

Item D1

Construction of part of a new road (A28 Link Road) including viaduct between A28 Sturry Road and A291 Sturry Hill and associated on-line improvements at A28 Sturry Link Road, Sturry, Canterbury – CA/19/00904 (KCC/CA/0091/2019)

Appendix 2

Record of Appropriate Assessment

(under Regulation 63 of the Conservation of Habitats and Species Regulations 2017)



PLANNING APPLICATIONS GROUP

RECORD OF APPROPRIATE ASSESSMENT

**(UNDER REGULATION 63 OF THE CONSERVATION OF HABITATS
AND SPECIES REGULATIONS 2017)**

6th November 2020

Adoption date: 9th March 2021

CONTENTS

1. Introduction to Habitats Regulations Assessment	4
2. Project	5
3. Summary of the conclusion of the assessment	5
4. Information used for the assessment	6
4.1 Scanning and site selection list for European sites that could potentially be affected by the project.....	6
4.2 Qualifying features of the European sites that could potentially be affected by the project	7
5. Screening for likely significant effects	10
5.1 Screening summary	19
6. Appropriate Assessment	19
6.1 Appropriate Assessment conclusion	31
6.2 Mitigation measures	31
7. Integrity Test	32
8. References and Reports	32

1. Introduction to Habitats Regulations Assessment

Regulation 63 of the Conservation of Habitats and Species Regulations (2017) ('the Habitats Regulations') requires an assessment where a plan or project may give rise to significant effects upon any Natura 2000 sites (also known as 'European sites').

Natura 2000 is a network of areas designated to conserve natural habitats and species that are rare, endangered, vulnerable or endemic within the European Community (EC). This includes Special Areas of Conservation (SAC), designated under the Habitats Directive for their habitats and/or species of European importance; and Special Protection Areas (SPA), classified under the Birds Directive for rare, vulnerable and regularly occurring migratory bird species and internationally important wetlands.

As a matter of national planning policy, the government has chosen to apply the assessment procedures to internationally designated Ramsar sites, even though these are not European Sites as a matter of law.

This document is a record of Habitats Regulations Assessment under the Habitats Regulations considering the implications for the European Sites in view of the development being proposed and in the context of the designated conservation objectives.

The assessment has been undertaken by Kent County Council and is based on the information provided by Kent County Council as part of the planning application (KCC/CA/0091/2019 A28 Sturry Link Road, Sturry, Canterbury), in addition to information used by Canterbury City Council to undertake the Habitats Regulations Assessment for the applications that form the Sturry and Broad Oak strategic housing allocation. These three applications are interlinked, so while Canterbury City Council and Kent County Council have developed and issued separate Habitats Regulations Assessments specific to their planning applications, the relevant information has been shared and joint conclusions reached by each authority.

In accordance with the Habitats Regulations, Kent County Council, as a 'competent authority' under the Habitats Regulations, must be satisfied that the project will not cause an adverse effect on the integrity of any European designated site before it can grant permission for the works.

The European Commission's *Methodological guidance on the provisions of Article 6(3) and 6(4) of the Habitats Directive 92/43/EEC* recommends a four-stage approach in carrying out a Habitats Regulations Assessment as follows.

Stage 1 Screening

Determines whether a plan or project, either alone or in combination with other plans or projects, is likely to have a significant effect upon a Natura 2000 site.

If the screening process identifies effects to be significant, potentially significant or uncertain, or if the screening process becomes overly complicated, then the process must proceed to Stage 2. The process should apply the precautionary principle to ascertain if significant effects are likely.

Stage 2 Appropriate Assessment

Considers the impact on the integrity of the Natura 2000 sites of the project or plan either alone or in combination with other plans or projects with respect to the site's structure and function and its conservation objectives. Additionally, where there are adverse impacts, it assesses the potential mitigation for those impacts.

Stage 3 Assessment of Alternative Solutions

Examines alternative ways of achieving the objectives of the project or plan that avoid adverse impacts on the integrity of the Natura 2000 sites.

Stage 4 Assessment where no Alternative Solutions Exist and where Adverse Impacts Remain

Assess compensatory measures where, in the light of an assessment of imperative reasons of overriding public interest (IROPI), it is deemed that the plan or project should proceed.

Each stage determines whether the next stage in the process is required, e.g. if it is concluded that at the end of Stage 1 there will be no significant effects on the Natura 2000 sites, there is no requirement to proceed to Stage 2.

2. Project

Application Reference:	KCC/CA/0091/2019
Application location:	A28 Sturry Link Road, Sturry, Canterbury
Application description:	Construction of part of a new road (A28 Link Road) including viaduct between A28 Sturry Road and A291 Sturry Hill and associated on-line improvements.
Applicant:	Kent County Council
HRA date:	September 2020
Linked HRAs:	Linked to the A28 Sturry Link Road application are the Canterbury City Council-submitted applications (CA/17/01383/OUT and CA/18/00868/FOS) for the Sturry and Broad Oak strategic allocation. A separate Habitats Regulations Assessment has been carried out by Canterbury City Council, with the relevant information shared and joint conclusions reached by each authority.

3. Summary of the conclusion of the assessment

A28 Sturry Link Road, Sturry, Canterbury has been considered in light of the assessment requirements of regulation 63 of the Conservation of Habitats and Species Regulations 2017 by Kent County Council which is the competent authority responsible for authorising the project and any assessment of it required by the Regulations.

Having carried out a 'screening' assessment of the project, the competent authority concluded that it would be likely to have a significant effect on:

- A. Stodmarsh Special Area of Conservation
- B. Stodmarsh Special Protection Area
- C. Stodmarsh Ramsar
- D. Thanet Coast & Sandwich Bay Special Protection Area

E. Thanet Coast & Sandwich Bay Ramsar

Consequently, an appropriate assessment was required of the implications of the project on the qualifying features of those sites in light of their conservation objectives.

- A. Following an appropriate assessment in accordance with the Regulations, the competent authority has ascertained that the project would not have an adverse effect on the integrity of Stodmarsh SAC either alone or in combination with other plans or projects.
- B. Following an appropriate assessment in accordance with the Regulations, the competent authority has ascertained that the project would not have an adverse effect on the integrity of Stodmarsh SPA either alone or in combination with other plans or projects.
- C. Following an appropriate assessment in accordance with the Regulations, the competent authority has ascertained that the project would not have an adverse effect on the integrity of Stodmarsh Ramsar site either alone or in combination with other plans or projects.
- D. Following an appropriate assessment in accordance with the Regulations, the competent authority has ascertained that the project would not have an adverse effect on the integrity of Thanet Coast & Sandwich Bay SPA either alone or in combination with other plans or projects.
- E. Following an appropriate assessment in accordance with the Regulations, the competent authority has ascertained that the project would not have an adverse effect on the integrity of Thanet Coast & Sandwich Bay Ramsar site either alone or in combination with other plans or projects.

Natural England was consulted on the appropriate assessment and the competent authority's conclusions and has agreed with it (see attached written response dated 6th November 2020).

