CONTENTS

4 POLICY FRAMEWORK AND GUIDANCE

4.1 Introduction

There are various plans and policies that apply to the offshore and onshore elements of the Thanet Offshore Wind Farm (Thanet) project. The development will be required to comply with, and take account of relevant national, regional and local planning guidance. This section sets out the plans and policies identified as being of relevance, which includes the:

- Town and Country Planning Act 1990;
- Wildlife and Countryside Act 1981;
- Countryside and Rights of Way Act 2000;
- PPS9 Nature Conservation (2005);
- PPG15 Planning and the Historic Environment (1994);
- PPG16 Archaeology and Planning (1990);
- PPG20 Coastal Planning (1992);
- PPS22 Renewable Energy (2004);
- Thanet District Council Local Plan (March 2003);
- Dover District Council Local Plan (2002);
- Kent and Medway Structure Plan (September 2003);
- Kent County Council Waste Plan (2005); and
- Kent Biodiversity Action Plan (1997).

The Acts of Parliament under which the various consents for the Thanet project are being sought are detailed in **Section 3, Regulatory and Legislative Context**.

4.2 National Policy

4.2.1 Town and Country Planning Act 1990

The key statutory instrument controlling the development of land in England and Wales is the Town and Country Planning Act (T&CPA) 1990.

Section 34A of the Act requires planning applications to be determined in accordance with the development plan (Structure Plan, Local Plan etc) unless other material considerations indicate otherwise. The onshore elements of the Thanet project will be covered by deemed planning permission, as part of the section 36 consent under the Electricity Act (1989) (see **Section 3.2**), however, the Local Planning Authorities, in this case Thanet District Council and Dover District Council[1], will be statutory consultees and therefore local planning policy remains relevant. Further information on the Development Plans relevant to the Thanet project is provided in this section.

[1] Due to a small section of the onshore cable route at the entrance to Richborough Power Station falling with Dover District.

4.2.2 Wildlife and Countryside Act 1981, as amended by the Countryside and Rights of Way Act 2000

The Wildlife and Countryside Act (WCA) 1981 is divided into three sections:

- Part I, which deals with wildlife protection;
- Part II, which covers nature conservation, countryside and National Parks; and
- Part III, which deals with public rights of way.

The revised Section 28, contained in Schedule 9 of the Countryside and Rights of Way Act 2000, provides significantly enhanced duties on English Nature, Site of Special Scientific Interest (SSSI) owner/occupiers and statutory authorities to conserve and enhance the special features for which SSSIs are designated. In particular, English Nature's consent must be sought before works can be carried out, which may damage the special interest of a SSSI.

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4.2.3 Planning Policy Statement (PPS) 9 Biodiversity and Geological Conservation

PPS9 is the amended Planning Policy Guidance 9, which incorporates the wildlife legislation cited above and was published in August 2005. It is important as it provides guidance on how planning applications affecting sites of nature conservation importance should be dealt with. The protection of SSSIs and the implementation of the Habitats Directive are key areas covered by the guidance.

4.2.4 Planning Policy Guidance (PPG) 15: Planning and the Historic Environment

PPG15 states that:

"It is fundamental to the Government's policies for environmental stewardship that there should be effective protection for all aspects of the historic environment".

In respect of Development Control, PPG15 says of all Local Planning Authorities that:

"They should expect developers to assess the likely impact of their proposals on the site or structure in question, and to provide such written information or drawings as may be required to understand the significance of a site or structure before an application is determined."

4.2.5 Planning Policy Guidance (PPG) 16: Archaeology and Planning

PPG16 sets out the Secretary of State's policy on archaeological remains. It acknowledges the fragile and finite nature of such remains, and states that the desirability of preservation of archaeological remains and their setting is a material consideration within the planning process. PPG16 provides that there is a presumption in favour of the physical preservation of nationally important archaeological remains. Where preservation in situ is not justified, it is reasonable for Planning Authorities to require the developer to make appropriate and satisfactory provision for excavation and recording of remains.

PPG16 suggests that it is in the developer's own interests to include an initial assessment of whether the site is known or likely to contain archaeological remains, as part of their research into the development potential of a site. It also adds that Local Planning Authorities can expect developers to provide the results of such assessments as part of their application for sites, where there is good reason to believe there are remains of archaeological importance. PPG16 identifies, however, that in spite of the best pre-planning application research, there may be occasions when the presence of archaeological remains only become apparent once development has commenced.

4.2.6 Planning and Policy Guidance (PPG) 20: Coastal Planning

PPG20 sets down general guidance with respect to coastal planning and also makes specific reference to Heritage Coasts.

Paragraph 1.17 defines the main objectives of Heritage Coast, one objective being:

"To take account of the needs of agriculture, forestry and fishing, and of the economic and social needs of the small communities on these coasts, through promoting sustainable forms of social and economic development, which in themselves conserve and enhance natural beauty and heritage features".

PPG20 also defines the Conservation Policy aims, the purpose of these being to protect and enhance the natural character and landscape of the undeveloped coastline. Importantly, the guidance document also acknowledges that certain activities require a coastal location, one of these being renewable energy generation.

The contents of PPG20 are relevant to the Thanet project given that the majority of the Thanet Coast is protected by a range of conservation and landscape designations including the North East Kent European marine site, Area of Outstanding Natural Beauty and Heritage Coast.

4.2.7 Planning Policy Statement (PPS) 22: Renewable Energy

The current government policy guidance on renewable energy is PPS22. This policy is intended to "*stimulate positive planning which facilitates renewable energy developments*" in line with the Government objectives for renewable energy (see **Section 1, Introduction**). It sets out the principles that regional planning bodies and Local Planning Authorities should take into account in the preparation of Regional Spatial Strategies and Local Development Documents respectively.

Key principles include the following:

- *"Regional spatial strategies and local development documents should contain policies designed to promote and encourage, rather than restrict, the development of renewable energy resources";*
- *"The wider environmental and economic benefits of all proposals for renewable energy projects, whatever their scale, are material considerations that should be given significant weight in determining whether proposals should be granted planning permission";*

- *"Community involvement in renewable energy projects and … knowledge of and greater acceptance by the public of prospective renewable energy developments that are appropriately located should be promoted by authorities and developers"; and*
- *"Development proposals should demonstrate any environmental, economic and social benefits as well as how any environmental and social impacts have been minimised through careful consideration of location, scale, design and other measures".*

Important considerations are included in PPS22 with respect to locational considerations.

With respect to internationally designated sites, PPS22 states that where developments are likely to have an adverse effect on a site of international importance for nature and heritage conservation, planning permission should only be granted once an assessment has shown that the integrity of the site would not be adversely affected. Areas relevant to the Thanet project include:

- Special Protection Areas;
- Special Areas of Conservation; and
- RAMSAR sites.

For sites with nationally recognised designations, planning permission for renewable energy projects should only be granted where it can be demonstrated that the objectives of designation of the area will not be compromised by the development and any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by the environmental, social and economic benefits. Sites that are relevant to the Thanet project include:

- Sites of Special Scientific Interest;
- National Nature Reserves;
- Areas of Outstanding Natural Beauty;
- Heritage Coasts;
- Scheduled Monuments; and
- Listed Buildings.

The companion guide to PPS22 specifies that the appropriate treatment of the above areas will vary according to the reasons for designation, and may be related to specific landscape, visual or nature conservation characteristics. Local Planning Authorities could also identify 'special circumstances' cases, where appropriate.

The above principles do not apply to 'buffer zones' around international or nationally designated areas, although the potential impact on designated areas of renewable energy projects close to their boundaries will be a material consideration to be taken into account in determining planning applications.

4.3 Regional Policy

4.3.1 Regional Planning Guidance for the South East 2006 -2026 (RPG9)

RPG9 is the existing policy covering the period up to 2016 and sets the framework for the longer term future. The Draft South East Plan covering the period up to 2026 was handed to the Government for approval in July 2005, and will supersede RPG9 when granted.

4.3.2 South East Plan Consultation Draft

Regional Spatial Strategy (RSS) is prepared by the South East England Regional Assembly (SEERA) and is called the South East Plan. The Draft Plan was published on 24th January 2004 for public consultation.

