover ■ Habitat Preference – Tundra, and on migration pasture and estuaries. ■ Diet - In summer, invertebrates and in winter primarily marine worms, crustaceans and molluscs. <i>Branta bernicla bernicla</i>: Dark-bellied brent goose ■ Habitat Preference – Tundra, and on migration marshes and estuaries. ■ Diet - Vegetation, especially eelgrass. <i>Charadrius hiaticula</i>: Ringed plover ■ Habitat Preference – Sandy areas with low vegetation, and on migration estuaries.
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				■ Diet - In summer, invertebrates and in winter primarily marine worms, crustaceans and molluscs. <i>Tringa totanus</i>: Common redshank ■ Habitat Preference – Rivers, wet grassland, moors and estuaries. ■ Diet - Invertebrates, especially earthworms, crane fly larvae (inland) crustaceans, molluscs, marine worms (estuaries). <i>Calidris alpina alpina</i>: Dunlin ■ Habitat Preference – Tundra, moor, heath, and on migration estuaries and coastal habitat. ■ Diet - Insects, snails and worms. Breeding Bird Assemblage – The grazing marshes support a typical assemblage of breeding species. Waterbird Assemblage – The mudflats also support smaller numbers of wintering migratory waterfowl. ■ The grazing marshes support internationally and nationally important numbers of several waterbirds.
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The Swale Ramsar	<u>Ramsar criterion 2</u> The site supports nationally scarce plants and at least seven British Red data book invertebrates. <u>Ramsar criterion 5</u> Assemblages of international importance: ■ Species with peak counts in winter: 77501 waterfowl Ramsar criterion 6 – species/populations occurring at levels of international importance. Qualifying Species/populations (as identified at designation): Species with peak counts in spring/autumn: ■ Common redshank <i>Tringa totanus totanus</i> Species with peak counts in winter: ■ Dark-bellied brent goose <i>Branta bernicla bernicla</i> ■ Grey plover <i>Pluvialis squatarola</i> Species/populations identified subsequent to designation for possible future consideration under criterion 6. Species with peak counts in spring/autumn: ■ Ringed plover <i>Charadrius hiaticula</i>	Similar to Medway Estuary & Marshes SPA above.	None available.	Plants - Plant communities are reliant on the coastal habitats within the Ramsar site. These habitats are dependent on a range of coastal factors and processes, including salinity, sedimentation, sea level, turbidity and elevation. Invertebrates - These species are reliant on the coastal habitat and characteristic flora and fauna present within the European site. Key sources of food range from flowering plants, organic matter and other invertebrate species. Birds - Refer to The Swale SPA above.
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	Species with peak counts in winter: ■ Eurasian wigeon <i>Anas Penelope</i> ■ Northern pintail <i>Anas acuta</i> ■ Northern shoveler <i>Anas clypeata</i> ■ Black-tailed godwit <i>Limosa limosa islandica</i>			
This site forms part of the Greater Thames Complex, which supports a wide diversity of coastal habitats, such as grazing marsh, saltmarsh and mud/sandflat and eelgrass beds that support important numbers of waterbirds throughout the year. Wintering birds that use these estuaries include grebes, geese, ducks and waders whilst in summer breeding birds can be found, such as waders and terns. The area is also important for spring and autumn migration periods.				
Thames Estuary and Marshes SPA	<i>Recurvirostra avosetta</i>: Pied avocet <i>Circus cyaneus</i>: Hen harrier <i>Charadrius hiaticula</i>: Ringed plover <i>Pluvialis squatarola</i>: Grey plover <i>Limosa limosa islandica</i>: Black-tailed godwit <i>Calidris canutus</i>: Red knot <i>Calidris alpina alpina</i>: Dunlin <i>Tringa totanus</i>: Common redshank	Similar to Medway Estuary and Marshes SPA above.	■ 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.	In general, the qualifying bird species of the SPA rely on: ■ The sites ecosystem as a whole (see list of habitats below). ■ Maintenance of populations of species that they feed on (see list of diets below). ■ Off-site habitat, which provide foraging habitat for these species. ■ Open landscape with unobstructed line of sight within nesting, foraging or roosting habitat. The individual qualifying species of the SPA also rely on the following habitats and species: <i>Recurvirostra avosetta</i>: Pied avocet

