

PLANNING COMMITTEE

30 AUGUST 2017

NORTH KENT SAMMS PROJECT UPDATE

Report from: Richard Hicks, Director of Regeneration, Culture, Environment and Transformation

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Summary

This report provides an update on the progress of the North Kent Strategic Access Management and Monitoring Scheme (SAMMS) and sets out how the tariff is being implemented by local authorities in North Kent to mitigate the impacts of new development on the Special Protection Areas (SPA) / Ramsar sites.

1. Budget and Policy Framework

1.1 There are no budget and policy framework decisions arising directly from this report. This is an information item for the Planning Committee.

2. Background

2.1 The Thames, Medway and Swale estuaries are internationally important for wildlife, supporting an impressive and diverse ecosystem, providing the perfect habitat for thousands of breeding and wintering birds, and are protected by both national and international designations.

2.2 Research commissioned by Natural England in 2009 was undertaken by Footprint Ecology. This study collated the available baseline evidence on birds around the Thames, Medway and Swale estuaries. It found that certain bird species were declining and suggested further research was necessary to better understand the reasons behind the declines.

2.3 The impact of recreational disturbance on the birdlife of the North Kent Marshes SPAs/Ramsar sites was identified in the Bird Disturbance Study North Kent in 2010/2011. The Strategic Access and Recreation Management Plan prepared for the Thames, Medway and Swale estuaries in 2014 set out a strategy for resolving the additional disturbance issues to the area's wintering birds, arising from new housing development, through a package of strategic measures.

2.4 Potential mitigation measures identified in the 2014 report include:

- A North Kent Coast Dog Project
- Wardening / Visitor Engagement
- New access infrastructure and enhancements to existing sites
- Codes of Conduct
- Improvements to interpretation and signage
- Working with local clubs, groups and volunteers
- Creating refuges and 'quiet areas'
- Enforcement and monitoring

2.5 The 2014 Thames, Medway and Swale Estuaries Strategic Access Management and Monitoring Strategy suggested that a tariff of £223.58 per dwelling would be required to mitigate recreational disturbance to birds along the North Kent coast.

2.6 The Medway Council Interim Policy Statement, November 2015, sets out the Council's position on a strategic approach to managing and mitigating any potential impact to the protected habitats of the Thames, Medway and Swale Estuary and Marshes SPA and Ramsar sites.

2.7 A North Kent SAMMS Board was formed and initial governance arrangements have been formalised with a Memorandum of Understanding (MoU), which was signed by all parties following the Board meeting on 17 January 2016. The current MoU is valid until 31 December 2017

2.8 Medway Council has been appointed the Accountable Body for the North Kent SAMMS Board. Responsibilities of the Accountable Body are detailed in the MoU.

3. Progress to Date

3.1 The North Kent SAMMS Project Board has met on three occasions, 30 August 2016, 17 January 2017 and 19 July 2017. The Board comprises representatives of the following local authorities and other organisations:

- Canterbury City Council (Councillor and Officer)
- Swale Borough Council (Councillor and Officer)
- Medway Council (Councillor and Officer)
- Gravesham Borough Council (Councillor and Officer)
- Kent County Council (Councillor and Officer)
- Royal Society for the Protection of Birds (Officer)
- Kent Wildlife Trust (Officer)
- Kent Developers' Group (representative)
- Natural England (advisory role only)
- Ebbsfleet Development Corporation (Officer – observer role only)

3.2 Medway Council, as the Accountable Body, has appointed a SAMMS Manager to develop, cost and deliver the SAMMS bi-annual delivery plan, setting out a range of awareness raising, engagement, monitoring and access related projects. The SAMMS Manager has been in post since 10 July 2017.

3.3 The Financial Protocol has been drafted and comments have been received from the Board. The final amendments are being made to the document for approval at the next SAMMS Board meeting.

3.4 The SAMMS tariff is being implemented across North Kent planning authorities as detailed in table 1:

Table 1

Authority	Tariff	Collections to 30 June 17
Medway	£223.58 per new dwelling	£50,753
Gravesham	£223.58 per new dwelling	£15,479
Swale	£223.58 applied on major developments over 10 dwellings*	£8,056
Canterbury	1 bedroom £127.08 per new dwelling 2 bedrooms £178.67 per new dwelling 3 bedrooms £240.78 per new dwelling 4 or more bedrooms £304.79 per new dwelling	£20,007

* It has been proposed that Swale raise their tariff to £280 per dwelling on major developments to ensure their contribution to the project is not reduced.

