

SA comments

Respondent Surname	Respondent First Name	Respondent Name	Respondent Organisation Name	Agent Name	Agent Organisation Name	Comment	Attached documents
Agnew	Richard	Richard Agnew - Gladman	Gladman			<p>Sustainability Appraisal</p> <p>Under section 19 of the 2004 Planning and Compulsory Purchase Act, policies set out in Local Plans must be subject to Sustainability Appraisal (SA). Incorporating the requirement of the Environmental Assessment of Plans and Programmes Regulations 2004, SA is a systematic process that should be undertaken at each stage of the Plan's preparation, assessing the effects of the Local Plan's proposals on sustainable development when judged against reasonable alternatives. The Council needs to ensure that the results of the SA process clearly justify its policy choices. In meeting the development needs of the area, it should be clear from the results of the assessment why some policy options have been progressed, and others have been rejected. Undertaking a comparative and equal assessment of each reasonable alternative, the Council's decision making and scoring should be robust, justified and transparent.</p> <p>Gladman reminds the Council that there have now been a number of instances where the failure to undertake a satisfactory SA has resulted in Plans failing the test of legal compliance at Examination or being subjected to legal challenge</p> <p>The Sustainability Appraisal underpinning the Local Plan is concerning, especially the reliance on a 'no policy' option as the reasonable alternatives to the policy. We would suggest that a 'no policy' option is not a reasonable alternative to the proposed housing provision. Having considered the evidence before us regarding the level of affordable housing need in the district we would expect an increased housing requirement to deliver additional affordable housing to have been considered. It is disappointing that there has not been a more thorough assessment of delivering varying levels of additional housing needs.</p>	
Bowie	David	David Bowie - Highways England	Highways England			<p>Section 6.2 Document Review for Thanet and Table 6 should make reference to DfT Circular 02/2013 The Strategic Road Network and the Delivery of Sustainable Development (Sept 2013) and Planning for the future – A guide to working with Highways England on planning matters (Sept 2015). Also please note that Policy SP46 – Strategic Road Network – refers to Highways Agency, this should be changed to Highways England.</p>	
Brown	Paul	Paul Brown				<p>Proposed development to land to the west of Tothill Street. Minster.</p>	<p>Proposed development of land to the west of Tothill Street Minster 1.doc (30 KB)</p>
Dunn	Danielle	Danielle Dunn - Broadstairs & St.Peter's Town Council	Broadstairs & St.Peter's Town Council			<p>Agreed comments on the Habitats Regulation Assessment (HRA)</p> <p>Thanet Coast Strategic Access Management and Monitoring Plan - SUPPORT</p> <p>The Town Council supports the use of a Thanet Coast Strategic Access Management and Monitoring Plan to ensure that recreational pressure does not create significant damage. These SAMMPs have been used elsewhere and have been successful in mitigating damage.</p> <p>Report Recommendation - COMMENT</p> <p>The Town Council acknowledges the recommendation of the report, this states that Policy 'SP10 Broadstairs' should mention 'Policy SP25 - Protection of the International and European Designated Sites' and the Special Protected Area (SPA) mitigation strategy.</p>	

						<p>OBJECTS</p> <p>However, the Town Council objects to the fact this recommendation is not reflected in policy.</p>	
Ransom	Natasha	Natasha Ransom - British Horse Society	British Horse Society			<p>Public Rights of Way are not covered by any of the strategies. The Plans, Policies and Programmes makes no reference to KCC's Countryside Access Improvement Plan which aims to improve, where possible, the Public Rights of Way Network. It is particularly important in areas of low wages and employment that means of access to exercise and active hobbies are free to members of the public. There are specific references to increasing sporting venues but many of these will require payments to attend clubs and activities. Public Rights of Way are free to the user but help to prevent health problems and increase public health with net economic benefits to the NHS. There are planned improvements to the cycle network through transport strategies but this should be viewed as part of a specific policy to improve Rights of Way which includes other activities such as walking, dog walking, horse riding and even carriage driving (an increasingly popular activity also accessible to disabled equestrians).</p>	