				■ Habitat Preference - Mudflats, lagoons and sandy beaches. ■ Diet - Aquatic insects and their larvae, crustaceans and worms. <i>Circus cyaneus</i>: Hen harrier ■ Habitat Preference - Moor, marsh, steppe and fields. ■ Diet - Mainly small birds and mammals. <i>Charadrius hiaticula</i>: Ringed plover ■ Habitat Preference - Sandy areas with low vegetation, and on migration estuaries. ■ Diet - In summer, invertebrates and in winter primarily marine worms, crustaceans and molluscs. <i>Pluvialis squatarola</i>: Grey plover ■ Habitat Preference - Tundra, and on migration pasture and estuaries. ■ Diet - In summer, invertebrates and in winter primarily marine worms, crustaceans and molluscs. <i>Limosa limosa islandica</i>: Black-tailed godwit
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				■ Habitat Preference - Marshy grassland and steppe, and on migration mudflats. ■ Diet - Insects, worms and snails, but also some plants, beetles, grasshoppers and other small insects during the breeding season. <i>Calidris canutus</i>: Red knot ■ Habitat Preference - Tundra, and on migration coastal habitat. ■ Diet - In summer, insects and plant material, and in winter inter-tidal invertebrates, esp molluscs. <i>Calidris alpina alpina</i>: Dunlin ■ Habitat Preference - Tundra, moor, heath, and on migration estuaries and coastal habitat. ■ Diet - Insects, snails and worms. <i>Tringa totanus</i>: Common redshank ■ Habitat Preference - Rivers, wet grassland, moors and estuaries. ■ Diet - Invertebrates, especially earthworms, crane fly larvae (inland) crustaceans, molluscs, marine worms (estuaries).
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Thames Estuary and Marshes Ramsar	Ramsar criterion 2 The site supports one endangered plant species and at least 14 nationally scarce plants of wetland habitats. The site also supports more than 20 British Red Data Book invertebrates. Ramsar criterion 5 Assemblages of international importance: Species with peak counts in winter: ■ 45118 waterfowl (5 year peak mean 1998/99-2002/2003) Ramsar criterion 6 – species/populations occurring at levels of international importance Qualifying Species/populations (as identified at designation): Species with peak counts in spring/autumn: ■ Ringed plover <i>Charadrius hiaticula</i> ■ Black-tailed godwit <i>Limosa limosa islandica</i> Species with peak counts in winter: ■ Grey plover <i>Pluvialis squatarola</i> ■ Red knot <i>Calidris canutus islandica</i> ■ Dunlin <i>Calidris alpina alpina</i>	Similar to Medway Estuary & Marshes SPA above.	None available	Plants – Plant communities are reliant on the coastal habitats within the Ramsar site. These habitats are dependent on a range of coastal factors and processes, including salinity, sedimentation, sea level, turbidity and elevation. Birds – Refer to Thames Estuary and Marshes SPA above.
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	Common redshank <i>Tringa totanus totanus</i>			
The Outer Thames Estuary Special Protection Area was designated to protect the red-throated diver <i>Gavia stellata</i> population and its supporting habitats (subtidal sands) in favourable condition. The main part of the site is the outer part of the estuary (east of a line north from Sheerness, Kent to Shoebury Ness, Essex); a separate area extending south along the coast of E Norfolk (from Caister-on-Sea) to Woodbridge, Suffolk and lying mainly within the 12 nautical mile zone, except for two small areas which extend slightly into the 12 nm zone offshore from about Lowestoft; and a third area lying slightly further north and partly within 12 nm, but also with a larger area extending well beyond the 12 nm zone).				
Outer Thames Estuary SPA	<i>Gavia stellata</i> : Red-throated Diver	Fisheries: Commercial marine and estuarine – The gear types being assessed are towed demersal gear and dredges, and suction dredges for cockles as well as static/passive fishing gear methods such as set gillnets and drift netting represent potentially the most serious direct risk from fishing activity to the birds themselves. Disturbance and displacement effects may arise from boat movements associated with fishing activities. Removal of fish and larger molluscs can have a significant impact on the structure and functioning of benthic communities. Entanglement in static fishing nets is an important cause of death for red-throated divers in the UK waters. Netting is widespread across the sandbanks but is seasonal and occurs primarily when the Red-throated diver population is not at its peak. The scale of by-catch within the site has been assessed by the Kent & Essex IFCA and was not found to be	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	In general, the qualifying bird species of the SPA rely on: - The sites ecosystem as a whole (see list of habitats below). - Maintenance of populations of species that they feed on (see list of diets below). <i>Gavia stellata</i>: Red-throated Diver - Habitat preference - Shallow ponds & lakes. - Diet - Primarily fish, captured by seizing in the bill, also frogs and large invertebrates.

