



**Document 3.1- ES Volume 2
Appendix 10.2 No Significant Effects
HRA Report**

**The Kemsley Mill K4 Combined Heat and
Power Generating Station Development
Consent Order**

**Planning Act 2008 The Infrastructure Planning
(Applications: Prescribed Forms and
Procedure) Regulations 2009
Regulation 5(2)g**

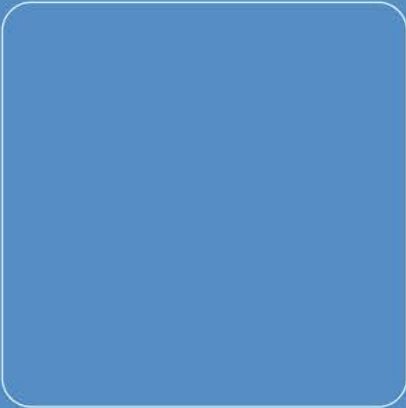
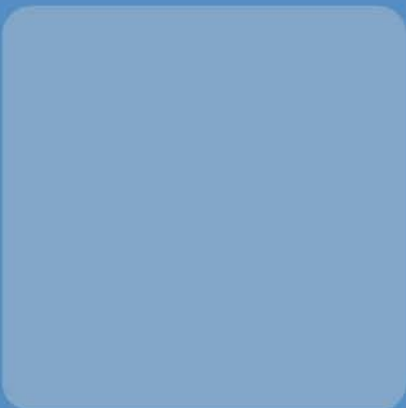
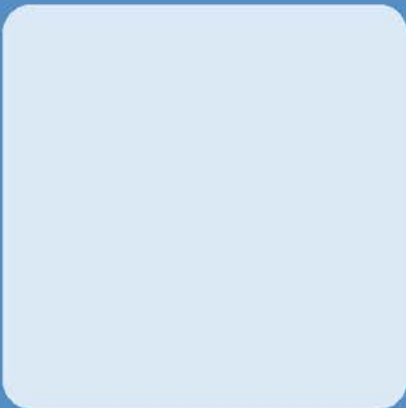
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**KEMSLEY K4 CHP, KEMSLEY
PAPER MILL, SITTINGBOURNE,
KENT:**

**NO SIGNIFICANT EFFECTS
REPORT**





**KEMSLEY K4 CHP, KEMSLEY PAPER MILL,
SITTINGBOURNE, KENT:**

NO SIGNIFICANT EFFECTS REPORT

March 2018

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1 INTRODUCTION

- 1.1 The need for an Appropriate Assessment is set out in Article 6(3) of the Habitats Directive and interpreted into British law by Regulation 48 of the Conservation of Species and Habitats Regulations (2017) (Table 1.1).

Table 1.1: Legislative Basis for a Habitats Regulations Assessment

The legislative basis for Habitat Regulations Assessment		
Habitats Directive	Article 6(3)	Any plan or project not directly connected with or necessary to the management of a Special Protection Area (SPA) or Special Area of Conservation (SAC) but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives.
Habitats Regulations	Regulation 48	A competent authority, before deciding to give any consent for a plan or project which is likely to have a significant effect on a European site shall make an appropriate assessment of the implications for the site in view of that sites conservation objectives

- 1.2 The Habitats Directive applies the precautionary principle to relevant designated areas, in so much as plans and projects can only be permitted having ascertained that there will be no adverse effect on the integrity of a SPA or SAC, collectively termed Natura 2000 sites. This is in contrast to Environmental Impact Assessment requirements where the findings (as documented in an Environmental Statement) should be 'taken into account' during preparation of the plan or project.
- 1.3 Under Government advice, Proposed SPAs (pSPA) should also be treated as having protection under the Habitats Regulations
- 1.4 It is Government policy (as outlined in Section 118 of the National Planning Policy Framework) for sites designated under the Convention on Wetlands of International Importance (Ramsar sites) to be treated as having equivalent status to Natura 2000 sites. As such, information to inform an Appropriate Assessment needs to cover features of any relevant Ramsar site.
- 1.5 In undertaking an assessment, competent authorities (in this case the appropriate Secretary of State) must have regard to both direct and indirect effects on an interest feature of the Natura 2000 site, as well as cumulative effects. This may include consideration of features and issues outside the boundary of a Natura 2000 site. The Department for Communities and Local Government and Planning Inspectorate guidance states that an assessment should be proportionate to the geographical scope of the plan or project and that it need not be done in any more detail, or using more resources, than is useful for its purpose (DCLG, 2006; Planning Inspectorate (PINS), 2016).

- 1.6 Plans and projects for which it is not possible to conclude that there would be no adverse effect on the integrity of Natura 2000 sites may still be permitted if there are no alternatives and there are Imperative Reasons of Overriding Public Interest (IROPI) as to why they should go ahead. In such cases, compensation would be necessary to ensure the overall integrity of the site network.

2 SCOPE AND OBJECTIVES

- 2.1 Whilst it is the responsibility of the competent authority to determine whether it can be concluded there is no adverse effect, it is the responsibility of applicants to submit sufficient information to enable such a determination to be made.
- 2.2 The purpose of this report is therefore to collate and provide sufficient information to enable the Secretary of State to undertake a Habitat Regulations Assessment (HRA) of the potential effects of the DCO application for land at Kemsley on the Natura 2000 network. It draws upon information within the Environmental Statement, notably Chapter 10 Ecology, but purposely does not repeat the detail contained within the Environmental Statement. Instead, it provides sufficient standalone information, with references to other more detailed sections where necessary, for the Secretary of State to be able to make an informed decision on the potential effects of the proposed development on Natura 2000 sites.
- 2.3 The following sites should be included in the scope of a Habitats Regulations Assessment:
- All Natura 2000 sites shown to be linked to the proposed development through a known 'pathway'.
- 2.4 The key activities in the development programme are:
- Site preparation and enabling works;
 - Piling (method TBC, assume at this stage percussive impact) to establish appropriate foundations;
 - Main construction;
 - Commissioning of the CHP; and
 - Decommissioning.
- 2.5 No Natura 2000 sites or Ramsar sites lie wholly or partly within the boundary of the area covered by the DCO application. However, based on the nature of the proposed development, the findings of the technical chapters of the Environmental Statement, it has been decided that the following eight Natura 2000 and Ramsar sites require consideration as to whether they could be affected:
- Swale SPA;
 - Swale Ramsar;
 - Medway Estuary and Marshes SPA;
 - Medway Estuary and Marshes Ramsar;
 - Thames Estuary and Marshes SPA;
 - Thames Estuary and Marshes Ramsar;
 - Queendown Warren SAC; and
 - Outer Thames Estuary SPA / pSPA.

3 METHODOLOGY

Key Principles

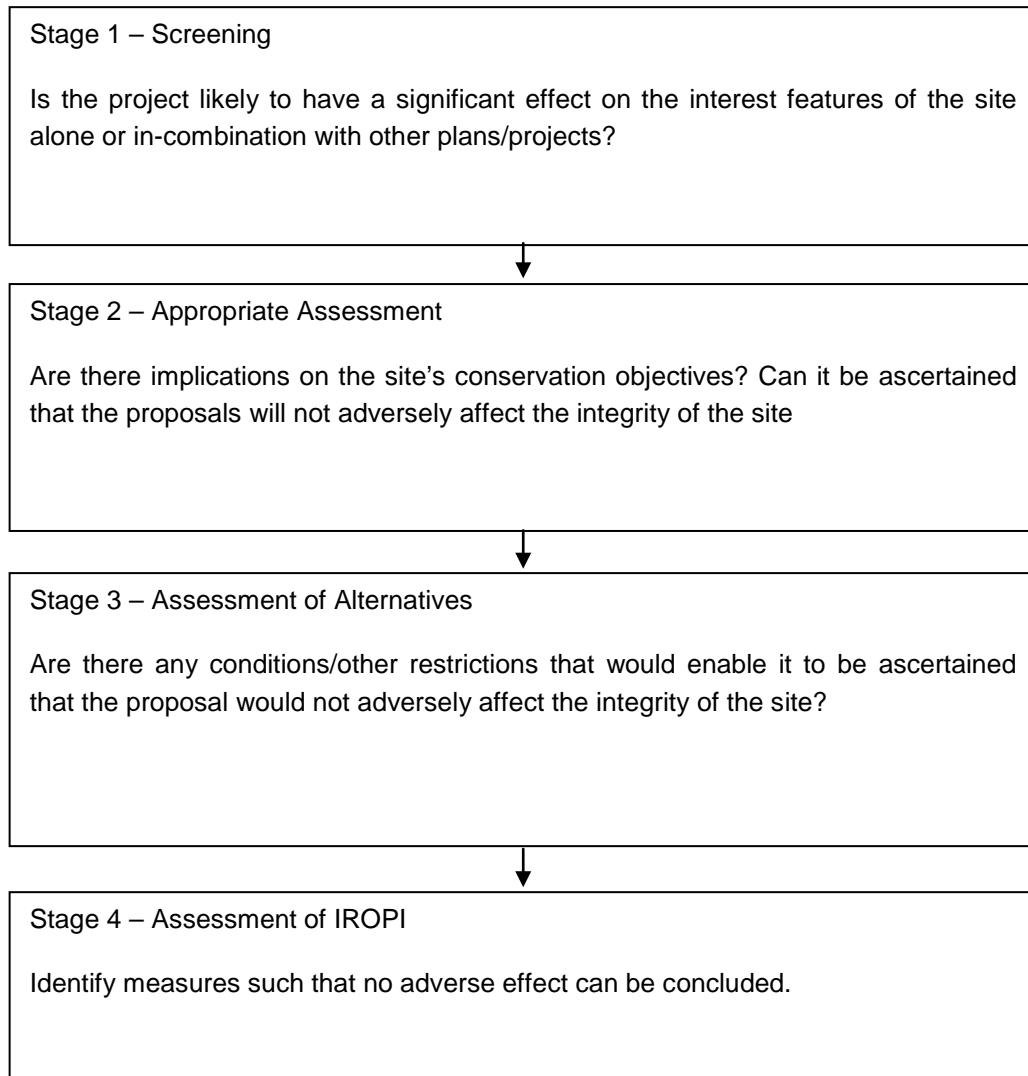
- 3.1 The key principles adopted during the collation and analysis of information are set out in Table 3.1.

Table 3.1: Key Principles Underpinning the Assessment Methodology

Key principles underpinning the assessment methodology	
Principle	Rationale
Use of best available existing information	We will use best available existing information to inform the assessment. This will include ecological information gathered on behalf of WTI, information made available through production of the Environmental Statement and information from other sources, including Natural England, British Trust for Ornithology, and others.
Proportionality	We will ensure that the level of detail provided in the assessment reflects the level of detail in the DCO application (i.e. that the assessment is proportionate).
Consultation	We will ensure continued consultation with Natural England and other stakeholders during production of the assessment and ensure that we take on board their comments.
Transparency in the assessment process	We will endeavour to keep the process as open, transparent and simple as possible while ensuring an objective and rigorous assessment in compliance with the Habitats Directive, Habitats Regulations and emerging best practice.
Audit trail	We will ensure that the process followed and the conclusions reached are clearly documented to ensure there is a clear audit trail.

Process

- 3.2 Figure 1 below outlines the stages of HRA according to Department for Communities and Local Government and PINS guidance. The stages are essentially iterative, being revisited as necessary in response to more detailed information, recommendations and any relevant changes to the plan until no significant adverse effects remain.



Stage 1 – Qualifying Interest Features

- 3.3 Natural England has provided copies of the relevant citations and confirmed both the conservation objectives and Regulation 33 (English Nature 2001) advice to be taken into account. The conservation objectives provide the basis for determining what is currently, or may cause, a significant effect, and for informing the scope of appropriate assessments.
- 3.4 Natural England has confirmed that the assessment should focus on the qualifying features listed within the official Natura 2000 citations as these are the features for which the site is legally designated.
- 3.5 In addition to qualifying interest features, it is necessary to explore the environmental features and conditions required to maintain the integrity of the eight Natura 2000 and Ramsar sites, as well as both current condition and trends in environmental processes.

Stage 2 - Likely Significant Effect

- 3.6 The second stage is to determine whether there is a likely to be a significant effect. This is essentially a risk assessment to decide whether a more detailed assessment is required, and if so, the scope of the issues and features to be addressed. This involves identifying the potential pathways through which the DCO application could affect the interest features of relevant Natura 2000 and Ramsar site, and then assessing in broad terms the magnitude of each effect to determine whether it is likely to have a significant effect. In making this determination, we have taken into account the risk of an effect not just on those sites within the administrative boundary of Swale Borough Council, but in line with best practice, considered potential ways in which the application could impact upon other relevant Natura 2000 or Ramsar sites.
- 3.7 The main purpose of this stage is to screen out those aspects of the proposal that can be considered not likely to have a significant effect, as well as those features of each relevant Natura 2000 and Ramsar site that are not likely to be significantly affected. Judgements have been based on sound reasoning and within the context of best available knowledge on the various ways in which development of the nature proposed could impact on the interest features of the relevant Natura 2000 and Ramsar sites. If it cannot be concluded with confidence that adverse effects are unlikely, then under the precautionary principle, it is assumed that the issue requires more detailed consideration.
- 3.8 In determining likely significant effect, as well as any subsequent analysis, historical data from a variety of different sources have been used. The principal source has been data collected over the last ten years through the Wetland Bird Survey (WeBS). This is a joint scheme between the British Trust for Ornithology (BTO), the Wildfowl and Wetlands Trust (WWT), the Royal Society for the Protection of Birds (RSPB) and the JNCC, and comprises Core Counts and Low Tide counts.
- 3.9 For both types of count, sites are divided into a number of pre-determined sub-divisions, each of which is usually allocated to an experienced volunteer recorder. Core Counts are undertaken annually to monitor population sizes, determine trends in numbers and to

identify important sites for waterbirds. Coastal wetlands like the Swale are primarily monitored at high tide when birds are congregated at roosts, though not all sub-divisions may be counted each year.

- 3.10 Low Tide Counts are undertaken on selected estuaries each year in the period two hours either side of low tide, to determine the distribution of waterbirds during low tide and to identify important feeding areas (Frost et al., 2016). Historical WeBS low tide data (albeit sometimes relating to partial coverage of some sites) were available for the Swale for 2001/2002 and 2011/2012, the Medway Estuary and Marshes for 1996/1997, 2004/2005, 2005/2006 and 2013/2014, for the Thames Estuary and Marshes for 1998/1998, January 2000, November 2002, 2005/2006 and 2013/2014.
- 3.11 The proposed development site comprises hard standing and industrial buildings. Therefore, no surveys have been undertaken on site. However, a suite of ecological surveys of the surroundings have also been completed to inform other developments within the wider Paper Mill site, including targeted breeding bird surveys, assessment of roosting Marsh Harriers, and intertidal waterbird surveys of the Swale in the vicinity of the Proposed Development.
- 3.12 The methodology for the breeding bird surveys involved standard territory (registration) mapping techniques as outlined in Gilbert et al. (1998) and Bibby et al. (2000). Full survey methods and details of visits are available in the respective technical survey reports (RPS, 2009, 2016).
- 3.13 The survey methodology for the intertidal surveys involved monthly counts of the waterbirds using the Kemsley foreshore. Full survey methods and details of visits are available in the respective technical survey reports (RPS, 2009, 2010, 2016). For example, a combined total of 44 survey visits were undertaken during January to May 2016 and July to December 2016.
- 3.14 The Marsh Harrier roost adjacent to the haul road to serve the laydown was surveyed twice per month between January to March and October to December 2016. Full survey methods and details of visits are available in the respective technical survey reports (RPS, 2012, 2016). Twelve survey visits in total were undertaken in 2016. Surveys began approximately one and a half hours before dusk and continued until dark. The reedbed was observed from a suitable vantage point, minimising disturbance to the birds entering the roost.
- 3.15 Due to the period of several years over which ornithological surveys have been undertaken at Kemsley in association with the adjacent K3 application, the consistent approach to survey methods enables comparisons between breeding bird data collected in 2009 and 2016, Marsh Harrier datasets collected in 2010/11 and 2016, and non-breeding waterbird information collected in 2009/10 and 2016, respectively. This is useful background information with respect to interpretation of any changes in bird populations at the site level over that period and potential implications of the application in the future. Furthermore, it provides a robust context for the use of March 2017 as a baseline for assessment.