The relevant policies of the Draft Plan are as follows:

Policy NRM4: Conservation and Improvement of Biodiversity
"In the development and implementation of policies, plans and strategies, local authorities and other bodies shall seek to avoid a net loss of biodiversity, and actively pursue opportunities to achieve a net gain across the region by:

- *Providing the highest level of protection for nationally and internationally designated sites and helping to meet regional and national biodiversity targets;*
- *Ensuring damage to locally important wildlife and geological sites and ancient woodlands and their settings is avoided wherever possible; and*
- *Ensuring that unavoidable damage to wildlife interest is minimised through mitigation or replaced by compensation wherever possible, and that such measures are monitored".*

Policy EN4: Regional Renewable Energy Targets
"The following (**Table 4.1**) *minimum regional targets for electricity generation from renewable sources should be achieved by the development and use of all appropriate resources and technologies":*

Table 4.1 Minimum South East Region targets for electricity generation from renewable sources

Timescale	Installed Capacity (MW)	Electricity Generation Capacity (%)
2010	620	5.5
2016	895	8.0
2026	1,750	16.0

The renewable energy resources with the greatest potential for electricity generation are onshore and offshore wind, biomass, and solar.

Policy EN6: Planning for renewable policy
"*Development Plans should support in principle the development of renewable energy. Renewable energy development should be located and designed to minimise adverse impacts on landscape wildlife and amenity"*.

4.4 Local Policy

4.4.1 Kent and Medway Structure Plan

The Kent and Medway Structure Plan; Deposit Plan, was published in September 2003 and has been subject to an Examination in Public. It is anticipated that this Plan will be adopted in 2005 and, in accordance with the new Planning and Compulsory Purchase Act 2004, will remain applicable until at least 2007.

County Structure Plans are in the process of being abolished by the new planning legislation (Planning and Compulsory Purchase Act 2004) and replaced by Regional Spatial Strategies, which will be called the South East Plan for this region. The new Act sets out transitional arrangements for Structure Plans. Any Structure Plan that has reached the deposit stage by April 2004 should be progressed through the formal plan preparation stages, and once adopted will be applicable until at least 2007 and until the Regional Spatial Strategy (RSS) is adopted. The Kent and Medway Structure Plan had reached deposit stage before April 2004 and will be 'saved' for a period of at least three years once adopted.

There are a number of policies of the Kent and Medway Structure Plan that are relevant to the Thanet project. An extract of these policies is provided below.

Policy E1: **Protecting Kent's Countryside**
"Kent's countryside will be protected for its own sake. Development in the countryside should seek to maintain or enhance it".

Policy E2: Protecting Kent's Coast and Estuaries
"Kent's undeveloped coast and estuaries, except where allocated for port development and associated infrastructure, will be conserved and enhanced. Development in such areas and in adjoining countryside will not be permitted if it materially detracts from the scenic, heritage, wildlife or scientific value of these areas".

Policy E3: **Protection and Enhancement of Landscape Character**
"Kent's landscape and wildlife habitats will be conserved and enhanced. Development will not be permitted if it would lead to the loss of features or habitats, which are of landscape, historic, wildlife or geological importance, or are of an unspoilt quality free from urban intrusion unless there is a need for development, which outweighs these countryside considerations".

Policy E4: **Areas of Outstanding Natural Beauty and Heritage Coasts**
"Protection will be given to the nationally important landscapes of:

- *The Kent Downs and High Weald AONB; and*
- *Kent's Heritage Coast between Kingsdown and Dover and between Dover and Folkestone.*

The primary objective in these areas will be to protect and enhance landscape character and natural beauty".

Policy E6: **International and National Wildlife Designations**
"Development will not be permitted where it would directly, indirectly or cumulatively, materially harm the scientific or nature conservation interests of any of the following categories of sites:

- *European site;*
- *Proposed European site;*
- *Ramsar site;*
- *SSSI; and*
- *National Nature Reserve".*

Policy E7: **County and Local Wildlife Designations**
"Development which would materially harm the scientific or nature conservation interests, either directly, indirectly or cumulatively will not be permitted unless there is a need which outweighs the local nature conservation or geological / geomorphological interest and adverse impacts can be adequately compensated. Sites include:

- *Local Nature Reserves (LNR)*
- *County Wildlife Sites identified in Local Development Documents*
- *Regionally Important Geological (RIG)/ Geomorphological Sites".*

Policy QL7: **Conservation Areas**
"The primary planning policy towards conservation areas is to preserve or enhance their special character and appearance".

Policy QL8: **Archaeological Sites**
"The archaeological and historic integrity of scheduled ancient monuments and other important archaeological sites, together with their settings, will be protected and, where possible, enhanced".

Policy QL10: **Historic Landscape Features**
"Development will not be permitted which would have an adverse impact upon the historic and archaeological importance, landscape character and physical appearance of historic landscapes, parks and gardens. The settings and views into, and out of, historic landscapes, parks and gardens will be protected and where possible enhanced".

Policy NR1: **Energy Generation**
"Proposals for energy generation will be assessed by the Local Planning Authorities in terms of:

- *Their impact on landscape and nature conservation, health, built environment, air quality, atmosphere, including the level of emissions, and water resource interests;*
- *The effectiveness of proposed mitigation measures;*

- *The proximity of proposals to the energy source and their contribution to meeting the energy needs of local communities; and*
- *The prospective life of energy plants and, where appropriate, the site restoration measures proposed".*

Policy NR2: **Renewable Energy Production**
"Development necessary for the production of energy from renewable sources will be supported where there would be no overriding conflict with environmental interests. Prospective sites for renewable energy facilities and production, including consideration of provision integrated with new development, will be identified in Local Development Documents".

"Offshore wind energy generation is supported in appropriate locations".

Policy NR4: **Pollution Impacts**
"The quality of Kent's environment will be conserved and enhanced. This will include the visual, ecological, geological, historic and water environments, good air quality and levels of tranquillity and light intrusion".

Policy NR7: **Water Quality**
"Development will not be permitted where it would give rise to an unacceptable impact on the quality or yield of Kent's watercourses, coastal waters and/or ground water resources".

Policy NR9: **Development and Flood Risk**
"Development will be planned to avoid the risk of flooding".

"Where development is necessary in areas at risk of flooding it should be designed and controlled to mitigate the impact of flood risk".

4.4.2 Thanet District Council Local Plan

The current Local Plan consists of the adopted Isle of Thanet Local Plan 1998 that has been revised in 2003 (Revised Draft Local Plan, March 2003). The revised Plan has been subject to a Public Inquiry and it is anticipated that this Plan will be adopted in 2006 (www.thanet.gov.uk).

The Local Plan, which sets out policies to 2011, will be the last one published by Thanet District Council, as the new Planning and Compulsory Purchase Act 2004 changes the planning system in England. Under the Planning and Compulsory Purchase Act, the Plan will be 'saved' for a number of years and will then be superseded by the new Local Development Framework. It is anticipated however that most of the existing policies will remain.

The policies that are relevant to the Thanet project are listed below:

Policy CC3: Local landscape features
*"*New *development proposals should respect local landscape features and their settings, whether natural or the result of human activity. Proposals that would lead to the loss or fragmentation of such features will not be permitted".*

Policy CC14: Development along the coast
"Development which specifically requires a coastal location will normally be permitted, where there is no overriding conflict with other Local Plan policies, and if no more appropriate site exists".

"New development at the coast will be expected to protect and enhance the landscape, nature conservation and recreational value, and diverse character of those areas".

Policy CC16: Undeveloped coast
"In considering development proposals at or adjacent to the undeveloped coast, the District Council will take into account the unspoilt landscape, scientific value and character of the coastline, and proposals which are inappropriate to the area by reason of the nature, scale, location and likely impact of the use will not normally be permitted".

Policy NC2: Nature reserve and SSSI
"Development which would materially harm or detract from the scientific or nature conservation interest of the Thanet SSSIs or National Nature Reserve, either directly or indirectly, will not be permitted".

"Exceptionally, where it can be demonstrated that the need for the proposed development is compelling and overrides the national importance of the SSSIs, and no suitable alternative site exists, mitigating measures should be incorporated into the development, to minimise the impact of those proposals on the scientific or nature, conservation interest of the area".