		problematic and so can be deemed to be low-risk.		
Stodmarsh SPA is a wetland comprising open water bodies, reedbeds, grazing marshes and alder-carr. The site provides wintering and breeding habitats for important assemblages of wetland bird species, particularly wildfowl and waders. It regularly supports nationally important over-wintering populations of bittern and hen harrier. It supports over 1% of the national breeding population of gadwall, bearded tit and shovler. It regularly supports a diverse assemblage of breeding birds including great crested grebe, lapwing, redshank, snipe, grasshopper warbler, savi's warbler, sedge warbler and reed warbler. It also regularly supports a diverse assemblage of over-wintering birds including white-fronted goose, wigeon, mallard, pochard, tufted duck, water rail, lapwing and snipe. Stodmarsh SAC supports the UKBAP species Desmoulin's whorl snail <i>Vertigo moulinsiana</i> which occurs within the site on emergent vegetation in fen areas and along ditches in the grazing marsh				
Stodmarsh SAC	Desmoulin's Whorl Snail <i>Vertigo moulinsiana</i>	None specifically identified within the Site Improvement Plan.	Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring; ■ The extent and distribution of the habitats of qualifying species ■ The structure and function of the habitats of qualifying species ■ The supporting processes on which the habitats of qualifying species rely ■ The populations of the qualifying species, and, ■ The distribution of the qualifying species within the site	In general, the qualifying bird species of the SAC rely on: ■ The sites ecosystem as a whole (see list of habitats below). ■ Maintenance of populations of species that they feed on (see list of diets below). Desmoulin's Whorl Snail <i>Vertigo moulinsiana</i> ■ Habitat preference – permanently wet, usually calcareous, swamps, fens and marshes, bordering rivers, lakes and ponds, or in river floodplains ■ Diet – fungi, micro-algae and bacteria.
Stodmarsh SPA	<i>Botaurus stellaris</i> : Great bittern <i>Anas strepera</i> : Gadwall <i>Anas clypeata</i> : Northern shoveler	Water pollution - Poor water quality has been recorded in the NNR lake (Unit 10) and associated reedbeds. The Lampen stream and Great Stour	Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the aims of	In general, the qualifying bird species of the SAC rely on:

	<i>Circus cyaneus</i>: Hen harrier	which feeds into the lake have fairly high nitrogen levels, and orthophosphate levels regularly over 100ug/L, especially since 2009. This leads to a reduction in fish stocks and macrophytes, which impacts on food availability for SPA birds (bittern, gadwall). Invasive Species - Crassula is present within several areas of the NNR and potentially elsewhere within the site. Crassula forms a blanket of vegetation which can reduce food source and hinder birds finding food. Inappropriate scrub control - Scrub cover is too high in the reedbed and around the lakes (approximately 12 ha). Development of scrub can reduce habitat suitability for SPA birds. Air pollution - Nitrogen deposition exceeds site-relevant critical loads.	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.	■ The sites ecosystem as a whole (see list of habitats below). ■ Maintenance of populations of species that they feed on (see list of diets below). <i>Botaurus stellaris</i>: Great bittern Habitat preference – Reedbed and marshes. Diet – Mostly fish, amphibians, insects but wide variety, mostly in shallow water in or near cover. <i>Anas strepera</i>: Gadwall Habitat preference – Marshes, lakes, on migration also rivers, estuaries Diet – Leaves, shoots, mostly while swimming with head under water <i>Anas clypeata</i>: Northern shoveler Habitat preference – Shallow lakes, marsh, reedbed & wet meadow Diet – Omnivorous, esp. small insects, crustaceans, molluscs, seeds; filters particles with sideways sweeping of bill <i>Circus cyaneus</i>: Hen harrier Habitat preference – Moor, marsh, steppe and fields
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				Diet – Mostly, small birds, nestlings and small rodents
Stodmarsh Ramsar	Ramsar criterion 2 Six British Red Data Book wetland invertebrates. Two nationally rare plants, and five nationally scarce species. A diverse assemblage of rare wetland bird: Qualifying Species/populations (as identified at designation): Species regularly supported during the breeding season: Gadwall <i>Anas strepera</i> Species with peak counts in spring/autumn: Gadwall <i>Anas strepera</i> Species with peak counts in winter: Great bittern <i>Botaurus stellaris</i> Northern shoveler <i>Anas clypeata</i> Hen harrier <i>Circus cyaneus</i>	Similar to Stodmarsh SPA above.	None available	Similar to Stodmarsh SPA above.