Stage 3 - Appropriate Assessment

- 3.16 When a plan or project cannot be 'screened out' as being unlikely to have a significant effect on a Natura 2000 or Ramsar site, it is necessary to progress to explore whether there are any adverse effects, including whether any suitable avoidance or mitigation measures

can be incorporated to avoid or reduce those adverse effects. . Experience suggests that the best approach to addressing this is on a site by site basis, with avoidance / mitigation measures focused on the environmental conditions needed to maintain site integrity. The steps involved are outlined in Figure 2.

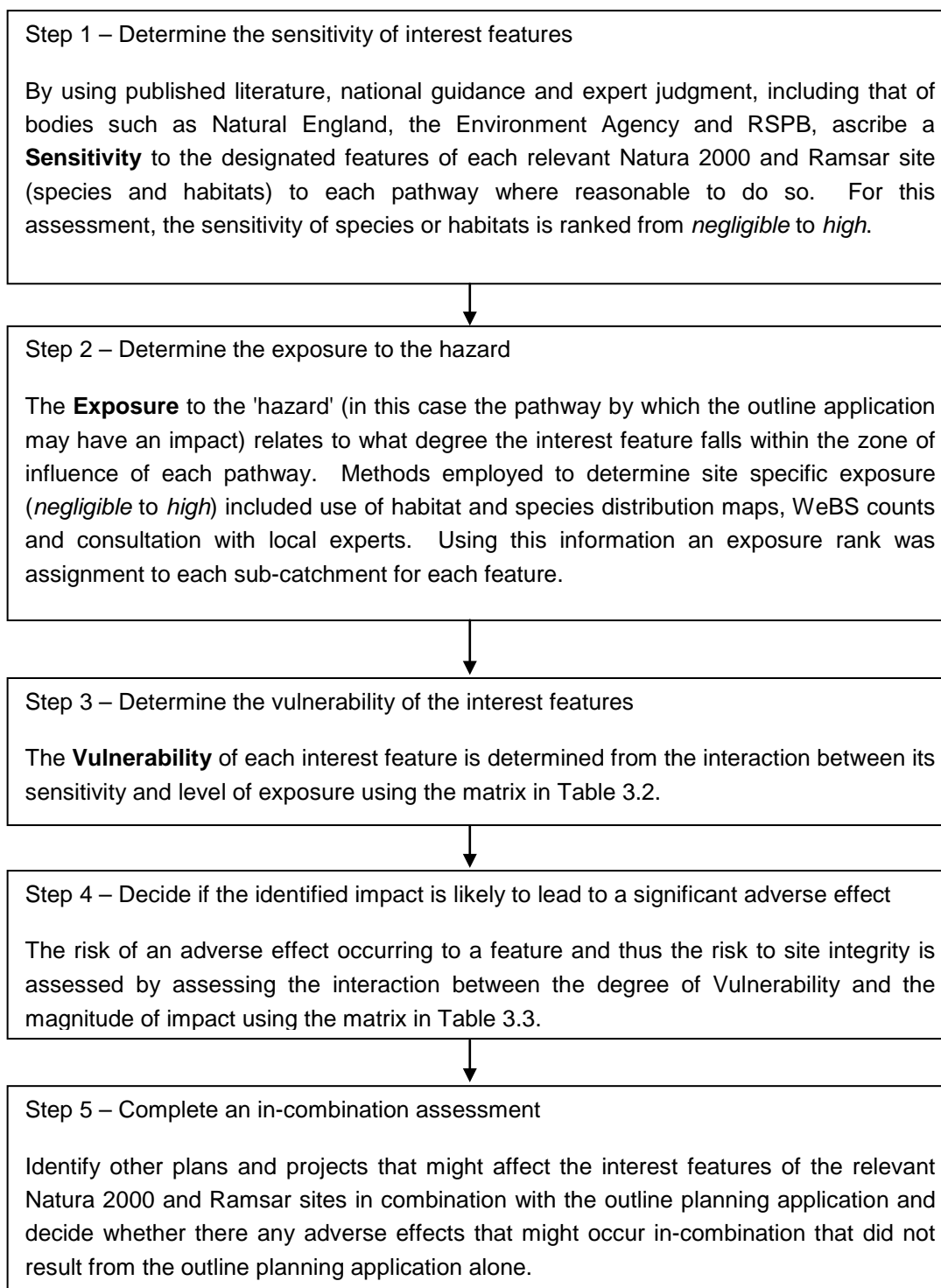
Figure 2: Steps involved in the Appropriate Assessment

Table 3.2: Determining the Vulnerability of Interest Features Exposure

	Exposure to hazard				
		High	Medium	Low	Negligible
Sensitivity of feature	High	High	High	Medium	Low
	Medium	High	Medium	Low	Negligible
	Low	Medium	Low	Low	Negligible
	Negligible	Negligible	Negligible	Negligible	Negligible

Table 3.3: Determination of Adverse Effect

	Magnitude of impact				
		High	Medium	Low	Negligible
Vulnerability of feature	High	Yes	Yes	Yes	No
	Medium	Yes	Yes	No	No
	Low	Yes	No	No	No
	Negligible	No	No	No	No

Stage 4 – Avoidance and Mitigation Measures

- 3.17 This involves developing measures to avoid the effect entirely, or as a minimum to mitigate the impact sufficiently that its effect on the integrity of a Natura 2000 or Ramsar site is rendered insignificant. In evaluating whether an identified impact is likely to have an adverse effect, we have relied upon both recognised standards and professional judgement. In the absence of quantifiable data, under the precautionary principle the approach we have adopted is that if an adverse effect cannot be confidently ruled out, avoidance or mitigation measures must be provided.
- 3.18 This is in line with Department for Communities and Local Government / PINS guidance that the level of detail of the assessment, whilst meeting the relevant requirements of the Habitats Regulations, should be 'appropriate' to the level of plan or project that it addresses.

4 STAGE 1 – QUALIFYING INTEREST FEATURES

The Swale

- 4.1 The Swale Estuary separates the Isle of Sheppey from the Kent mainland. To the west it adjoins the Medway Estuary, to the east the outer Thames Estuary. It consists of a complex of grazing marsh with ditches, intertidal saltmarshes and mud-flats. The grazing marsh is the most extensive in Kent and there is much diversity both in the salinity of the dykes (which range from fresh to strongly brackish) and in the topography of the fields.
- 4.2 The Swale Ramsar was designated in 1993. In addition to qualifying under Criterion 3a by virtue of regularly supporting over 20,000 waterfowl, with an average peak count of 57,600 birds for the five winter period 1986/1987 to 1990/1991, and under Criterion 3c by supporting, in winter, internationally important populations of four species of migratory waterfowl, the Swale also qualifies under Criterion 2a of the Ramsar Convention by supporting a number of species of rare plants and invertebrates (Table 4.1).

Table 4.1: Qualifying Plant and Invertebrate Species for the Swale Ramsar

Ramsar Criteria	Scientific Name	Species Name
Nationally rare and scarce plant species	<i>Lactuca saligna</i> <i>Peucedanum officinale</i> <i>Bupleurum tenuissimum</i> <i>Spartina maritima</i> <i>Inula crithmoides</i> <i>Ranunculus baudotii</i> <i>Ceratophyllum submersum</i> <i>Carex divisa</i> <i>Trifolium squamosum</i> <i>Hordeum marinum</i>	Least Lettuce Hogs Fennel Slender Hare's-ear Small Cord-grass Golden Samphire Brackish Water Crowfoot Soft Hornwort Divided Sedge Sea Clover Sea Barley
Red Data Book invertebrates	<i>Bagous cylindrus</i> <i>Erioptera bivittata</i> <i>Lejops vittata</i> <i>Poecilobothrus ducalis</i> <i>Micronecta minutissima</i> <i>Malachius vulneratus</i> <i>Philonthus punctus</i> <i>Campsicnemus magius</i> <i>Elachiptera rufifrons</i> <i>Myopites eximia</i>	An aquatic weevil A crane fly A hoverfly A small dancefly A water bug A beetle A predatory rove beetle A small dolichopodid fly A small chloropid fly A picture-winged fly

- 4.3 The intertidal flats are extensive, especially in the east of the site, and support a dense invertebrate fauna. These invertebrates, together with beds of algae and Eelgrass *Zostera spp.*, are important food sources for waterbirds. Locally there are large Mussel *Mytilus edulis* beds formed on harder areas of substrate. The wide diversity of coastal habitats combine to support important numbers of waterbirds throughout the year.
- 4.4 The diverse mix of habitats within the Swale support internationally important populations of wintering birds. It supports outstanding numbers of waterfowl with some species regularly occurring in nationally or internationally important numbers. The Swale SPA was classified in 1985 and extended in 1993. The qualifying bird interest features listed in the Ramsar citation, SPA Citation (as provided by Natural England in their Section 42 response) are provided in Table 4.2.
- 4.5 The Conservation Objectives for the SPA (as set out in <http://publications.naturalengland.org.uk/publication/5745862701481984?category=6528471664689152>) are to ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the aims of the Wild Birds Directive, by maintaining or restoring;
- The extent and distribution of the habitats of the qualifying features;
 - The structure and function of the habitats of the qualifying features;
 - The supporting processes on which the habitats of the qualifying features rely;
 - The population of each of the qualifying features; and,
 - The distribution of the qualifying features within the site.
- 4.6 During severe winter weather elsewhere, the Swale can assume even greater national and international importance as a cold weather refuge. Wildfowl and waders from many other areas arrive, attracted by the relatively mild climate, compared with continental European areas, and the abundant food resources available.
- 4.7 The boundary of The Swale SPA / Ramsar site lies adjacent to the east of the area covered by the proposal.

Table 4.2: Qualifying Bird Species of The Swale

	Scientific Name	SPA Citation	Ramsar	Assessment Criteria
Regularly supporting more than 1% of the GB breeding population of an Annex 1 species in summer				
Avocet	<i>Recurvirostra avosetta</i>	24 pairs, representing 6.2% of British population	-	103
Regularly used by 1% or more of the GB population of an Annex 1 species during passage				
Redshank	<i>Tringa totanus</i>	-	1712 individuals, representing an average of 1.4% of the British population	269
Migratory Wintering species regularly occurring in internationally-important numbers over winter				
Dark-bellied Brent Goose	<i>Branta bernicla bernicla</i>	2,850 representing 1.6% of the world population and 3.1% of the British winter population	2,850 representing 1.6% of the world population and 3.1% of the British wintering population	1,961
Grey Plover	<i>Pluvialis squatarola</i>	-	1,550 representing 1% of the East Atlantic Flyway population and 7.3% of the British population	2,021
Dunlin	<i>Calidris alpina</i>	13,000 representing 3% of British wintering population	-	13,000
Assemblage				
Regularly supporting over 20,000 waterfowl over winter	-	57,600	57,600	65,588
Diverse assemblage of breeding birds	-	-	-	-

4.8 The 1993 Citation for The Swale describes 17 species occurring within the over-wintering assemblage in nationally- or internationally-important numbers but does not name them. Therefore, Natural England's advice for the K3 application, (Section 42 Response dated 19/04/17), based on the BTO's Wetland Bird Survey (WeBS) data, is that the following species should be considered as important components of the assemblage:

- European white-fronted goose;
- Shelduck;
- Teal;
- Shoveler;
- Oystercatcher;
- Golden Plover;
- Lapwing;
- Dunlin;
- Black-tailed Godwit;
- Green Sandpiper;
- Dark-bellied Brent Goose;
- Wigeon;
- Pintail;
- Little Egret;
- Avocet;
- Grey Plover;
- Sanderling;
- Ruff;
- Bar-tailed Godwit;
- Greenshank;
- Knot; and
- Curlew.

4.9 With respect to the breeding assemblage, The Swale Citation lists a number of species in the 'typical assemblage of breeding species' for grazing marsh:

- Shelduck;
- Coot;
- Mallard;

- Moorhen;
 - Lapwing;
 - Redshank;
 - Reed Warbler; and
 - Reed Bunting.
- 4.10 Natural England's Section 42 advice for that project was that this should be expanded to include breeding ducks, waders, Yellow Wagtail and Marsh Harrier. Given the proximity of the two developments, the S42 advice with respect to the K3 development has been taken as also applying to K4.

Medway Estuary and Marshes

- 4.11 The Medway Estuary forms a single tidal system with the Swale to the east and joins the outer Thames Estuary between the Isle of Grain and Sheerness. It has a complex arrangement of tidal channels, which drain around islands of saltmarsh. The mud-flats are rich in invertebrates and also support beds of Enteromorpha and some Eelgrass *Zostera spp.* Small shell beaches occur, particularly in the outer part of the estuary. Together these form the largest area of intertidal habitats of value for nature conservation in Kent and are representative of the estuarine habitats found on the North Kent coast. Grazing marshes intersected by dykes and fleets are present in places inside the sea walls around the estuary.
- 4.12 The Medway Estuary and Marshes Ramsar site was designated in 1993. In addition to qualifying under Criterion 3a by virtue of regularly supporting over 20,000 waterfowl with an average peak count of 53,900 birds recorded in the five-year winter period 1986/1987 to 1990/1991, and under Criterion 3c by regularly supporting internationally or nationally important wintering populations of migratory species of waterfowl, the Medway Estuary and Marshes Ramsar also qualifies under Criterion 2a of the Ramsar Convention by supporting a number of species of rare plants and animals (Table 4.3).
- 4.13 The Medway Estuary and Marshes SPA was classified in 1993 and the citation prepared for that classification has been used to inform this assessment. The qualifying bird interest features listed in the SPA Citation and Ramsar citation, together with the criteria used for this assessment (in line with Natural England advice this is whichever provides the strongest protection) are presented in Table 4.4.
- 4.14 The Conservation Objectives for the SPA (as set out in <http://publications.naturalengland.org.uk/publication/6672791487119360>) are to ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the aims of the Wild Birds Directive, by maintaining or restoring;
- The extent and distribution of the habitats of the qualifying features;
 - The structure and function of the habitats of the qualifying features;
 - The supporting processes on which the habitats of the qualifying features rely;
 - The population of each of the qualifying features; and,

- The distribution of the qualifying features within the site.