4. Information used for the assessment

4.1 Scanning and site selection list for European sites that could potentially be affected by the project

Scanning and site selection list for European sites that could potentially be affected by a project		
Types of project	Sites to scan for and check	Names of sites
1. All projects (terrestrial, coastal and marine)	Sites within which the project is wholly or partly located	None
2. Projects that could affect the aquatic environment	Sites upstream or downstream of the project location in the case of river or estuary sites	None
	Open water, peatland, fen, marsh and other wetland sites with relevant hydrological links to the project, irrespective of distance from the project location	Stodmarsh SAC Stodmarsh SPA Stodmarsh Ramsar
3. Projects that could affect mobile species	Sites whose qualifying features include mobile species which may be affected by the project irrespective of the location of the project or whether the species would be in or out of the site when they might be affected	Stodmarsh SAC Stodmarsh SPA Stodmarsh Ramsar
4. Projects that could increase recreational pressure on European sites where qualifying features are sensitive to such pressure	European sites within which the project would be wholly or partly located	None
	Such European sites within an agreed zone of influence, or other reasonable and evidence-based travel distance of the project location, that may be affected by local recreational or other	Thanet Coast & Sandwich Bay SPA Thanet Coast & Sandwich Bay

Scanning and site selection list for European sites that could potentially be affected by a project		
Types of project	Sites to scan for and check	Names of sites
	visitor pressure generated by the project	Ramsar The Swale SPA The Swale Ramsar
	Such European sites within an agreed zone of influence, or other reasonable and evidence-based longer travel distance of the project, which are major (regional or national) visitor attractions such as European sites which are National Nature Reserves where public visiting is promoted, sites in National Parks, coastal sites and sites in other major tourist or visitor destinations	None in addition to those listed above
5. Projects that would increase the amount of development	Sites that are used for, or could be affected by, water abstraction irrespective of distance from the project	None
	Sites used for, or could be affected by, discharge of effluent from wastewater treatment works or other waste management streams serving the project, irrespective of distance from the project	Stodmarsh SAC Stodmarsh SPA Stodmarsh Ramsar
	Sites that could be affected by the provision of new or extended transport or other infrastructure	Stodmarsh SAC Stodmarsh SPA Stodmarsh Ramsar
	Sites that could be affected by increased deposition of air pollutants arising from the proposals, including emissions from significant increases in traffic	Blean Complex SAC
6. Projects which could introduce or increase, or alter the timing, nature or location of disturbance to species	Sites whose qualifying features are potentially sensitive to disturbance, for example as a result of noise, activity or movement, or the presence of disturbing features that could be brought about by the project	Stodmarsh SAC Stodmarsh SPA Stodmarsh Ramsar
7. Projects which could introduce or increase or change the timing, nature or location of light or noise pollution	Sites whose qualifying features are considered to be potentially sensitive to the effects of changes in light or noise that could be brought about by the project	Stodmarsh SAC Stodmarsh SPA Stodmarsh Ramsar
Extract from <i>The Habitats Regulations Assessment Handbook</i> , www.dtapublications.co.uk © DTA Publications Limited (October 2018) all rights reserved This work is registered with the UK Copyright Service		

4.2 Qualifying features of the European sites that could potentially be affected by the project

European site	Qualifying features
Stodmarsh SAC	Stodmarsh SAC qualifies under Article 4(4) of the Habitats Directive by supporting the following Annex II species: <ul style="list-style-type: none"> • Desmoulin's whorl snail <i>Vertigo moulinsiana</i>
Stodmarsh SPA	The SPA qualifies under Article 4.1 of the EC Birds Directive by regularly supporting nationally important wintering populations of two Annex I species: <ul style="list-style-type: none"> • Hen harrier <i>Circus cyaneus</i> • Bittern <i>Botaurus stellaris</i>
	The SPA qualifies under Article 4.2 of the Directive by regularly supporting breeding populations of the following species: <ul style="list-style-type: none"> • Gadwall <i>Anas strepera</i> • Bearded tit <i>Panurus biarmicus</i>
	The SPA qualifies under Article 4.2 by supporting nationally important wintering populations of the following migratory species:

European site	Qualifying features
	<ul style="list-style-type: none"> • Gadwall • Shoveler <i>Anas clypeata</i> • Bearded tit <i>Panurus biarmicus</i> <p>The SPA also qualifies under Article 4.2 by regularly supporting an important assemblage of breeding species associated with wetland habitats, including:</p> <ul style="list-style-type: none"> • Great crested grebe <i>Podiceps cristatus</i> • Lapwing <i>Vanellus vanellus</i> • Redshank <i>Tringa totanus</i> • Snipe <i>Gallinago gallinago</i> • Grasshopper warbler <i>Locustella naevia</i> • Savi's warbler <i>Locustella luscinioides</i> • Sedge warbler <i>Acrocephalus schoenobaenus</i> • Reed warbler <i>Acrocephalus scirpaceus</i> <p>The SPA also qualifies under Article 4.2 of the Birds Directive by regularly supporting an important assemblage of wintering waterfowl, including:</p> <ul style="list-style-type: none"> • White-fronted goose <i>Anser albifrons</i> • Wigeon <i>Anas penelope</i> • Mallard <i>Anas platyrhynchos</i> • Pochard <i>Aythya farina</i> • Tufted duck <i>Aythya fuligula</i> • Water rail <i>Rallus aquaticus</i> • Lapwing • Snipe
Stodmarsh Ramsar	The Ramsar qualifying features include six British Red Data Book (RDB) wetland invertebrates, two nationally rare and five nationally scarce plant species (a dandelion <i>Taraxacum hygrophilum</i> , dittander <i>Lepidium latifolium</i> , divided sedge <i>Carex divisa</i> , marsh sow-thistle <i>Sonchus palustris</i> , rootless duckweed <i>Wolffia arrhiza</i> , sharp-leaved pondweed <i>Potamogeton acutifolius</i> and whorled water-milfoil <i>Myriophyllum verticillatum</i>) and a diverse assemblage of rare wetland birds, including wintering hen harrier, bittern, gadwall and shoveler (Ramsar criterion 2)
Blean Complex SAC	The Blean Complex SAC qualifies under Article 4(4) of the Habitats Directive for its pedunculate oak and hornbeam forest (Annex I habitat '9160 Sub-Atlantic and medio-European oak or oak-hornbeam forests of the <i>Carpinion betuli</i>).
Thanet Coast & Sandwich Bay SPA	<p>The SPA qualifies under Article 4.1 of the EC Birds Directive by supporting a nationally important breeding population of the following species:</p> <ul style="list-style-type: none"> • Little tern <i>Sterna albifrons</i> <p>The SPA qualifies under Article 4.1 of the Directive by supporting a nationally important wintering population of the following species:</p> <ul style="list-style-type: none"> • Golden plover <i>Pluvialis apricaria</i> <p>The SPA qualifies under Article 4.2 by regularly supporting an internationally important wintering population of the following species:</p> <ul style="list-style-type: none"> • Turnstone <i>Arenaria interpres</i>. <p>The site also supports nationally important wintering populations of:</p> <ul style="list-style-type: none"> • Ringed plover <i>Charadrius hiaticula</i>; • Grey plover <i>Pluvialis squatarola</i>; • Sanderling <i>Calidris alba</i>; and • Lapland bunting <i>Calcarius lapponicus</i>.
Thanet Coast & Sandwich Bay Ramsar	Thanet Coast and Sandwich Bay Ramsar site qualifies by supporting 15 British Red Data Book wetland invertebrates (Ramsar criterion 2); and a population of turnstone occurring at levels of international importance (Ramsar criterion 6).
The Swale SPA	The Swale SPA qualifies under Article 4.2 of the Birds Directive as a wetland of international importance by regularly supporting at least wintering 20,000 waterfowl; which includes wintering populations of dark-bellied brent goose <i>Branta bernicla bernicla</i> and dunlin <i>Calidris alpina alpina</i> . The SPA also qualifies under Article 4.2 for its breeding bird assemblage.
The Swale Ramsar	The Ramsar designation recognises nationally scarce plants and at least seven British Red data book invertebrates (Ramsar criterion 2), as well as the

European site	Qualifying features
	internationally important assemblages of waterfowl (Ramsar criterion 5).

