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Executive Summary

Kent County Council proposes to build a new two-platform station, car park and associated infrastructure (the 'proposed development') on the existing rail line between Ashford and Ramsgate, within the administrative area of Thanet District Council. AECOM was commissioned by Kent County Council in January 2015 to carry out a wintering bird survey of the site proposed for the new Thanet Parkway Station in Cliffsend (hereafter referred to as the "survey site").

The survey site was subject to a Phase 1 ecology survey in January 2015 (updated August 2015 and September 2016) and the habitats within the survey site boundary were determined to be predominantly arable with a belt of mature trees along the railway embankment. It was considered that the habitats present had potential to support wintering bird species, including golden plover (*Pluvialis apricaria*), a species for which the nearby Thanet Coast and Sandwich Bay Special Protection Area (SPA) 700 m south of the survey site has been partly designated, according to its original citation.

The aim of the survey was to record species and numbers of birds within the survey site and to determine all activity related to the habitats present within, or likely to be affected by the proposed development. The results are intended to inform the need for further surveys, if required, and provide information on any potential ecological constraints and opportunities.

A total of 23 species were recorded during the three winter bird surveys using features of the survey site or flying over the survey site. In general low numbers of birds were recorded using the survey site, with wood pigeon (*Columba palumbus*) being the most abundant species recorded across all three surveys.

Linnet was the only species of conservation significance that was recorded utilising the survey site (25th February – 22 individuals). Removal of arable land within the survey site will not be likely to significantly affect this species due to the fields north and west of the survey site containing sufficient quantities of suitable habitat.

Thanet Coast & Sandwich Bay SPA and Ramsar site is partly designated for wintering golden plover. This species was not recorded during the surveys and it was determined that the habitat parcel size and crop rotation features of the survey site would lead to the survey site being unsuitable to support golden plover. Desk study data (reported in the Phase 1 report) indicated that golden plover have been found in arable fields to the north west of the survey site, where more suitable habitat parcels exist in terms of size and open aspect; it is considered that based on current habitat conditions on site, development would not adversely affect golden plover.

The survey site currently has low value for wintering birds. Options could be explored as part of the landscaping of the site to incorporate planting of value to biodiversity, including bird species.
1. Introduction

Kent County Council proposes to build a new two-platform station, car park and associated infrastructure including access (the ‘proposed development’) on the existing rail line between Ashford and Ramsgate, within the administrative area of Thanet District Council.

AECOM was commissioned by Kent County Council in January 2015 to carry out a wintering bird survey of the site proposed for the new Thanet Parkway Station in Cliffsend, Kent. At the time the wintering bird survey was undertaken the planning application boundary had not been fully defined. Therefore, surveys were undertaken in the wider “survey site” (shown by the blue line boundary in Figure 1). This report therefore refers to the survey site.

1.1 Scope of Works

The survey site, with a central grid reference of TR341645, is a triangular piece of land between two major roads (A229 and A256) and a railway line on the edge of the small town of Cliffsend.

The survey site was subject to a Phase 1 ecology survey in January 2015 (updated August 2015 and September 2016) and the habitats within the survey site boundary were determined to be predominantly arable with a belt of mature trees along the railway embankment. It was considered that the habitats present had potential to support wintering bird species, including golden plover (*Pluvialis apricaria*), a species for which the nearby Thanet Coast and Sandwich Bay Special Protection Area (SPA) 700 m south of the survey site has been partly designated, according to its original citation.

The aim of the survey was to record species and numbers of birds within the survey site and to map all activity related to the habitats present within, or likely to be affected by the proposed development. The results are intended to inform the need for further surveys, if required, and provide information on any potential ecological constraints and opportunities.
2. Wildlife Legislation and Guidance

2.1 Legislation

Annex 1 species are Species listed on Annex 1 of EC Directive 2009/147/EC on the Conservation of Wild Birds, requiring the UK Government to take special measures, including the designation of Special Protection Areas (SPA), to ensure the survival and reproduction of these species throughout their area of distribution.

The UK is bound by the terms of the EC Habitats Directive, the EC Birds Directive and the Ramsar Convention. Under Article 6 (3) of the Habitats Directive (implemented in the UK under the Conservation of Habitats and Species Regulations 2010 (as amended) an appropriate assessment is required if the ‘plan or project’ is likely to have a significant effect on a European site, either alone or in combination with other projects.