4.15 The boundary of the Medway Estuary and Marshes SPA and Ramsar site lies just over 2km from the area covered by the Proposal site.

Table 4.3 Medway Estuary and Marshes Ramsar Qualifying Plant and Invertebrate Species

Ramsar Criteria	Scientific Name	Species Name
Nationally-scarce plant species	<i>Hordeum marinum</i> <i>Parapholis incurva</i> <i>Polypogon monspeliensis</i> <i>Puccinellia fasciculata</i> <i>Bupleurum tenuissimum</i> <i>Trifolium squamosum</i> <i>Chenopodium botryodes</i> <i>Rumex maritimus</i> <i>Ranunculus baudotii</i> <i>Inula crithmoides</i> <i>Salicornia perennis</i> <i>Salicornia pusilla</i>	Sea Barley Curved Hard-grass Annual Beard-grass Borrer's Saltmarsh-grass Slender Hare`s-ear Sea Clover Small Goose-foot Golden Dock Brackish Water-crowfoot Golden Samphire Perennial Glasswort One-flowered Glasswort
British Red Data Book invertebrates	<i>Polistichus connexus</i> <i>Cephalops perspicuus</i> <i>Poecilobothrus ducalis</i> <i>Anagnota collini</i> <i>Baris scolopacea</i> <i>Berosus spinosus</i> <i>Malachius vulneratus</i> <i>Philonthus punctus</i> <i>Malacosoma castrensis</i> <i>Atylotus latistriatus</i> <i>Campsicnemus magius</i> <i>Cantharis fusca</i> <i>Limonia danica</i>	A ground beetle A fly A dancefly A fly A weevil A water beetle A beetle A rove beetle Ground Lackey Moth A horsefly A fly A soldier beetle A crane fly

Table 4.4: Qualifying Bird Species of Medway Estuary and Marshes

	Scientific Name	SPA Citation	Ramsar	Assessment Criteria
Annex 1 Species Regularly Breeding in Numbers of European Importance				
Avocet	<i>Recurvirosta avosetta</i>	28 pairs representing 7% of the breeding population in Britain	28 pairs representing 7% of the breeding population in Britain	28 pairs
Little Tern	<i>Sterna albifrons</i>	24 pairs representing 1% of the breeding population in Britain	24 pairs representing 1% of the breeding population in Britain	28 pairs
Annex 1 Species Regularly Wintering in Numbers of European Importance				
Avocet	<i>Recurvirosta avosetta</i>	70 representing 7% of the population in Britain	-	314
Annex 1 Species Regularly On Passage in Numbers of European Importance				
Grey Plover	<i>Pluvialis squatarola</i>	-	3103 individuals, representing an average of 1.2% of the population	1,337
Common Redshank	<i>Tringa totanus</i>	-	3709 individuals, representing an average of 1.4% of the population	
Migratory Species Regularly Wintering in Numbers of European Importance				
Dark-bellied Brent Goose	<i>Branta bernicla bernicla</i>	-	4,130 representing 2.4% of the world population and 4.6% of British winter population	4,130
Shelduck	<i>Tadorna tadorna</i>	-	5,900 representing 2.3% of the North West European population and 7.9% of the British winter population	5,900
Pintail	<i>Anas acuta</i>	-	980 representing 1.4% of the North West European wintering and 3.9% of the British winter population	980

	Scientific Name	SPA Citation	Ramsar	Assessment Criteria
Ringed Plover	<i>Charadrius hiaticula</i>	-	740 representing 1.4% of the East Atlantic Flyway population and 3.2% of the British wintering population	768
Knot	<i>Calidris canutus</i>	-	3,690 representing 1.0% of the East Atlantic Flyway and 1.6% of the British wintering population	3,690
Dunlin	<i>Calidris alpina</i>	-	22,900 representing 1.6% of the East Atlantic Flyway and 5.3% of the British wintering population	25,936
Regularly supports in winter a diverse assemblage of wintering species	-	-	-	-
Regularly supports over 20,000 waterfowl	-	53,900	47,637	65,496
Diverse assemblage of breeding migratory waterfowl	-	-	-	-

4.16 The 1993 citation for the Medway Estuary and Marshes SPA lists 18 species of waterfowl within the over-wintering assemblage occurring in internationally- or nationally-important numbers:

- Dark-bellied brent geese;
- Shelduck;
- Pintail;
- Ringed plover;
- Grey plover;
- Knot;
- Dunlin;

- Redshank;
- Great crested grebe;
- Wigeon;
- Teal;
- Shoveler;
- Oystercatcher;
- Black-tailed godwit;
- Curlew;
- Spotted redshank;
- Greenshank; and
- Turnstone

4.17 The Citation also lists 18 species comprising the diverse assemblage of wintering species including:

- Red-throated Diver;
- Great Crested Grebe;
- Cormorant;
- Shelduck;
- Mallard;
- Teal;
- Shoveler;
- Pochard;
- Oystercatcher;
- Ringed Plover;
- Dunlin;
- Redhsank;
- Bewick's Swan;
- Hen Harrier;
- Merlin;
- Golden Plover;
- Short-eared Owl; and

- Kingfisher.

4.18 With respect to the breeding assemblage, the Citation lists the following species:

- Oystercatcher;
- Lapwing;
- Ringed Plover;
- Redshank;
- Shelduck;
- Mallard;
- Teal;
- Shoveler; and
- Common Tern.

Thames Estuary and Marshes

4.19 The Thames Estuary and Marshes consists of an extensive mosaic of grazing marsh, saltmarsh, mudflats and shingle characteristic of the estuarine habitats of north Kent. Freshwater pools and some areas of woodland provide additional variety and complement the estuarine habitats. Whilst the majority is situated in Kent along the south shore of the Thames estuary, additional areas are located along the north shore of the Thames Estuary.

4.20 The Thames Estuary and Marshes Ramsar was designated in 2000. In addition to qualifying under Criterion 5 as it is used regularly by over 20,000 waterfowl in any season and under Criterion 6 as it is used regularly by 1% or more of the biogeographic populations of migratory species of waterfowl, it also qualifies under Criterion 2a of the Ramsar Convention by supporting a number of species of rare plants and animals (Table 4.5).

4.21 The Thames Estuary and Marshes SPA was classified in 2000. The qualifying bird interest features listed in the SPA Citation Ramsar citation, together with the criteria used for this assessment (in line with Natural England advice this is whichever provides the strongest protection) are presented in Table 4.6.

4.22 The Conservation Objectives for the SPA (as set out in <http://publications.naturalengland.org.uk/publication/4698344811134976>) are to ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the aims of the Wild Birds Directive, by maintaining or restoring;

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

- The distribution of the qualifying features within the site.
- 4.23 The boundary of the Thames Estuary and Marshes SPA and Ramsar site lies just under 10 km from the area covered by the Proposal site.

Table 4.5 Qualifying Plant and Invertebrate Species for the Thames Estuary and Marshes Ramsar

Ramsar Criteria	Scientific Name	Species Name
Nationally rare plant species	<i>Chenopodium chenopodioides</i>	Saltmarsh Goosefoot
Nationally scarce plant species	<i>Alopecurus bulbosus</i> <i>Bupleurum tenuissimum</i> <i>Carex divisa</i> <i>Hordeum marinum</i> <i>Inula crithmoides</i> <i>Polypogon monspeliensis</i> <i>Puccinellia fasciculata</i> <i>Puccinellia rupestris</i> <i>Salicornia pusilla</i> <i>Stratiotes aloides</i> <i>Trifolium glomeratum</i> <i>Trifolium squamosum</i> <i>Zostera angustifolia</i> <i>Zostera noltii</i>	Bulbous Foxtail Slender Hare's-ear Divided Sedge Sea Barley Golden Samphire Annual Beard Grass Borrer's Saltmarsh-grass Stiff Saltmarsh-grass Glasswort Water Soldier Clustered Clover Sea Clover Narrow-leaved Eelgrass Dwarf Eelgrass
Endangered invertebrate species	<i>Bagous longitarsis</i>	A weevil
Vulnerable invertebrate species	<i>Henestaris halophilus</i> <i>Bagous cylindrus</i> <i>Polystichus connexus</i> <i>Erioptera bivittata</i> <i>Hybomitra expollicata</i> <i>Lejops vittata</i> <i>Poecilobothrus ducalis</i> <i>Pteromicra leucopeza</i> <i>Philanthus triangulum</i> <i>Lestes dryas</i>	A groundbug A weevil A ground beetle A crane fly A horse fly A hoverfly A dancefly A snail killing fly A solitary wasp A damselfly
Rare invertebrate species	<i>Cercyon bifenestratus</i> <i>Hydrochus elongates</i> <i>H.ignicollis</i> <i>Ochthebius exaratus</i> <i>Hydrophilus piceus</i> <i>Malachius vulneratus</i> <i>Philonthus punctus</i>	A water beetle A water beetle A water beetle A water beetle A water beetle A beetle A rove beetle

Ramsar Criteria	Scientific Name	Species Name
	<i>Telmatophilus brevicollis</i>	A fungus beetle
	<i>Campsicnemus magius</i>	A fly
	<i>Haematopota bigoti</i>	A horsefly
	<i>Stratiomys longicornis</i>	A soldier fly
	<i>Baryphyma duffeyi</i> .	A spider

Table 4.6 Qualifying Bird Species of the Thames Estuary and Marshes

	Scientific Name	SPA Citation	Ramsar	Assessment Criteria
Annex 1 Species Regularly Wintering in Numbers of European Importance				
Avocet	<i>Recurvirostra avosetta</i>	283 representing 28.3% of British wintering population	-	283
Hen Harrier	<i>Circus cyaneus</i>	7 representing 1.0% of the British wintering population	-	7
Migratory species regularly occurring over winter				
Ringed Plover	<i>Charadrius hiaticula</i>	-	-	541
Grey Plover	<i>Pluvialis squatarola</i>	2,593 representing 1.7% of the East Atlantic wintering population	2,593 representing 1.7% of the East Atlantic wintering population	2,593
Knot	<i>Calidris canutus</i>	4,848 representing 1.4% of Northeast Canada/ Greenland/Iceland/ North West Europe population	4,848 representing 1.4% of Northeast Canada/ Greenland/Iceland/ North West Europe population	4,848
Dunlin	<i>Calidris alpina</i>	29,646 representing 2.1% of North Siberia/Europe/ West Africa population	29,646 representing 2.1% of North Siberia/Europe/ West Africa population	29,646
Black-tailed Godwit	<i>Limosa limosa</i>	1,699 representing 2.4% of the Iceland breeding population	1,699 representing 2.4% of the Iceland breeding population	1,699
Redshank	<i>Tringa totanus</i>	3,251 representing 28.3% of the Eastern Atlantic wintering population	3,251 representing 28.3% of the Eastern	3,251

	Scientific Name	SPA Citation	Ramsar	Assessment Criteria
			Atlantic wintering population	
Assemblage regularly supporting over 20,000 waterfowl		75,019	75,019	75,019

Queendown Warren SAC

4.24 The qualifying interest feature at Queendown Warren is *Bromus erectus* grassland of the Annex I priority habitat Semi-natural dry grasslands and scrubland facies: on calcareous substrates (*Festuco-Brometalia*) (important orchid sites). This priority habitat type comprises calcareous grasslands containing an important assemblage of rare and scarce species, including Early Spider-orchid *Ophrys sphegodes*, Burnt Orchid *Orchis ustulata* and Man Orchid *Aceras anthropophorum*. Important orchid assemblage sites are defined in the Interpretation Manual of European Union Habitats (European Commission DG Environment 2007) as localities which meet one or more of the following criteria:

- hosts a rich suite of orchid species;
- hosts an important population of at least one orchid species considered not very common on the national territory; or
- hosts one or several orchid species considered to be rare, very rare or exceptional on the national territory.

4.25 The conservation objectives for the site are to 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.

4.26 The key environmental conditions that support the features of European interest are:

- maintenance of grazing;
- minimal recreational trampling;
- minimal air pollution – nitrogen deposition may cause reduction in diversity, and sulphur deposition can cause acidification;
- absence of direct fertilisation; and

- well-drained soils.

Outer Thames Estuary SPA / pSPA

- 4.27 The Outer Thames Estuary SPA is located where the North Sea and the Thames Estuary meet, extending north to the sea off Great Yarmouth on the East Norfolk Coast. It supports the largest assemblage of wintering red-throated diver (*Gavia stellata*) in the UK, an estimated population of 6,466 individuals, which is 38% of the wintering population of Great Britain.
- 4.28 A proposal to extend the area of the SPA is currently under consideration. The pSPA would also include
- Little Tern: 746 individuals (2011-2015) or 19.64% of GB population; and
 - Common Tern: 532 individuals (2011-2015) or 2.66% of GB population.
- 4.29 The conservation objectives for both SPA and pSPA (<http://publications.naturalengland.org.uk/publication/4927106139029504>) are to Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the aims of the Wild Birds Directive, by maintaining or restoring;
- The extent and distribution of the habitats of the qualifying features;
 - The structure and function of the habitats of the qualifying features;
 - The supporting processes on which the habitats of the qualifying features rely;
 - The population of each of the qualifying features; and
 - The distribution of the qualifying features within the site.

Supporting Habitats

- 4.30 Whilst the qualifying species listed for SPA and Ramsar sites are referred to as interest features, the ecologically important habitats supporting each feature have also been identified as sub-features. The supporting habitats of The Swale SPA, Medway Estuary and Marshes SPA and Thames Estuary and Marshes SPA are presented in Table 4.7.
- 4.31 The Medway Estuary and Marshes SPA and Ramsar site, the Thames Estuary and Marshes SPA and Ramsar site and The Swale SPA and Ramsar site include terrestrial, intertidal and subtidal areas. Some species, such as the internationally important wintering population of Hen Harrier on the Thames Estuary and Marshes SPA, are dependent on the terrestrial supporting habitats, notably areas of grazing marsh. Other qualifying species also use areas of the Natura 2000 sites above the highest astronomical tide for breeding (e.g. Avocet), feeding (e.g. Curlew and Redshank), or roosting when displaced from mudflats at high tide.

Table 4.7 Percentage of Supporting Habitat Sub-features

	Swale SPA	Medway SPA	Thames SPA
Estuaries, mudflats, sandflats and lagoons	39.0	67.0	57.3
Saltmarsh	5.0	15.0	1.5
Shingle and sea cliff	1.0	-	0.9
Standing water	2.0	1.0	5.6
Bogs, marshes and fens	-	1.0	3.7
Dry grassland	-	1.0	1.9
Wet grassland	-	15.0	29.1
Other arable land	47.0	-	-
Other land (waste land, industrial sites, etc.)	6.0	-	-
Total	100%	100%	100%

4.32 The intertidal and subtidal components of the Medway Estuary and Marshes SPA and Ramsar site, the Thames Estuary and Marshes SPA and Ramsar site and the Swale SPA and Ramsar site are termed European marine sites. Under Regulation 33(2a) of the Habitats Regulations, 2010, Natural England has a duty to advise other relevant authorities as to the conservation objectives of each European marine site. Conservation objectives focus on the habitat conditions necessary to support the interest features in recognition that bird populations may change as a reflection of national or international trends. Sub-features are identified which describe the key habitats within the marine site component of the SPA.