5. Screening for likely significant effects

In reaching the conclusions of the screening assessment the competent authority took no account of any measures intended to avoid or reduce the potentially harmful effects on any European site.

Stodmarsh SAC	
SAC conservation objectives	<p>With regard to the SAC and the natural habitats and/or species for which the site has been designated (the ‘Qualifying Features’ listed below), and subject to natural change: 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:</p> <ul style="list-style-type: none"> • 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.
Site pressures	<ul style="list-style-type: none"> • Water quality, particularly nutrient enrichment from phosphorus and nitrogen. • Invasive species such as <i>Crassula</i> spp. (pigmyweeds), forming blankets of vegetation, as well as terrestrial invasive plants affecting riverbank vegetation. • Inappropriate scrub control; scrub encroachment into reedbeds can affect wetland species. • Air pollution resulting in deposition of atmospheric nitrogen which can affect species composition, through increase in vegetation which can tolerate high nitrogen levels. • (from Natural England’s Site Improvement Plan)
Site condition	<ul style="list-style-type: none"> • 2009-11 (updated 2015) Stodmarsh SSSI condition assessment: 61% of site favourable condition; 21.5% unfavourable recovering; 17.5% unfavourable no change. • 2017/18 site review: some site units in unfavourable condition due to existing levels of nitrogen and phosphorus. • March 2019 Natural England’s Supplementary advice on Stodmarsh SAC: Evidence that high levels of nitrogen and phosphorus are causing eutrophication in lake parts of the site. • July 2020 Natural England’s <i>Advice on nutrient neutrality for new development in the Stour Valley catchment in relation to Stodmarsh designated sites</i>: nutrient inputs are currently thought to be caused mostly by wastewater from existing housing and agricultural sources which is impacting on the protected habitats and species in the designated site. • Natural England’s view is that a likely significant effect on the SAC cannot be ruled out due to the increases in wastewater.

Qualifying feature	Possible effects of the project		
	Construction of A28 Sturry Link Road, Sturry (KCC/CA/0091/2019)	Operation of A28 Sturry Link Road, Sturry (KCC/CA/0091/2019)	Sturry and Broad Oak strategic allocation sites (CA/17/01383/OUT & CA/18/00868/FOS)
S1016. <i>Vertigo moulinsiana</i> ; Desmoulin`s whorl snail (DWS)	<p>1. Dispersal of sediments during earthworks and pollution from spillages and poorly maintained machinery into River Great Stour leads to changes in water quality in the SAC that affects the condition of the swamp vegetation on which DWS depend.</p> <p>2. Sediment dispersal and/or pollution affects the water quality of the ditches adjacent to the site in which DWS are present</p> <p>3. Construction machinery directly or indirectly disturbs wetland habitat adjacent to the site in which DWS are present.</p>	<p>1. Bridge affects hydrology and/or flow regime of River Great Stour, leading to effect on SAC.</p> <p>2. Permanent habitat loss at road footprint, including bridge piers, and associated embankments affects DWS/their habitat.</p> <p>3. Road drainage discharge (oils) into River Great Stour leads to reduction in water quality that affects the SAC.</p> <p>4. Road drainage discharge (winter treatment salts) into River Great Stour following winter road salt treatments leads to increase in salinity that affects the SAC.</p> <p>5. Road drainage discharge (oils) affects the water quality of the ditches adjacent to the site in which DWS are present.</p> <p>6. Road drainage discharge (winter treatment salts) affects the water quality of the ditches adjacent to the site in which DWS are present.</p> <p>7. Works to enhance wetland habitat affects DWS/their habitat.</p>	<p>1. Changes in surface water run-off from the strategic site as a result of the change of use from agricultural to urban land affects quality and quantity of water reaching the SAC.</p> <p>2. Changes in surface water run-off from the strategic site as a result of the change of use from agricultural to urban land affects quality and quantity of water reaching the functionally linked habitats that support DWS.</p> <p>3. Foul sewage from the operational strategic site affects water quality in the SAC.</p> <p>4. Traffic emissions from the strategic site lead to changes in air quality in the SAC.</p>
Conclusions	<p>1. Potential likely significant effect from sediment dispersal and pollution into River Great Stour that affects the SAC.</p> <p>2. Potential likely significant effect from sediment dispersal and pollution</p>	<p>1. No likely significant effect – bridge is clear span and designed to accommodate 1 in 100-year flood events with a 600mm freeboard and climate change flood levels.</p> <p>2. No likely significant effect – areas of</p>	<p>1. Potential likely significant effect from sediment dispersal and pollution into River Great Stour that affects the SAC.</p> <p>2. Potential likely significant effect from sediment dispersal and pollution</p>

	<p>that affects functionally linked habitat that supports DWS.</p> <p>3. Potential likely significant effect from construction machinery that damages or disturbs functionally linked habitat that supports DWS.</p>	<p>habitat loss are unsuitable for DWS, which were recorded 250m east of bridge in habitat that will not be directly affected.</p> <p>3. Potential likely significant effect from road drainage discharge (oils) that affects water quality in SAC. Project proposer has provided alternative discharge into attenuation pond to avoid direct discharge into River Great Stour. Change to avoid or reduce harmful effects on the SAC so cannot be taken into account at screening stage.</p> <p>4. Potential likely significant effect from increase in salinity that affects water quality in SAC.</p> <p>5. Potential likely significant effect from road drainage discharge (oils) that affects water quality in functionally linked habitats that supports DWS.</p> <p>6. Potential likely significant effect from increase in salinity that affects water quality in functionally linked habitats that supports DWS.</p> <p>7. Potential likely significant effect on DWS in functionally linked habitats as a result of damage or disturbance during wetland habitat works.</p>	<p>that affects functionally linked habitats that supports DWS.</p> <p>3. Potential likely significant effect as foul sewage cannot be connected to the wastewater treatment works at Sturry due to existing concerns regarding high nitrate and phosphate levels leading to poor water quality within the SAC.</p> <p>4. No likely significant effect There are no main roads within 200m of the SAC boundary, and in line with government guidelines¹ traffic emissions can be screened out.</p>
--	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Stodmarsh SPA & Ramsar	
SPA conservation	With regard to the SPA and the individual species and/or assemblage of species for which the site has been classified (the 'Qualifying Features' listed below), and subject to natural change:

¹ Highways Agency (2007) Design Manual for Roads and Bridges (DMRB) Volume 11 Environmental Assessment, Section 3 Environmental Assessment Techniques, Part 1 Air Quality.

objectives (no conservation objectives specified for the Ramsar 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: <ul style="list-style-type: none"> • 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. 		
Site pressures	Pressures affecting the site relevant to the bird species include: <ul style="list-style-type: none"> • Pollution to groundwater • Air pollution • Invasive non-native species • Succession of scrub. 		
Site condition	The marsh and open water habitats on the site are generally in favourable or unfavourable recovering condition. As for the SAC, lake features within the site have unfavourable condition due to localised nutrient enrichment from nitrogen and phosphorus.		
Qualifying feature	Possible effect of the projects		
	Construction of A28 Sturry Link Road, Sturry (KCC/CA/0091/2019)	Operation of A28 Sturry Link Road, Sturry (KCC/CA/0091/2019)	Sturry and Broad Oak strategic allocation sites (CA/17/01383/OUT & CA/18/00868/FOS)
Wintering and breeding birds	1. Disturbance and displacement of overwintering birds (i.e. snipe, shoveler, mallard, lapwing, tufted duck and water rail) using functionally linked habitats along the River Great Stour corridor, during construction works (particularly noise and vibration from piling and road surfacing). 2. Loss of habitat for use as site compounds 3. Dispersal of sediments during earthworks and pollution from spillages and poorly maintained machinery into River Great Stour leads to changes in	1. Permanent habitat loss at road footprint, including bridge piers, and associated embankments. 2. Disturbance (traffic noise) and displacement of foraging overwintering birds that are qualifying species of the SPA (snipe and lapwing). 3. Increased risk of bird collision and mortality as a result of bridge and link road.	1. Changes in surface water run-off from the strategic site as a result of the change of use from agricultural to urban land affects quality and quantity of water reaching the SPA/Ramsar. 2. Changes in surface water run-off from the strategic site as a result of the change of use from agricultural to urban land affects quality and quantity of water reaching the functionally linked habitats that support foraging overwintering birds that are qualifying species of the SPA (snipe and lapwing).