As the search area includes internationally and nationally designated sites based on its biodiversity importance the proposed scheme is likely to have an impact on these designations. Discussions will be undertaken with Natural England regarding screening for an appropriate assessment for the proposed development.

The legislative provisions for the protection of wild birds in the UK are contained primarily within Sections 1-7 of the Wildlife and Countryside Act 1981 (as amended) (W&CA). Under the W&CA, a wild bird is defined as any bird of a species that is resident in or is a visitor to (in a wild state) the European Territory of any member state.

The W&CA makes it an offence to:

- kill, injure or take any wild bird;
- take, damage or destroy the nest of any wild bird while it is being built or in use; and
- take or destroy the eggs of any wild bird.

Special penalties exist for offences related to species listed on Schedule 1, for which there are additional offences of disturbing these birds and / or their dependent young at their nests. For some species (included in Schedule ZA1 under the Natural Environment and Rural Communities (NERC) Act (2006) it is offence to take, damage or destroy the nest even when the nest is disused.

2.2 Guidance

2.2.1 The Natural Environment and Rural Communities Act 2006

The Natural Environment and Rural Communities Act (NERC) came into force on 1st October 2006. Section 41 (S41) of the Act requires the Secretary of State to publish a list of habitats and species which are of principal importance for the conservation of biodiversity in England. The list has been drawn up in consultation with Natural England, as required by the Act.

The S41 list is used to guide decision-makers such as public bodies, including local and regional authorities, in implementing their duty under section 40 of the NERC Act 2006, to have regard to the conservation of biodiversity in England, when carrying out their normal functions.

There are 49 bird species of principal importance included on the S41 list. These are the species found in England which were identified as requiring action under the UK Biodiversity Action Plan (UK BAP) and which continue to be regarded as conservation priorities under the UK Post-2010 Biodiversity Framework.

2.2.2 Species of Conservation Concern

Species listed on the Royal Society for the Protection of Birds (RSPB) Birds of Conservation Concern (BoCC) Red List species are those that have declined in numbers by at least 50% over the last 25 years, those that have

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2 http://www.legislation.gov.uk/ukpga/1981/69
3 http://publications.naturalengland.org.uk/publication/4958719460769792
shown an historical population decline between 1800 and 1995 and species that are of global conservation concern. The species on the Red List are of the most urgent conservation concern.

Amber-listed species include those that have shown a moderate decline in numbers (25%-49%) over the last 25 years and those with total populations of less than 300 breeding pairs. Also included are those species which represent a significant proportion (greater than 20%) of the European breeding or wintering population, those for which at least 50% of the British population is limited to 10 sites or less, and those of unfavourable conservation status in Europe.

The remaining species are placed on the Green list, indicating that they are of low conservation priority. These species still receive full protection through the provisions of the Wildlife and Countryside Act. Certain introduced non-native species such as Canada goose (Branta canadensis) are not listed and for the purposes of this report are classed as having no conservation status in the UK.

These lists confer no legal status. However, they are useful when assessing the significance of predicted impacts and determining the level of mitigation that may be required when birds are affected by development or any other activity. Furthermore, inclusion on the Red List is a factor in determining the species for which national or local Biodiversity Action Plans (BAPs) are developed.
3. **Methodology**

3.1 **Desk Study**

As part of the Extended Phase 1 Habitat survey, a desk study to identify protected and/or notable species, including birds, present on, or within 2km of the survey site, was undertaken in January 2015 and updated in January 2017. Records were sought from Kent and Medway Biological Records Centre, and records of protected and/or notable bird species since 2007 were listed in the Thanet Parkway Extended Phase 1 Habitat Survey and Bat Roost Assessment Report (2017)\(^5\).

3.2 **Field Survey**

Three wintering bird survey visits were commissioned in early 2015 and undertaken by an ornithologist between February and March 2015 inclusive (Table 1). The surveys follow an adaptation of the British Trust for Ornithology's (BTO) Winter Farmland Bird Survey methodology.

Surveys were undertaken in suitable weather conditions (Table 1) of good visibility and avoiding heavy rain and/or strong winds, fog or heavy snow, when bird behaviour may be atypical, or when surveying may be impractical.