Marine Component of the Swale SPA

Internationally Important Assemblage of Waterfowl including Internationally Important Population of Regularly Occurring Migratory Bird Species.

4.33 The two key supporting sub-features (habitats) are:

- Mudflats; and
- Saltmarsh.

4.34 Mudflats are a rich source of invertebrates and provide the main feeding ground for wintering species such as Grey Plover and Redshank, which occur on the SPA in internationally important numbers, and the other nationally important waterfowl species which contribute to the waterfowl assemblage. In addition mudflats do support plant life, including eel-grass and algae. These are valuable as food for the internationally important

populations of Dark-bellied Brent Goose and Wigeon that occur on the SPA, especially when inland feeding sites are frozen.

- 4.35 Saltmarsh is the predominantly vegetated part of the intertidal zone and its importance for birds is again for high tide roosting and feeding. Whilst the characteristics of the vegetation varies because the plants are adapted to a particular degree of tidal exposure, areas of Saltmarsh within the Swale SPA also varies because of grazing by domestic livestock. Where the vegetation is kept short by grazing livestock, wildfowl which are themselves grazers, including Wigeon and Dark-bellied Brent Goose, can feed. Around high tide, the creeks within the saltmarsh are the only exposed areas of mud, as mudflats in the lower parts of the estuary are still covered by the tide. Wading birds will feed within these creeks. Where there is shallow water within the saltings it is especially suitable for dabbling duck.
- 4.36 Subject to natural change, the conservation objective for these sub-features is to maintain them in favourable condition.

Marine Component of the Medway SPA

Internationally Important Populations of Regularly Occurring Annex 1 Species

- 4.37 The four key supporting sub-features (habitats) are:
- Mudflats;
 - Saltmarsh;
 - Shallow inshore waters; and
 - Shingle beaches.
- 4.38 In summer, the mudflats provide a feeding area for Avocet, which are known to move their young into the intertidal area when feeding grounds on the landward side of the sea walls become unsuitable. The mudflats are also a rich source of invertebrates for wintering Avocet which occur on the SPA in internationally important numbers.
- 4.39 Saltmarsh is the predominantly vegetated part of the intertidal and varies because the plants at each level within its vertical profile are adapted to their particular degree of tidal exposure. The importance of the saltmarshes for birds is for high tide roosting by Avocet.
- 4.40 Shallow in-shore waters are listed as a sub-feature for the Medway (but not the Swale) because they are used by Little Tern, an Annex 1 species which occurs in nationally important numbers.
- 4.41 Shingle beaches, such as those that occur in Stoke Saltings, are used for nesting by Little Tern. They prefer a shallow sloping shoreline that provides protection against flooding.
- 4.42 Subject to natural change the conservation objective for these sub-features is to maintain them in favourable condition.

Internationally Important Assemblage of Waterfowl including Internationally Important Populations of Regularly Occurring Migratory Bird Species

- 4.43 The three key supporting sub-features (habitats) are:
- Mudflats;
 - Saltmarsh; and
 - Shallow coastal waters.
- 4.44 The mudflats in the Medway Estuary and Marshes SPA provide the main feeding ground for wintering species which occur on the SPA in internationally important numbers, such as Knot, Grey Plover, Dunlin and Redshank, as well as other nationally important waterfowl species which contribute to the waterfowl assemblage.
- 4.45 The saltmarsh in the Medway Estuary and Marshes SPA provide roosting and feeding grounds for wintering species which occur in internationally important numbers, as well as other nationally important waterfowl species which contribute to the waterfowl assemblage.
- 4.46 Great Crested Grebe feed in the shallow waters of the Medway, and at the time of classification, occurred in nationally important numbers.
- 4.47 Subject to natural change the conservation objective for these sub-features is to maintain them in favourable condition.

Marine Component of the Thames Estuary and Marshes SPA

Internationally Important Populations of Regularly Occurring Annex 1 Species

- 4.48 The two key supporting sub-features (habitats) are:
- Mudflats; and
 - Saltmarsh.
- 4.49 Mudflats are extensive within the Thames Estuary and Marshes SPA, with over 2,250 ha on the south bank of the Thames. The mudflats are a rich source of invertebrates (shell fish and worms) and provide feeding grounds for wintering avocet. The mudflats at Higham and Mucking in the west of the site are particularly important for this species.
- 4.50 Saltmarshes are not extensive in the Thames Estuary and Marshes SPA, but nevertheless provide important high tide roost sites for birds, particularly at Higham in the west of the site. Shallow water within the saltings also provide suitable habitat for feeding birds.
- 4.51 Subject to natural change the conservation objective for these sub-features is to maintain them in favourable condition.

Internationally Important Assemblage of Waterfowl including Internationally Important Populations of Regularly Occurring Migratory Bird Species

- 4.52 The three key supporting sub-features (habitats) are:
- Mudflats;
 - Saltmarsh; and
 - Intertidal shingle.
- 4.53 Mudflats are a rich source of invertebrates and provide the main feeding ground for wintering species such as Dunlin, Knot and Black-tailed Godwit, which occur on the SPA in internationally important numbers, and the other nationally important waterfowl species which contribute to the waterfowl assemblage. In addition, mudflats do support plant life, including algae and some very limited eel-grass and algae. These can be valuable as food for wildfowl, especially when inland feeding sites are frozen. Mudflats also provide important roosting areas for internationally important assemblages of waterfowl and its qualifying species.
- 4.54 Saltmarsh is not extensive in the Thames Estuary and Marshes SPA, but nevertheless provide important high tide roost sites for the internationally important assemblage of waterfowl and its qualifying species. Upper saltmarsh in particular provide high tide roost sites. The vegetation varies because the plants at each level within its vertical profile are adapted to their particular degree of tidal exposure. Also in parts, the vegetation varies because of grazing by domestic livestock. Where the vegetation is kept short by grazing livestock, wildfowl which are themselves grazers, including Teal, can feed. Where there is shallow water within the saltings, it is especially suitable for dabbling duck.
- 4.55 Small areas of intertidal shingle and cobble beaches on the south bank of the Thames provide important roost sites for wading birds displaced from the mudflats at high tide.
- 4.56 Subject to natural change the conservation objective for these sub-features is to maintain them in favourable condition.

Queendown Warren SAC

- 4.57 The Queendown Warren SAC, on the south-facing slope of a dry chalk valley, comprises grassland and woodland. The former has a diverse flora and there are a good variety of invertebrates present, including the Adonis blue butterfly. Potter's Wood is mainly sweet chestnut coppice with oak standards, but with beech, hazel and other species along the southern edge. Uncommon plant species occur, such as lady orchid and yellow bird's nest.

5 STAGE 2 - LIKELY SIGNIFICANT EFFECT

5.1 This section deals with the screening of likely significant negative effects on the qualifying feature and sub-features of the relevant Natura 2000 and Ramsar sites. Based on the conservation objectives of the relevant sites, discussions with Natural England and information supplied by them, including site citations, the environmental pathways that could lead to a significant effect may be summarised as:

- Direct loss or damage of habitats within a designated site or of nearby areas used by interest species;
- Change in management regimes (e.g. grazing / mowing of marshland) of habitats within a designated site or of nearby areas used by interest species;
- Loss of future space to allow for managed realignment to avoid coastal squeeze;
- Urbanisation that results in over shadowing, reduction of sight lines or which hinders flight paths;
- Air quality;
- Water quality;
- Hydrological changes, including in the balance of saline and non-saline conditions;
- Disturbance (activity, recreation, noise and lighting); and
- Introduction or spread of non-native invasive species

5.2 The likelihood of the development proposed within the DCO application having a significant effect is discussed for each of these environmental pathways in turn below.

Direct loss or damage of habitats used by interest species

5.3 As the development is a minimum of 275 m from the SPA/pSPA, SAC or Ramsar site, the proposal will not result in any direct loss of any designated habitat.

5.4 The Proposal Site does not support any of the plant species listed on the Swale Ramsar citation, nor does it have any habitat suitable of supporting such species. Therefore, impacts occurring from direct loss can be screened out, as no likely significant effects are anticipated.

5.5 The Proposal Site, comprising hardstanding, is unlikely to support populations of any qualifying invertebrates' species of the Swale Ramsar site or Medway Estuary and Marshes Ramsar site. These species are mostly reliant on saline/brackish ditch habitats typical of these sites, which are not present with the Site boundary.

5.6 Following bird surveys of the Proposal Site in 2009/2010 and 2016, no qualifying bird species of either The Swale SPA and Ramsar site or Medway Estuary and Marshes SPA and Ramsar site were recorded utilising the Proposal Site for breeding.

- 5.7 The Proposal Site also provides no suitable habitat for any of the cited SPA / Ramsar wintering species for foraging. The Proposal site does not contain any habitat suitable for wintering Ramsar/SPA Citation/Review species or associated assemblage.
- 5.8 There is no evidence that the Proposal site regularly supports significant numbers of roosting birds either of qualifying individual species or assemblages of The Swale SPA / Ramsar site or the Medway Estuary and Marshes SPA / Ramsar site.
- 5.9 There is no evidence that the Proposal site is regularly used as a significant feeding or roosting site during passage or winter by any qualifying species of either The Swale SPA / Ramsar site or the Medway Estuary and Marshes SPA / Ramsar site.
- 5.10 Consequently, it is concluded that the effects of direct habitat loss on qualifying features of nearby Ramsar sites as well as breeding, passage and wintering birds of nearby SPAs can be screened out, as no likely significant effects are anticipated.

Change in habitat management regimes

- 5.11 The majority of the existing land use immediately surrounding, and in the vicinity of the Proposal site is in industrial use, pertaining to the Paper Mill. A capped tip lies to the east of the site.
- 5.12 The current management regimes for the SPA / Ramsar sites focus on maintaining the habitats for the qualifying breeding and waterbird assemblages (Natural England, 2014).
- 5.13 Given the distance from the SPA / Ramsar sites, the DCO application will therefore result in no change to current management regimes of any sub-feature of an SPA or Ramsar during either the construction or operation of the CHP.
- 5.14 Given that there is further industrial buildings, in use as part of the wider Paper Mill operations between the Proposal Site and the SPA / Ramsar, it will also not result in any direct detrimental change in habitat management of any land adjacent to either The Swale SPA / Ramsar site or the Medway Estuary and Marshes SPA / Ramsar site.
- 5.15 Therefore, impacts occurring from a change in habitat management regimes can be screened out, as no likely significant effects are anticipated.

Loss of future space to allow for managed realignment

- 5.16 There is evidence that rising sea levels are causing intertidal habitats, notably saltmarsh and mudflats, to migrate landwards across all the designated sites under consideration. However, such landward migration can be rendered impossible due the presence of sea walls and other flood defences, resulting in a reduction in both the extent and quality of some sub-features through coastal squeeze. The removal or landward relocation of defences is seldom possible in existing built up areas and new development which takes place immediately behind sea walls and flood defences can result in it no longer being possible to move the defences landwards to accommodate replacement of eroded or drowned out intertidal habitats.
- 5.17 The Proposal site is located to the north-west of Milton Creek and is currently an existing CHP Plant. Much of the land in the area is predominantly low-lying and the majority is

within Flood Zone 3 on the Environment Agency Flood Map. As detailed in the Flood Risk Assessment, the entire Proposal site is considered to be an area benefiting from defences.

- 5.18 Given that the site is already developed land, it can be concluded that impacts occurring from a loss of future space can be screened out, as no likely significant effects are anticipated.

Urbanisation

- 5.19 Industrial development in close proximity of Natura 2000 and Ramsar sites has the potential to over shadow areas of habitat within designated sites, or areas used by the interest features of such sites, as well as obstruct flight paths and lines of sight of qualifying species reducing the appeal of the habitat or increasing the risk of fatalities through collisions.
- 5.20 There is evidence that The Swale to the east of the Proposal site (within the SPA / Ramsar site), as well as the lower reaches of Milton Creek to the south of the Proposal site (outside the Swale SPA / Ramsar), support important numbers of wintering waterbirds. A summary of recent data for qualifying species are presented in Table 5.1; data are from previous survey work to inform other developments in the wider Paper Mill site. A summary of recent data for qualifying species are presented in Table 5.1. Further details of bespoke intertidal bird survey data, including a comparison of 2009/10 and 2016, are provided in Appendix 1.

Table 5.1 Data for the Kemsley Foreshore (with reference to 2016 surveys). Designated non-breeding populations for The Swale SPA as per 2015 update are shown in bold.

Species	Peak count from surveys ¹	% of Assessment Criteria ²	Great Britain 1% Threshold ³	International 1% Threshold ⁴
Regularly used by more than 1% of the GB Population of an Annex 1 species in winter				
Avocet	125	140.4	75	730
Bar-tailed Godwit	34	6.3	380	1,200
Golden Plover	0	0	4,000	9,300
Hen Harrier	1	9.1	-	-
Regularly used by more than 1% of the GB Population of an Annex 1 species during passage+				
Ringed Plover	48	7.0	340	730
Migratory Species regularly occurring in winter				
Great Crested Grebe	9	3	190	2,900-4,200
White-fronted Goose	0	0	160	240
Dark-bellied Brent Goose	11	0.4	950	2,400

Shelduck	81	4.9	610	3,000
Wigeon	347	3.7	4,400	15,000
Gadwall	3	4.1	250	600
Teal	527	25.1	2,100	5,000
Pintail	18	1.9	290	600
Shoveler	0	0	180	400
Oystercatcher	1006	27.2	3,200	8,200
Ringed Plover	14	2.0	340	730
Grey Plover	87	4.3	430	2,500
Knot	130	2.3	3,200	4,500
Little Stint	0	0	++	2,000
Dunlin	2,325	17.9	3,500	13,300
Ruff	0	0	++	10,000-15,000
Black-tailed Godwit	570	32.5	430	610
Curlew	118	6.1	1,400	8,400
Spotted Redshank	15	300	++	600-1,200
Redshank	515	16.6	1,200	2,400
Assemblage				
Total Waterbird Assemblage Peak	6,496	11.3%	-	-

¹maximum count recorded during RPS surveys, ²maximum as % of original SPA designation figure, ³1% threshold for national importance (Musgrove *et al.* 2011), ⁴1% threshold for international importance (Wetlands International 2014)

+ Ringed Plover on passage

++ Population too small for meaningful figure to be obtained

5.21 The data in Table 5.1 indicate that the study area (Kemsley foreshore, west Isle of Sheppey foreshore, intervening channel of the Swale and lower reaches of Milton Creek) holds potentially significant numbers (*i.e.* more than 5 birds and greater than 1% of The Swale Assessment criteria) of the following qualifying waterbird species. Designated non-breeding species for The Swale SPA as per the JNCC 2015 update are shown in bold.

- Great Crested Grebe
- Shelduck

- Wigeon
- **Teal**
- Pintail
- **Oystercatcher**
- Avocet
- **Ringed Plover (Passage and Winter)**
- **Grey Plover**
- Knot
- **Dunlin**
- Black-tailed Godwit
- Bar-tailed Godwit
- **Curlew**
- Spotted Redshank
- **Redshank**
- Hen Harrier

5.22 Examination of the proposed CHP reveals that the proposed building will be visible from part of the intertidal area within the Swale SPA which supports wintering populations of waterbirds. The buildings nearest the Swale SPA / Ramsar boundary will be in keeping with other buildings in the area and the tallest building will be set around 275 metres away from the boundary of the Swale SPA / Ramsar site.