Policy NC3: SPA, SAC and Ramsar Sites
"Proposals for development or land use which may affect an SPA or SAC, proposed SPA or SAC, or a Ramsar Site will be subject to the most rigorous examination. Development or land use change not directly connected with or necessary to the management of the site, which is likely to have significant effects on the site, either individually or in combination with other plans or projects, and which would affect the integrity of the site will not normally be permitted unless the authority is satisfied that there are no alternative solutions, and it can be demonstrated there are imperative reasons of overriding public interest for the development of the land or land use change".

Policy EP15: Renewable Energy
"Proposals for development necessary for the exploitation of renewable energy sources or energy-saving technology including recycling and energy from waste will be considered in relation to the following criteria:

- *The potential contribution of the development to national, regional and local requirements for renewable/energy efficient energy production;*
- *The general impact of the proposed development in terms of location, appearance, size, noise and vibration; and*
- *Sensitivity of proposed location including in terms of landscape character, landscape quality, cultural heritage, flora, fauna and water resources".*

4.4.3 Dover District Local Plan

The Dover District Local Plan (DDLP) was adopted in 2002 and is currently being revised and eventually replaced by Local Development Frameworks (LDF).

The first LDF will cover the period up to 2016. The adopted Dover District Local Plan (DDLP) will remain in force for determining planning applications until superseded by the adoption of the LDF.

The policies that are relevant to the Thanet project are listed below.

Policy CO3: Special Landscape Areas (SLA)
"Within the North Downs SLA and the Sandwich Bay/Pegwell Bay SLA, priority will be given to the conservation and enhancement of the natural beauty of the landscape over other planning considerations. Development, which would have an adverse affect upon the landscape character, will not be permitted unless there is a demonstrable economic or social need for the development. In all cases development must be appropriate in location, and incorporate design and associated landscape features and measures to minimise visual impact".

Policy ER1: Renewable Energy
"Proposals for the development of energy from renewable sources will be permitted provided inter alia:

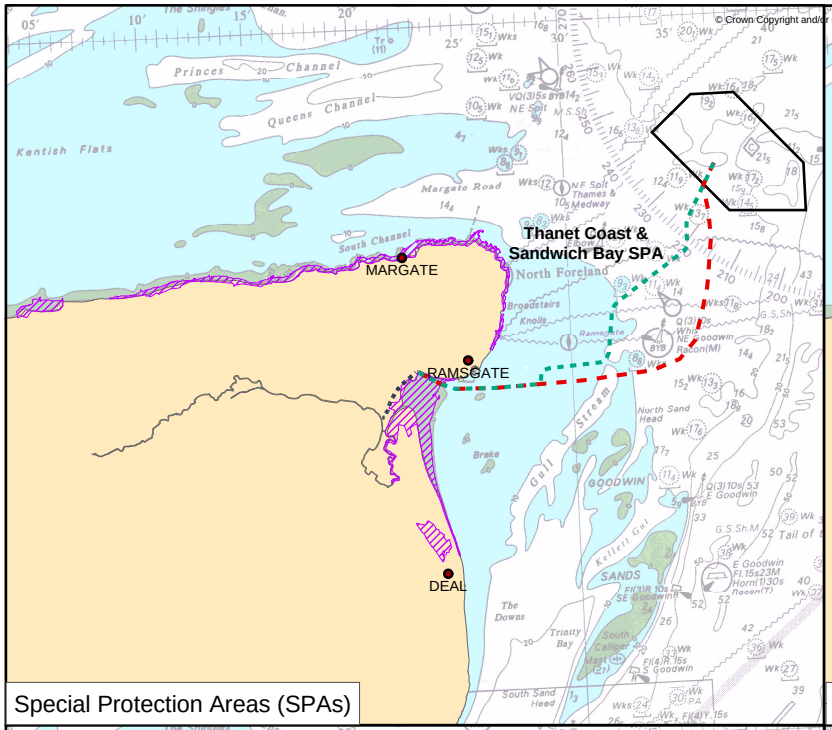
- *The benefits of renewable energy generation outweigh any adverse impacts; and*
- *Where practicable, they are located in close proximity to the existing electricity distribution infrastructure"*.

4.4.4 Kent Biodiversity Action Plan

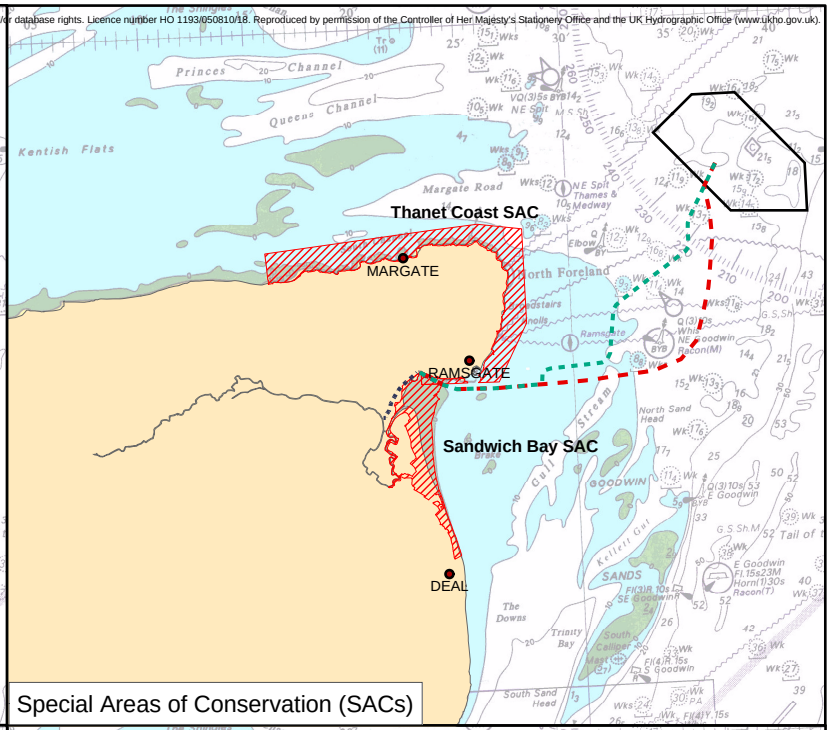
Biodiversity: the UK Action Plan was launched in 1994. The report identified 59 broad activities for conservation works over the next 20 years (the '59' steps) and recommended that a steering group be created in order to take the work forward. It also established fundamental principles for future biodiversity conservation in the UK. The Biodiversity Action Plan (BAP) also highlights the important species and habitats in an area by producing Local BAPs for individual counties and areas. The Kent BAP was published in November 1997 and implementation is currently in progress.

4.5 Nature Conservation Designations

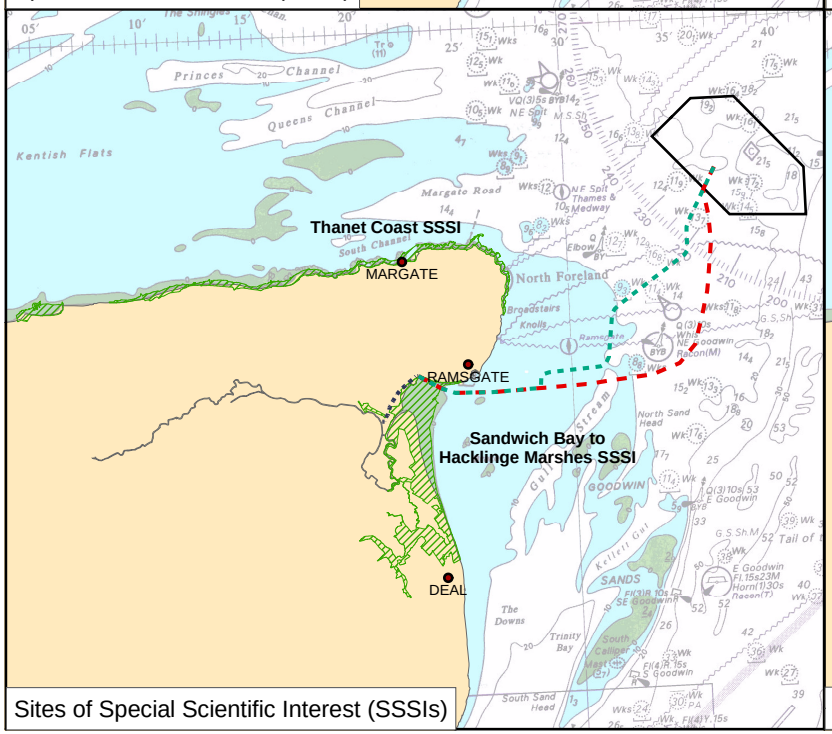
The following sections outline existing and potential future terrestrial and marine nature conservation designations in the Isle of Thanet area, as indicated in **Figures 4.1a, 4.1b** and **4.1c**.