A survey transect was devised that allowed observation of all major areas of habitat within and adjacent to the proposed areas of activity. All birds present were identified by sight and/or call and recorded using standard BTO species codes\(^6\).

Recommendations presented in Section 4 were informed by the conservation status of recorded birds, which was assessed against the following criteria:

- EC Birds Directive 2009 Annex 1, (Table 1, ECB1);
- Wildlife and Countryside Act 1981 (As Amended) Schedule 1, (Table 1, WCA1); and
- Natural Environment and Rural Communities Act (2006) Section 41.

**Table 1. Survey Conditions Record**

<table>
<thead>
<tr>
<th>Date</th>
<th>Time</th>
<th>Temperature (°C)</th>
<th>Weather</th>
<th>Wind Speed</th>
</tr>
</thead>
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<tr>
<td>11/02/2015</td>
<td>12:15 – 13:00</td>
<td>5</td>
<td>Cloudy and calm</td>
<td>0</td>
</tr>
<tr>
<td>26/02/2015</td>
<td>10:15 – 11:00</td>
<td>12</td>
<td>Cloudy</td>
<td>3 SW</td>
</tr>
<tr>
<td>10/03/2015</td>
<td>12:30 – 13:15</td>
<td>12</td>
<td>Sunny</td>
<td>3 NE</td>
</tr>
</tbody>
</table>

\(^5\) AECOM, January 2017. Thanet Parkway Railway Station – Extended Phase 1 Habitat and Bat Roosting Assessment Report.

4. Results

4.1 Desk Study

The Extended Phase 1 report desk study (survey site and 2km buffer) identified the following species that would be potentially present as protected or notable wintering birds within the search area.

Table 2. Protected and/or notable bird species records from desk study

<table>
<thead>
<tr>
<th>Common Name</th>
<th>Latin Name</th>
<th>Conservation status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Skylark</td>
<td>Alauda arvensis</td>
<td>NERCS41; Red listed</td>
</tr>
<tr>
<td>Turnstone</td>
<td>Arenaria interpres</td>
<td>Amber listed</td>
</tr>
<tr>
<td>Linnet</td>
<td>Carduelis cannabina</td>
<td>NERCS41; Red listed</td>
</tr>
<tr>
<td>Yellowhammer</td>
<td>Emberiza citrinella</td>
<td>NERCS41; Amber listed</td>
</tr>
<tr>
<td>Snipe</td>
<td>Gallinago gallinago</td>
<td>Amber listed</td>
</tr>
<tr>
<td>Jack Snipe</td>
<td>Lymnocryptes minimus</td>
<td>Amber listed</td>
</tr>
<tr>
<td>Spotted flycatcher</td>
<td>Muscicapa striata</td>
<td>NERCS41; Red listed</td>
</tr>
<tr>
<td>Curlew</td>
<td>Numenius arquata</td>
<td>NERCS41; Red Listed</td>
</tr>
<tr>
<td>House sparrow</td>
<td>Passer domesticus</td>
<td>NERCS41; Red listed</td>
</tr>
<tr>
<td>Tree sparrow</td>
<td>Passer montanus</td>
<td>NERCS41; Red listed</td>
</tr>
<tr>
<td>Grey partridge</td>
<td>Perdix perdix</td>
<td>NERCS41; Red listed</td>
</tr>
<tr>
<td>Golden plover</td>
<td>Pluvialis apricaria</td>
<td>Birds Dir; Amber listed</td>
</tr>
<tr>
<td>Dunnock</td>
<td>Prunella modularis</td>
<td>NERCS41; Amber listed</td>
</tr>
<tr>
<td>Bullfinch</td>
<td>Pyrrhula pyrrhula</td>
<td>NERCS41; Red listed</td>
</tr>
<tr>
<td>Little Tern</td>
<td>Sternus albifrons</td>
<td>Birds Dir; W&amp;CA; Amber listed</td>
</tr>
<tr>
<td>Starling</td>
<td>Sturnus vulgaris</td>
<td>NERCS41; Red listed</td>
</tr>
<tr>
<td>Song thrush</td>
<td>Turdus philomelos</td>
<td>NERCS41; Red listed</td>
</tr>
</tbody>
</table>

4.2 Field Survey

A total of 23 species were recorded during the three winter bird surveys using features of the survey site or flying over the survey site (see Appendix A). In general low numbers of birds were recorded using the survey site, with wood pigeon (Columba palumbus) being the most abundant species recorded across all three surveys.