5.23 Due to the presence of the existing Paper Mill to the west, the K3 Plant to the east, and ridge of higher land beyond (the capped landfill), the Proposal site is not seen as being strategically located between the Swale SPA /Ramsar site and the Medway Estuary and Marshes SPA / Ramsar site in terms of flight paths. Therefore, no further assessment is required in terms of the movement of birds between the Medway Estuary and Marshes and the Swale.

5.24 Consequently, although the intertidal area surrounding the site is considered to be of importance for the birds of the SPA/Ramsar, given the highly urban setting of the site and backdrop of existing industrial buildings, there is little potential for increased urbanisation to impact the interest features for which the SPA/Ramsar are designated.

5.25 Therefore, any impacts occurring from increased urbanisation can be screened out, as no likely significant effects are anticipated.

Air quality

5.26 The two main air quality issues during construction are dust and increased traffic emissions. Levels of understanding of air quality effects on semi-natural habitats and

qualifying interest species of Natura 2000 sites are relatively in their infancy. The Air Pollution Information System (APIS) is a publicly available support tool for UK conservation and regulatory agencies, industry and local authorities to help assess the potential effects of air pollutants on habitats and species. It aims to enable a consistent approach to air pollution assessment across the UK. This specifically includes informing assessments required under the Habitats Regulations. Consequently, reference has been made to the information contained within the APIS website.

Construction Dust

- 5.27 The potential for dust release exists during the construction and decommissioning phases, with potential sources including site clearance, earthworks and vehicle movements. Possible impacts on ecology from dust deposition include:
- altering water chemistry of ponds, lakes and possibly watercourses;
 - chemical reactions or reduced photosynthesis in leaves;
 - deposition of alkaline dust may change species composition, especially in more acid communities; and
 - trees may drop their leaves early following exposure to high levels of dust
- 5.28 The precise behaviour of dust, its residence time in the atmosphere and distance travelled before being deposited depend on a number of factors. These include the characteristics of the dust, local topography, the presence of structures that may intercept dust, as well as wind direction and strength. The prevailing wind direction in the UK is from the south and south-west. The land to the north and east of the site is therefore at most risk of increased deposition of dust as a result of construction activities. Nevertheless, based on studies elsewhere, it is anticipated that the majority of dust would be deposited in the area immediately surrounding the source (up to 50 metres away) and that no change in level of exposure is expected beyond 300 metres from the site.
- 5.29 The boundary of the Swale SPA and Ramsar site is over 275 metres to the north east of the Proposal site and therefore outside the area potentially most affected. The closest part of the Medway Estuary and Marshes SPA and Ramsar to the Proposal site where construction works is 2.6 km to the north and therefore outside the area potentially affected by dust.
- 5.30 This, together with implementation of techniques to control dust and airborne particulate matter, to ensure compliance with relevant standards and guidelines, it can be concluded that in relation to construction dust, any impacts can be screened out, as no likely significant effects are anticipated.

Traffic - construction

5.31 The IAQM Guidance on the assessment of dust from demolition and construction sets out 350 m as the distance from the site boundary and 50 m from the site traffic route(s) up to 500 m of the entrance, within which there could potentially be nuisance dust and PM10 effects on human receptors. For sensitive ecological receptors, the corresponding distances are 50 m in both cases. The scrub habitat along the haul road is within 50 m of construction traffic, however, on the assumption that all good dust

suppression measures will be used, any significant impacts can be scoped out as no likely significant effects are anticipated.

5.32 Additionally, as set out in Chapter 5, the number of HGV movements associated with such construction is below the 100-movement threshold that would necessitate such an assessment. Therefore, impacts on surrounding off-site habitats, including designated sites, due to changes in air quality from emissions by construction traffic is not considered further and no likely significant effects are anticipated.

Traffic - Operational

5.33 The major impacts of air pollutants on coastal habitats and grasslands in the UK as a result of traffic are ozone, nitrogen deposition and acidification. According to the Department for Transport's Transport Analysis Guidance, the contribution of vehicle emissions from the roadside to local pollution levels is not significant beyond 200 metres from a road (Department for Transport 2009). This is therefore the distance that has been used to determine whether Natura 2000 and Ramsar sites are likely to be significantly affected by traffic emissions associated with the proposed development.

5.34 The proposed development is within the boundary of an existing papermill which has significant associated vehicle movements.

5.35 Given that the Proposal site is already in use, the proposed development is not anticipated to increase traffic on the A429, nor on the local service roads. The issue of pollution from increased traffic is therefore screened out from further assessment as it can be concluded it is not likely to have a significant effect on any of the qualifying species and sub-features of the Swale SPA / Ramsar site or Medway Estuary and Marshes SPA and Ramsar site.

Operational Emissions

5.36 The principal source of operational emissions to atmosphere will be gases exhausted from the stack after treatment in the flue gas treatment system. The combustion of waste during the operation of the CHP will give rise to atmospheric emissions of a number of substances in low concentrations which will be regulated under the Waste Incineration Directive (WID) 2000/76/EC.

5.37 The key emissions are nitrogen oxides (NO_x), and sulphur dioxide (SO₂), hydrogen chloride (HCl) and ammonia (NH₃).

5.38 Likely significant harmful effects of emissions on ecosystems can result from:

- deposition to land of nitrogen (N deposition), which contributes to the eutrophication of habitats; and
- deposition of NO_x, SO₂, NH₃ and to a lesser extent HCl, which contribute to the acidification of habitats or direct effects on fauna.

5.39 The methods for screening of potential likely significant effects with respect to operational emissions is described in Appendix 5.3 of Chapter 5 Air Quality. For all pollutants (NO_x, NH₃, nutrient nitrogen deposition and acid deposition), either the PEC did not exceed the EQS or the PC was <1% of the EQS for all interest features of all designated sites in the study area.

- 5.40 Therefore, any impacts occurring from air quality issues out on the SPA / Ramsar (and their interest features), can be screened out, as no likely significant effects are anticipated from operational emissions.

Water quality

- 5.41 The quality of the water entering Natura 2000 and Ramsar sites is an important determinant of habitat condition and hence the species they support. Poor water quality can have a range of ecological impacts. These include:

- at high levels, toxic chemicals and metals can result in immediate death of aquatic life, and can have detrimental effects even at lower levels, including increased vulnerability to disease and changes in wildlife behaviour;
- some industrial chemicals and components of sewage effluent are suspected to interfere with the functioning of the endocrine system, possibly having negative effects on the reproduction and development of aquatic life; and
- eutrophication, the enrichment of plant nutrients in water, increases plant growth with high levels of macroalgal growth potentially smothering the mudflats used as feeding areas by qualifying bird species. The decomposition of organic matter that often accompanies eutrophication can deoxygenate water. In the marine environment, nitrogen is the limiting plant nutrient and so eutrophication is associated with discharges containing available nitrogen.

- 5.42 Whilst coastal grazing marsh is sensitive to deteriorations in water quality, no such areas will receive surface water drainage from the Proposal site. It is therefore concluded that there will be no likely significant effect on the grazing marsh sub-feature of any of the SPA and Ramsar sites under consideration.

- 5.43 A site-wide surface water pollution prevention system will be developed to prevent the discharge of any contaminated surface water from the site. The key measures to prevent water pollution are as follows:

- the surface water drainage, including the primary gravity drainage channels and associated systems will remain the responsibility of DS Smith and will continue to use existing drainage channels currently in use for K1;
- appropriate treatment (e.g. settlement) and pollution prevention measures (e.g. interceptors) will be provided to prevent polluted flows from being discharged into any of the designated sites (SPA / Ramsar); and
- any chemical storage on site will be suitably bunded.

- 5.44 The overall philosophy for the design of the surface water pollution prevention system for the site is to manage surface water sustainably and to ensure that discharged waters do not constitute a pollution risk. Further details are provided within Chapter 9 of the ES.

- 5.45 Process water from the Proposed Development will be neutralised in a desiccated sump and transferred to the existing waste water treatment plant within the Mill site. This is

operated under an existing permit (EPR BJ74681C-V009) which sets pH and water temperature limits (amongst others) for discharge into The Swale (See ES Chapter 9). The volume of water discharged will not be any higher than the levels of that which currently exist on K1 with all outputs to The Swale monitored regularly under the terms of the existing permit.

- 5.46 Implementation of these measures during both construction and operational phases of the proposed development limits the risk of a significant pollution incident. Consequently, it can be concluded that the issue of water pollution can be screened out of this assessment on the grounds of not likely to have a significant effect.

Hydrological changes

- 5.47 No hydrological changes to terrestrial areas of the Swale SPA / Ramsar site, other SPA / Ramsar site or area which supports an SPA / Ramsar site species, including to the reedbed to the east of the Proposal Site, will occur as a result of the proposed development.

- 5.48 The Proposal site is currently drained via a series of drainage channels which are already in place and being used as part of the existing K1.

- 5.49 A site-wide Drainage Strategy will be developed with the aim of ensuring that surface water runoff is suitably managed. The key features will be as follows:

- the site will be expected, wherever possible, to utilise practical systems for the collection and re-use of water, particularly from roof areas, to help reduce both potable water demand and surface water runoff all surface water drainage will continue to be discharged to the Swale;
- the surface water drainage, including the existing primary gravity drainage channels will be utilised for K4 and will remain in place and managed by DS Smith.

- 5.50 Therefore, any impacts occurring from hydrological changes can be screened out, as no likely significant effects are anticipated from operational emissions.

Disturbance

- 5.51 Disturbance can be caused by activity, recreation, noise and lighting.

Activity

- 5.52 The movement of people and plant during both the construction phase and operation of the proposed development may be visible to a proportion of the Citation species of waterbirds using the intertidal areas of the Swale SPA / Ramsar site. Such activity can disturb birds through causing increased anxiety and flight. The distance at which a bird will take flight due to perceived danger is variable between species, activity type and habituation to human contact. The greatest effect is associated with human presence on the intertidal zone of estuaries (Davidson and Rothwell 1993).

- 5.53 Studies also suggest disturbance is less significant when human presence is restricted to the edge of inter-tidal areas and even less significant when some distance from intertidal areas. Numbers of species such as Shelduck, Black-tailed Godwit, Curlew and Redshank,

have though been shown to be lower on the upper shore where a footpath, as in the case here, is used close to where they would otherwise occur (Burton *et al.* 2002a).

5.54 It is considered there is a limited potential for disturbance to waterbirds to be caused by activity associated with the Proposal when account is taken of the fact that:

- the closest part of the Proposal site which could potentially result in activity disturbance is approximately 275 metres from boundary of the Swale SPA / Ramsar site;
- the nearest intertidal zones of the Swale to the Proposal site already receive a high degree of visual protection from the Proposal site due to the presence of the intervening development;
- waterbirds feeding or loafing on the Swale or Milton Creek in the vicinity of the Proposal site have a high degree of habituation to people due to the presence of the Saxon Shore Way public footpath along the seawall, sailing on the Swale and use of personalised watercraft (jet skis) along Long Reach of the Swale; and
- concentrations of waterbirds occurring on the opposite shore of the Swale are over 800 metres from the Proposal site and separated from it by the Swale channel and seawall.

5.55 Consequently, it is concluded that activity disturbance on the waterbird assemblage using the Swale SPA / Ramsar site in the form of plant (machinery) or people movement during the operation of the proposed development can be reasonably screened out as unlikely to have a significant effect.

5.56 While the reedbed that supports breeding and roosting Marsh Harrier within the Paper Mill site is a considerable distance from the main Proposal site, it is within 100 m of the proposed haul road from the laydown area. However, the extent that this would cause disturbance of the Marsh Harrier is considered limited when account is taken of:

- The haul road is already heavily trafficked by HGVs associated with the activities of the Paper Mill; and
- The regular disturbance from activity on the track way immediately to the north of the reedbed running to the Knauf gypsum jetty. This can involve up to 30 20-tonne tipper lorry movements an hour with vehicles travelling at speed up the private road. No impact (in the form of flight from nest) of such lorry movement on the breeding pair of Marsh Harrier was observed during surveys in either 2009 or more recently in 2016 (RPS 2016).

5.57 Consequently, it is concluded that activity disturbance on the breeding Marsh Harrier using the site in the form of plant (machinery) or people movement during the construction of the proposed development can be reasonably screened out as unlikely to have a significant effect.

Recreation

- 5.58 People from a wide-ranging catchment area use the shoreline of the Swale for recreational activity. This includes waterborne activities e.g. personal watercraft on Long Reach of the Swale by Kingsferry Bridge, sailing on the Swale and land-based activities e.g. dog walking. Activities of walkers (particularly dog walkers) and water-borne recreation can, particularly if carried out in winter, have a significant disturbing effect upon large numbers of waterfowl thus increasing energetic expenditure (as birds have to take flight more frequently) and competition on the less disturbed mudflats.
- 5.59 The potential for disturbance to SPA / Ramsar Citation species from recreation activities by either construction or subsequent operational staff is considered low.
- 5.60 Whilst there is access to the Saxon Shore Way from the wider Kemsley Paper Mill, currently very little or no use is made of this by Kemsley Mill staff. It is possible that there will be increased recreational usage made of the Saxon Shore Way during both construction of the site, as Sittingbourne is within potential travel distance over lunch break. However, it should be borne in mind that Milton Creek is outside the SPA and that dogs will not be permitted on site. Therefore it is anticipated that few if any construction and operational staff will access the Swale SPA.
- 5.61 Consequently, it is concluded that activity disturbance in the form increased recreation as a result of the proposed development can be screened out as not likely to have a significant effect.

Noise

- 5.62 The Proposal site has the potential to generate significant noise during both site preparation and construction stages, notably as a result of ground clearance, vehicle movements and piling. Very loud noise (which can be defined as greater than 80 dBL_{Amax}) and percussive noises have the potential to disturb birds, increasing time spent alert and in flight, reducing the available time to feed. Lower levels have also been shown to affect some passerines (e.g. Dominioni (2016)).
- 5.63 A disturbance event may cause birds to take flight (either returning to the same area or departing), to cease feeding or roosting and to temporarily abandon eggs or chicks, leaving them susceptible to chilling and predation. Taking flight or ceasing to feed does not have immediate effects on the survival or productivity of that bird. The increased energy expenditure or reduction in energy intake (feeding interrupted) if repeated, or occurring over an extended period, can place individual birds at risk of starvation/exposure during adverse weather or being in a weakened state preventing successful fattening before migration or preventing that bird coming in to breeding condition. The result can be an effect on survival or productivity.
- 5.64 Loud but discontinuous noises, as can be produced by machinery during construction processes, have been shown to cause disturbance when that noise is above certain recorded levels. The following effects have been noted:
- noise events from aircraft at a level of 60 dBA caused no noticeable disruption to typical activity budgets of waterbirds (Flemming *et al.* 2000);
 - flight responses of flocks of geese in Alaska were recorded for high noise events of

>80 dBA (Ward *et al.* 200);

- harlequin duck reacted with alert behaviour to noise generated by military jets, especially when the noise exceeded 80 dBA (Goudie & Jones 2004);
- black duck, American wigeon, gadwall and green-winged teal were not adversely affected by aircraft disturbance (using a time activity budget approach) at below 85 dBA (Conomy *et al.* 1998);
- in areas where military aircraft noise regularly exceeded 80 dBA, the California gnatcatcher tended to build fewer nests and lay fewer eggs than individuals breeding in quieter locations; however, once a nest was established, with eggs laid, there appeared to be no detectable influence on reproductive performance (Awbrey & Hansaker II, 1997);
- breeding crested terns showed the maximum responses (preparing to fly or flying off) to noise events that were greater than 85dBA (Brown, 1990);
- nesting ospreys were exposed to controlled low-level jet aircraft overflights. Their behaviour did not differ significantly between the pre and post overflight periods. Despite maximum noise levels occasionally exceeding 100 dBA, adult osprey did not appear agitated or startled when overflown (Trimper *et al.*, 1998); and
- noise events at 100 dBA could cause temporary or permanent hearing impairment if the subject is within 15 m and chronic, intense noise may induce physiological stress in some birds if they cannot avoid exposure (West *et al.*, 2007).