Spanton	Ed	Ed Spanton - Ed Spanton Farms	Ed Spanton Farms	Howard Courtley - Courtley Planning Consultants Ltd	Courtley Planning Consultants Ltd	<p>We do not consider the Sustainability Appraisal as sound as it is not justified, effective, positively prepared or consistent with national policy.</p>	<p>09.25.ER.K5022PS.HousingLand Supply.Final.pdf (885 KB) Land at Cliffsend, Ramsgate - TA (Final) 25-09-18.pdf (2.7 MB) 09.27.18.AB.K5022PS.GeneralRep.Final.pdf (739 KB) 2914_12_Briefing Note.pdf (41 KB)</p>
Twizell	Heather	Heather Twizell - Natural England	Natural England			<p><u>Annex 2 – Detailed comments on Local Plan Habitats Regulations Assessment (HRA), Sustainability Appraisal (SA) and Transport Strategy</u></p> <p><u>Habitats Regulations Assessment</u></p> <p>We are pleased to see recognition in this document of the recent ‘People over Wind’ ruling (April 2018) and its implications for the HRA process. We are generally in agreement with the conclusions reached by the HRA although we would advise that some further clarity is required to robustly demonstrate that there will be no adverse effect on the integrity of the Sandwich Bay SAC through the pathway of air quality.</p> <p><i>4.1 Initial Screening of European Sites</i></p> <p>We agree that the Thanet Local Plan is not likely to have a significant effect on the following sites through any pathway of impact:</p> <p>Blean Complex SAC Dover to Kingsdown Cliffs SAC Stodmarsh SAC / SPA and Ramsar site Thanet Coast SAC Margate and Long Sands SAC Tankerton Slopes and Swalecliffe SAC Outer Thames Estuary SPA The Swale SPA and Ramsar site</p> <p><i>5. Appropriate Assessment: Sandwich Bay SAC</i></p>	

					<p>Recreational Pressure and Urbanisation</p> <p>While we agree with the conclusion that the Thanet Local Plan will not have an adverse effect on the integrity of the Sandwich Bay SAC through the pathway of recreational pressure and urbanisation we would advise that policies SP12 and SP26 cannot be used as part of the justification for this. The relevant section of SP12 and the entirety of SP26 relate to the Thanet Coast SAMM which is funded by developer contributions, and therefore any mitigation measures resulting from it must be closely linked to the interest features of the <i>SPA and Ramsar site</i> as this is the reason it was developed in the first place. It is not clear how this would benefit the dune features of the SAC.</p> <p>5.3 Atmospheric Pollution</p> <p>We note that the critical loads for N and Acid are already exceeded for all SAC features (except two where Acid is N/A) and are pleased that the HRA recognises the relatively new requirement for air quality impacts to be assessed in-combination.</p> <p>We agree that the main mechanism for the Local Plan to impact on the SAC through the pathway of air quality is through increased levels of traffic. However, we do not feel that the HRA is currently sufficiently robust in demonstrating no adverse effect on site integrity through this impact pathway. Given the distance of any of the large site allocations in Thanet from any of the places where an A or B road passes within 200m of the SAC any traffic increases are likely to be too dispersed to have a significant impact.</p> <p>To demonstrate this we would like to see traffic modelling data clearly showing how traffic flows are predicted to change as a result of the allocations in the Thanet Local Plan on A or B roads within 200m of any emission-sensitive features of the SAC, regardless of whether these fall within Thanet District or outside in Dover District.</p> <p>6. Appropriate Assessment: Thanet Coast and Sandwich Bay SPA / Thanet Coast and Sandwich Bay Ramsar</p> <p>Current Issues and Threats to Interest Features Turnstone</p> <p>We are not happy with the final sentence in this section which begins ‘Natural England have suggested that...’ We have provided advice to your authority but the approach which has been taken to the recreational pressure issue has been dictated by the evidence coming out of the Local Plan process and your authority needs to take ownership of this. If at any point this HRA document is revised we would suggest amending the wording to ‘<i>The evidence suggests that...</i>’</p> <p>Golden Plover</p> <p>We would advise amending the final sentence in this section as follows: ‘It should be noted that the second and third SPA Reviews (Stroud et al. 2001 and Stroud et al. 2016 respectively) have</p>	