4.2.1 EC Directive on the Conservation of Wild Birds 2009 (09/147/EC) Annex 1

There were no EC Directive on the Conservation of Wild Birds 2009 (09/147/EC) Annex 1 species recorded during the winter bird surveys.

4.2.2 Wildlife and Countryside Act 1981 (as amended) Schedule 1

There were no Wildlife and Countryside Act 1981 (as amended) Schedule 1 species recorded during the winter bird surveys.

4.2.3 Natural Environment and Rural Communities Act (2006) Section 41

Linnet (Carduelis cannabina) was the only species listed under Section 41 of the NERC Act that was recorded using the survey site during the surveys. Twenty-two linnets were recorded within the fields along the northern boundary of the survey site on the 25th February. Species are recorded under Section 41 of the NERC Act due to a steep decline in breeding numbers.

Three further NERC species were recorded during the winter bird surveys. Dunnock (Prunella modularis) was recorded once on 25th February 2015 just outside of the south western boundary of the survey site. Herring gull (Larus argentatus) was also recorded on the 25th February with four individuals flying over the north eastern
corner of the survey site. Skylark (*Alauda arvensis*) was recorded singing in the fields to the north west and north of the survey site during the surveys on the 25th February and 10th March.

### 4.2.4 Birds of Conservation Concern (2009) Red and Amber Lists

Three species recorded during the surveys are listed on the Birds of Conservation Concern (BOCC) Red List. Herring gull is listed on the BOCC Red list due to long-term severe non-breeding population declines of more than 50% since 1969. The UK also hosts an internationally important proportion (over 20%) of the European non-breeding herring gull population. Skylark and linnet are listed due to moderate declines in their breeding population of between 25% and 50%.

Four species recorded during the surveys are listed on the BOCC Amber list; black-headed gull (*Chroicocephalus ridibundus*), meadow pipit (*Anthus pratensis*), mistle thrush (*Turdus viscivorus*), and dunnock. None of these species were found to be utilising the survey site footprint. Four black-headed gulls were recorded flying over the eastern boundary of the survey site during the 25th February survey. Meadow pipits were recorded on the 25th February and the 10th March 2015; five within a field to the west of the survey site and one flying directly over the survey site. Mistle thrush was also recorded on the 25th February survey outside of the survey site to the south west.

Black-headed gull is listed on the BOCC Amber list due to moderate non-breeding population declines of more between 25% and 50%. The UK also hosts an internationally important proportion (over 20%) of the European non-breeding black-headed gull population. Dunnock, mistle thrush and meadow pipit are all listed due to moderate declines in their breeding populations of between 25% and 50%.
5. Discussions and Recommendations

Linnet was the only species of conservation significance that was recorded utilising the survey site (25th February – 22 individuals). Removal of arable land within the survey site will not be likely to significantly affect this species due to the fields north and west of the survey site containing sufficient quantities of suitable habitat.

Thanet Coast & Sandwich Bay SPA and Ramsar site is partly designated for wintering golden plover. This species was not recorded during the surveys and it was determined that the habitat parcel size and crop rotation features of the survey site would lead to the survey site being unsuitable to support golden plover. The survey site is relatively small and enclosed compared to surrounding habitats, and dominated by vegetable crops, as opposed to short grass/cereal vegetation or tilled/ploughed earth more favoured by this species. Desk study data (reported in the Phase 1 report) indicated that golden plover have been found in arable fields to the north west of the survey site, where more suitable habitat parcels exist in terms of size and open aspect; it is considered that based on current habitat conditions on site, the proposed development would not adversely affect golden plover.