	<p>water quality in the SPA/Ramsar.</p> <p>4. Sediment dispersal and pollution affects the water quality of the functionally linked habitats adjacent to the site that supports overwintering birds.</p>		<p>3. Foul sewage from the operational strategic site affects water quality in the SPA/Ramsar.</p> <p>4. Traffic emissions from the strategic site lead to changes in air quality in the SPA/Ramsar.</p> <p>5. Increased lighting and new sources of significant noise affect foraging overwintering birds that are qualifying species of the SPA (snipe and lapwing) present in the wetland fields to the south of the railway.</p> <p>6. Increases in recreational pressure and bird disturbance within the SPA/Ramsar from new residents visiting the designated site.</p>
<p>Conclusions</p>	<p>1. Potential likely significant effect as a result of displacement of overwintering birds from functionally linked habitats.</p> <p>2. Potential likely significant effect as a result of loss of functionally linked habitats that supports overwintering birds.</p> <p>3. Potential likely significant effect from sediment dispersal and pollution into River Great Stour that affects the SPA.</p> <p>4. Potential likely significant effect from sediment dispersal and pollution that affects functionally linked habitats that supports overwintering birds.</p>	<p>1. Potential likely significant effect – only small amount of permanent habitat loss (approx. 0.6ha) but could result in lse.</p> <p>2. Potential likely significant effect as a result of disturbance from traffic noise of significant numbers of snipe present in functionally linked habitats to the east of the link road.</p> <p>3. No likely significant effect – limited suitable habitat (for birds associated to the SPA) to the west of the link road. SPA-associated bird species were not recorded making regular flight movements along the river corridor.</p>	<p>1. Potential likely significant effect from sediment dispersal and pollution into River Great Stour that affects the SPA.</p> <p>2. Potential likely significant effect from sediment dispersal and pollution that affects functionally linked habitats that supports overwintering birds.</p> <p>3. Potential likely significant effect as foul sewage cannot be connected to the WasteWater Treatment Works at Sturry due to existing concerns regarding high nitrate and phosphate levels leading to poor water quality within the SPA.</p> <p>4. No likely significant effect - There are no main roads within 200m of the</p>

			<p>SPA boundary, and in line with government guidelines¹ traffic emissions can be screened out.</p> <p>5. Potential likely significant effect as a result of displacement of overwintering birds from functionally linked habitats.</p> <p>6. No likely significant effect – due to: the distance from the strategic site to the SPA; the National Nature Reserve (NNR) which overlaps much of the SPA is managed to restrict visitors to the less sensitive areas; the waterbodies in non-NNR areas are screened from the footpaths; and recreational provision within the strategic site.</p>
--	--	--	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Blean Complex SAC	
SAC conservation objectives	<p>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:</p> <ul style="list-style-type: none"> • 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.
Site pressures	<p>One of the key pressures on this site is from air pollution, which can result in changes in species composition as a result of nitrogen deposition. The site already exceeds the site relevant critical load for ecosystem protection, according to the Air Pollution Information System (APIS).</p>
Site condition	<p>The SAC site as a whole is generally classed as being in favourable condition, based on condition monitoring assessments of the SSSI units from 2007 to 2016. Small areas are unfavourable recovering, due to encroachment of <i>Rhododendron ponticum</i>.</p>

¹ Highways Agency (2007) Design Manual for Roads and Bridges (DMRB) Volume 11 Environmental Assessment, Section 3 Environmental Assessment Techniques, Part 1 Air Quality.

Qualifying feature	Possible effect of the projects		
	Construction of A28 Sturry Link Road, Sturry (KCC/CA/0091/2019)	Operation of A28 Sturry Link Road, Sturry (KCC/CA/0091/2019)	Sturry and Broad Oak strategic allocation sites (CA/17/01383/OUT & CA/18/00868/FOS)
Annex I habitat '9160 Sub-Atlantic and medio-European oak or oak-hornbeam forests of the <i>Carpinion betuli</i>	1. Increased dust and nitrogen deposition on SAC.	1. Emissions generated by traffic using link road lead to increased nitrogen deposition on SAC.	1. Emissions generated by traffic using strategic site leads to increased air pollution that indirectly impacts on the vegetation and soils of the SAC.
Conclusions	1. No likely significant effect – distance of SAC from project site.	1. No likely significant effect – distance of SAC from project site.	1. No likely significant effect – The strategic assessment ¹ undertaken in respect of the Canterbury District Local Plan 2017 concluded that there will be no likely significant effect as annual increases in nitrogen are predicted to be less than 1% of the critical load for the Annex I habitat of the SAC.

Thanet Coast & Sandwich Bay SPA & Ramsar	SPA conservation objectives	
SPA conservation objectives (none specified)	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: <ul style="list-style-type: none"> • The extent and distribution of the habitats of qualifying features • The structure and function of the habitats of qualifying features 	

¹ Canterbury City Council (7 November 2014). Blean Complex Special Area of Conservation - Air Quality Assessment. The assessment of the potential air quality impacts of the increase in traffic resulting from the Canterbury District Publication Draft Local Plan 2014 on the Blean Complex Special Area of Conservation. [Published at Appendix 1 of: Canterbury District Local Plan Review Public Examination 2014. Topic Paper no.3: Habitat Regulations Issues.]

for the Ramsar site)	<ul style="list-style-type: none"> • The supporting processes on which the habitats of the qualifying features rely • The populations of each of the qualifying features, and, • The distribution of the qualifying features within the site. 		
Site pressures	Site pressures include: <ul style="list-style-type: none"> • Outdoor sports and leisure activities, recreational activities causing disturbance. • Groundwater pollution (point and diffuse sources). • Surface water pollution. • Invasive non-native species. • Changes in biotic conditions. • Changes in species distributions. 		
Site condition	Condition monitoring assessments on the SSSI units from 2009 indicate that the site is currently in favourable condition.		
Qualifying feature	Possible effect of the projects		
	Construction of A28 Sturry Link Road, Sturry (KCC/CA/0091/2019)	Operation of A28 Sturry Link Road, Sturry (KCC/CA/0091/2019)	Sturry and Broad Oak strategic allocation sites (CA/17/01383/OUT & CA/18/00868/FOS)
Wintering birds			1. Increases in recreational activity within the SPA/Ramsar from new residents visiting the designated site that leads to increased bird disturbance.
Conclusions	No likely significant effect due to distance between link road and SPA boundary (approx. 7.4km)	No likely significant effect due to distance between link road and SPA boundary (approx. 7.4km)	1. Likely significant effect as a result of increased recreational activity as strategic site is within the 7.2km zone of influence for the SPA/Ramsar ¹ .

