

This Report will be made public on 9 July 2019.

Report Number **C/19/11**

To: Cabinet
Date: 17th July 2019
Status: Non key
Responsible Officer: Charlotte Spendley – Assistant Director – Finance, Customer and Support Services
Cabinet Member: Cllr David Wimble

SUBJECT: **DUNGENESS SUSTAINABLE ACCESS AND RECREATIONAL MANAGEMENT STRATEGY (SARMS)**

SUMMARY: This report summarises the findings and sets out the main recommendations of the SARMS. It also summarises the results of the consultation on the document and sets out proposed actions to take this strategy forward.

REASONS FOR RECOMMENDATIONS :

These actions are required to fulfil the requirements of the habitats regulations assessment for the current Core Strategy and will help with the production of the Core Strategy Review. They will also fulfil the Council's responsibilities arising from its role as a land owner and also a duty to conserve biodiversity under the Natural Environment and Rural Communities Act 2006 as part of its policy or decision making.

RECOMMENDATIONS:

- 1) To receive and note report C/19/11.
- 2) that the action plan is agreed as the basis for discussions with Rother District Council and Natural England (set out in Appendix 1);
- 3) that funding for implementing the strategy be raised through S106 for new developments that directly impact on the area or through CIL contributions.
- 4) that Folkestone & Hythe and Rother District Councils explore making a financial contribution to the Fifth Continent Project for rebranding and an interpretation plan .
- 5) that officers make any necessary minor amendments to the strategy and action plan to improve accuracy and clarity subject to the agreement of the Assistant Director and Cabinet Member.

1. BACKGROUND

- 1.1 The SARMS has been prepared following the commitment from both Folkestone & Hythe and Rother District Councils to undertake a 'Sustainable Access Strategy' for the Natura 2000 sites (sites of international and European importance for nature conservation) that fall within and around Dungeness and straddle both district council areas.
- 1.2 The need was identified in both Councils' Local Plan Core Strategies and supporting Habitats Regulations Assessments (HRA), which raised concerns of possible additional pressure and disturbance on the internationally important wildlife sites caused by increased recreational activities as a result of the councils' planning policies (such as the allocation of new residential or tourism developments).
- 1.3 Work commenced on the Sustainable Access Strategy in 2014/15 with the Phase One Visitor Surveys. Results of this work indicated that Dungeness Point has a national profile and is well-visited by a range of people (local and far afield) for a variety of activities. This was followed in 2017 by the Dungeness Sustainable Access and Recreational Management Strategy. The Strategy assesses the whole area and then each of the sub areas. Each area was assessed in terms of its biodiversity; access and management; visitor economy & strategic initiatives. Four detailed documents, each considering one of the issues, have also been produced to support the Strategy.
- 1.4 For the overall strategy area, the report has identified that there is a degree of disconnect between the tourism and natural environment sectors. Raising the profile of the nature conservation value of the strategy area, through a focused partnership working towards a shared agenda, should benefit the visitor economy and move it in a more environmentally-aware and sustainable direction, which could prove mutually beneficial.
- 1.5 The Strategy suggests that the two Councils, working with Natural England, should provide a strategic oversight, working with existing groups to deliver it. Meetings for this could be held at the same time as the National Nature Reserve (NNR) Stakeholder group meetings which this Council already attends. The Strategy also suggests an area wide 'Interpretation Plan' (such as interpretation panels, leaflets or web site) is also required. This would assist visitor education and the need for behaviour change; review of signage and a replacement programme; promotion material and branding; and enforcement.
- 1.6 Other actions include monitoring of visitor usage and monitoring shingle habitats, bird numbers and disturbance. A review of byelaws and legal orders is also recommended, with the aim of providing a more consistent approach across the strategy area, to enable better understanding by visitors, with up to date, relevant and Strategy area-wide coverage of byelaws to protect the natural environment
- 1.7 Whilst neither Council is proposing significant tourism developments in the area, improvements to the 'offer', such as extensions to holiday parks or their

use as main residences, may lead to increased visitor pressure. This would need to be a consideration for future planning applications.

- 1.8 The Strategy also sets out measures needed to mitigate the relevant impacts. These are split in four categories A to D. Category A measures are for mitigation for planning policies or are necessary to be confident of no adverse effect on integrity. Category B measures are for measures clearly linked to a current issue or required to rectify current problem. Those in C and D are not included as they may be required further in the future or just not suitable. In some cases, the results of an earlier category may influence what should or shouldn't happen in later categories. The table of all the measures has been included in Appendix 2 below. The Strategy seeks to address the issues by setting out a strategic, cross boundary approach to ensure that any increases in access and recreational use do not have an adverse impact on the integrity of the sites. It proposes supporting actions to ensure sensitive management of recreation and access for the Dungeness complex of sites drawing upon the visitor surveys in the first phase.
- 1.9 The councils will need to demonstrate that they are progressing with the SARMS so that the Inspectors examining their respective local plans can be confident that additional growth will be managed sustainably. As noted, Folkestone & Hythe and Rother District Councils have worked closely on the SARMS so far, and this will help to demonstrate that the councils are meeting the 'Duty to Cooperate' in local plan-making.