The survey site currently has low value for wintering birds. Options could be explored as part of the landscaping of the site to incorporate planting of value to biodiversity, including bird species.
### Appendix A Wintering Bird Results

**Table 3. Winter Bird Results**

<table>
<thead>
<tr>
<th>Species (Code)</th>
<th>Numbers on 11\textsuperscript{th} February 2014 (() = ) birds flying over</th>
<th>Numbers on 25\textsuperscript{th} February 2015 (() = ) birds flying over</th>
<th>Numbers on 10\textsuperscript{th} March 2015 (() = ) birds flying over</th>
<th>Birds using survey site footprint?</th>
<th>Conservation status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Blackbird (B.)</td>
<td>2</td>
<td>2</td>
<td>0</td>
<td>Yes</td>
<td>Green listed</td>
</tr>
<tr>
<td>Black-headed gull (BH)</td>
<td>0</td>
<td>(4)</td>
<td>0</td>
<td>Yes</td>
<td>Amber listed</td>
</tr>
<tr>
<td>Blue tit (BT)</td>
<td>0</td>
<td>4</td>
<td>2</td>
<td>Yes</td>
<td>Green listed</td>
</tr>
<tr>
<td>Carrion crow (C.)</td>
<td>3</td>
<td>3 (2)</td>
<td>0</td>
<td>Yes</td>
<td>Green listed</td>
</tr>
<tr>
<td>Dunnock (D.)</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>No</td>
<td>NERCS41; Amber listed</td>
</tr>
<tr>
<td>Goldfinch (GO)</td>
<td>1</td>
<td>0</td>
<td>1</td>
<td>Yes</td>
<td>Green listed</td>
</tr>
<tr>
<td>Herring gull (HG)</td>
<td>0</td>
<td>(4)</td>
<td>0</td>
<td>No</td>
<td>NERCS41; Red listed</td>
</tr>
<tr>
<td>Pied wagtail (PW)</td>
<td>0</td>
<td>6</td>
<td>0</td>
<td>Yes</td>
<td>Green listed</td>
</tr>
<tr>
<td>Robin (R.)</td>
<td>0</td>
<td>0</td>
<td>2</td>
<td>No</td>
<td>Green listed</td>
</tr>
<tr>
<td>Wood pigeon (WP)</td>
<td>100</td>
<td>1 (4)</td>
<td>153 (35)</td>
<td>Yes</td>
<td>Green listed</td>
</tr>
<tr>
<td>Skylark (S.)</td>
<td>0</td>
<td>1</td>
<td>2</td>
<td>No</td>
<td>NERCS41; Red listed</td>
</tr>
<tr>
<td>Meadow pipit (MP)</td>
<td>0</td>
<td>5 (1)</td>
<td>No</td>
<td>Amber listed</td>
<td></td>
</tr>
<tr>
<td>Goldcrest (GC)</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>Yes</td>
<td>Green listed</td>
</tr>
<tr>
<td>Great tit (GT)</td>
<td>0</td>
<td>1</td>
<td>1</td>
<td>Yes</td>
<td>Green listed</td>
</tr>
<tr>
<td>Magpie (MG)</td>
<td>0</td>
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<td>1</td>
<td>Yes</td>
<td>Green listed</td>
</tr>
<tr>
<td>Mistle thrush (M.)</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>No</td>
<td>Amber listed</td>
</tr>
<tr>
<td>Buzzard (BZ)</td>
<td>1</td>
<td>1</td>
<td>0</td>
<td>Yes</td>
<td>Green listed</td>
</tr>
<tr>
<td>Chaffinch (CH)</td>
<td>1</td>
<td>1</td>
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<td>Yes</td>
<td>Green listed</td>
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<td>Linnet (LI)</td>
<td>0</td>
<td>22</td>
<td>0</td>
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<td>NERCS41; Red listed</td>
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<tr>
<td>Ring-necked Parakeet (RI)</td>
<td>2</td>
<td>4</td>
<td>2</td>
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<td>Jay (J.)</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>Yes</td>
<td>Green listed</td>
</tr>
<tr>
<td>Stonechat (SC)</td>
<td>2</td>
<td>0</td>
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<td>Green listed</td>
</tr>
<tr>
<td>Greenfinch (GR)</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>No</td>
<td>Green listed</td>
</tr>
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**Winter Bird Results Key**

**Abbreviation**

- **W&CA**: Schedule 1 of the Wildlife and Countryside Act 1981 (as amended)
- **NERCS41**: Section 41 of the Natural Environment and Rural Communities Act (2006)
- **Amber listed**: Birds of Conservation Concern (2009) Amber Listed Species
- **Green listed**: Birds of Conservation Concern (2009) Green Listed Species
- **None**: No Conservation Status – Introduced/Non-native species.