The Swale SPA & Ramsar	
SPA conservation objectives (none specified for the Ramsar)	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: <ul style="list-style-type: none"> • 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:

¹ V Hyland Associates Ltd. & Blackwood Bayne Ltd. Strategic Access Management and Monitoring Plan In respect of the Canterbury section of the Thanet Coast and Sandwich Bay SPA, Main Report, Version: Final, November 2017

site)	<ul style="list-style-type: none"> The populations of each of the qualifying features, and, The distribution of the qualifying features within the site. 		
Site pressures	Pressures on the site include fishing and harvesting aquatic resources, recreational activities, invasive non-native species, and changes in abiotic and biotic conditions.		
Site condition	The SSSI condition assessment indicates that the Swale is currently favourable over 97% of the site, with only 2% of the site classified as being in unfavourable condition.		
Qualifying feature	Possible effect of the projects		
	Construction of A28 Sturry Link Road, Sturry (KCC/CA/0091/2019)	Operation of A28 Sturry Link Road, Sturry (KCC/CA/0091/2019)	Sturry and Broad Oak strategic allocation sites (CA/17/01383/OUT & CA/18/00868/FOS)
Wintering birds			1. Increases in recreational activity within the SPA/Ramsar from new residents visiting the designated site that leads to increased bird disturbance.
Conclusions	No likely significant effect due to distance between link road and SPA boundary (approximately 8.6km)	No likely significant effect due to distance between link road and SPA boundary (approximately 8.6km)	1. No likely significant effect – the strategic site is outside of the 6km zone of influence for the SPA/Ramsar site ¹

¹ Liley, D. & Fearnley, H. (2011). Bird Disturbance Study, North Kent 2010/11. Footprint Ecology

5.1 Screening summary

It is concluded by the competent authority that the project (including the linked Canterbury City Council applications) would be likely to have a significant effect on Stodmarsh Special Area of Conservation, Stodmarsh Special Protection Area, Stodmarsh Ramsar, Thanet Coast & Sandwich Bay Special Protection Area and Thanet Coast & Sandwich Bay Ramsar.

The following European sites are screened out from further assessment: Blean Complex Special Area of Conservation, The Swale SPA and The Swale Ramsar.

6. Appropriate Assessment

Potential significant impacts for the Sturry Link Road project and for the strategic allocation projects are considered here together.

For clarity: **SLR** = Sturry Link Road project; **SA** = strategic allocation projects.

European Site and qualifying feature(s)	Potential effect on qualifying feature(s)	Potential impact pathways	Sensitivities of receptors	Source	Avoidance and/or mitigation measures	Adverse effect on site integrity?
Stodmarsh SAC S1016. <i>Vertigo moulinsiana</i> Desmoulin's whorl snail (DWS)	Loss of / reduction in suitability of habitat leads to loss of individuals / populations in SAC	Changes in water quality	Wetland habitats, and as a result the DWS associated with these habitats, are sensitive to the effects of changes in water quality from sediments and pollution, including surface water and foul water. There is already evidence of eutrophication within Stodmarsh as a result of nutrient enrichment.	Construction (SLR, SA) Sediments in surface water run off released into River Great Stour and travels downstream to SAC. Pollution from spillages and poorly maintained machinery released into River Great Stour and travels downstream to SAC. Operation (SLR, SA) Road drainage, including pollutants from vehicles (i.e. oils) is released into River Great Stour and travels downstream to	Construction (SLR, SA) Implementation of Construction Environmental Management Plan (CEMP, draft in ES Appendix 5.1), (equivalent submitted in relation to SA projects, as reported in Canterbury CC AA) will ensure application of standard mitigation measures with respect to pollution prevention, hours of working and pollution incident response and adherence to guidelines for pollution prevention and best practice measures. CEMP measures include: <ul style="list-style-type: none"> •Pollution prevention/control measures •Daily machinery inspections •Refuelling in designated areas •Fuels and chemicals stored >10m from watercourses and ditches •No storage of soils or materials in the flood plain •Use of silt fencing and trenches, and inspections thereof •Monitoring of water quality in River Great Stour / 	None

European Site and qualifying feature(s)	Potential effect on qualifying feature(s)	Potential impact pathways	Sensitivities of receptors	Source	Avoidance and/or mitigation measures	Adverse effect on site integrity?
				<p>SAC.</p> <p>Salt and grit applied to the road for winter maintenance enter surface water run-off and is discharged into River Great Stour that travels downstream to SAC.</p> <p>(SLR) Salt and grit applied to the road during winter maintenance falls from the bridge deck directly into River Great Stour that travels downstream to SAC.</p> <p>(SLR) Flood events lead to release of pollutants and / or salt / grit from southern attenuation pond into River Great Stour that travels downstream to SAC.</p> <p>(SA) Foul water from the operational site that reaches the SAC via the WwTW</p>	<p>streams and ditches running through strategic allocation site.</p> <ul style="list-style-type: none"> • Portable toilets (for initial site set up works only) and good quality temporary toilet facilities will be provided for construction worker use to prevent water pollution resulting from worker-generated sewage effluents. The wastewater from these facilities will be tankered off site and disposed of appropriately. <p>Operation (SLR) Sustainable Drainage System (SuDS) includes gullies and catch pits along the length of the road with oil interceptors and valves to prevent pollutants from road runoff entering the River Great Stour.</p> <p>Drainage from the bridge will be collected and discharged into the attenuation pond at the southern section of the road. This is located above the floodplain and bunded to be above flood level, with the top of the pond at least 0.378m higher than the max 1% plus climate change flood level. In the unlikely event of flood levels that lead to overtopping of the pond, the amount of floodwater will lead to significant dilution of any pollutants and / or salt / grit present in the pond.</p> <p>Outfalls from the southern attenuation pond will be controlled using a hydrobrake chamber and will pass through an oil interceptor before being discharged into Sturry Dyke that joins the River Great Stour.</p> <p>Drainage from the roundabout and road north of the bridge will be collected into the attenuation pond</p>	

European Site and qualifying feature(s)	Potential effect on qualifying feature(s)	Potential impact pathways	Sensitivities of receptors	Source	Avoidance and/or mitigation measures	Adverse effect on site integrity?
					<p>north of the railway. Runoff will enter a catchpit chamber and pass through an oil interceptor before collecting in the attenuation pond. The water will be pumped into the wetland area north of the railway that serves the 'Land at Sturry' application section of link road. The flow from the wetland will travel via a stream and culvert under the railway line and discharge into the River Great Stour downstream of the DWS.</p> <p>Measures to ensure winter maintenance does not lead to adverse effects:</p> <ul style="list-style-type: none"> • Surface water run-off will be directed to the attenuation ponds. These will be planted with salt/brackish tolerant plants to encourage take-up of suspended solids • The parapet design for the bridge will incorporate a solid screen to prevent overspill directly into the River Great Stour. This will trap spray on the bridge deck and direct it into the managed surface water run-off. <p>Where changes to the SuDS have been made since the application submission, the most up-to-date, and agreed, approaches are detailed in the <i>Report to inform Habitats Regulations Assessment Rev 03</i>. These will be incorporated into the Surface Water Drainage Strategy.</p> <p>Operation (SA) Surface Water Drainage Strategy for both strategic allocation sites will replicate existing drainage patterns and ensure surface water passes through attenuation/treatment features prior to discharging</p>	