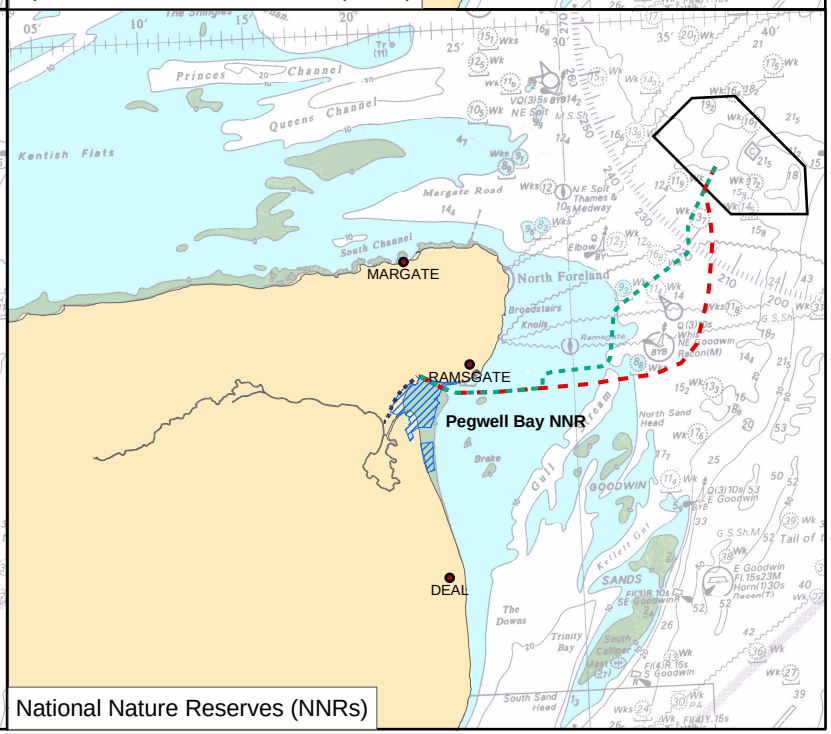
Special Protection Areas (SPAs)



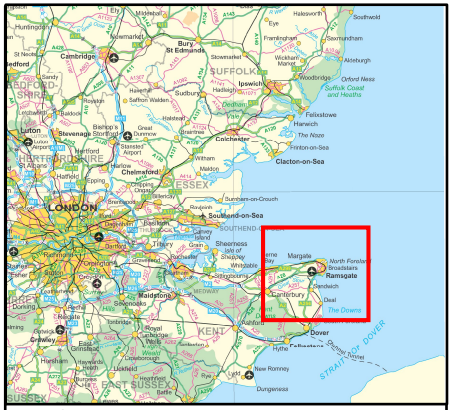
Special Areas of Conservation (SACs)



Sites of Special Scientific Interest (SSSIs)



National Nature Reserves (NNRs)



Legend:

- Wind Farm Location
- Proposed Cable Route 1
- Proposed Cable Route 2
- Proposed Onshore Cable
- Special Protection Areas (SPAs)
- Special Areas of Conservation (SACs)
- Sites of Special Scientific Interest (SSSIs)
- National Nature Reserves (NNRs)

Title:
NATIONAL AND INTERNATIONAL NATURE CONSERVATION DESIGNATIONS IN THE THANET AREA

Project:
THANET OFFSHORE WIND FARM

Source: Main Chart - Not to be used for navigation.
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Inset Map -
Derived from MiniScale by Ordnance Survey.
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Client:
THANET OFFSHORE WIND LTD

Drawn by:	Checked:	Drawing No:
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Date:	Figure:
31/10/2005	4.1a

Scale: 0 2 4 6 8 Kilometres

Revision No: 003

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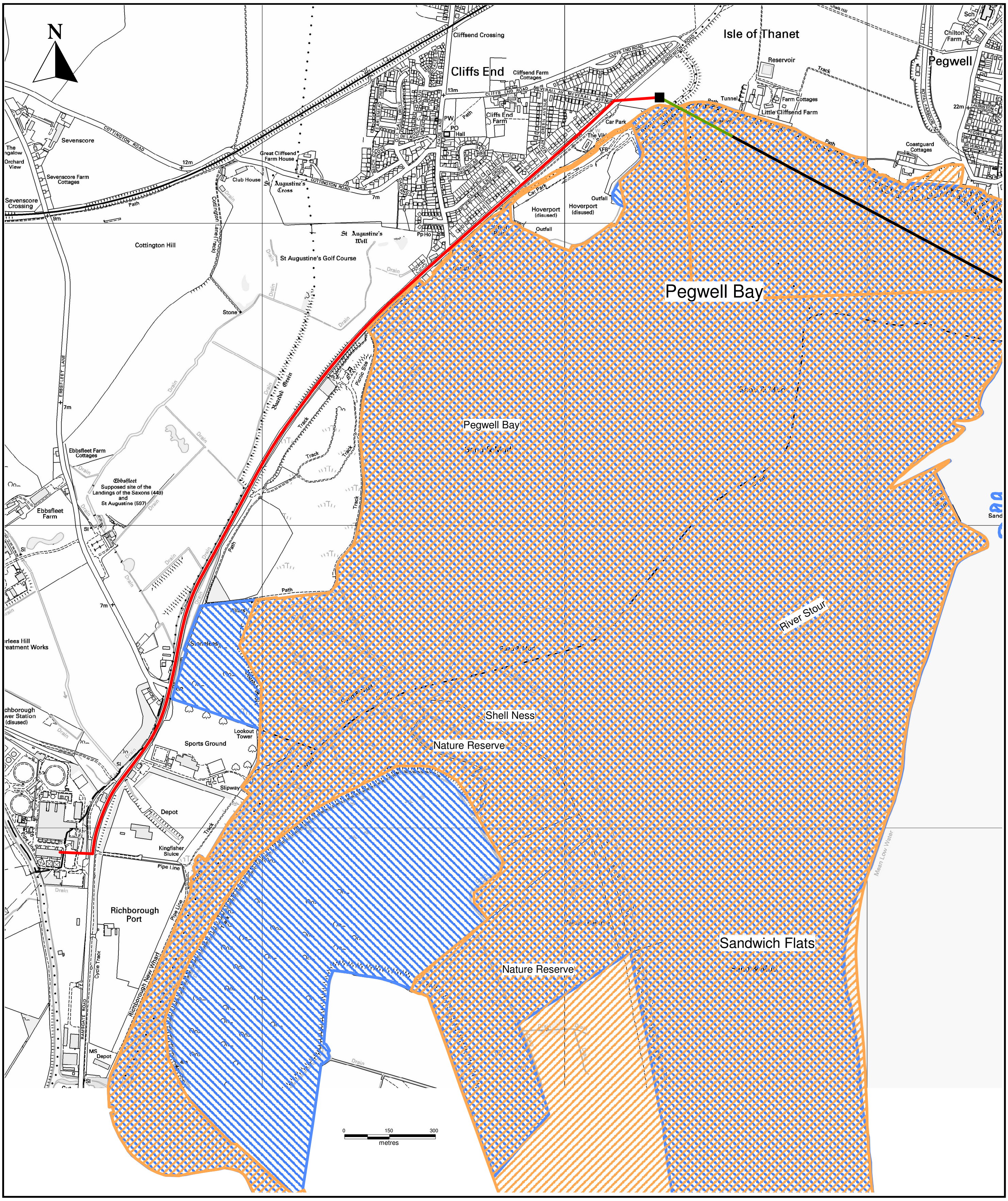

