

Kent County Council

Principal areas of disagreement with the Sea Link Project

Outstanding principal areas of disagreement			
Area of concern	Explanation	Remedy measures required	Likelihood of resolution
Flood risk and surface water drainage	Revised submissions on flood risk and surface water drainage required – applicant has until 1 September to provide this	<p>Submission of a revised Flood Risk Assessment that contains the following:</p> <ul style="list-style-type: none"> • A location plan • A site layout • A drainage proposal schematic or sketch • A clear description of key drainage features within the drainage scheme (e.g. attenuation volumes, flow control devices etc.) • Information to support any key assumptions (e.g. impermeable areas, infiltration rates etc.) • Supporting calculations to demonstrate the drainage system's operation and drainage model network schematic • Drainage strategy summary form (from our Drainage and Planning Policy Statement) • Consideration of key questions and / or local authority planning policy requirements. 	High
Highways and transportation	Marsh Farm Road and Richborough Road/Whitehouse Drove are likely not suitable for the construction traffic proposed, and KCC has asked for these to be reviewed.	Revised strategy/route for construction traffic to and from the site.	High
Ecology - reptiles	The submission does not adequately demonstrate that reptile populations will not be impacted by the proposed development	<p>More information required to enable us to be satisfied that appropriate consideration can be given to the impact on reptiles</p> <ul style="list-style-type: none"> • Area A and Area C : Insufficient information on the proposed mitigation to demonstrate it is achievable • Area C : Insufficient information was provided detailing why no reptile survey were undertaken on the western site of the proposed converter within the existing scrub habitat . 	Unknown

		<ul style="list-style-type: none"> Area D : insufficient information was provided assessing the impact the proposal would have on the reptile population within this area. 	
Ecology – breeding birds	Insufficient land has been proposed for the mitigation requirements for farmland birds.	22 territories for skylarks have been recorded and it would be anticipated that 22ha of land would be required to create 2skylark plots per territory and currently only 10ha are proposed for mitigation which is inadequate.	Unknown
Ecology – breeding birds	Insufficient information has been provided to assess if the mitigation land currently proposed is appropriate and in a suitable location.	No surveys have been carried out on the mitigation land to understand the existing breeding bird population and assess if it has capacity to support an increased breeding bird population. These surveys are required.	Unknown
Ecology – breeding birds	No compensation recommended for the loss of foraging habitat for gulls who rely on the site for foraging throughout the breeding season. This could result in reduced breeding success for black-headed gull, great black-backed gull, herring gull, lesser black-backed gull and med gull. These are all Birds of Conservation Concern	Compensation required.	Unknown
Ecology – breeding birds	Insufficient information has been provided assessing the impact from noise and light pollution from the operational phase of the development.	More information required.	Unknown
Ecology – wintering birds	<p>(N.b. "SPA/Ramsar" refers to "Thanet Coast and Sandwich Bay SPA and Ramsar" and "SSSI" refers to "Sandwich Bay to Hacklinge Marshes SSSI".)</p> <p>Survey effort for wintering birds is overall adequate. There are two seasons' worth of data (2022/23 and 2023/24) with visits spaced out by one month (Oct-Mar) which consider high and low tide wintering bird assemblages, as well as nocturnal surveys which are spatially comprehensive with one exception (the proposed mitigation site). An area of the site west of the golf</p>	<p>We highlight that Functionally Linked land must be <i>"scrutinised in the same legal framework just as are the direct effects of acts carried out on the protected site itself"</i> (paragraph 27 of the High Court judgement in RSPB and others v Secretary of State and London Ashford Airport Ltd [2014 EWHC 1523 Admin]).</p> <ul style="list-style-type: none"> Insufficient information has been provided to demonstrate if the Mitigation for Functional Linked Land is appropriate. No surveys have been carried out on the mitigation land to understand current bird use and assess if it currently provides functionally linked land. These are required. Insufficient information has been submitted to demonstrate if the 	Unknown