1. CONSULTATION

- 2.1 The SARMS was published for a period of targeted public consultation from 30th July 2018 to 14th September with key stakeholders. There were 24 comments received that made a wide range of points. Responses were received from a number of councils, statutory bodies, organisations and groups with an interest in the area. A summary of the comments and the Councils' proposed responses are attached to this report in Appendix 1.
- 2.2 Ashford Borough Council whilst broadly supportive of the SARMS was concerned that the Zone of Influence which was set at 20km from the designated area, does not appear justified. The Zone of Influence is the geographical area within which the majority of visitors originate. Ashford BC considers that the Strategy is rather misleading as it fails to respond proportionately to the evidence presented in the visitor surveys. There is, however, no standardised method to determine a zone of influence, as each site and their surrounding physical features differ greatly. These are based on 90% of regular visitors (i.e. visits of at least one per week) or 75% of all visitors, to identify the core area from which visitors originate. Zones of Influence are set through discussions with Natural England and respond to the individual sites.
- 2.3 Ashford Borough Council note interventions would be most beneficial if targeted on the majority of visitors who arrive from either a very localised (under 5km) or more national (over 55km) catchment area. They further note the recognition within the strategy that the strategic expansion of New

Romney and, to a lesser extent, of Lydd is likely to present the greatest developmental impact on the designated areas. Notwithstanding ABC's comments, it is evident from Plans 5 and 6 in the SARMS Strategy that more visitors come to the sites from ABC than any other Kent district other than F&HDC itself. Officers will check the basis of ABC comment regarding under 5km and over 55km distances. It is important to note that the HRA focuses on recreational rather than development impacts (although the latter may contribute, if only in a relatively small way).

- 2.4 The issue of heritage is raised by Kent County Council and Historic England. In particular they raise the issues that the area's heritage is absent from the draft SARMS text. KCC state that if it is intended to produce a follow-up document that will address the heritage theme, then this should be stated at the beginning of the document. However the purpose of the SARMS was to meet the requirements of the Habitats Regulations, which does not include heritage issues. Whilst not disagreeing that it is important to also consider the heritage of the area and visitors issues, it was not appropriate to include those issues in this study. Although by necessity not the focus of the study, it is agreed that there is potential for future work to consider heritage as part of an interpretation plan and this could also meet an identified priority in the district's emerging Heritage Strategy. This would, however, be subject to funding.
- 2.5 EDF, a major landowner in the study area, has made a number of comments related to actions that they are already undertaking, such as funding two wardens and installing new gates at the main entrance to the Dungeness Estate. They are also considering further actions such as the review of interpretation panels on the site and preparing a fact sheet about Dungeness. They would be interested in working with the Romney Hythe and Dymchurch Railway.
- 2.6 The primary response from Natural England was that detail is lacking on how feasible the measures are in terms of cost, delivery, accountability and effectiveness in the long term. It is clear from the study that further information and monitoring is needed for more detailed costings and delivery.
- 2.7 Many of Natural England's comments were proposing changes to the priorities, mainly changing Categories B or C to A. However Category A actions are priorities that are clearly mitigation for planning policies or needed to achieve no adverse effect on the integrity of the site, whereas Category B measures are those of on-going high importance, but not directly related to planning proposals. Category C is likely to make a positive and complementary contribution to overall aims, but is more aspirational or there is less defined/insufficient evidence. For example, SA1.1 – dog controls, this is currently listed as a category C priority and Natural England believe that forms of dog control should be at least Category B. If dogs are found to present a significant issue, further controls would put it in category B. However, at this point, more evidence is needed on dog impacts to justify changing category. Proposed surveys will ascertain this.

- 2.8 Natural England also state that they have previously raised the need for a dedicated beach officer for Greatstone, and suggest the Romney Marsh Countryside Partnership could possibly be funded to undertake this. Officers are only aware of one mention of a warden jointly funded by Natural England and Folkestone & Hythe District Council in 2016, however further consideration of 'wardening' roles can be given.
- 2.9 In the Kite Surf Centre's representation they say that the majority of visiting kitesurfers would be more than happy to cooperate if they were more aware of the damage caused by trampling of the flora and fauna on the beach. They believe that better signage, barriers and restricted access points would certainly help with this. The Kite Surf Centre also point out that a large number of visitors use the Broomhill end of the beach for dog walking, especially in the winter months, although this is not reflected in the survey. It is difficult to get an accurate idea of what the visitors are there for as it changes with the conditions each day. On a windy day then almost 100% would be kitesurfers or windsurfers and this was not reflected in the survey which suggests only 5% of visitors are kitesurfers. Winter can be the busiest months for kitesurfing in the UK due to the extreme conditions on offer. The Kite Surf Centre suggest an integrated system would certainly help along with a lot more education as visitors are generally willing to help and contribute, plus some sensible beach controls - like access to beaches being restricted and fenced off perhaps for certain months or in areas which are used the least.