5.65 Birds have been shown to habituate to regular, loud noise events, although this may vary between species, for example black ducks became habituated to loud aircraft noises whilst wood ducks did not under the same circumstances (Conomy *et al.*, 1998). Burton *et al.* (2002) found that the densities of five species - teal, oystercatcher, dunlin, curlew, and redshank - were significantly reduced adjacent to areas where there was a protracted period of construction work (between 1991 and 1999). The study did not identify the levels of noise or the detail of machinery and methods used in the construction of the barrage, road, land claim, hotel and housing.

5.66 Short, sharp percussive noise, most familiar as gunshot but also produced during construction processes by for instance the hammering in of metal piles, have been shown to cause disturbance. The following effects have been noted:

- shooting can cause temporary disruption of normal activities of waterbirds, altering their diurnal rhythms and increasing recorded escape flight distances, as well as displacing waterbirds from their preferred feeding and roosting habitats (Madsen & Fox, 1995 & Mahaulpatha *et al.*, 2000); and
- on heavily disturbed days, including those when shooting was occurring, brent geese fed at night during mid-winter in order to balance their daily energy budget (Riddington *et al.*, 1996).

- 5.67 These studies provide a strong evidence base for a threshold to be set for disturbing effects on waterbirds to occur at around 80 dBA and suggest that such a figure would also apply to breeding passerines and birds of prey. However, following Natural England's advice, an initial screening at 55 dBA is used.
- 5.68 The reedbed habitat supports breeding (and wintering) Marsh Harrier, and this species is listed on The Swale SPA as a component species of the breeding bird assemblage. The Habitats Regulations cover interest features utilising adjacent habitats. Breeding Marsh Harrier are known to be potentially sensitive to disturbance at or near nest sites.
- 5.69 Modelling of the noise levels expected during the loudest operation during construction (percussive impact piling) has been undertaken with contours of anticipated L_{Amax} levels (in dB) plotted. These show that the reedbed that supports the Marsh Harrier would be subject to noise levels between 50 and 55 dB_{LAmax} , well below any impact threshold. Therefore, it is highly unlikely that noise disturbance during construction would have any significant effect on the Marsh Harrier population and therefore there is no likely significant effect.
- 5.70 The main intertidal areas of the Swale Ramsar/SPA used by wintering citation birds recorded by the foreshore monitoring are over 275 m from the areas of the site where significant noise events may occur. Modelling of the noise generated by the loudest events during construction (percussive piling) has been undertaken (see Chapter 7 – Noise for details of the methods employed). Such piling would only take place for a period of six weeks in total. The resulting noise contours have been plotted with the nearby designated sites shown (see Figure 10.5); the highest noise that would be received by birds using the SPA/Ramsar is between 65 and 70 dB_{LAmax} , covering an area of some 20 ha within the designated site, essentially at the mouth of the Milton Creek. This equates to 0.32% of the 6,514 ha site.
- 5.71 While this area has been recorded as supporting SPA/Ramsar interest bird species, including both dunlin and grey plover, the very small total area and very short temporal nature of works means that the potential for disturbance of birds using the SPA foreshore is limited.
- 5.72 Under normal operating conditions, the Proposed Development will produce a low hum, rather than any loud, sudden noises that might elicit a disturbance response from nearby interest-feature birds using the intertidal areas of The Swale. It will furthermore not result in noise levels of greater than 55 dB_{LAmax} with the SPA.
- 5.73 A noise modelling exercise with respect to the emergency release valve (as the only activity associated with the operation of the Proposed Development that would produce such a noise) showed that, at the nearest point within The Swale SPA/Ramsar, the noise level would be around 69 dB_{LAmax} . While this level is towards the upper end of the impact threshold, it would only occur very infrequently and only in an emergency event. K4 will include an oversized dump condenser that is not present within K1. This will decrease the need to operate the emergency release valve compared to the current situation for K1 (less than 4 times per annum, see Chapter 7 Noise).
- 5.74 On this basis, therefore, the issue of noise-related disturbance can be screened out as not likely to have a significant effect.

Lighting

- 5.75 Lighting during both construction and operational phases of the proposed development has the potential to disturb the qualifying species of the Swale SPA / Ramsar site, as well as potentially Knot and Redshank on the Medway Estuary and Marshes SPA / Ramsar site due to the apparent movement of this species between the two sites. Available research indicates that ecological impacts following introduction of lighting could potentially include:
- disruption of the daily rhythms of some species of plant resulting in changes in growth and flowering times;
 - prolonged settling of nocturnal insects resulting in reduced feeding, breeding and egg laying;
 - reduced ability of female moths such as the Ground Lackey Moth to attract males and increased mortality of larvae due to delayed or failure to produce wintering pupae; and
 - disruption of nocturnal bird behaviour such as roosting and feeding,
- 5.76 Although there is limited data on the extent to which the area covered by the application is used by birds at night, given that the site is currently hardstanding with an existing CHP Plant, it is considered highly unlikely that any SPA / Ramsar citation species would be using the Proposal Site.
- 5.77 Further to this, given the distance of the proposed development to the SPA / Ramsar, and that there is further development between the Proposal Site and designated sites; light from the proposed development does not have the potential to illuminate either the terrestrial or inter-tidal habitats above that which it is currently. All lighting will be designed as per best practice standards to ensure that no additional light spill above the current situation would occur. Therefore, this issue can be screened out of further assessments.

Introduction or spread of non-native invasive species

- 5.78 The movement of people and traffic, as well as importation of material and plants to a site, can result in the introduction of non-native species to a site. However, with appropriate good practice measure the risk of this can be managed.
- 5.79 Ground works can also result in the spread of non-native species present on a site. The only non-native invasive species currently known to be in the area, though not on the Proposal site, is Japanese Knotweed. Again, appropriate measure can reduce the risk of this species spreading.
- 5.80 The issue of introducing and spread of non-native species is therefore screened out from further consideration in this assessment on the grounds of not likely to have a significant effect.

6 STAGE 3 – APPROPRIATE ASSESSMENT

6.1 A summary of the outcomes of Stage 2 is presented in Table 6.1.

Table 6.1 Summary of Stage 2 Conclusions

	Screening Outcome	Designated Site	Feature
Direct loss of habitats	No Likely Significant Effect		
Change in management regimes	No Likely Significant Effect		
Loss of future space for managed realignment	No Likely Significant Effect		
Urbanisation	No Likely Significant Effect		
Air quality	No Likely Significant Effect		
Water quality	No Likely Significant Effect		
Hydrological changes	No Likely Significant Effect		
Disturbance	No Likely Significant Effect		
Introduction or spread of non-native invasives	No Likely Significant Effect		

6.2 It is therefore concluded that the DCO application for the Kemsley CHP Plant can be screened out from having a likely significant effect on the grounds of not having pathways through which it could result in significant effects on Natura 2000 and Ramsar sites.

6.3 Stage 3: Appropriate Assessment is therefore not considered necessary.

7 STAGE 4 – AVOIDANCE AND MITIGATION

Avoidance and mitigation measures

Direct loss of habitats

- 7.1 The proposed development will not result in the direct loss of any areas of habitat within a Natura 2000 or Ramsar site.

Change in management regimes

- 7.2 The DCO application for the Kemsley CHP will not result in a change of management of any areas of habitat within a Natura 2000 or Ramsar site or nearby areas used by qualifying species.

Loss of future space to allow for managed realignment

- 7.3 This issue was screened out on the grounds of no likely significant effect. As such, no avoidance and mitigation measures are proposed.

Urbanisation

- 7.4 The proposed Kemsley CHP will not result in the reduction of sight lines or hinder flight paths for any qualifying species of the Swale SPA / Ramsar site or Medway Estuary and Marshes SPA / Ramsar site, in relation to Redshank.

Air quality

- 7.5 The results of the assessment identified that construction of the proposed development could give rise to emissions of dust. Adopting appropriate mitigation measures will ensure there are no significant effects on qualifying features or their supporting habitats. Measures are expected to include:

- commitment to the considerate contractors scheme;
- minimisation of dust generation wherever appropriate (e.g. cutting rather than breaking);
- damping down when conditions require;
- wheel and body washing of vehicles where appropriate; and
- vehicles carrying material to be sheeted as required;

- 7.6 The operation of the CHP will result in emissions to air, though these are shown to not exceed critical levels/loads (see Chapter 5 of the Environmental Statement) for all qualifying features or that the supporting habitats are insensitive to the pollutant issue (acid deposition, for example). Therefore, it is concluded the proposed development does not have an adverse effect on any of the SPAs, Ramsar sites or SAC considered and no mitigation is proposed.

Water quality

- 7.7 All surface water drainage will continue to discharge via the existing channels of the currently active K1 CHP Plant. The main avoidance measures incorporated into the design of the Proposal site to prevent water pollution include appropriate treatment and pollution prevention measures during both construction and operation of the CHP.
- 7.8 Process water from the Proposed Development will be neutralised in a desiccated sump and transferred to the existing AD Plant within the Mill site. This is operated under an existing permit which sets pH and water temperature limits for discharge into The Swale; i.e. any discharge (including both composition and temperature of that discharge) will be regulated under the existing permit for the AD Plant.

Hydrological changes

- 7.9 No hydrological changes to terrestrial areas of the Swale SPA / Ramsar site, other SPA / Ramsar site or area which supports an SPA / Ramsar site species, including to the reedbed to the east of the Proposal Site, will occur as a result of the proposed development.
- 7.10 The Proposal site is currently drained via a series of drainage channels which are already in place and being used as part of the existing K1 CHP development, these will continue to be utilised as part of the K4 development. A site-wide Drainage Strategy will be developed with the aim of ensuring that surface water runoff is suitably managed. Therefore, no adverse impacts are anticipated.

Disturbance

- 7.11 Some principal avoidance and mitigation measures are incorporated into the design of the proposed development, to ensure it can reasonably be concluded that disturbance will have no adverse effect on any qualifying species of the Swale SPA / Ramsar or Medway Estuary and Marshes SPA / Ramsar site. In relation to redshank, these include:
- commitment to the considerate contractors scheme in relation to timing, noise and lighting; and
 - no access to the foreshore or designated sites.
- 7.12 The application may use impact piling and, hence, the noise from this has been modelled. The conclusion of this exercise is that there is unlikely to be noise of such magnitude that disturbance of any SPA/Ramsar interest features would be likely.
- 7.13 Although the neighbouring developments already extensively uses night lighting, key avoidance and mitigation measures will be incorporated into the design of the proposed Kemsley CHP to ensure it can reasonably be concluded that lighting during both construction and operation will have no adverse effect on any qualifying species of the Swale SPA / Ramsar site and Medway Estuary and Marshes SPA / Ramsar site. These include:
- no direct lighting of any designated areas which at its closest will be 275 metres from the Swale SPA / Ramsar site;
 - careful siting of construction compounds;

- relatively low level directional lighting that limits spillage, glare or additional sky flow, and
- lighting will be screened from designated areas by the existing flood defences.

Introduction or spread of non-native invasive species

7.14 This issue was screened out on the grounds of no likely significant effect.

Summary of conclusions in relation to no ‘alone’ adverse effects

7.15 The residual effects of the proposed scheme in relation to each of the potential construction and operation pathways acting alone once the avoidance and mitigation measures have been applied are summarised in Table 7.1. No residual adverse effects have been identified.

Table 7.1 Summary of conclusions in relation to no alone adverse effects

Feature	Activity	Likely Significant Effect	No Adverse Effect
Swale SPA / Ramsar site (breeding birds)	All activities	No likely significant effect	No adverse effect
Swale SPA / Ramsar site (wintering / passage birds)	Habitat loss	No likely significant effect	No adverse effect
	Change in management regime	No likely significant effect	No adverse effect
	Loss of space for managed realignment	No likely significant effect	No adverse effect
	Urbanisation	No likely significant effect	No adverse effect
	Air quality	No likely significant effect	No adverse effect
	Water quality	No likely significant effect	No adverse effect
	Hydrological changes	No likely significant effect	No adverse effect
	Disturbance from people and plant activity	No likely significant effect	No adverse effect
	Recreational disturbance	No likely significant effect	No adverse effect
	Noise	No likely significant effect	No adverse effect
	Lighting	No likely significant effect	No adverse effect

Feature	Activity	Likely Significant Effect	No Adverse Effect
	Introduction or spread of invasive species	No likely significant effect	No adverse effect
Swale Ramsar site (Invertebrate habitat)	Habitat loss	No likely significant effect	No adverse effect
	Change in management regime	No likely significant effect	No adverse effect
	Loss of space for managed realignment	No likely significant effect	No adverse effect
	Urbanisation	No likely significant effect	No adverse effect
	Air quality	No likely significant effect	No adverse effect
	Water quality	No likely significant effect	No adverse effect
	Hydrological Changes	No likely significant effect	No adverse effect
	Disturbance from people and plant movements	No likely significant effect	No adverse effect
	Recreational disturbance	No likely significant effect	No adverse effect
	Noise	No likely significant effect	No adverse effect
	Lighting	No likely significant effect	No adverse effect
	Introduction or spread of invasive species	No likely significant effect	No adverse effect
Medway SPA / Ramsar site (wintering / passage birds)	Habitat loss	No likely significant effect	No adverse effect
	Change in management regime	No likely significant effect	No adverse effect
	Loss of space for managed realignment	No likely significant effect	No adverse effect
	Urbanisation	No likely significant effect	No adverse effect
	Air quality	No likely significant effect	No adverse effect

Feature	Activity	Likely Significant Effect	No Adverse Effect
	Water quality	No likely significant effect	No adverse effect
	Hydrological changes	No likely significant effect	No adverse effect
	Disturbance from people and plant movements	No likely significant effect	No adverse effect
	Recreational disturbance	No likely significant effect	No adverse effect
	Noise	No likely significant effect	No adverse effect
	Lighting	No likely significant effect	No adverse effect
	Introduction or spread of invasive species	No likely significant effect	No adverse effect
Thames Estuary and Marshes SPA / Ramsar site	Air quality	No likely significant effect	No adverse effect
Queendown Warren SAC	Air quality	No likely significant effect	No adverse effect

Conclusions

- 7.16 It is considered that when the proposed mitigation measures are taken into account during both construction and operation of the proposed development, it can be concluded that the Proposal site alone will have no adverse effects on any qualifying feature of supporting feature of any of the Natura 2000 or Ramsar sites considered.