	<p>course ('Parcel 244') was found to support >1% of the SPA golden plover population (with a max count of 370) and therefore constitutes Functionally Linked Land (FLL). Further flocks of golden plover were observed in the fields north of the proposed Minster Converter Station. The intertidal zone of the SPA/Ramsar was also found (unsurprisingly) to be of national importance to wintering bird assemblages with 101 non-breeding species recorded across the site in total (63 intertidal, 83 inland).</p>	<p>mitigation site has sufficient carrying capacity for all the displaced breeding/non breeding sites and if it can provide all the functions required – we highlight that breeding Skylark and wintering golden plover have different habitat requirements. More information required.</p> <ul style="list-style-type: none"> • There is no certainty of what the impacts will be as it has not been demonstrated that tunnelling rather than open trenches will definitely be used. This must be demonstrated. 	
Ecology – riparian mammals	<p>The surveys have confirmed the presence of water voles, beavers and American mink with the site and detailed that it is possible that otter are present.</p> <p>Insufficient information has been provided demonstrating if all watercourses/waterbodies/habitat, including those within the proposed habitat enhancement areas for golden plover and skylark/along the River Stour have been surveyed for riparian mammals. If certain watercourses/waterbodies have not been surveyed no justification for the omission has been provided the reasoning for his omission and demonstrate that no adverse effects are anticipated.</p>	<p>More information required to demonstrate that these bodies/habitats have been surveyed.</p> <p>Justification for omission of certain waterbodies/watercourses.</p>	Unknown
Ecology – riparian mammals	<p>No information has been provided on the relative population size of water voles across the survey area in line with the latest guidelines or why this was not carried out.</p>	More information required	Unknown
Ecology – riparian mammals	<p>Insufficient information has been provided assessing the impact the American mink population will have on the proposed water vole</p>	More information required	Unknown

	mitigation and if the proposed compensation habitat will be suitable for colonisation by the local water vole population. Evidence indicates that: <i>"In the vast majority of cases, populations [of water vole] can only exist if the habitat is correct and mink are absent. In cases where some coexistence between mink and water vole has been observed, this has been because the habitat was extremely extensive and not optimal for mink"</i> (Strachan et al., 2011).		
Ecology – riparian mammals	Insufficient information has been provided on the proposal to used Class Licence (CL31) for the water vole mitigation rather than an A11 licence;	More information required	Unknown
Ecology – riparian mammals	Insufficient information has been provided on why further otter surveys were not carried out to confirm use of the site by otters.	More information required	Unknown
Ecology – Bats	Bat assessment has been limited to roost assessment and assessment of habitats.	More information required to justify the survey area as not all areas impacted by the proposal have been assessed.	Unknown
Ecology - marine	<p>Please note that we are not experts in Marine Ecology and we do defer to the expertise of Natural England. However we have reviewed the information and have the following matters to raise.</p> <ul style="list-style-type: none"> Insufficient information has been provided assessing the construction impacts on the intertidal and subtidal benthic habits and communities and therefore it is unclear if the proposal will result in an impact on those priority habitats 	More information required	Unknown
Ecology - marine	<ul style="list-style-type: none"> There has been an underestimation of sensitivity and potential 	More information required	Unknown

	colony abundance of the blue mussel <i>Mytilus edulis</i> and ross worm <i>Sabellaria spinuosa</i> . Therefore underestimating the impacts and mitigation requirements		
Ecology - BNG	A BNG assessment has been submitted and detailed that the proposal will result in a loss of BNG for habitats, linear features and water course units.	<p>Insufficient information has been provided detailing how they have reached these conclusions. The submitted information has not provided details of the condition assessments or how additionality has been taken into account. Habitat creation or enhancement cannot fully count towards a BNG if it is also required for protected species mitigation or mitigation for a designated site. What you can count towards a development's biodiversity net gain - GOV.UK.</p> <p>A metric has not been submitted to review as part of the BNG assessment therefore it is not understood what the trading rule impacts are.</p> <p>The submitted information has not confirmed that the habitat creation required as part of the proposal will be implemented in Kent.</p>	Unknown