European Site and qualifying feature(s)	Potential effect on qualifying feature(s)	Potential impact pathways	Sensitivities of receptors	Source	Avoidance and/or mitigation measures	Adverse effect on site integrity?
					<p>from the site. Landscape Strategies and Ecological Management Plans will provide a framework for mitigation and management in perpetuity (details in Canterbury City Council's Appropriate Assessment, as approved following consultation with Natural England)</p> <p>To avoid the discharge of foul water that could result in increased nutrients within the SAC, nutrient neutrality equivalent to 195 dwellings has been demonstrated, alongside Package Treatment Plants for subsequent dwellings, with ability to connect to mains sewage network when the wastewater treatment works have capacity and treatment levels that ensure no adverse effects on the integrity of the SAC. Full details are in Canterbury City Council's Appropriate Assessment, as approved following consultation with Natural England</p>	
	Loss of / reduction in suitability of habitat leads to loss of individuals / populations (in functionally linked habitats)	Loss of functionally linked habitats	The distribution and numbers of DWS in ditches in the fields adjacent to the proposed bridge has reduced from initial surveys in 2015 to most recent surveys in 2019. Likely a result of drying out of the habitat. The DWS are now only known to be present in one ditch in this area and are therefore at high risk of local extinction.	<p>Construction (SLR) Damage to habitat caused by construction vehicles / operatives.</p> <p>Operation (SLR) Inappropriate works to improve/create wetland habitat leads to DWS habitat damage</p>	<p>Construction (SLR) Adherence to Construction Environmental Management Plan (CEMP) (as outlined above) with specific measures for DWS:</p> <ul style="list-style-type: none"> • Sensitive areas for DWS clearly delineated and signposted, an exclusion zone around ditches occupied by DWS. • Toolbox talks for site workers includes protected species and exclusion zones. <p>Designated haul routes (indicated on Figure 1.3 ES) will be established for plant and materials. These will avoid the location of the DWS between the river and the railway line.</p> <p>Operation (SLR)</p>	None

European Site and qualifying feature(s)	Potential effect on qualifying feature(s)	Potential impact pathways	Sensitivities of receptors	Source	Avoidance and/or mitigation measures	Adverse effect on site integrity?
					Wetland creation/improvement works undertaken to method statement (outlined in section 6.2.1 of the <i>Report to inform Habitats Regulations Assessment Rev 03</i>) that will ensure the conservation status of the functionally linked DWS population is improved.	
		Changes in water quality	<p>As detailed above, DWS distribution has already contracted and the population is at high risk of local extinction.</p> <p>Wetland habitats, and as a result the DWS associated with the habitats, are sensitive to the effects of changes in water quality from sediments and pollution.</p>	<p>Construction (SLR) Sediments released during earth works enter surface water run-off and are discharged into adjacent ditch system</p> <p>Pollution from spillages and poorly maintained machinery released into ditch system</p> <p>Operation (SLR) Road drainage, including pollutants from vehicles (i.e. oils), discharges into adjacent ditch system.</p> <p>Salt and grit applied to the road for winter maintenance enter surface water run-off and are discharged into the ditch system.</p> <p>Salt and grit applied to the road during winter maintenance falls from the bridge deck onto the</p>	<p>Construction (SLR, SA) Implementation of Construction Environmental Management Plan. <i>As shown above for Stodmarsh SAC > Loss of / reduction in suitability of habitat leads to loss of individuals / populations in SAC > Changes in water quality (impact pathway).</i></p> <p>Operation (SLR) Sustainable Drainage System (SuDS) includes gullies and catch pits along the length of the road with oil interceptors and valves to prevent pollutants from road runoff entering the adjacent ditch system.</p> <p>No pathway for surface water run-off from the bridge deck and southern section of road (including southern attenuation pond) to the adjacent ditch system. The southern pond is approx. 320m from the DWS ditch, crossing two forks of the River Great Stour. It is highly unlikely that saline water released from the southern pond during an extreme flood event could travel to the DWS ditch and cause an adverse effect, not least because of the dilution of the level of salinity and that during an extreme flood event affecting the DWS habitat, the DWS would likely be washed downstream.</p> <p>Drainage from the roundabout and road north of the bridge will be collected into the attenuation pond north of the railway. Runoff will enter a catchpit</p>	None

European Site and qualifying feature(s)	Potential effect on qualifying feature(s)	Potential impact pathways	Sensitivities of receptors	Source	Avoidance and/or mitigation measures	Adverse effect on site integrity?
				<p>habitat below, entering the ditch system.</p> <p>Flood events lead to release of pollutants and / or salt / grit from the attenuation ponds into the DWS ditch system.</p>	<p>chamber and pass through an oil interceptor before collecting in the attenuation pond. The water will be pumped into the wetland area north of the railway (and east of the DWS ditches) that serves the 'Land at Sturry' application section of link road. The flow from the wetland will travel via a stream and culvert under the railway line and discharge into the River Great Stour downstream of the DWS.</p> <p>The northern pond is situated outside of the functional floodplain of the River Great Stour and above the modelled maximum flood level for 1 in 1000-year storm event. The risk of the northern pond flooding is assessed as low.</p> <p>Measures to ensure winter maintenance does not lead to adverse effects:</p> <ul style="list-style-type: none"> • Surface water run-off will be directed to the attenuation ponds. These will be planted with salt/brackish tolerant plants to encourage take-up of suspended solids. • The parapet design for the bridge will incorporate a solid screen to prevent overspill directly into wetland and ditch network. This will trap spray on the bridge deck and direct it into the managed surface water run-off. <p>Where changes have been made since the application submission, the most up-to-date, and agreed, approaches are detailed in the <i>Report to inform Habitats Regulations Assessment Rev 03</i>.</p> <p>Operation (SA) Surface Water Drainage Strategy for both strategic</p>	

European Site and qualifying feature(s)	Potential effect on qualifying feature(s)	Potential impact pathways	Sensitivities of receptors	Source	Avoidance and/or mitigation measures	Adverse effect on site integrity?
					<p>allocation sites will replicate existing drainage patterns and ensure surface water passes through attenuation/treatment features prior to discharging from the site. Landscape Strategies and Ecological Management Plans will provide a framework for mitigation and management in perpetuity (details in Canterbury City Council's Appropriate Assessment, as approved following consultation with Natural England).</p> <p>The east-west section of the Link Road that is within the strategic allocation will have a separate SuDS to the rest of the strategic allocation area and will be discharged through the culvert to the east of the DWS ditches and discharge into the River Great Stour downstream of the DWS functionally linked habitat.</p>	
Stodmarsh SPA & Ramsar site bittern, gadwall, shoveler, waterbird assemblage	Loss of / reduction in suitability of habitat leads to loss of individuals / populations in SPA	Changes in water quality	Wetland habitats, and as a result the birds dependent on these habitats, are sensitive to the effects of changes in water quality from sediments and pollution. There is already evidence of eutrophication within Stodmarsh as a result of nutrient enrichment	Construction (SLR, SA) Sediments in surface water run off released into River Great Stour and travels downstream to SPA. Pollution from spillages and poorly maintained machinery released into River Great Stour and travels downstream to SPA.	Construction (SLR, SA) Implementation of Construction Environmental Management Plan. <i>As shown above for Stodmarsh SAC > Loss of / reduction in suitability of habitat leads to loss of individuals / populations in SAC > Changes in water quality (impact pathway).</i>	
	Loss of habitat / reduction in suitability of	Loss of functionally linked habitats.	Floodplain and wet grassland south of the railway are used by qualifying bird	Construction (SLR) Temporary loss of habitats as a result of site clearance for enabling	Construction (SLR) Designated haul routes (indicated on Figure 1.3 ES) will be established for plant and materials to restrict construction impacts. Geogrid will be used in areas	None