8 STAGE 5 – IN-COMBINATION ASSESSMENT

8.1 The purpose of this section is to assess the cumulative effects of the scheme, with proposed developments near the site that are currently in the planning process or have been approved but are not yet constructed. These have been reviewed for relevance with respect to European designated sites with the following considered further (planning references given before each project):

- SW/10/444 Development of a sustainable energy plant to serve Kemsley Paper Mill, comprising pre-treated waste fuel reception, moving grate technology, power generation and export facility, air cooled condenser, 2 no. stacks (90 metres high), transformer, bottom ash facility, steam pipe connection, office accommodation, vehicle parking, landscaping, drainage and access. Land to the East of Kemsley Paper Mill, Kemsley, Sittingbourne, Kent, ME10 2TD. Permitted April 2011;
- EN010083 Proposed application by K3 CHP Ltd., for an Order Granting Development Consent for the Wheelabrator Kemsley Power Upgrade Project. Scoping Opinion submitted December 2016.
- 16/507687/COUNTY County matters application for the construction and operation of an Incinerator Bottom Ash (IBA) Recycling Facility on land adjacent to the Kemsley Sustainable Energy Plant. Kemsley Mill Ridham Avenue Sittingbourne Kent ME10 2TD. Permitted February 2017.
- 16/501484/COUNTY County matter - The construction and operation of a gypsum recycling building with plant and machinery to recycle plasterboard and the re-configuration of the existing lorry park to include office/welfare facilities and ancillary supporting activities, including rain water harvesting tanks, container storage, new weighbridges, fuel tanks, hardstanding, safe lorry sheeting access platform and automated lorry wash. Countrystyle Recycling Storage Land Ridham Dock Road Sittingbourne Kent ME9 8SR. Permitted April 2016.
- SW/11/1291 Anaerobic digester and associated ground profiling and landscaping. Land To The North Of The DS Smith Paper Mill, Kemsley, Sittingbourne, Kent, ME9 8SR. Permitted July 2012.
- 14/500327/OUT Outline (Access not reserved) - Up to 8000m² of Class B1 and B2 floor space and all necessary supporting infrastructure including roads, parking, open space, amenity landscaping, biodiversity enhancement and buffer to proposed extension to Milton Creek Country Park. Detailed approval for Phase 1 including (i) vehicular and pedestrian access to Swale Way; (ii) 30 space (approximately) informal car park to serve extension to Milton Creek Country Park; Change of use of approximately 13.31 ha of Kemsley Marshes as an extension to Milton Creek Country Park with footpath connections to the proposed informal car park. Land

South Of Kemsley Mill, Swale Way Sittingbourne. Permitted July 2016.

- 14/502737/EIASCO Request for Scoping Opinion to determine the extent of an application for a combined heat and power plant at Ridham Docks. Ridham Docks, 3 Kemsley Fields Business Park, Ridham Dock Road, Sittingbourne. July 2014.
- 16/506935/COUNTY County Matters application for steam pipeline connecting the Ridham Dock Biomass Facility to the DS Smith Paper Mill 14/501181/COUNTY KCC Regulation 13 - Scoping opinion as to the scope of an environmental impact assessment for a proposed combined heat and power plant at Ridham B. Ridham Dock, Sittingbourne, Kent. July 2014. Ridham Docks, Sittingbourne. Permitted October 2016.
- 17/505073/FULL Erection of a tile factory including service yard, storage yard and car parking area.
- 16/506193/ENVSCR EIA Screening Opinion - Outline application for proposed residential development of 275 dwellings including affordable housing with open spaces, appropriate landscaping and minor alterations to the surrounding highway network (access).
- 17/503713/ENVSCR | EIA Screening Opinion | Land East Of Iwade Woodpecker Drive Iwade Kent ME9 8ST.
- 18/500257/EIFUL Proposed development of 155 dwellings (9 x 2 bed flats, 13 x 2 bed houses, 66 x 3 bed houses, and 67 x 4 bed houses) together with associated new access road, car parking, linear park with acoustic barrier to the A249, dedicated LEAP, allotments, areas of surface water drainage attenuation and ecological enhancement, and new planting, including an area planted in the style of an orchard.
- 15/500348/COUNTY | Install advance thermal conversion and energy facility at Kemsley Fields Business Park to produce energy and heat, including construction of new buildings to house thermal conversion and energy generation plant and equipment; construction of associated offices; erection of external plant including storage tanks; and erection of discharge stack (KCC planning application KCC/SW/0010/2015 refers).
- 18/500393/FULL Erection of a natural gas fuelled reserve power plant with a maximum export capacity of up to 12MW.
- 16/506014/EIASCO EIA Scoping Opinion - A sustainable urban extension comprising up to 1,100 new dwellings (of a range of sizes, types and tenures, including affordable housing), a site of 10.50 ha for a secondary and primary school, and public open and amenity space, together with associated landscaping, access, highways (including footpaths and cycle ways), parking, drainage (including a foul

water pumping station), utilities and service infrastructure works

- SW/15/500348 – Construction of advanced thermal conversion and energy facility (4Evergreen Technologies Ltd.)
- In preparation – access road at Kemsley Paper Mill (DS Smith Paper Ltd.)
- 16/501228/FULL – Construction of a new baling plant building - Construction of a new baling plant building within an existing waste paper storage yard.
- 15/510/589/OUT – Construction of a Business Park
- SW/12/0816 – Relocation of Nicholls Transport depot from Lydbrook Close - iRelocation of Nicholls Transport depot from Lydbrook Close, Sittingbourne to land north of Swale Way (accommodating a notional 15% increase in the size of the company) with access to Swale Way; strategic landscaping buffer to A249; ancillary offices/amenity block; vehicle workshop; ancillary warehouse; vehicle wash-down and refuelling facilities; tractor and trailer parking area; surface water attenuation ponds and biodiversity enhancement; strategic footpath/cycleway link; staff parking; safeguarding of land fronting Swale Way and all necessary infrastructure.
- SW/14/0224 – Application for a solar farm - Solar farm, comprising the erection of solar arrays of photovoltaic panels, inverter and transformer sheds, fencing, site storage cabin, combined DNO and EPC switchgear housing, internal gravel access road, and associated equipment.
- SW/12/1211 – Construction of materials recycling facilities and waste transfer station - Construction and operation of a Materials Recycling Facility (MRF) and Waste Transfer Station (WTS) for Commercial and Industrial and Municipal Solid Waste and ancillary staff and fleet vehicle parking, vehicle workshop, 2 x weighbridges, fuel tank, sprinkler tank, pump house, substation, fencing and improved access and office and welfare facility.

8.2 The potential for cumulative effects between the proposed development and the other proposals is dependent on those developments resulting in residual effects for the same habitats, species and populations as those using the development site.

8.3 Given the distance of the majority of these developments from the site, potential cumulative impacts with the proposals could occur to the following sites and associated interest features:

- The Swale Ramsar, SPA; and
- The Medway Estuary and Marshes Ramsar, SPA

SW/10/444 Kemsley K3 SEP Plant

8.4 The proposed Kemsley SEP Plant is located 85 m north east of the proposed development. In-combination impacts to the Swale/Ramsar could occur via increased disturbance during

construction, and the effects of urbanisation on the breeding Marsh Harrier using the reedbed.

- 8.5 A detailed consideration of these impacts is provided in the ES that accompanied the planning application (WTI 2013). Following the reasoning presented there, it is possible that the general construction activity within the proposed development could further make the reedbed unattractive to this species. However, the existing proposed mitigation for this (1 ha of new reedbed habitat in an appropriate location on the Isle of Sheppey to provide alternative breeding habitat during the development) would also provide sufficient mitigation for any further disturbance/urbanisation associated with the proposed development in combination with the AD Plant.
- 8.6 To further avoid any activity disturbance related to human activity during the SEP construction, a 2.4 m closed-board wooden fence has been erected along the northern site boundary, as per the requirements of the K3 EcoIMMP. This is still in place, and will be for the remaining construction of the development; therefore, it is considered that the reedbed is appropriately screened from the construction traffic travelling to and from the laydown area and therefore no in-combination effects are likely.
- 8.7 The assessment of cumulative impacts due to the operation of both K3 and K4 has been assessed within Chapter 5 (Appendix 5.3); no significant effects are predicted as the PEC NO_x is significantly less than the EQS ($\text{PEC} = 14.2 \mu\text{g.m}^{-3}$).

EN010083

- 8.8 Proposed application by K3 CHP Ltd., for an Order Granting Development Consent for the Wheelabrator Kemsley Power Upgrade Project. Scoping Opinion submitted December 2016. In-combination impacts to the Swale/Ramsar could occur via increased disturbance during construction, and the effects of urbanisation on the breeding Marsh Harrier using the reedbed.
- 8.9 A detailed consideration of these impacts is provided in the ES that accompanied the planning application (WTI 2016). Following the reasoning presented there, it is possible that the general construction activity within the proposed development could further make the reedbed unattractive to this species. However, the existing proposed mitigation for this (1 ha of new reedbed habitat in an appropriate location on the Isle of Sheppey to provide alternative breeding habitat during the development) would also provide sufficient mitigation for any further disturbance/urbanisation associated with the proposed development in combination with the AD Plant.
- 8.10 To further avoid any activity disturbance related to human activity during the SEP construction, a 2.4 m closed-board wooden fence has been erected along the northern site boundary, as per the requirements of the K3 EcoIMMP. This is still in place, and will be for the remaining construction of the development; therefore, it is considered that the reedbed is appropriately screened from the construction traffic travelling to and from the laydown area and therefore no in-combination effects are likely

16/507687/COUNTY

- 8.11 County matters application for the construction and operation of an Incinerator Bottom Ash (IBA) Recycling Facility on land adjacent to the Kemsley Sustainable Energy Plant. Kemsley Mill Ridham Avenue Sittingbourne Kent ME10 2TD. Permitted February 2017. A

detailed consideration of these impacts is provided in the ES that accompanied the planning application. Following the reasoning presented there, it is possible that the general construction activity within the proposed development could further make the reedbed unattractive to this species. However, the existing proposed mitigation for this (1 ha of new reedbed habitat in an appropriate location on the Isle of Sheppey to provide alternative breeding habitat during the development) would also provide sufficient mitigation for any further disturbance/urbanisation associated with the proposed development in combination with the Proposed Development.

- 8.12 To further avoid any activity disturbance related to human activity during the SEP construction, a 2.4 m closed-board wooden fence has been erected along the northern site boundary, as per the requirements of the K3 EcoIMMP. This is still in place, and will be for the remaining construction of the development; therefore, it is considered that the reedbed is appropriately screened from the construction traffic travelling to and from the laydown area and therefore no in-combination effects are likely.

16/501484/COUNTY

- 8.13 Various developments have been proposed or are being constructed at the Countrystyle Recycling Ltd. site 650 m to the north of the proposed development. The largest of these includes 16/501484/COUNTY - Gypsum Recycling Building for which the Habitats Regulations Assessment submitted (SLR 2016) identified potential impacts from the development with respect to changes in water quality and disturbance of wintering birds during impact piling. The proposed mitigation to avoid such impacts included a detailed surface water management plan and the timing of piling works to occur between May and September.
- 8.14 Given this, the lack of impacts associated with either of these pathways identified above from the proposed development and that all other developments on the site are minor and not considered to have any effect on The Swale, it is concluded that no in-combination effects with the Kemsley generating station or associated activities are likely.

SW/11/1291 - Kemsley AD Plant (DS Smith Paper)

- 8.15 The proposed Kemsley AD Plant is located on the far side of the reedbed 700 m to the north of the proposed development. In-combination impacts to the Swale SPA/Ramsar could occur via increased disturbance during construction and the effects of urbanisation on breeding Marsh Harrier using the reedbed.
- 8.16 A detailed consideration of these impacts is provided in the ES that accompanied the planning application (DSSP 2010). Following the reasoning presented there, it is possible that the general construction activity within the proposed development could further make the reedbed unattractive to this species. However, the existing proposed mitigation for this (1 ha of new reedbed habitat in an appropriate location on the Isle of Sheppey to provide alternative breeding habitat during the development) would also provide sufficient mitigation for any further disturbance/urbanisation associated with the proposed development in combination with the AD Plant.
- 8.17 The maximum PC NO_x for the AD Plant at The Swale SPA was modelled as 1.38 µg.m⁻³ (taken from Table 4.1 in Appendix 10.2 of the ES that accompanied the application [Ref 10.22]). Using the data in Appendix 5.3, the estimated PEC, in combination with K2, K3 and

K4 would be $15.58 \mu\text{g.m}^{-3}$, below the critical level of $30 \mu\text{g.m}^{-3}$. Therefore, on the basis that no in-combination impacts are likely.

SW /12/1001 - New rear access road and extension to trailer park to serve Kemsley Paper Mill (DS Smith Paper).

- 8.18 In addition to the AD Plant, DS Smith Paper has also submitted an application to extend their current trailer park 100 m to the north east of the proposal site. This application includes designs for the main access road into the generating station and, therefore, impacts associated with it have been assessed above and no additional in-combination effects are considered likely.

14/500327/OUT

- 8.19 The proposed creation of up to 8,000 m² of new Class B1 and B2 floor space along with the extension of the Milton Creek Country Park 600 m to the south of the proposed development is in close proximity to The Swale SPA/SSSI/Ramsar. However, potential impacts associated with the development on these sites derive from an increased recreational use of the foreshore area by visitors to the Country Park. Since there are no such increases in recreational use associated with the proposed development, there are no overlapping pathways for effects to occur and therefore no in-combination effects.

14/502737/EIASCO and 16/506935/COUNTY

- 8.20 Ridham Docks is 1.8 km to the north of the proposed development and comprises a range of industrial uses including a biomass incinerator (constructed), Materials Recycling Facility (MRF) and various storage facilities (including wood for the biomass incinerator). All of the current applications (submitted and not determined) relate to variations to existing permissions, none of which are considered likely to have an in-combination effect with the proposed development.

SW/15/500348 – Construction of advanced thermal conversion and energy facility (4Evergreen Technologies Ltd.)

- 8.21 The proposed energy facility will pyrolyse refuse-derived fuel to generate syngas that can then be burnt to generate heat and, subsequently, electricity. The process of burning the syngas leads to the emission to air of a range of chemicals, similar to those emitted by the proposed development. As part of the planning application, an assessment of the potential ecological effects of these emissions was completed (Argus Ecology 2015). This included an assumed in-combination assessment with the original K1 included in the background on nearby sensitive receptors that concluded such effects were unlikely to be significant. Since the emissions from the current application are less than those data included in the Argus Ecology assessment, it can be concluded that in-combination effects as a result of emissions to air from the proposed development with the 4Evergreen facility are unlikely.

17/505073/FULL Erection of a tile factory including service yard, storage yard and car parking area.

- 8.22 The application is for a new tile factory, along with a storage yard, car park and associated landscaping features. As part of the planning application, a suite of ecological surveys were undertaken, including reptile, GCN, bird, otter and water vole. The assessment also looked at impacts on the nearby designated sites, however, it was concluded that, given the site

was already highly disturbed, that the slight increase in noise would not negatively impact the birds using the SPA/Ramsar, especially given the mitigation measures, such as the creation of a bund. Therefore, although the site is located 1.2 km from the K4 site, no in-combination impacts are anticipated.