N
Isle of Thanet
Cliffs End
Pegwell
Pegwell Bay
Sevenscore
Cottington Hill
St Augustine's Golf Course
St Augustine's Cross
St Augustine's Well
Ebbsfleet Farm
Ebbsfleet Farm Cottages
Ebbsfleet Supposed site of the Landings of the Saxons (449) and St Augustine (597)
Hoverport (disused)
Car Park
Reservoir
Little Cliffsend Farm
Farm Cottages
Coastguard Cottages
Chilton Farm
Cliffsend Crossing
Cliffsend Farm Cottages
Great Cliffsend Farm House
Club House
Stonelees
Sports Ground
Lookout Tower
Slipway
Depot
Kingfisher Sluice
Pipe Line
Richborough Port
Richborough New Wharf
River Stour
Shell Ness
Nature Reserve
Sandwich Flats
Mean Low Water
0 150 300 metres

Legend:

- Thanet Coast and Sandwich Bay SAC
- Thanet Coast and Sandwich Bay SPA
- Terrestrial Cable Route
- Joint Transition Pit
- Landfall Route
- Marine Cable Route

Title:	INTERNATIONAL NATURE CONSERVATION DESIGNATIONS
Project:	THANET OFFSHORE WIND FARM
Source:	This product includes mapping data licensed from Ordnance Survey ®. © Crown copyright and/or database right 2004. License number 0100031673
Client:	THANET OFFSHORE WIND LTD
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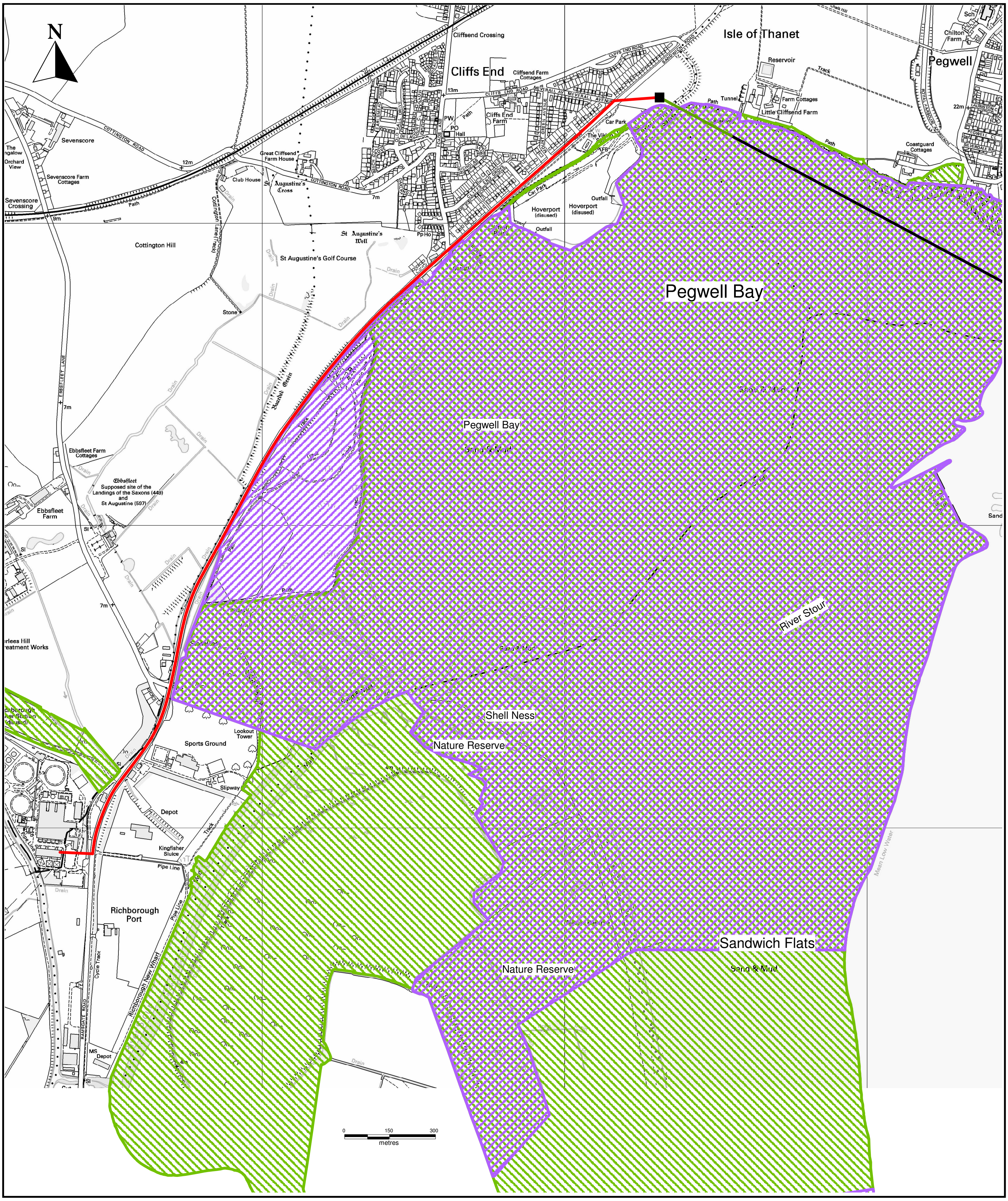

N
Isle of Thanet
Cliffs End
Cliffsend Crossing
Cliffsend Farm Cottages
Pegwell
Chilton Farm
Reservoir
Farm Cottages
Little Cliffsend Farm
Coastguard Cottages
Sevenscore
Sevenscore Farm Cottages
Sevenscore Crossing
Great Cliffsend Farm House
Club House
St Augustine's Cross
Cottington Road
Cottington Hill
St Augustine's Well
St Augustine's Golf Course
Car Park
Hoverport (disused)
Outfall
Stone
Pegwell Bay
Sand & Mud
Ebbsfleet Farm Cottages
Ebbsfleet Farm
Ebbsfleet
Supposed site of the Landings of the Saxons (449) and St Augustine (597)
River Stour
Shell Ness
Nature Reserve
Lookout Tower
Sports Ground
Slipway
Depot
Kingfisher Sluice
Pipe Line
Richborough Port
Richborough New Wharf
Sandwich Flats
Mean Low Water
0
150
300
metres

Legend:	Title: INTERNATIONAL NATURE CONSERVATION DESIGNATIONS	Drawn by: MJM	Checked: DC	Drawing No:
Pegwell Bay NNR		Date: SEPT 05		Figure: 4.1c
Sandwich Bay and Hacklinge Marshes SSSI	Project: THANET OFFSHORE WIND FARM	Scale: 1:12,000		Revision No:
Terrestrial Cable Route	Source: This product includes mapping data licensed from Ordnance Survey ®. © Crown copyright and/or database right 2004. License number 0100031673			
Joint Transition Pit				
Landfall Route	Client: THANET OFFSHORE WIND LTD	ROYAL HASKONING		
Marine Cable Route				

In addition, other designated sites on the north Kent coast are of relevance to the Thanet project in relation to ornithological interests. A description of these sites is also included in this section.

4.5.1 Statutory international designations

Thanet Coast and Sandwich Bay SPA/Ramsar site

The principal site of ornithological interest in the vicinity of the Thanet project is the Thanet Coast and Sandwich Bay Special Protection Area (SPA) and Ramsar site. It covers much of the coast from Herne Bay to Deal and includes Pegwell Bay and some hinterland areas. The main habitats covered include chalk cliffs, rocky shore, sand and mudflats, sand dunes, maritime grassland, saltmarsh and grazing marsh. The seaward extent includes all the intertidal areas of Pegwell Bay (see **Figure 4.1b**)

SPAs are statutory designated sites, which are classified under EU law in accordance with Article 4 of the EC Directive on the conservation of wild birds (79/409/EEC), also known as the "Birds Directive". SPAs are designated for supporting significant populations of rare and vulnerable birds, listed in Annex I to the Birds Directive, and for regularly occurring migratory species and do not extend below the mean low water mark.

