THANET COAST SPA MITIGATION STRATEGY

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A Dover-based Development Mitigation Strategy

The following paper considers those developments that cannot, when taken *in-combination*, be ruled insignificant in terms of Regulation 61 of the Conservation of Habitats and Species Regulations 2010 and thus, could give rise to significant impacts on the Thanet Coast SPA, a Natura 2000 site.

The Need for Mitigation

It is apparent from an ongoing visitor disturbance study at Pegwell Bay (Thanet district) and Sandwich Bay (Dover district) that recreational impacts are having an adverse impact on the species for which the SPA has been designated. The major concern is that of disturbance to over-wintering birds, particularly their ability to feed and, consequently, adverse effects on their breeding performance.

Surveys and Mitigation Strategy

Visitor surveys carried out in late 2010 and early 2011 on behalf of DDC and other contributing parties indicated that recreational activities by residents in Dover are localised. This work supported an earlier 'Tourism Development and Planning at Sandwich and Pegwell Bay National Nature Reserve' report (University of Kent, nd). The division of the Thanet Coast SPA by the Stour estuary is important and allows for a more focused approach to provision of a mitigation strategy.

It is considered on the existing evidence that development in Dover is unlikely to have any impact on Pegwell Bay, but may impact Sandwich Bay. It is to be noted that any proposals that have an individual, or site-specific in-combination likely significant effect on the Thanet Coast SPA will be subject to separate mitigation requirements in addition to those in this strategy.

It is fundamental that the purpose of a development mitigation strategy is to avoid potential impacts brought about by demographic changes, rather than ameliorate pre-existing impacts. However, a strategy that may have coincidental effects on existing impacts would produce an overall benefit. Wardening, for instance, should, by its very nature, reduce existing as well as new impacts.

The mitigation strategy was initially proposed by developers and that has evolved over several months in discussions with Natural England. It has further been refined in the light of the surveys and ongoing discussions (May 2011) and comprises four elements:

1. The ability, if necessary, to draw on funding, via a bond, to support wardening at Sandwich Bay for a period up to 10 years.
2. Monitoring of potential impacts associated with Dover development to identity if and when such wardening (1) or other mitigation (4) is required;
3. Contribution to the Pegwell Bay and Sandwich Bay Disturbance Study to complement (2), provide weighting for different forms of disturbance and thus direct the role of wardening (1).
4. To use the monitoring (2) to identify lesser sources of development-related disturbance and to draw on the relevant developers contributions for mitigation of such.

Mitigation Rationale and Proportionality

It is generally accepted that for coastal recreational pressures, wardening provides the most secure mitigation and this is considered later in this document with application to the Dover Core Strategy housing allocations. For the mitigation to be proportionate there should be other tools available which can be applied incrementally, as necessary, and their effectiveness tested by monitoring. Such tools can include coastal user guidance leaflets, interpretation boards, the provision of regulations, such as dog control areas, and the enforcement of such regulations.

Monitoring will allow the source of new disturbance to be identified and the mitigation requirements to be applied appropriately, drawn as necessary, and proportionately, from developer contributions.

As developments progress and are monitored, it should become evident as to whether there are probable impacts on the SPA, or not. Therefore, it is reasonable that, in the event of no identified impact, there should be a 'cut-off' point for the bond from a particular development. This can best be aligned with monitoring periods. Allowing for maturation of a development, this should not be until at least a second monitoring period has passed subsequent to commencement of any development.

Application to Dover Core Strategy Housing Allocations

Potential recreational impacts on sites must, ultimately, relate to demographic change and this is the basis on which various applicants have prepared their planning documentation. In all cases, it is understood that the figure of an average 2.25 people/household (see DDC Core Strategy (CS) p.14) has been used. Application of the mitigation strategy to just housing number is simple, but may be refined further by application to house size in terms of bedroom number (CS, pp 43, 80). This would allow a degree of flexibility should individual developments come present justified departures from the housing mix in the Site Allocations document.

On the basis of the above reasoning, bedroom figures are used. The following figures are based on the CS. For historic reasons, Aylesham is omitted. The CS contains a breakdown of expected housing types for Whitfield (WUE) and the rest of Dover (RoD). A simple analysis provides the total bedroom count in the CS.

For WUE: 5750 houses give a bedroom count of 12793

Bed No.	%	Of 5750 =	Bedroom No.
1	25	1438	1438
2	35	2012	4024
3	32.5	1869	5607
4	7.5	431	1724

For RoD: 7250 houses give a bedroom count of 17762

Bed No.	%	Of 7250 =	Bedroom No.
1	15	1088	1088
2	35	2537	5074
3	40	2900	8700
4	10	725	2900

Total Dover planned bedroom count = 30555

Monitoring and Build-Out

The issue of monitoring potential impacts is properly dealt with through visitor surveys, to establish whether the new developments in Dover have generated a greater visitor pressure on the Dover part of the SPA. The cost of such surveys is directly related to their frequency. Costs are considered later.