16/506193/ENVSCR EIA Screening Opinion - Outline application for proposed residential development of 275 dwellings including affordable housing with open spaces, appropriate landscaping and minor alterations to the surrounding highway network (access).

- 8.23 An EIA screening opinion has been requested on the above site. Limited information (apart from an illustrative masterplan) is available at this stage. However, given that the site is over 2 km from the Paper Mill, and the SPA/Ramsar, no in-combination impacts are anticipated.

17/503713/ENVSCR | EIA Screening Opinion | Land East Of Iwade Woodpecker Drive Iwade Kent ME9 8ST.

- 8.24 The proposals include a new residential housing development, of circa 440 new dwellings. To support the planning application, a suite of ecological surveys were carried out. The development is located within proximity to a number of designated sites, including The Swale SPA and Ramsar, The Thames Estuary and Marshes SPA and the Medway SPA and Marshes.

- 8.25 However, the main pathway through which impacts were anticipated were via recreational pressure. It was considered that there was a large enough buffer between the site and the designated sites that noise and air impacts could be sufficiently ruled out with a Construction Environmental Management Plan (CEMP). On this basis, no in-combination impacts are expected between this development and K4.

18/500257/EIFUL Proposed development of 155 dwellings

- 8.26 Proposed development of 155 dwellings together with associated new access road, car parking, linear park with acoustic barrier to the A249, dedicated LEAP, allotments, areas of surface water drainage attenuation and ecological enhancement, and new planting, including an area planted in the style of an orchard.

- 8.27 This development, was subject to a suite of ecological surveys, which found limited protected species to be using the site. The main ecological impacts identified were on the SPA / Ramsar, focusing in particular on recreational pressures due to the increased residential properties. However, it was concluded and agreed with Natural England, that through providing an alternative area of greenspace, and via S.106 agreements, that these recreational impacts could be offset.

- 8.28 Air and noise quality impacts were not considered as an issue, due to the distance between the site and the development site; given this, no in-combination impacts are anticipated.

15/500348/COUNTY | Install advance thermal conversion and energy facility at Kemsley Fields Business Park

- 8.29 To produce energy and heat, including construction of new buildings to house thermal conversion and energy generation plant and equipment; construction of associated offices;

erection of external plant including storage tanks; and erection of discharge stack (KCC planning application KCC/SW/0010/2015 refers).

8.30 An air quality assessment was undertaken for the site (Environmental Compliance 2014), which found that the proposed development would not negatively impacts The Swale SPA / Ramsar, as the nitrogen, sulphur dioxide and ammonia levels were not modelled to be above the critical loads.

8.31 Therefore, given that background concentrations/deposition rates are well below the relevant thresholds, no in combination effects are anticipated.

18/500393/FULL Erection of a natural gas fuelled reserve power plant with a maximum export capacity of up to 12MW.

8.32 Natural England have recently provided a response to this application, requiring more information on the air quality impacts on the SPA and Ramsar sites prior to a decision being issued. However, given that the Proposed Development replaces the older K1 and that background concentrations/depositions are well below relevant thresholds, it is unlikely that any in combination effects would occur.

16/506014/EIASCO EIA Scoping Opinion - A sustainable urban extension comprising up to 1,100 new dwellings

8.33 A sustainable urban extension comprising up to 1,100 new dwellings, of a range of sizes, types and tenures, including affordable housing), a site of 10.50 ha for a secondary and primary school, and public open and amenity space , together with associated landscaping, access, highways (including footpaths and cycle ways), parking , drainage (including a foul water pumping station), utilities and service infrastructure works. The main pathway for impacts to the designated sites considered here from the proposed urban extension would be via increased recreational pressure, an issue screened out from the Proposed Development. Therefore, no in combination assessments are likely.

In preparation – access road at Kemsley Paper Mill (DS Smith Paper Ltd.)

8.34 DS Smith Paper are proposing to provide a new access to the south of the paper mill site that has included the removal of the scrub habitat to the south of the K4 site and will also include the breaking out of concrete on the K4 site for use as hardcore in the new road construction. The removal of scrub habitat was completed in winter 2017 (i.e. outside of the breeding bird season) and will be mitigated through the planting of a similar area of new scrub habitat elsewhere within the wider paper mill site to ensure that the total area of breeding Cetti's Warbler habitat is maintained. Therefore, in-combination impacts with K4 on this species are unlikely.

8.35 The breaking out of concrete will be undertaken using all best-practice dust suppression methods. The effects of noise disturbance have not yet been specifically assessed for the application. However, concrete peckers have a lower noise power level than percussive piling. Therefore, overall noise levels will be less than assessed for K4 in isolation and will not overlap in a temporal sense. As such, in-combination impacts are considered unlikely.

16/501228/FULL – Construction of a new baling plant building;

8.36 The proposed baling plant building is within the existing Kemsley Mill, the proposal is for a new building to house equipment to bale loose waste paper which is presently stored on site.

8.37 The building is to be constructed on land that is entirely hardstanding, and no protected species surveys were undertaken as part of the application. Natural England were consulted in conjunction with this application, and concluded that it is not likely to have a significant effect on the interest features for which The Swale Ramsar and SPA have been classified. Natural England advised that an Appropriate Assessment was not necessary.

8.38 Given that no noise/air impacts are anticipated from the operation of the new baling house, no in-combination impacts are considered likely. Traffic levels are not considered to increase either, and so, no in-combination impacts are considered further.

SW/12/0816 – Relocation of Nicholls Transport depot from Lydbrook Close;

8.39 Relocation of Nicholls Transport depot from Lydbrook Close, Sittingbourne to land north of Swale Way (accommodating a notional 15% increase in the size of the company).

8.40 A range of ecological surveys and a screening assessment were undertaken as part of the planning application. Noise impacts were screened out on the basis that the site is closer to the much louder A249 road, and so the expected noise levels associated with the development are going to be lower than that of the road.

8.41 Any air quality issues have been mitigated via using appropriate mitigation measures, such as dust suppression and limits on traffic. Further to this, it is expected that the railway embankment will be acting as a significant barrier between the site and SPA, ultimately limiting any negative impacts, and by association, ruling out any in-combination impacts.

SW/14/0224 – Application for a solar farm;

8.42 An application for a solar farm, on 38 hectares of arable farmland on the Tonge Corner Farm, near Sittingbourne, Kent.

8.43 Wintering bird surveys found that the arable fields provided occasional opportunities for curlew and golden plover. Redshank and Lapwing were also recorded within the arable land but in very low numbers and on only a small number of occasions (Michael Woods and Associates, 2014). Other species associated with the nearby SPA and Ramsar site were recorded in adjacent habitats, in particular over the sheep grazed pasture to the north of the application area.

8.44 In order to ensure that no negative impacts occur on the SPA / Ramsar, all good-practise dust suppression measures were used during the construction phase of the development. Noise was not considered to be an issue, during either the construction or the operational phase. The increased ecological landscaping, aimed at providing habitat for wintering birds, will also increase the carrying capacity of the site.

8.45 Given this, the lack of impacts associated with any of these pathways identified above from the proposed development and that all other developments on the site are minor and not considered to have any effect on The Swale, it is concluded that no in-combination effects with the Kemsley generating station or associated activities are likely.

SW/12/1211 – Construction of materials recycling facilities and waste transfer station.

8.46 Construction and operation of a Materials Recycling Facility (MRF) and Waste Transfer Station (WTS) for Commercial and Industrial and Municipal Solid Waste and ancillary staff and fleet vehicle parking, vehicle workshop, 2 x weighbridges, fuel tank, sprinkler tank, pump house, substation, fencing and improved access and office and welfare facility.

- 8.47 Prior to development, the land comprised hardstanding with a thin strip of ruderal vegetation present (SLR Consulting, 2012). The application site was located nearby to The Swale SPA and Ramsar, and so a HRA was undertaken.
- 8.48 Given the distance of the site from the SPA / Ramsar, no impacts from air quality/noise are anticipated (as no dust etc. would settle within the SPA / Ramsar). Therefore, no in-combination impacts are anticipated.

15/510/589/OUT – Construction of a Business Park

- 8.49 Outline application (now with reserved matters consent) for the development of a new business park north of Swale Way in Sittingbourne. No potential pathways for effects on nearby designated sites from the application were identified by Natural England in their consultation response to the application. Therefore, in combination effects with the Proposed Development are considered unlikely.

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Appendix 1. Comparison of seasonal peak counts of waterbirds recorded at Kemsley in 2009/10 and 2016. Species associated with the designation on The Swale SPA are shown in bold

Species	Winter				Spring				Autumn			
	2009/10		2016		2009/10		2016		2009/10		2016	
	Peak count from intertidal surveys	% of SPA population based on applicable 5-year peak mean ¹	Peak count from intertidal surveys	% of SPA population based on applicable 5-year peak mean ²	Peak count from intertidal surveys	% of SPA population based on applicable 5-year peak mean ¹	Peak count from intertidal surveys	% of SPA population based on applicable 5-year peak mean ²	Peak count from intertidal surveys	% of SPA population based on applicable 5-year peak mean ¹	Peak count from intertidal surveys	% of SPA population based on applicable 5-year peak mean ²
Avocet	80	15.9	125	26.5	60	12.0	98	20.8	46	9.2	103	21.8
Bar-tailed Godwit	11	1.2	34	4.1	1	0.1	5	0.6	5	0.6	33	4.0
Black-headed Gull	128	6.8	653	23.9	186	9.9	534	19.6	86	6.1	807	29.6
Black-tailed Godwit	1500	94.8	570	38.4	919	58.1	476	32.1	329	20.8	120	8.1
Black Tern	0	0	0	0	0	0	0	0	4	400.0	0	0
Brent Goose (Dark-bellied)	24	1.2	1	0.04	12	0.6	4	0.2	0	0	11	0.5
Canada Goose	4	1.7	3	1.2	0	0	0	0	0	0	4	1.6
Common Gull	9	1.7	30	56.6	2	0.4	18	34.0	10	1.9	6	11.3
Common Sandpiper	1	6.3	0	0	2	12.5	1	11.1	0	0	3	33.3
Common Tern	0	0	0	0	3	10.3	4	25.0	0	0	4	25.0
Coot	43	4.4	12	1.8	0	0	2	0.3	0	0	2	0.3

Species	Winter				Spring				Autumn			
	2009/10		2016		2009/10		2016		2009/10		2016	
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Cormorant	2	2.0	22	14.6	3	3.0	2	1.3	7	6.9	31	20.5
Curlew	51	3.1	118	10.4	156	9.6	42	3.7	49	3.0	96	8.4
Dunlin	1678	20.6	2325	34.7	1	0.01	598	8.9	537	6.6	256	3.8
Egyptian Goose	0	0	0	0	0	0	1		0	0	0	0
Gadwall	4	2.9	2	1.9	1	0.7	3	2.8	0	0	0	0
Goldeneye	2	11.1	0	0	0	0	0	0	0	0	0	0
Golden Plover	16	0.1	0	0	0	0	0	0	192	1.7	0	0
Great Black-backed Gull	3	8.8	3	27.3	1	2.9	2	18.2	3	8.8	2	18.2
Great Crested Grebe	6	6.5	9	20.0	9	9.8	7	15.6	5	5.4	3	6.7
Great Northern Diver	1	100.0	1		0	0	0	0	0	0	0	0
Greenshank	13	56.5	2	8.0	3	13.0	1	4.0	9	39.1	6	24.0
Green Sandpiper	2	13.3	0	0	0	0	0	0	3	20.0	0	0

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Grey Heron	4	8.7	3	9.7	0	0	0	0	4	8.7	4	12.9
Grey Plover	62	3.4	87	7.1	27	1.5	19	1.6	98	5.4	83	6.8
Herring Gull	3	0.5	70	24.8	5	0.8	49	0.4	4	0.6	43	15.2
Kingfisher	2	200.0	2	100.0	0	0	0	0	2	200.0	0	0
Knot	940	25.1	130	5.5	10	0.3	85	3.6	67	1.8	0	0
Lapwing	553	4.1	958	14.7	0	0	1	0.02	383	2.8	67	1.1
Lesser Black-backed Gull	3	7.5	6	14.6	1	2.5	22	2.4	1	2.5	125	304.9
Little Egret	3	2.5	11	9.2	2	1.7	1	0.8	23	19.2	54	45.0
Little Grebe	26	42.6	29	46.8	2	3.3	2	1.6	5	8.2	5	8.1
Little Ringed Plover	0	0	0	0	0	0	2		0	0	0	0
Little Tern	0	0	0	0	0	0	1	10.0	0	0	0	0
Long-tailed Duck	0	0	1	0.2	0	0	0	0	0	0	0	0
Mallard	5	0.2	10	0.9	4	0.2	10	0.1	13	0.6	14	1.3

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Mediterranean Gull	0	0	6	21.4	2	20.0	2	7.1	0	0	1	3.6
Moorhen	19	39.6	4	15.4	0	0	4	15.4	16	33.3	6	23.1
Mute Swan	1	0.5	6	4.9	0	0	2	1.6	1	0.5	0	0
Oystercatcher	847	17.2	1006	19.4	240	4.9	166	3.2	583	11.9	604	11.6
Pintail	218	37.3	2	0.7	36	6.2	18	5.9	10	1.7	0	0
Pochard	1	0.5	1	0.7	0	0	12	8.8	0	0	5	3.7
Red-breasted Merganser	14	43.8	1	6.7	7	21.9	3	20.0	1	3.1	0	0
Redshank	357	25.3	230	20.5	210	14.9	110	9.8	463	32.9	515	46
Red-throated Diver	0	0	0	0	0	0	1	25.0	0	0	0	0
Ringed Plover	40	6.9	14	4.4	4	0.7	7	2.2	55	9.5	48	15.1
Sandwich Tern	0	0	0	0	0	0	1	2.6	0	0	0	0
Scaup	1	25.0	0	0	0	0	0	0	0	0	0	0
Shag	1		0	0	0	0	0	0	0	0	0	0
Shelduck	257	14.1	81	14.5	76	4.2	28	2.9	110	6.0	61	6.3

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Shoveler	5	1.8	0	0	0	0	0	0	0	0	0	0
Snipe	28	52.8	18	37.5	24	45.3	21	10.9	1	1.9	2	4.2
Spotted Redshank	1	10.0	0	0	0	0	0	0	1	10.0	15	115.4
Teal	549	9.6	527	14.1	269	4.7	192	5.1	139	2.4	177	4.7
Tufted Duck	1	0.9	10	6.8	1	0.9	21	14.4	0	0	12	8.2
Turnstone	68	17.4	90	26.1	68	17.4	22	6.4	88	22.6	133	38.6
Velvet Scoter	0	0	14	-	0	0	0	0	0	0	0	0
Water Rail	1	20.0	0	0	0	0	0	0	0	0	0	0
Whimbrel	0	0	0	0	9	40.9	11	78.6	2	9.1	5	35.7
Wigeon	766	5.2	347	3.2	72	0.5	180	1.7	216	1.5	299	2.7
Yellow-legged Gull	0	0	0	0	0	0	0	0	0	0	3	-

¹Frost et al. (2016)