Proposed Actions & Costs

- 2.10 Following consideration of the representations we are of the view that the recommendations in the Strategy should not be amended. These are included as Appendix 2. There a number of minor corrections that are required for the sake of accuracy and clarity.
- 2.11 The Strategy does not set out costs but the consultants provided estimations in a separate paper. The total cost of Category A measures is estimated between £45,270 and £51,870 in the first year plus an ongoing annualised cost of £6,200. It is suggested that these costs would be shared between the two Councils. For Folkestone & Hythe DC this would be within the region of £27,000 for all of the suggested mitigation. The largest costs would be for the Interpretation Plan (estimated at £5,000 to £10,000 for both councils) and signage replacement (estimated at £13,000 to £15,000). Visitor and bird monitoring and surveys are relatively low and are estimated in the region of £1,000 to £2,500 for each area
- 2.12 A number of actions that would fulfil the list of priorities are already under way. The Fifth Continent Project has carried out work on rebranding and an interpretation plan for the area. We have already had discussions on how the recommendations may be co-ordinated and recommendation 3 of this report is that Folkestone & Hythe and Rother District Councils have further discussions particularly concerning a financial contribution. A significant part of the costs for the District Councils was for an interpretation plan, given that it will be possible to dovetail with work already carried out by the Fifth Continent that cost is likely to come down.

2.13 Potential funding could come from CIL receipts now that money is starting to be received. CIL receipts held on account could be used to fund a proportion of the cost of the suggested mitigation, subject to internal approval of any future funding request from the CIL working group and Cabinet. Developments such as the Council's own development at Littlestone are already proposing contributions to signage as mitigation for the development.

2.14 Other actions would include:

- The Strategy has highlighted the need to control dogs, further work is needed to look at the areas where dogs are allowed and how best to introduce controls;
- Given the introduction of area officers there may be scope in combining actions from the area officer and the Dungeness wardens. They may be able to monitor kite surfer activity at Greatstone particularly in the winter and provide a watching eye on the beach there.
- The issue of the expansion of caravan parks and their year round occupation has already been the subject of research and further monitoring will be required.
- Bird surveys should be started, and there is potential for this to be done on a voluntary basis by groups such as the RSPB or British Trust for Ornithology (BTO).
- A quick win would be the production of a leaflet reflecting the branding of the Fifth Continent and to be distributed by the RHDR when they sell tickets to passengers. They have already expressed a willingness to do this.

2.15 These actions are required to fulfil the requirements of the habitats regulations assessment for the current Core Strategy and will help with the production of the Core Strategy Review. The Council has responsibilities arising from its role as a land owner and also a duty to conserve biodiversity under the Natural Environment and Rural Communities Act 2006 as part of its policy or decision making.

2.16 In the initial stages of developing the SARMS, officer kept the then Cabinet Member for the District Economy up-to-date with progress and the new Cabinet Member has also been informed. Ward councillors in the Dungeness area were informed of the consultation.

2.17 The proposed changes to the SARMS arising from the consultation comments (outlined in Appendix 1) will be incorporated into a revised version of the document

3. OPTIONS

- 3.1 (a) To approve the Dungeness SARMS and action list as presented in Appendix 1;
(b) To approve the Dungeness SARMS and action list with modifications directed by Cabinet; and
(c) Not to approve the Dungeness SARMS and action list.

4. RISK MANAGEMENT ISSUES

4.1 There is not a great deal of risk management involved in this issue

Perceived risk	Seriousness	Likelihood	Preventative action
Funding insufficient to deliver Action Plan	Medium	Low	The Strategy has identified clear actions, which can be carried over a number of years. The costs are not onerous and could be funded through CIL/S106.
The Strategy is challenged by other landowners or bodies and is not implemented.	Low	Low	The Strategy has been subjected to consultation with other landowners and interested groups. A working group will also be established
Unable to agree particular actions with Natural England	Medium	Low	Working Group would enable discussions with Natural England as representatives would be present.

7. LEGAL/FINANCIAL AND OTHER CONTROLS/POLICY MATTERS

7.1 Legal Officer's Comments

There are no significant legal implications as a result of the recommendations in this report which are not covered in the body of the report. Complying with recommendations of the SARMS helps to ensure that the Council fulfils its responsibilities as land owner under the Natural Environment and Rural Communities Act 2006.

7.2 Finance Officer's Comments

The financial implications have been outlined within 2.11 of the main report. The required funding can be met from existing CIL funding, should there not be any applicable S106 contributions.

7.3 Diversities and Equalities Implications

There are no equalities implications directly arising from this report.

8. CONTACT OFFICERS AND BACKGROUND DOCUMENTS

Councillors with any questions arising out of this report should contact the following officer prior to the meeting

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The following background documents have been relied upon in the preparation of this report:

Appendices:

- Appendix 1: Dungeness SARMS Action List
- Appendix 2: SARMS Recommendations