3.5 It has been agreed that the tariffs will be index linked and increased in line with inflation on an annual basis.

3.6 A draft budget for 2017/18 has been produced. The planned expenditure to commence the SAMMS project in North Kent is £85,920 which is covered by developer contributions received to date. All surplus funds will be ring fenced for investment in an endowment to allow the project to function in perpetuity.

3.7 Examples of other SAMMS projects already underway are being studied. The Solent Recreation Mitigation Partnership, comprising of 15 local authorities, Natural England, RSPB, Hampshire Wildlife Trust and Chichester Harbour Conservancy, launched their SAMMS interim strategy in 2014. They operate under the brand name Bird Aware Solent and have already seen positive results.

3.8 At the Board meeting on 19 July 2017, it was agreed to use the brand name Bird Aware North Kent for our SAMMS projects. The brand is already established and encourages positive engagement with SAMMS projects by raising public awareness of the international significance of the protected areas and promoting responsible use of recreational spaces.

3.9 Work has commenced to create a dedicated website for Bird Aware North Kent. This will provide information on the background to the SAMMS projects and updates on the implementation of mitigation measures. It is being designed to be interactive and informative, reinforcing positive messages to encourage visitors to the estuarine areas to do so responsibly.

- 3.10 Leaflets that will include a code of conduct for visitors both on land and on water are being produced. These will provide a short guide to Bird Aware North Kent with information on the wintering birds, encouraging visitors to be aware of their presence and respect the need not to disturb them.
- 3.11 It is important that the Bird Aware projects do not duplicate other similar schemes already in existence and Bird Aware North Kent will be working with partner organisations, Natural England, Kent Wildlife Trust, Medway & Swale Estuary Partnership and Kent Wildlife Trust to ensure that Bird Aware is run in conjunction with their activities. This includes the Natural England Coastal Path that will be running along the North Kent marshes and provides an ideal way to incorporate the Bird Aware brand within signage and interpretation boards.

4. Advice and analysis

- 4.1 The key tasks identified for the next phase of Bird Aware North Kent are:
- Finalise the branding for Bird Aware North Kent, creation of a dedicated website and production of promotional literature
 - Meeting with existing SAMMS authorities including Solent, Thanet and Ashdown Forest
 - Recruitment of a seasonal SAMMS Ranger to be in place for the winter 2017/18 season
 - Development of the initial 2-year business delivery plan
- 4.2 Monitoring of visitor and bird numbers will be undertaken once the project has been running for two years, to assess the impact that initial mitigation measures have had.
- 4.3 Information on the SAMMS tariff and projects will be included in the updated Developer Contributions Guide and work on this has already commenced.

5. Risk management

- 5.1 Risk management is an integral part of good governance. The Council has a responsibility to identify and manage threats and risks to achieve its strategic objectives and enhance the value of services it provides to the community.

Risk	Description	Action to avoid or mitigate risk	Risk rating
<p>Housing numbers are lower than anticipated</p> <p>Developer refuses to pay tariff</p> <p>Endowment fund is less than anticipated</p>	<p>The number of houses being built is lower than predicted and tariff available for spend / investment is lower than required</p> <p>Some developers may object to paying the tariff, more likely for small or individual developments</p> <p>The endowment fund allows the project to operate in perpetuity</p>	<p>Mitigation measures to be adjusted in relation to number of houses. Tariff can be adjusted to compensate</p> <p>Payment of the tariff is not compulsory, appropriate Habitat Regulation Assessment is acceptable as an alternative</p> <p>Investment will be actively managed and reported to the Board</p>	

6. Consultation

- 6.1 The Memorandum of Understanding has been presented to members of the North Kent SAMMS Project Board. Their comments and feedback have been used to shape the final signed version of the document which is valid until December 2017.
- 6.2 Each Local Authority on the SAMMS Board has presented a paper to their relevant Committee / Cabinet meetings detailing the scope of the project and seeking agreement to work in partnership on these strategic measures.
- 6.3 The SAMMS Steering Group will report to the Project Board seeking recommendations on project modifications such as employment, budgeting, project selection and prioritisation.

7. Financial implications

- 7.1 All of the SAMMS projects are funded through developer contributions and are ring fenced. The budget model requires that 40% of funds received are spent on project delivery and 60% is invested to deliver the project in perpetuity. In the event that contributions are less than expected, the project delivery will be adjusted accordingly, or tariffs will be increased.

8. Legal implications

- 8.1 None

9. Recommendation

9.1 That the Committee note this update to the SAMMS project.

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Appendices

None.

Background papers

Liley, D. (2011). What do we know about the birds and habitats of the North Kent Marshes? Baseline data collation and analysis. Natural England Commissioned Reports, Number 082.

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

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