Ramsar sites are designated under the *Convention on Wetlands of International Importance, especially as Waterfowl Habitat* (the "Ramsar Convention"). The Convention's remit goes beyond birds, however, to provide a framework for national action and international co-operation for the conservation and wise use of wetlands and their natural resources.

The ornithological population data for species that are cited as interest features for the Thanet Coast and Sandwich Bay SPA and Ramsar Site are summarised in **Table 4.2**.

In addition to these species, the area is also acknowledged in both the SPA and Ramsar citations to be used by 'a large number of migratory birds' (Stroud *et al*, 2001).

The sites are also important for nationally important plant species such as sharp rush *Juncus acutus*, *Potamogeton coloratus*, soft hornwort *Ceratophyllum submersum*, whorled milfoil *Myriophyllum verticillatum*, divided sedge *Carex divisia*, marsh mallow *Althaea officinalis*, sea heath *Frankenia laevis*, and golden samphire *Inula crithmoides,* as well as several nationally important species of invertebrate.

Table 4.2 Thanet Coast and Sandwich Bay SPA/Ramsar site: species and population data

Species	Population	Importance	Status
Little Tern *Sterna albifrons* (Eastern Atlantic population)[1,2]	Six pairs representing an average of 0.3% of the breeding GB population (5-year mean 1992-1996)	International	Annex I
Golden Plover *Pluvialis atricapilla* North-west Europe population[1]	411 individuals, representing an average of 0.2% of the wintering GB population (5-year mean peak 1991/2-1995/6)	International	Annex I
Turnstone *Arenaria interprens* (Western Palaearctic population)[1]	940 individuals, representing an average of 1.4% of the wintering population (5-year mean peak 1991/2-1995/6)	International	Migratory
Great-crested Grebe *Podiceps cristatus*[2]	399 individuals representing an average of 4.1% of the wintering GB population (5-year mean peak 1991/2-1995/6)	National	Migratory
Sanderling *Calidris alba*[2]	554 individuals representing an average of 2.4% of the wintering GB population (5-year mean peak 1991/2-1995/6)	National	Migratory
Spotted Redshank *Tringa erythropus*[2]	Two individuals, representing an average of 1.7% of the wintering. GB population (5-year mean peak 1991/2-1995/6)	National	Migratory
Grey Plover *Pluvialis squatarola*[2]	487 individuals representing an average of 1.1% of the wintering GB population (5-year mean peak 1991/2-1995/6)	National	Migratory
Ringed Plover *Charadrius hiaticula*[2]	292 individuals representing an average of 1% of the wintering GB population (5-year mean peak 1991/2-1995/6)	National	Migratory
Cormorant *Phalacrocorax carbo*[2]	133 individuals representing an average of 1% of the wintering GB population (5-year mean peak 1991/2-1995/6)	National	Migratory

[1]SPA citation (30/7/2004) [2]Ramsar Citation

Thames Estuary and Marshes SPA/Ramsar Site

The Thames Estuary and Marshes SPA/Ramsar site comprises intertidal mudflats, saltmarsh and grazing marsh habitats and supports important assemblages of wintering waterfowl, as well as being an important staging post during spring and autumn migration. Important species include avocet *Recurvirostra avosetta*, black-tailed godwit *Limosa limosa*, dunlin *Calidris alpina* and redshank *Tringa totanus*. It is also an important wintering area for hen harrier *Circus cyaneus*. The ornithological population data for species that are cited as interest features for the Thames Estuary and Marshes SPA and Ramsar site are summarised in **Table 4.3**.

The site qualifies as a wetland of international importance because it supports at least 20,000 waterfowl. The area regularly supports 33,433 individual waterfowl over winter (5 year peak mean 1991/1992 to 1995/1996).

Table 4.3 Thames Estuary and Marshes SPA/Ramsar site: species and population data

Species	Population	Importance	Status
Avocet *Recurvirostra avosetta* [1,2]	283 individuals representing an average of 28.3% of the GB wintering population (5-year mean peak 1993/4-1997/8)	International	Annex I
Hen Harrier *Circus cyaneus*[1]	Seven individuals representing on average 1% of GB wintering population	International	Annex I
Black-tailed Godwit *Limosa limosa islandica* (Icelandic wintering) [1,2]	1,699 individuals, representing an average of 2.6% of the population (5 year peak mean1993/4-1997/8)	International	Migratory
Redshank *Tringa totanus* (Eastern Atlantic wintering) [1,2]	3,251 individuals, representing an average of 2.2% of the population (5-year mean peak 1993/4-1997/8)	International	Migratory
Dunlin *Calidris alpina alpina* (Northern Siberia/Europe/West Africa) [1,2]	29,646 individuals representing on average 2.1% of the wintering population (5-year mean peak 1993/4-1997/8)	International	Migratory
Grey Plover *Pluvialis squatarola* (Eastern Atlantic wintering population) [1,2]	2,593 individuals, representing an average of 1.7% of the (5-year mean peak 1993/4-1997/8)	International	Migratory
Knot *Calidris canutus* (North-eastern Canada/Greenland/Iceland /North-western Europe) [1,2]	4,848 individuals representing an average of 1.4% of the wintering population (5-year mean peak 1993/4-1997/8)	International	Migratory
Ringed Plover *Charadrius hiaticula* (Europe/North Africa) [1]	541 individuals representing on average 1.1% of the wintering population (5-year mean peak 1991/2- 1995/6)	International	Migratory

[1]SPA citation (30/7/2004) [2]Ramsar Citation

Medway Estuary and Marshes SPA/Ramsar Site

The Medway Estuary is located between the Isle of Grain and Sheerness. It is a mosaic of tidal channels, islands of saltmarsh and peninsulas of grazing marsh. It has extensive mudflats, which are rich in invertebrates and beds of green algae and eel grass. In the summer it supports breeding waders and terns such as redshank and little tern and in the winter large assemblages of waterfowl including grey plover *Pluvialis squatarola*, avocet and shelduck *Tadorna tadorna*. It is also an important site during spring autumn migration, especially for waders.

The ornithological population data for species that are cited as interest features for the Medway Estuary and Marshes SPA and Ramsar site are summarised in **Table 4.4**.

The site qualifies as a wetland of international importance because it supports at least 20,000 waterfowl. The area regularly supports 65,946 waterfowl over winter (5-year peak mean 1991/1992 to 1995/1996).

Table 4.4 Medway Estuary and Marshes SPA/Ramsar site: species and population data

Species	Population	Importance	Status
Avocet *Recurvirostra avosett*[1,2]	314 individuals representing at least 24.7% of the wintering population in Great Britain (5 year peak mean 1991/2 - 1995/6)	International	Annex 1
Avocet *Recurvirostra avosetta*[1,2]	28 pairs representing at least 4.7% of the breeding GB population (5-year mean, 1988-1992)	International	Annex 1
Little Tern *Sterna albifrons*[1,2]	28 pairs representing at least 1.2% of the breeding population in Great Britain (5 year mean, 1991-1995)	International	Annex 1
Ringed Plover *Charadrius hiaticula* (Europe/Northern) Africa [1,2]	On passage, 1,337 individuals representing at least 2.7% of the wintering population (5 year peak mean 1991/2 - 1995/6)	International	Migratory
Redshank *Tringa totanus*[1,2] (Eastern Atlantic wintering)	3,690 individuals representing at least 2.5% of the population (5 year peak mean 1991/2 - 1995/6)	International	Migratory
Grey Plover *Pluvialis squatarola*[1,2] (Eastern Atlantic wintering	3,406 individuals representing at least 2.3% of the wintering population (5 year peak mean 1991/2 - 1995/6)	International	Migratory
Dunlin *Calidris alpina alpina* (Northern Siberia / Europe / Western Africa)[1,2]	25,936 individuals representing at least 1.9% of the wintering population (5 year peak mean 1991/2 - 1995/6)	International	Migratory
Shelduck *Tadorna tadorna* (Northwestern Europe)[1,2]	4,465 individuals representing at least 1.5% of the wintering population (5 year peak mean 1991/2 - 1995/6)	International	Migratory
Ringed Plover *Charadrius* hiaticula (Europe / Northern Africa)[1,2]	During the winter, 768 individuals representing at least 1.5% of the wintering - wintering population (5 year peak mean 1991/2 - 1995/6)	International	Migratory
Black-tailed Godwit *Limosa limosa islandica* (Iceland – breeding)[1,2]	957 individuals representing at least 1.4% of the wintering population (5 year peak mean 1991/2 - 1995/6)	International	Migratory
Pintail *Anas acuta* (North-western Europe)[1,2]	697 individuals representing at least 1.2% of the wintering population (5 year peak mean 1991/2 - 1995/6)	International	Migratory
Dark-bellied Brent Goose *Branta bernicla* bernicla (Western Siberia / Western Europe)[1,2]	3,205 individuals representing at least 1.1% of the wintering population (5 year peak mean 1991/2 - 1995/6)	International	Migratory
Spotted Redshank *Tringa erythropus*[2]	<19 individuals representing an average of 15.8% of the wintering GB population (5-year peak mean 1991/2-1995/6)	National	Migratory

