

**Independent Examination of the Thanet Local Plan**  
**Inspectors' Matters, Issues and Questions for Examination**  
**Environment Agency Comments**

**Matter 17 – Biodiversity and Geodiversity (Policies SP25-SP28 and GI01-GI03)**

***Issue 1 – Biodiversity and Geodiversity Policies SP25-SP28 and GI01-GI03***

**Q1. Are Policies SP25-SP28 consistent with paragraph 113 of the Framework which states that local planning authorities should set criteria-based policies against which proposals for any development on or affecting protected wildlife or geodiversity sites or landscape areas will be judged?**

We have no comments to make on this issue.

**Q2. Do Policies SP25-SP28 make distinctions between the hierarchy of international, national and locally designated so that protection is commensurate with their status and give appropriate weight to their importance and the contribution that they make to wider ecological networks?**

Our concern, when reviewing the document, was that it was not clear that the Council was going to provide protection for sites that the Environment Agency might identify as sites in that are required for compensatory habitat for implementation of Shoreline Management Plans.

We need the plan to clearly state that the protection accorded to identified compensatory habitat sites, even if not designated, “should be given the same protection as habitats sites”.

**Q3. Does the Plan include policies which plan for biodiversity at a landscape-scale, including across local authority boundaries as required by paragraph 117 of the Framework? Does the Plan identify and map components of ecological networks, including wildlife corridors and stepping stones that connect them?**

In Kent, reference to the Biodiversity Opportunity Area mapping, and Council support for updating the maps, is a recognised way of considering ecological networks and their connections.

**Q4. Is it clear to decision-makers, developers and local communities how any habitat loss and/or mitigation will be determined to ensure that proposals for new development secure net gains in biodiversity?**

This is a developing area. The Council should be prepared to accept advice and guidance from Defra and others on the ways in which net gain can be secured. The plan should clearly acknowledge this.

**Q5. Does Policy SP25 reference the correct Regulations?**

For the most part, no as the 2010 Regulations were extensively revoked by the Conservation of Habitats and Species Regulations 2017, as amended.

**Q6. Is it the wording of Policy SP27 clear as to whether the need for ecological surveys applies to all sites? Is the policy effective?**

It is a requirement of Circular 06/2005 *Biodiversity and geological conservation*, that surveys be carried out so that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted. This is a principle that must apply. The Circular, however, permits a risk assessment of the likely presence of protected species in the development area. If it is unlikely that they are present, then there should be no need for surveys for the particular species.

**Q7. Is the information contained in diagram 1 (Chapter 12) regarding designated sites accurate?**

The diagram is incomplete as there are other designations in the area e.g. Thanet Coast SSSI but these are overlain by other designations shown in the diagram. The Thanet Coast SSSI is mentioned in the text beneath so there should be no uncertainty in the mind of readers that it and the other omitted sites are not relevant.

**Q8. Will Policy GI01 deliver real gains in biodiversity in the area over the plan period? Is the policy effective and consistent with national policy?**

The wording of the Policy is, theoretically, protective of existing biodiversity and does not provide for gains in biodiversity.

**Q9. Unlike policy GI02, policy GI01 does not contain a specific reference to new developments including measures to enhance and improve connectivity to designated sites. Why is there a different approach to Nationally and Locally Designated Sites in this regard? Is the policy justified?**

We have no comments to make about this difference of approach.

**Q10. Unlike Policies GI01 and GI02, Policy GI03 does not include a reference to permitting development if the need outweighs the importance of the designated site. Why is the approach different? Is this policy justified?**

This is difference in approach is for the protection of geological assets which are not of direct interest to the Environment Agency.