European Site and qualifying feature(s)	Potential effect on qualifying feature(s)	Potential impact pathways	Sensitivities of receptors	Source	Avoidance and/or mitigation measures	Adverse effect on site integrity?
	habitat (in functionally linked habitats that supports birds that are qualifying features of the SPA & Ramsar site)		species, with snipe, shoveler, mallard, lapwing, tufted duck and water rail recorded during bird surveys. Loss of habitat could result in permanent displacement away from the SPA and the land adjacent to the bridge which is considered functionally linked habitats for snipe (as a result of numbers recorded during bird surveys).	works and site compounds. Operation (SLR) Permanent habitat loss (approx. 0.6ha) as a result of bridge piers and associated embankments.	of soft ground around the river to avoid compaction and degradation of habitat. Habitat along the haul routes will be reinstated in accordance with submitted method statement (Ecological Addendum Appendix F). Two shallow scrapes will be created to mitigate for the temporary loss of floodplain grazing marsh as a result of the haul routes (and for temporary displacement of birds as a result of construction noise disturbance – see below). Operation (SLR) The scrapes created during construction will be retained in the long term, alongside wider wetland improvement work to be carried out in land south of the railway line (in association with Land at Sturry application).	
		Changes in water quality affecting functionally linked habitats	Bittern and gadwall recorded breeding downstream of the site	Construction (SLR, SA) Pollution from spillages and machinery released into River Great Stour that affects downstream water quality.	Construction (SLR, SA) Implementation of CEMPs. <i>As shown above for Stodmarsh SAC > Loss of / reduction in suitability of habitat leads to loss of individuals / populations in SAC > Changes in water quality (impact pathway).</i>	None
	Bird disturbance (in functionally linked habitats)	Noise, vibrations and lighting	Birds are sensitive to increased levels of noise and visual disturbance. This may be of sufficient magnitude or duration to disturb their feeding and breeding	Construction (SLR, SA) Disturbance of birds using wet grassland and reedbed habitats along River Great Stour during construction activities, particularly piling and carriageway surfacing.	Construction (SLR) Implementation of CEMP. <i>As shown above for Stodmarsh SAC > Loss of / reduction in suitability of habitat leads to loss of individuals / populations in SAC > Changes in water quality (impact pathway).</i> Specific measures relating to bird disturbance: • Sensitive areas for overwintering birds clearly delineated with appropriate signage.	None

European Site and qualifying feature(s)	Potential effect on qualifying feature(s)	Potential impact pathways	Sensitivities of receptors	Source	Avoidance and/or mitigation measures	Adverse effect on site integrity?
			<p>behaviour, potentially leading to effects on populations.</p> <p>The 2014/15 wintering bird surveys recorded a peak count of 95 snipe. 2017 surveys recorded a peak count of 74 snipe, this latter reported to correspond to approximately 22% of the SPA population.</p>	<p>Operation (SLR) Traffic noise on the road and bridge lead to disturbance and displacement of birds.</p>	<ul style="list-style-type: none"> • Toolbox talks for site workers includes protected species and exclusion zones. • Sound reduced compressors used, with sealed covers kept closed when in use. • Ancillary pneumatic percussive tools fitted with mufflers or silencers. • Plant equipment and machinery in intermittent use shut down during intervening periods of non-use or throttled down to minimum where shut down is impracticable. • Unattended plant equipment operating outside normal working hours should be powered by electricity. • Plant equipment with directional noise characteristics directed away from sensitive receptors • Static machines sited as far away as possible from sensitive receptors and/or behind temporary screens. <p>Piling for the bridge foundations will avoid winter months (November – early March inclusive, as indicated by wintering bird survey results).</p> <p>Carriageway surfacing is considered to be the noisiest construction activity and is likely to result in temporary displacement of foraging birds. Given the extent of suitable foraging habitat for wintering birds within the SPA compared to the fields in the vicinity of the link road, it is concluded that temporary displacement from the fields in the vicinity of the link road will not result in an adverse effect on integrity of Stodmarsh SPA and Ramsar.</p>	

European Site and qualifying feature(s)	Potential effect on qualifying feature(s)	Potential impact pathways	Sensitivities of receptors	Source	Avoidance and/or mitigation measures	Adverse effect on site integrity?
					<p>Two shallow scrapes will be created to mitigate for the temporary displacement of birds as a result of construction disturbance (and temporary loss of floodplain grazing marsh as a result of the haul routes), providing additional favourable habitat during construction works.</p> <p>Construction (SA) Implementation of CEMP measures to minimise noise disturbance, as stated in Canterbury City Council's Appropriate Assessment, approved following consultation with Natural England.</p> <p>Operation (SLR) The new road will introduce a new, continuous noise source. Given the apparent habituation of the bird species to the adjacent railway noise, the road noise is considered unlikely to result in an adverse effect on site integrity as it comprises a lower level of disturbance (e.g. than construction noise), to which birds may also become habituated.</p> <p>The scrapes created during construction will be retained in the long term, alongside wider wetland improvement work to be carried out in land south of the railway line (in association with Land at Sturry application), improving the habitat suitability for wintering birds and providing some level of mitigation for the low level noise disturbance.</p> <p>There will be no street lighting on the viaduct to avoid light spill onto the river corridor</p> <p>Operation (SA)</p>	

European Site and qualifying feature(s)	Potential effect on qualifying feature(s)	Potential impact pathways	Sensitivities of receptors	Source	Avoidance and/or mitigation measures	Adverse effect on site integrity?
					As stated in Canterbury City Council's Appropriate Assessment, approved following consultation with Natural England, the implementation of the Lighting Strategy will ensure lighting impacts are avoided.	
European Site and qualifying feature(s)	Potential effect on qualifying feature(s)	Potential impact pathways	Sensitivities of receptors	Source	Avoidance and/or mitigation measures	Adverse effect on site integrity?
Thanet Coast & Sandwich Bay SPA and Ramsar site Breeding little tern Wintering golden plover, turnstone, ringed plover, grey plover, sanderling, Lapland bunting	Bird disturbance	Recreational activity	Birds are sensitive to increased levels of noise and visual disturbance. This may be of sufficient magnitude or duration to disturb their feeding and breeding behaviour, potentially leading to effects on populations.	(SA) Residents of new dwellings in strategic site	(SA) Canterbury City Council has produced a Strategic Access, Management and Monitoring Plan ¹ for the Thanet Coast and Sandwich Bay SPA and Ramsar Site that will be applied to development within the identified Zone of Influence. Elements within the Plan are: <ul style="list-style-type: none"> • Ongoing monitoring and surveys of the SPA /Ramsar, particularly with regard to visitors and bird numbers, which will be linked to the wardening programme • Wardening of the SPA/Ramsar • Signage and interpretation • Increased education of site users. <p>The suite of strategic mitigation measures are being delivered through the Thanet Coast Project, run by Thanet District Council working in partnership with conservation organisations in East Kent, to ensure that development, considered in-combination, does not have an adverse effect on the integrity of the European sites. A per-dwelling tariff has been calculated using the total cost of delivering the</p>	None

¹ V Hyland Associates Ltd. & Blackwood bayne Ltd. Strategic Access Management and Monitoring Plan In respect of the Canterbury section of the Thanet Coast and Sandwich Bay SPA, Main Report, Version: Final, November 2017

					mitigation measures in-perpetuity and the planned number of additional dwellings expected to be built in Canterbury District. Evidence must be submitted by the applicant showing that a mitigation contribution payment will be made through a s106 agreement where Heads of Terms have been agreed and the agreement will be signed prior to any permission being granted.	
--	--	--	--	--	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--

6.1 Appropriate Assessment conclusion

The competent authority (Kent County Council) undertook an objective scientific assessment of the implications of the project on the qualifying features of Stodmarsh SAC, Stodmarsh SPA, Stodmarsh Ramsar, Thanet Coast & Sandwich Bay Special Protection Area and Thanet Coast & Sandwich Bay Ramsar. In summary:

Construction effects on Stodmarsh SAC, Stodmarsh SPA and Stodmarsh Ramsar will be managed throughout the construction period by adherence to measures set out in a Construction Environmental Management Plan (CEMP), including the specified measures to prevent and minimise impacts to water quality, and timing of works to avoid sensitive periods for birds.