Species	Population	Importance	Status
Greenshank *Tringa nebularia*[1,2]	10 individuals representing an average 2.6% of the wintering GB population (5-year peak mean 1991/2-1995/6)	National	Migratory
Cormorant *Phalacrocorax carbo* [1,2]	231 individuals, representing an average of 1.8% of the wintering GB population (5-year peak mean 1991/2-1995/6)	National	Migratory
Curlew *Numenius arquata*[1,2]	1,900 individuals, representing an average of 1.7% of the wintering GB population (5-year peak mean 1991/2-1995/6)	National	Migratory
Little Grebe *Tachybaptus ruficollis*[2]	53 individuals, representing an average of 1.6% of the wintering GB population (5-year peak mean 1991/2-1995/6)	National	Migratory
Wigeon *Anas penelope*[1,2]	4,346 individuals, representing an average of 1.6% of the GB population (5-year peak mean 1991/2-1995/6)	National	Migratory
Teal *Anas crecca*[1,2]	1,824 individuals, representing an average of 1.3% of the wintering GB population (5-year peak mean 1991/2-1995/6)	National	Migratory
Oystercatcher *Haematopus ostralegus*[1,2]	3,672 individuals, representing an average of 1% of the wintering GB population (5-year peak mean 1991/2-1995/6)	National	Migratory

[1]SPA citation (30/7/2004) [2]Ramsar Citation

The Swale SPA/Ramsar Site

The Swale is an estuarine system that is situated to the south east of the Thames and Medway Estuaries, which it adjoins to the west, and separates the Isle of Sheppey from the Kent mainland. It is a complex of brackish and freshwater, floodplain grazing marsh with ditches, and intertidal saltmarshes and mudflats. The intertidal mudflats are rich in invertebrates as well as algae and eelgrass. Locally there are large mussel beds. The SPA contains the largest extent of grazing marsh in Kent. It is an important area for waterfowl during the winter and passage periods as well as supporting breeding waders, marsh harrier *Circus aeruginosus* and Mediterranean gull *Larus melanocephalus* (Stroud *et al*, 2001).

The ornithological population data for species that are cited as interest features for the Swale SPA and Ramsar Site are summarised in **Table 4.5**.

The site qualifies as a wetland of international importance because it supports at least 20,000 waterfowl. The area regularly supports 65,588 waterfowl over winter (5-year peak mean 1991/1992 to 1995/1996).

Table 4.5 Swale SPA/Ramsar site: Species and population data

Species	Population	Importance	Status
Black-tailed Godwit, Limosa limosa islandica (Iceland (breeding)) [2]	1,755 individuals, representing an average of 2.7% of the population (5 year peak mean 1991/2-1995/6)	International	Migratory
Pintail, *Anas acuta* (North-western Europe) [2]	966 individuals, representing an average of 1.6% of the population (5 year peak mean 1991/2- 1995/6)	International	Migratory
Grey Plover Pluvialis squatarola (Eastern Atlantic wintering) [1,2]	2,021 individuals representing an average of 1.2% of the population (5 year mean peak 1991/2-1995/6)	International	Migratory
Shoveler, *Anas clypeata* (North-western / Central Europe) [2]	471 individuals, representing an average of 1.2% of the population (5 year peak mean 1991/2-1995/6)	International	Migratory
Knot, *Calidris canutus* (North-eastern Canada / Greenland / Iceland / Northwestern Europe) [2]	3,872 individuals, representing an average of 1.1% of the population (5 year peak mean 1991/2-1995/6)	International	Migratory
Redshank, *Tringa totanus* (Eastern Atlantic (wintering)) [1,2]	1,640 individuals, representing an average of 0.9% of the population (5 year peak mean 1991/2-1995/6)	International	Migratory
Dark-bellied Brent Gose *Branta bernicla bernicla* (Western Siberia / Western Europe, wintering) [1,2]	1,961 individuals representing an average of 0.7% of the population (5 year mean peak 1991/2-1995/6)	International	Migratory
Dunlin Calidris alpina alpina (Northern Siberia / Europe / Western Africa) [1]	12,394 individuals representing an average of 2.3% of the GB wintering population (5 year mean peak 1991/2-1995/6)	International	Migratory

[1]SPA citation (30/7/2004) [2]Ramsar Citation

4.5.2 Thanet Coast and Sandwich Bay Special Areas of Conservation (SACs)

The Thanet Coast and Sandwich Bay are designated Special Areas of Conservation (SACs). These are sites designated under the EU Directive 92/43/EEC on the conservation of habitats and of wild fauna and flora (the "Habitats Directive") because they make a significant contribution to conserving priority habitat types and species, excluding birds, listed in the Annexes to the Directive. SACs together with SPAs form the Natura 2000 network, which is designed to protect Europe's most important areas for wildlife.

Thanet Coast SAC

The Thanet Coast qualifies as a SAC due to the presence of the following Annex 1 Habitats:

- Reefs; and
- Submerged or partially submerged sea caves.

The Thanet Coast has 23km of chalk reef, which covers approximately 250 hectares of foreshore and is the largest continuous area of intertidal chalk in the UK. Much of the intertidal and shallow subtidal chalk reef has been bored by various species of marine molluscs known as piddocks e.g. *Barnea spp.*, *Pholas dactylus*, *Hiatella artica* and *Petricola pholadiformis*. The soft chalk is also burrowed by species of blue-green algae and supports a range of different intertidal biotopes.

Species richness around the coast is not particularly high, due to a combination of high turbidity, caused by proximity to the Thames Estuary, chalk in suspension, and scour. However, the Thanet Coast supports some reef communities that are rare elsewhere in the UK and remains the sole known location for some algal species.

The Thanet Coast contains the second most important complex of sea caves in the UK, after Flamborough Head in Yorkshire. The chalk cliffs include a large number of partly submerged caves and tunnels in the intertidal area. The chalk caves support very specialised algal and lichen communities, some of which have not been recorded elsewhere in England (English Nature, 2000). These species form distinct orange, brown or black bands at or near the high water mark.

Sandwich Bay SAC

Sandwich Bay qualifies as an SAC because of its extensive dune system including the following Annex I habitats:

- Embryonic shifting dunes;
- Shifting dunes along the shoreline with *Ammophila arenaria* ('white dunes');
- Fixed dunes with herbaceous vegetation ('grey dunes'); and
- Dunes with *Salix repens* subspecies *argente*a.

The fixed dune system is extremely species rich and includes a number of rare and scarce species. The nationally rare lizard orchid *Himantoglossum hircinum* and bedstraw broomrape *Orobanche caryophyllacea* have their largest British colonies here. The dunes support a diversity of invertebrates, many of which are associated with warm dry conditions and include the nationally rare carthusian snail *Monacha cartusiana* and the nationally scarce grey bush cricket *Platycleis albopunctata.* The nationally rare moths restharrow *Aplasta ononaria*, pygmy footman *Eilema pygmaeola pygmaeola* and brightwave *Idaea ochrata* have also been recorded, whilst one of the damp hollows supports the only British colony of the moth *Stigmella zelleriella*.

Overall, this is the only large area of dune habitat in the extreme south east of England.

