

Your Ref: DRMRBSTAT2  
Our Ref: NE SPA & Ramsar Consultation  
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10<sup>th</sup> December 2010

# Folkestone

Hythe & Romney Marsh

Shepway District Council



Mrs. Claudie Sculley  
Dungeness Consultation Team  
Natural England  
International House  
9th Floor  
Dover Place  
Ashford  
Kent TN23 1HU

Dear Mrs. Sculley,

## **Dungeness, Romney Marsh and Rye Bay SPA and Ramsar**

I am writing in response to the above consultation.

This matter has been considered by our Cabinet and by Full Council and we object in the strongest possible terms to the proposals for establishment of a Ramsar site and extensions to the existing SPA.

Our view is that the designation of the Ramsar site and the extension of the SPA are unnecessary and harmful to the area's development as a sustainable community given that:-

- i. the entire area is included within a nationally protected Site of Special Scientific Interest (SSSI) with large parts of the SSSI also carrying ecological designations including a Special Area of Conservation, Special Protection Area, National Nature Reserve, and Local Nature Reserve;
- ii. much of the area is already being managed to protect and enhance its wildlife value through positive working between Natural England, the council, other agencies and individuals including, for example, the Romney Marsh Countryside Partnership, RSPB, Kent Wildlife Trust and landowners and that a collaborative approach is more likely to result in gains for wildlife and the community;
- iii. the introduction of an additional requirement for appropriate assessment will impose new costs on developers and the local planning authority and may restrict the area's attractiveness as a location for social and economic development to the disadvantage of a community which is recognised as being deprived;
- iv. the designations may impose higher costs and limit the future scope of flood defence agencies to protect the area inland from inundation.

I have attached a copy of the report to our Cabinet which sets out our reasoning.

As you know we have also appointed Jacobs to review your proposals and having considered their report we have particular concerns in the following key respects.

#### **Scientific evidence.**

We believe that Natural England must provide a more scientifically rigorous case for some of the proposed extensions/inclusions. It is a key weakness of the proposals that some of the proposed SPA extensions and some of the (currently internationally-undesignated) areas of proposed Ramsar designation are not supported by data that justifies specifically their addition to the whole designation, based on your own criteria.

In essence there is current doubt over the strength of evidence presented to demonstrate that all of the additional areas of proposed designation qualify for inclusion in the proposed designations. A more robust and specific justification for each of these areas, based on location-specific evidence, is needed.

It also appears that this revision of the designated sites pre-empts the findings of the current (2009-10) SPA and Ramsar review being undertaken by the UK SPA and Ramsar Scientific Working Group (SPAR SWG). This work has not been reported yet and if the current proposals for the Dungeness, Romney Marsh and Rye Bay SPA/Ramsar are not informed by the results of the national SPAR SWG Review, then the proposals might be considered premature.

#### **Comments on Impact Assessment**

The Council is particularly unhappy with the way in which this aspect of the consultation has been proceeded with. We have been asked for our comments on the impact assessment but at the same time are told that this will carry no weight in the final consideration of the designations, making what in the context of our fragile local economy and community should be an essential component of the consideration into something of a pointless exercise. The assessment itself seems to have been completed inadequately and would appear to be deficient in a number of key respects.

Firstly, it potentially overstates the risks of maintaining the current designations (the 'do-nothing' option) by not providing evidence of recent or impending habitat degradation under the current regime, and by not providing detailed evidence on the risk of EU infraction proceedings.

Secondly, the Impact Assessment does not take full account of the costs/impacts to the local and regional economy, with associated social impacts. The guidance used for this Impact Assessment (Department for Business Innovation & Skills 2010) requires a proportionate approach, but as a minimum it requires a description of who will be affected and a full description of the costs and benefits. Ideally for a proposal of this scale, the effects should also be quantified. This quantification has only been done, and in an apparently flawed way, for the additional administration costs for

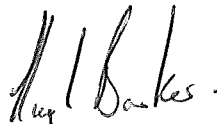
competent authorities. Thus, the potential impacts on the wider economy are mentioned but not given adequate analysis or description.

Therefore, the full impact on public services, business and employment in the region has not been given adequate treatment in the Impact Assessment and requires further work to inform the process.

I have attached a copy of the report from Jacobs which expands on these matters.

In conclusion, on behalf of the Council I reiterate our strongest objections to the proposed designations and welcome your response to the comments made in this submission. I would though welcome your comments regarding the possibility of Natural England's entering into a formal arrangement with us to work with the local population and businesses to find a more collaborative and integrated approach towards supporting both nature conservation interests and the sustainable development of the local community in preference to the prescriptive approach proposed through this consultation.

Yours Faithfully,

A handwritten signature in black ink, appearing to read 'Hugh A Barker'.

Councillor Hugh A Barker  
Cabinet Member for Planning and Community Safety

cc Right Hon. Richard Benyon MP  
Parliamentary Under-Secretary for Natural Environment and Fisheries