



Canterbury City Council,
Military Road,
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Kent,
CT1 1YW

15th June 2018

Response to the Consultation on Development of Oyster Trestles on the Foreshore of Whitstable Beach. Planning Enforcement Reference ENF/17/00049

(This response has been sent by email only to [REDACTED] and planning@canterbury.gov.uk)

Dear Mr Bloom,

Thank you for giving us the opportunity to comment on the above development.

Kent Wildlife Trust's concerns relate primarily to the impacts of the development on the ecology, wildlife and habitats of the area.

The development area is protected by multiple nature conservation designations:

- The Swale Site of Special Scientific Interest
- The Swale Special Protection Area
- The Swale Ramsar site
- Swale Estuary Marine Conservation Zone (MCZ)

Under the regulations and guidelines of MCZ management and protection, it was acknowledged on the site's designation that some existing activities taking place in the area may need additional management¹, and this includes the cultivation and harvesting of oysters. Also, as mentioned in the MCZ designation guidelines, if new evidence becomes available, regulatory measures may need to change.

We are concerned about the impact of the development on the intertidal and subtidal habitats which are protected features of the Swale MCZ and SSSI. In addition, although exposed clay is not a designated feature of this MCZ, it is listed as a UK BAP Priority

¹ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/492463/mcz-swale-estuary-factsheet.pdf



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Habitat² and therefore recognised as a rare and fragile habitat of conservation importance that should be protected.

It is of concern that vehicle tracks are visible on Google Earth images going to and from and around the trestles to the west of this development area, which clearly demonstrates the vulnerability of the clay and intertidal habitats to damage caused by vehicles servicing oyster trestle installations. This highlights the potential for considerable damage from the new development, and we believe that restrictions must be imposed in order to protect the clay and other intertidal and subtidal habitats from further damage.

We are also concerned about the potential for impact on birds that forage on the intertidal flats, including those species that are listed for protection in the SPA such as dark-bellied brent geese (*Branta bernicla bernicla*), shelduck (*Tadorna tadorna*), curlew (*Numenius arquata*), redshank (*Tringa tetanus*), and dunlin (*Calidris alpina alpina*).

A further concern is the potential for this type of installation to exacerbate the spread of invasive non-native species which can impact on the condition of protected areas as well as the wider marine environment. Considerable conservation resources are already being applied to control the spread of the Pacific oyster (*Crassostrea/Magallana gigas*) to reduce impact on the native biodiversity (and amenity value of recreational areas). In addition, oyster trestles can provide suitable habitat for the highly invasive carpet seasquirt (*Didemnum vexillum*) which smothers native species and has been recorded along the north Kent coast including on the oyster trestles at Seasalter.

At present, there seem to be no limits or restrictions to guide/inform the number of steel trestles allowed to be installed in the area. We are highly concerned by the rate and size of expansion of the development from 250 steel trestles in 2010 to 2,400 in 2016 and believe that restrictions should be imposed, and at least a cap on the maximum number of trestles allowed, with enforcement action taken if these restrictions are not adhered to. This is important to avoid setting a precedent which would allow other individuals to install their own trestles in the intertidal area to harvest oysters.

Although a Navigational Risk Assessment has been carried out in the site³, we can see no documentation or evidence that an Environmental Impact Assessment has been conducted for this new development, as required under the Habitats Regulations and Marine and Coastal Access Act. Given that the development is situated within an SSSI, SPA and MCZ, we believe it is vital that all environmental impacts of this development are considered in order to assess the sustainability of the development and any aspects that are causing, or have the potential to cause, harm to the features of the site. The area represents an important spawning and nursery ground for a variety of fish species, an internationally important site for birds, and an internationally-recognised wetland area

² <http://jncc.defra.gov.uk/page-6026>

³ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/697651/17UK1322_MCA_WhitstableOyster_NRA_-_Issue_02.pdf

under the Ramsar convention⁴. Protected features of this MCZ and SSSI include several intertidal and subtidal habitats, and it is likely that a development of this size will have impacts on these. It is important that potential impacts are assessed for all developments proposed within or near to a designated protected site.

A similar development on a smaller scale was proposed at Loch Scridain on the Isle of Mull, and the applicant for this proposal was required to submit an application for planning permission⁵. This development proposed the siting of 1,020 trestles for oyster farming. We believe that a similar process should have been followed for the current development at Whitstable in order to ascertain the environmental implications of such a proposal. For example, the following considerations should be approved by environmental bodies or the local council prior to the development getting consent to ensure that such developments are sustainable and follow the legal environmental requirements:

- Species of oyster being farmed
- Means of containment
- Methods of oyster collection (e.g. on foot, by boat, or by quadbike)
- Location and size (/extent) of the development
- Number of oysters/level of biomass
- Equipment to be used
- Regulations for ensuring no waste/pollution is caused
- Impacts on water quality

Given that the development has already been constructed and is in use, it is essential that an appropriate assessment is carried out at the development site to assess these aspects listed above. The information provided by an appropriate assessment can inform the future management of the development and influence any restrictions or enforcement actions that may need to be taken.

Kent Wildlife Trust would be happy to be involved with any further environmental aspects or stages of this development and we look forward to learning of the outcome of this consultation.

Yours sincerely,



Marine Conservation Officer, Kent Wildlife Trust

⁴ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/492463/mcz-swale-estuary-factsheet.pdf

⁵ <https://www.argyll-bute.gov.uk/moderngov/documents/s119552/1701490%20RoH%20RK%20270717.pdf>