4.5.3 Statutory national designations

In addition to the international designations discussed above, the Thanet Coast and Sandwich Bay are both Sites of Special Scientific Interest (SSSI). This is a statutory national designation awarded to the country's very best wildlife and geological sites and there are around 4,000 in the UK. SSSIs are notified under the Wildlife and Countryside Act 1981, as amended.

Thanet Coast SSSI

Thanet Coast SSSI extends almost uninterrupted from Swalecliffe to Ramsgate. The main habitats are foreshore including shingle, sand and mudflats, and unstable chalk cliffs, with smaller areas of saltmarsh, coastal lagoons, coastal gill woodland and clifftop grassland. The avian species discussed in the SSSI citation are covered by the SPA and Ramsar citations (see **Table 4.2**).

Sandwich Bay to Hacklinge Marshes SSSI

Sandwich Bay to Hacklinge Marshes SSSI contains the most important sand dune system and sandy coastal grassland in southeast England and also includes a range of other habitats such as mudflats, saltmarsh, chalk cliffs, freshwater grazing marsh, scrub and woodland. In addition to the avian species listed in **Table 4.2**, the site attracts a wide range of other overwintering waterfowl including dunlin *Calidris alpina*, oystercatcher *Haematopus ostralegus*, curlew *Numenius arquata*, shelduck *Tadorna tadorna*, brent goose *Branta bernicla*, mallard *Anas platyrhynchos* and redshank *Tringa totanus*. Oystercatcher and ringed plover are present during the breeding season.

In addition to the biological features detailed above, both SSSIs are designated for their geological interest. A section of the Thanet coast between Reculver and Beltinge is the only onshore Palaeocene site in the London Basin, and is one of Britain's most important primary palaeobotanical localities. The 50cm deep shell bed at the base of the Reculver Silts (Thanet Formation) contains an important fossil fish fauna. These features are explained in more detail in **Section 19, Geology, Hydrology and Land Quality**.

4.5.4 Sandwich and Pegwell Bay National Nature Reserve

National Nature Reserves (NNRs) were established to protect the most important areas of wildlife habitat and geological formations in Britain. They are protected and managed on behalf of the nation and visitors are encouraged via good public access. In March 2004, there were 215 NNRs scattered throughout the country.

Sandwich and Pegwell Bay NNR is designated for its natural habitats, including eroding chalk cliffs and wave-cut chalk platforms, intertidal mudflats, developing beaches, sand dunes and saltmarsh. There are also areas of semi-natural ancient dune pasture and coastal scrubland, as well as recreated grassland within Pegwell Bay Country Park, ponds, dykes and ditches, which are artificial habitats. The intertidal mudflats support nationally and internationally important numbers of waders and wildfowl, both on migration and overwintering. The sand dunes and ancient dune pasture contain large numbers of southern marsh orchid *Dactylorhiza praetermissa*, marsh helleborine *Epipactis palustris*, pyramidal orchid *Anacamptis pyramidalis* and the occasional lizard orchid *Himantoglossum hircinum*.

4.5.5 The marine environment

The EU Birds Directive requires that member states conserve species listed on Annex I and all species of regularly occurring migratory birds. The UK SPA network currently covers important inland and estuarine terrestrial sites but makes virtually no provision for the marine environment, with currently only one wholly marine SPA having been classified. Work is underway to develop a suite of marine SPAs throughout the UK. An area of inshore or offshore waters could be designated for one or more of the following reasons:

- *Seaward extensions to existing seabird breeding colony SPAs*. Current recommendations include 1-2km extensions over inshore waters adjacent to SPA breeding colonies;
- *Inshore aggregations of non-breeding waterbirds*. Species could include seaduck, divers and grebes. The UK's only marine SPA to date is at Carmarthen Bay, which is designated for its wintering population of common scoter *Melanitta nigra*;
- *Offshore aggregations of non-breeding waterbirds.* This is the category most likely be applicable to offshore wind farm sites and will involve analysing the European Seabirds at Sea database which hosts year-round data on the at-sea distributions of all birds that occur in the waters of the northwest European Continental Shelf; and
- *Other types of SPA.* Any important aggregations of seabirds not covered in the above categories, for example, feeding concentrations of terns or divers during the breeding season.

The UK conservation agencies, led by the Joint Nature Conservation Committee (JNCC), began the process in February 2000 of implementing the Habitats Directive in offshore waters. Four habitats and four species for which offshore SACs may be designated have been identified as being:

- Subtidal sandbanks;
- Reefs, including biogenic reefs;
- Submarine structures made by leaking gas;
- Submerged or partially submerged sea caves;
- Grey seal;
- Common seal;
- Bottlenose dolphin; and
- Harbour porpoise.

JNCC has established the Marine Natura 2000 Project Group, an interagency working group with a remit to develop site selection criteria and guidelines and to drive forward the offshore Natura 2000 process for the UK.

4.5.6 Non-statutory designations

In addition to the sites described above, there are several sites in Kent, which are designated as County Wildlife Sites, and are referred to in the Thanet Local Plan as Sites of Nature Conservation Importance (SNCI). These have been identified by the Kent Wildlife Trust as representing the most important habitats and wildlife sites at a county or local level, where these have not otherwise been designated as SSSIs. They have no statutory protection but they are recognised in the Thanet Local Plan. One SNCI, which is described below, is situated within 1km of the onshore infrastructure of the Thanet project.

Ash Level and South Richborough Pasture SNCI

This is an extensive area of low lying agricultural land with interconnecting dyke systems, mostly situated to the south of the River Stour. Much of the area has been drained and converted to intensive arable land and this is not included as part of the designation. Much wildlife interest remains in the surrounding network of banks, ditches, dykes and hedgerows. There is also some semi-improved or rough pasture just to the south of Richborough Power Station and an old gravel pit area to the extreme south of the site with ponds, reedbeds and marshy grassland, which provide additional conservation interest.

The whole area is notable for wintering raptors and wildfowl and water vole burrows have been found in many of the dykes. Lizards have been recorded at the site and invertebrates include several species of dragonfly and 22 species of butterfly.

Roadside Nature Reserve

There is also a Roadside Nature Reserve (RNR) situated adjacent to the A256 Sandwich Road. This comprises the roadside verge, which is designated for its botanical interest. Again RNRs have no statutory protection but the Local Plan recognises that statutory designations cannot by themselves protect the full diversity of wildlife in the wider countryside and states as one of its overall nature conservation objectives "*to maintain the full range of natural habitats"* and *"to resist development that would be likely, either directly or indirectly to damage or destroy those sites and interests"*.

The East Kent Natural Park

The East Kent Natural Park (EKNP) is a proposal that has been put forward by the East Kent Partnership (EKP). The EKP brings together public authorities, businesses and voluntary and community sectors to produce clear strategies and objectives that will tackle social and environmental issues in East Kent. The concept of the EKNP fits in with the EKP's stated objective of *"Supporting and developing opportunities for rural and 'green' tourism and encouraging sustainable leisure and recreational uses of the countryside".*

Measures to conserve and enhance biodiversity would include the maintenance of existing habitats and the creation of a new wetland of reedbed, open water, marsh and pasture covering the area from Stodmarsh NNR north to Reculver, along the Stour Valley (Wantsum and Ash levels) to Pegwell Bay, and southwards to the Lydden Valley.

4.6 Compliance with Planning Policy

Many of the above cited policies are directly relevant to the installation of the onshore cable route and more indirectly with regards to the offshore wind farm. The level of compliance with these policies is discussed within the relevant topic sections of this Environmental Statement. Relevant sections include **Section 8**, **Ornithology**; **Sections 13** and **21**, **Seascape/Landscape and Visual Character**; **Section 20**, **Terrestrial Ecology**; **Section 22**, **Terrestrial Archaeology and Cultural Heritage;** and **Section 26**, **Information for Appropriate Assessment**.

In general, it is considered that the proposals for the Thanet project comply with the relevant national, regional and local policies. In some cases, compliance is reliant on the successful implementation of stated mitigation measures, for example, demarcation of the onshore cable route to avoid damage to nature conservation sites and Biodiversity Action Plan species, and carrying out work in such a way as to minimise disturbance and damage within the European and designated sites.

The policies also provide a positive drive towards the development of renewable energy supplies, provided significant environmental impacts are avoided or minimised as far as possible.