The project incorporates the specified design solutions within the CEMP, drainage design and bridge deck parapet to avoid and minimise potential for impacts to water quality in functionally linked habitats adjacent to the development footprint and in Stodmarsh SAC, Stodmarsh SPA and Stodmarsh Ramsar during construction and operation of the project.

The operational impacts on qualifying features of Stodmarsh SAC, Stodmarsh SPA and Stodmarsh Ramsar in functionally linked habitats adjacent to the development footprint will be further mitigated by the creation and enhancement of wetland habitats.

The operational effects on Thanet Coast & Sandwich Bay SPA and Thanet Coast & Sandwich Bay Ramsar as a result of the linked projects will be mitigated with a financial contribution to the implementation of Canterbury City Council's Strategic Access, Management and Monitoring Plan.

It was ascertained that the project will have no effect on the European sites. As such, an adverse effect in combination with other plans and projects is ruled out.

6.2 Mitigation measures

The competent authority considered the manner in which the project was to be carried out and any conditions and restrictions that it could impose on any authorisation before concluding the integrity test. Should planning permission be granted, the below mitigation measures will be imposed on the project by way of conditions.

- Construction Environmental Management Plan, including all measures specified in the Appropriate Assessment and *Report to Inform Habitats Regulations Assessment – Section 6.1.2 – 6.1.19*, and particularly no piling November to early March inclusive.
- Sustainable Drainage System implemented through Surface Water Management Plan and monitoring of efficacy (including all measures specified in the Appropriate Assessment and *Report to Inform Habitats Regulations Assessment – Section 6.1 and Appendix A*)
- Bridge parapet with solid screens to prevent spray/run-off overspilling (*Report to Inform Habitats Regulations Assessment – Section 6.1 and Appendix A*)
- Habitat creation, including long-term management and monitoring:
 - Creation of scrapes prior to construction works commencing (*Report to Inform Habitats Regulations Assessment – Section 6.2 and Ecological Addendum Figure A11.12*)

- Wetland creation/improvement works (for Desmoulin's whorl snail habitat) in accordance with agreed method (*Report to Inform Habitats Regulations Assessment – Section 6.2*)
- Monitoring of Desmoulin's whorl snail population in functionally linked habitats

Avoidance and mitigation measures relating to the linked applications, as outlined in the Habitat Regulations Assessment for those projects, will be secured by Canterbury City Council, the competent authority for those projects.

7. Integrity Test

Following the appropriate assessment and the consideration of all mitigation measures, Kent County Council, the competent authority, was able to ascertain that the project would not adversely affect the integrity of any European site.

8. References and Reports

In reaching the conclusion of the assessment the competent authority took the following documents into account (those with asterisks are provided for ease of reference):

*Letter from Nathan Burns, Natural England to Helen Edwards, Kent County Council dated 6th November 2020 (consultation response to Kent County Council's Appropriate Assessment).

Habitat Regulation Assessment (HRA) Screening Matrix and Appropriate Assessment (AA) Statement. Canterbury City Council. September 2020.

Letter from Nathan Burns, Natural England to Ceri Williams, Canterbury City Council dated 29th September 2020 (consultation response to Canterbury City Council's Appropriate Assessment).

Report to inform Habitats Regulations Assessment, Issue 03. Amey. February 2020. (note that sections 6.1.21 – 6.1.24 have been superseded. Up-to-date information on the measures to achieve total phosphorous neutrality are included in the Canterbury City Council Habitats Regulations Assessment.)

A28 Sturry Link Road, Canterbury. ES Addendum. Amey. September 2019.

A28 Sturry Link Road, Canterbury. Environmental Statement. Appendix 5.1: Construction Environmental Management Plan. Amey. February 2019.

A28 Sturry Link Road, Canterbury. Environmental Statement. Appendix 11.1: Baseline Ecology Report. Amey. December 2018.

Managing Natura 2000 sites (The Provision of the Article 6 of the Habitats Directive 92/43/EEC). European Commission. 2000.

Advice on nutrient neutrality for new development in the Stour Valley catchment in relation to Stodmarsh designated sites. Natural England. July 2020.

Date: 06 November 2020
Our ref: 329705
Your ref: KCC/CA/0091/2019



Helen Edwards
Kent County Council

Customer Services
Hornbeam House
Crewe Business Park
Electra Way
Crewe
Cheshire
CW1 6GJ

T 0300 060 3900

BY EMAIL ONLY

Dear Helen Edwards

**Planning consultation: Construction of part of a new road (A28 Link Road) including viaduct between A28 Sturry Road and A291 Sturry Hill and associated on-line improvements
Location: A28 Sturry Link Road, Sturry, Canterbury**

Thank you for your consultation on the above dated 30 September 2020 which was received by Natural England on the same day.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Comment on Habitats Regulations Assessment (HRA) Appropriate Assessment (AA)

Natural England notes that your authority, as competent authority, has undertaken an appropriate assessment of the proposal in accordance with regulation 63 of the Conservation of Species and Habitats Regulations 2017 (as amended). Natural England is a statutory consultee on the appropriate assessment stage of the Habitats Regulations Assessment process.

Your appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of the Stodmarsh Special Area of Conservation (SAC), Special Protection Area (SPA) and Ramsar site (subsequently referred to as the Stodmarsh designated sites in this letter).

Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises the following.

Construction phase impacts

We concur with your authority's conclusions of no adverse effect on the integrity of the Stodmarsh designated sites resulting from the construction phase of development.

This is provided that, as detailed in your HRA AA, the various mitigation measures that are part of the proposed Construction Environmental Management Plan (CEMP) and the creation of the two shallow scrapes required to mitigate for temporary loss of floodplain grazing habitat are appropriately secured in any planning permission given.

Operational phase impacts on *Vertigo moulinsiana* Desmoulin's whorl snail (DWS)

We concur with your authority's conclusions of no adverse effect on the integrity of the Stodmarsh SAC during the operational phase of development with respect to the interest feature of DWS. This is provided that, as detailed in your HRA AA, surface water runoff from the road scheme is treated

by the proposed Sustainable Drainage System (SuDS). In summary the requirements include:

- Implementation of SuDS with planting of appropriate salt tolerant species
- Implementation of proposed wetland creation and improvement works
- Creation of bridge parapet to prevent overspill into DWS habitat

These mitigation measures must be monitored and maintained in perpetuity and appropriately secured in any planning permission given.

Operational phase impacts on Stodmarsh SPA & Ramsar birds

We concur with your authority's conclusions of no adverse effect on the integrity of the Stodmarsh SPA and Ramsar Site in the operational phase of development with respect to interest feature bird species.

This is provided that, as detailed in your HRA AA, the two scrapes created during the construction phase are retained in perpetuity alongside the proposed wider wetland improvement/creation work and the proposed lighting strategy implementation are appropriately secured in any planning permission given.

Please note that if your authority is minded to grant planning permission contrary to the advice in this letter, you are required under Section 281 (6) of the Wildlife and Countryside Act 1981 (as amended) to notify Natural England of the permission, the terms on which it is proposed to grant it and how, if at all, your authority has taken account of Natural England's advice. You must also allow a further period of 21 days before the operation can commence.

Should the proposal significantly change please consult with Natural England again. If you have any queries relating to the advice in this letter please contact me on 02080266551 OR 07554226006.

For new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

Yours sincerely

Nathan Burns
Area Team 14 - Kent and Sussex