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					<p>conclusions drawn although we have drawn out some specific points below.</p> <p>One general point to make is that references within this document to the HRA process are often incorrect. The document does not appear to have been updated in light of the recent People over Wind ruling which means that for any policies requiring mitigation to avoid impacts on European sites (such as all the housing allocations which rely on the Thanet Coast SAMM) it states that there is <i>no likely significant effect</i> when the correct conclusion now is <i>no adverse effect on site integrity</i>. There are also a number of cases where the policy appraisal matrix may show HRA as being not applicable (NA) but the summary section states that there is no likely significant effect. We would consider these to be two different things. If a policy has no possible way of impacting on a designated site (e.g. SP20 – Affordable Housing) then consideration under the Habs Regs is NA, however for policies where there is a credible pathway of impact but it is clear impacts will not be significant a conclusion of no likely significant effect is appropriate.</p> <p>These concerns around the reporting of the HRA process in the SA document are not fundamental as the core HRA document deals with the issues correctly but we believe the matter should be corrected as it may lead to confusion among readers less experienced in this topic.</p> <p>Appendix C - Biodiversity and Cultural Assets</p> <p>C1 – Thanet Designated Areas currently makes no reference to any of the marine designated sites just off the Thanet Coast i.e. the Thanet Coast MCZ, Outer Thames Estuary SPA and Margate & Long Sands SAC.</p> <p>Appendix D – Sustainability Appraisal Framework</p> <p>We have previously offered to work with your authority to revise a number of the indicators in Table D1, particularly those around biodiversity (Objective 20). We would like it noted that these indicators as they currently stand will generally not measure the influence of the <i>Local Plan itself</i> on biodiversity but will be affected by many other factors. We would still be very willing to work with your authority on this to the end of agreeing more planning specific indicators along the line of the final bullet point ‘% of greenspace gain in new developments.’</p> <p>Appendix E - Policy Appraisal Matrices</p> <p>The policy appraisals for the vast majority of housing allocation sites, both major (SP13-SP18) and minor (HO2-HO17) show the allocation policies as likely to result in either a minor or significant positive effect on the objective of conserving and enhancing biodiversity. Natural England does not agree with these conclusions. When one considers the Decision Making Criteria in Table 1, about the best that can be said is that these site allocations may avoid damage to designated wildlife and geological sites as other, more damaging sites, could have been allocated in their stead. But to state that the allocation of all of these sites for housing, many of which are currently greenfield, will provide an overall benefit to the conservation and enhancement of wider biodiversity is unrealistic. If as a result of a future Local Plan review your authority incorporates new policy wording to ensure that all new development will result in a quantifiable net gain for biodiversity then it may be possible to revisit our views on this matter. We have not raised this as a major issue as it is not specific to Thanet and we do not see how you could have addressed things differently – you have a requirement to provide new housing and the reality is that across most of the country the provision of housing still results in a net loss, or at best a neutral impact on biodiversity. We are hopeful that net gain could be the</p>	
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					<p>mechanism that begins to genuinely reverse this in the coming years.</p> <p>E18 - Best and Most Versatile Land – this concludes a negative impact against Objective 20 (Biodiversity) as it is perceived that the policy could prevent habitat creation/restoration. We believe this is a tenuous argument and that in many cases prime agricultural land tends to be less suitable for habitat creation. It could possibly be argued that a negative impact could result from the policy’s safeguarding of BMV land as the knock on effect of this is to direct development to land of lower quality and this is more likely to be better for biodiversity.</p> <p>CC06 – Solar Parks – despite raising concerns previously the matrix still shows this policy as benefitting biodiversity which may not be the case at the local level. The policy might include a requirement to provide biodiversity enhancements but currently contains no corresponding requirement to fully assess what biodiversity might be lost as a result of development. This is particularly an issue where agricultural land is being used by overwintering birds from designated nature conservation sites as this would not be compatible with the development of a solar park.</p>	
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