Appendix C

Other Plans and Projects

District level Local Plans (strategic issues/'core strategies') providing for development

The Swale Local Plan ²⁹	
Plan Owner/Competent Authority	The Swale Borough Council
Related work HRA/AA	Habitat Regulations Assessment Screening of Bearing Fruits 2031: The Swale Borough Local Plan Part 1: Submission Version ³⁰
Notes on Plan documents	The Local Plan adopted in July 2017 sets out the vision, policies and proposals for the future development and land use in The Swale between 2014 and 2031. The plan proposes the provision of 13,192 new homes and 130,000sqm of employment land.
Conclusions on potential effects of relevance to European sites within scope of HRA of Maidstone Local Plan. The HRA considered the following European sites: ■ Medway SPA and Ramsar – recreation, loss of supporting habitat, air quality and water quality ■ The Swale SPA and Ramsar – recreation, loss of supporting habitat, air quality and water quality ■ Outer Thames Estuary SPA – recreation ■ Queendown Warren SAC – recreation ■ Blean Complex SAC – recreation The HRA concluded no likely significant effects to any European sites and therefore no further consideration was required at the Appropriate Assessment.	

Medway Local Plan ³¹	
Plan Owner/Competent Authority	Medway Borough Council
Related work HRA/AA	Interim Consideration of the Implications of Development Strategy Scenarios on European Sites of the Medway Local Plan ³²
Notes on Plan documents	The council consulted on the emerging Local Plan 'Issues and Options' in 2016 and the second formal stage of the preparation of the new Local Plan Development Options in 2017. The plan proposes the provision of 29,463 new homes and 369,954sqm of employment land.
Conclusions on potential effects of relevance to European sites within scope of HRA of Maidstone Local Plan. Impacts were considered in relation to habitat fragmentation and loss, disturbance, reduced water levels and quality and reduced air quality for the following European sites:	

²⁹ <http://services.swale.gov.uk/media/files/localplan/adoptedlocalplanfinalwebversion.pdf>

³⁰ <https://archive.swale.gov.uk/assets/Planning-General/Planning-Policy/Evidence-Base/Local-Plan-2014/Further-evidence-2015/Habitats-Regulation-Assessment-April-15-web.pdf>

³¹ https://www.medway.gov.uk/downloads/file/215/final_issues_and_options_public_consultation_copy

³² https://www.medway.gov.uk/downloads/file/2202/medway_local_plan_habitats_regulation_assessment_issue_appendices

Medway Local Plan ³¹	
■ Medway Estuary & Marshes SPA and Ramsar ■ Thames Estuary & Marshes SPA and Ramsar ■ North Downs Woodlands SAC ■ Peter's Pit SAC ■ Queendown Warren SAC ■ The Swale SPA/Ramsar	
The HRA Screening concluded that further consideration was required at the Appropriate Assessment in relation to Medway Estuary & Marshes SPA and Ramsar and Thames Estuary & Marshes SPA and Ramsar for all impact pathways, The Swale for habitat fragmentation and loss and disturbance, and North Downs Woodland SAC and Peter's Pit SAC for air quality.	
The Appropriate Assessment concluded that providing mitigation measures, including further assessment as required through project level HRAs, are implemented no adverse effects were considered in relation to the above European sites. However, the HRA did stipulate that further air quality assessment is required to inform selection of the preferred option and establish whether likely significant effects associated with predicted increases in the deposition of nitrogen at Medway and Thames Estuary and Marshes SPA/Ramsar sites and North Downs Woodlands SAC would lead to adverse impacts on integrity is required.	

Tonbridge and Malling New Local Plan ³³	
Plan Owner/Competent Authority	Tonbridge and Malling Council
Related work HRA/AA	Habitat Regulations Screening Assessment of Tonbridge and Malling New Local Plan³⁴ Habitat Regulations Assessment: Stage 1 (Air Quality Screening) of Tonbridge and Malling New Local Plan³⁵
Notes on Plan documents	The Local Plan was submitted to the Inspector for Examination in January 2019. The plan sets out the vision, policies and proposals for the future development and land use for the plan up to 2031. The plan makes provision for at least 6,834 dwellings and 38ha of additional employment land.
Conclusions on potential effects of relevance to European sites within scope of HRA of Maidstone Local Plan. The Habitat Regulations Screening Assessment of the Local Plan identified the following European sites with potential to be affected by likely significant effects as a result of the Local Plan. This included: ■ North Downs Woodland SAC – air pollution, recreational pressure ■ Peters Pit SAC – none. ■ Queendown Warren SAC – air pollution ■ Medway Estuary and Marshes SPA and Ramsar– recreational pressure The HRA concluded that no likely significant effects were considered in relation to recreation for all of the European sites, however further work was required in relation to air quality. Habitat Regulations Assessment: Stage 1 (Air Quality Screening) was undertaken for North Downs Woodland SAC, Peter's Pit SAC, Queendown Warren SAC, Medway Estuary and Marshes SPA and Ramsar and Ashdown Forest SAC. The HRA was able to screen out impacts from air pollution in relation to Queensdown Warren SAC, Medway Estuary and Marshes SPA and Ramsar and Ashdown Forest SAC due to the low increases in traffic flows expected around the site.	