As the most sensitive time for disturbance is winter, the prime time for recreational surveys will also be then. There are two approaches – either annual surveys, regardless of development, or surveys based on development quantum triggers: the latter is CIL compliant. It is also reasonable to consider that, if recreational impacts increase, there may be a need to intensify survey effort in order to clarify any need for wardening, thus, reinforcing the quantum trigger approach.

The LDF has a fixed lifespan, to 2026, unless overall LDF monitoring indicates that a review needs to be made earlier.

Building out of developments takes time and that will determine when population increase occurs. Although the main Dover project is WUE, it only equates to 44% of the total housing development in Dover. According to the WUE masterplan, it would take approximately nine years to build out Phase 1 and Phase 1a (1400 houses/3115 bedrooms). Without evidence to the contrary, applying the 44%, it is considered that by completion of these phases 7080 bedrooms throughout Dover might be completed.

There is no evidence form the survey work carried out to indicate that WUE Phase 1 and 1a *alone* would impact the SPA and, therefore, it seems reasonable to trigger the 1st monitoring surveys by the number of completed bedrooms associated with those phases. For simplicity, this has been rounded down to 3000. Taking on board the wider developments in Dover, this first monitoring could, however, occur as early as within 4 years of commencement of WUE and after completion of approximately 1370 bedrooms, giving a fine-scale measure of potential impacts and their sources.

Monitoring would need to be continued and it is reasonable to assume that if impacts do begin to occur they will intensify as development proceeds. Therefore, the monitoring intervals are slightly tapered. The suggested taper is:

Survey Number	Incremental Bedroom No.	Total Bedroom No.
1	3000	3000
2	3000	6000
3	3000	9000
4	3000	12000
Potential Break Point due to LDF Review		
5	3000	15000
6	3000	18000
7	3000	21000
8	2500	23500
9	2500	26000
10	2250	28250
11	2250	30500

A tentative break point has been inserted for the LDF review. This would allow a comprehensive review of the relationship of development in Dover to the requirements of the Conservation of Habitats and Species Regulations 2010, or any later legislation. The effectiveness of monitoring and mitigation would be amenable to detailed examination and any necessary revisions then be applied to any future site allocations.

Overall Cost Estimates

This strategy has evolved through discussions over several months with Natural England and ecological consultants working for three developers in Dover, with consideration of the views of other bodies – RSPB, KWT, and the Thanet Coast Project (an operative arm of the North East Kent European Site Management Scheme).

An overall figure of £400,000 was initially considered, with a split of 3/1 for wardening/monitoring. This mitigation was based on population growth figures.

£300,000 would cover the cost of wardening Sandwich Bay for 10 years. While this might seem to cover a relatively short period, it would, when making allowances for development commencement and build-out times, cover the lifetime of the Local Development Framework (LDF), which runs to 2026, and beyond. However, there may be additional costs, such as enforcement, to be considered. For this reason, DDC consider a figure of £350,000 would provide greater assurance of effective wardening. This element of the strategy would be in the form of a bond, to be drawn upon as necessary.

It is considered that a series of 11 surveys should form the baseline, based on a tapered bedroom count: 7 @ 3000, followed by 2 @ 2500 and then 2 @ 2250. This would encompass the totality of Dover development. Allowing £5000 per survey, this would equate to £55,000. The eleven surveys extend well beyond the LDF lifetime.

Despite various efforts, it has not been possible to obtain costings of the current disturbance study at Pegwell Bay and Sandwich Bay. However, ENTEC have provided an estimate which is robust, at £100,000 for a two year study. As it is robust, it is now proposed that this sum should also include provision for interpretation, signage and leaflets (£15,000). The timing of this study will require consultation with Natural England, but is provisionally set to commence 8 years after the completion of the current study, that is 2020/2022.

<u>Therefore, the overall sum sought for mitigation purposes is £505,000, of which £350, 000 would be in the form of a bond.</u>

Cost per House, Depending on Bedroom Number

Bedroom No	Bond	Monitoring etc.	Total
1	11.46	5.07	16.53
2	22.92	10.14	33.06
3	34.38	15.21	49.59
4	45.84	20.28	66.12

There is a level of development which it would not necessarily be cost-effective to include in this scheme. It is considered appropriate this would be 15 or more units,

which at a strategic density of 30 units/ha, would also have to be screened for EIA. While the requirements of the Habitats Regulations would still apply to smaller numbers, including appropriate assessment, each development would need to be considered on its own merits.

For outline applications where the detail of dwelling type has not been established, developers may wish to take a simpler approach to the mitigation funding provision. In such cases, the amount for a 3-bedroom house, £49.59/dwelling, is used.