³³ https://www.tmbc.gov.uk/_data/assets/pdf_file/0005/618890/Local_Plan_Submission_January_2019.pdf

³⁴ [tmbc.gov.uk/_data/assets/pdf_file/0006/618900/Habitats_Regs_Assessment_revised.pdf](https://www.tmbc.gov.uk/_data/assets/pdf_file/0006/618900/Habitats_Regs_Assessment_revised.pdf)

³⁵ https://www.tmbc.gov.uk/_data/assets/pdf_file/0009/583623/TMBC-HabitatRegsStage1_July2018.pdf

Tonbridge and Malling New Local Plan ³³	
The assessment was able to demonstrate that impacts from air quality in relation to Peter's Pits and North Downs Woodland SAC would not be significant. However, the report suggested that options should be considered to reduce the predicted traffic impacts and thus improve air quality across the study area. This includes the following mitigation: modal shift, the provision of electric vehicle charging points, junction improvements, encouraging more cycling and walking as well as sustainable transport plans and habitat management plan of the North Downs Woodland SAC.	

Ashford Local Plan ³⁶	
Plan Owner/Competent Authority	Ashford Borough Council
Related work HRA/AA	Habitat Regulations Assessment of the Local Plan ³⁷
Notes on Plan documents	The Ashford Local Plan 2030 was adopted in February 2019 and now forms the main statutory development plan for the Borough. The plan makes provision for 16,872 new houses between 2011 and 2030 and 63ha of employment land between 2014 and 2030.
Conclusions on potential effects of relevance to European sites within scope of HRA of Maidstone Local Plan. The HRA conserved the impacts of the Local Plan for a number of European sites including Wye and Crundale SAC and The Swale SPA and Ramsar. Due to the distance The Swale SPA and Ramsar from the Borough at 15km, this European site was scoped out of the assessment before screening stage. Impacts to Wye and Crundale SAC was considered in relation to habitat loss, disturbance, recreational activities, air pollution, water quantity and quality. The HRA concluded no likely significant effects in relation to these impacts on the SAC.	

Tunbridge Wells New Local Plan ³⁸	
Plan Owner/Competent Authority	Tunbridge Wells District Council
Related work HRA/AA	Habitat Regulations Assessment of the Regulation 18 Tunbridge Wells Local Plan
Notes on Plan documents	The Local Plan is to set out the spatial vision and strategic objectives for the Borough, as well as the development strategy needed to meet those objectives until 2036. Consultation took place on 'Issues and Options' for the new Local Plan in 2017 and on a Draft Local Plan in Autumn 2019. The plan makes provision for 13,560 new houses and at least 14ha of employment land up to 2036.
Conclusions on potential effects of relevance to European sites within scope of HRA of Maidstone Local Plan. The HRA considers the impacts of the New Local Plan from air pollution and recreational pressure in relation to Ashdown Forest SAC and SPA. No adverse effects upon the integrity of Ashdown Forest SPA / SAC as a result of increased atmospheric pollution and recreational pressure resulting from the Borough of Tunbridge Wells Local Plan.	

³⁶ <https://www.ashford.gov.uk/media/7542/adopted-ashford-local-plan-2030-2.pdf>

³⁷ <https://www.ashford.gov.uk/media/5412/hra-december-2017.pdf>

³⁸ https://beta.tunbridgewells.gov.uk/_data/assets/pdf_file/0017/300770/HRA.pdf

Major Infrastructure Projects

Lower Thames Crossing	
Plan Owner/Competent Authority	Highways England
Related work HRA/AA	Not yet carried out.
Notes on project	Proposals to construct a new connecting road system within the counties of Kent and Essex. The new road system includes a new crossing of the River Thames to the east of London and the existing Dartford Crossing and Queen Elizabeth II Bridge. The Proposed Development will connect the A2 east of Gravesend to the M25 in Essex.
Conclusions on potential effects of relevance to European sites within scope of HRA of Maidstone Local Plan. None available.	