

CPRE Kent comments Binbury Park planning application MA/18/504836

CPRE Kent and the Maidstone Committee of CPRE Kent object to the application as it conflicts with the adopted local plan and there are no material or exceptional considerations why the plan should not be followed:

- The site is not allocated as a development site in the adopted Local Plan and the Council has sufficient housing and employment land supply;
- Its permission would undermine the Local Plan strategy;
- The site lies within the Kent Downs Area of Outstanding Natural Beauty;
- The site lies in countryside;
- It will have an adverse effect on ancient woodlands and Local Wildlife Sites;
- Ecological impact;
- It will worsen air quality on the M20;
- It is not in a sustainable location;
- It will impact negatively on heritage assets;
- It could result in conflict with existing adjoining uses.

The reasons above are enlarged upon below.

Plan-led development

The application should be refused as it is not in conformity with the recently adopted Local Plan. The 2018 National Planning Policy Framework (NPPF) sets out that the planning system should be genuinely plan-led.¹ The Maidstone Local Plan was adopted just a year ago (October 2017) and made provision for identified housing and employment needs to 2031. The site is not allocated, is a greenfield site and lies within the Kent Downs Area of Outstanding Natural Beauty.

The application should be refused as the Council has sufficient land supply:

- The proposed 1,750 houses are not needed as the Council has more than a five-year housing land supply. The Council's monitoring sets out that at 1 April 2018 the Council had a 6.3 years land supply, and for the 20-year period from 1 April 2018 had a housing land supply of 17,906 – 246 more than required. Whilst the Council's 'hybrid' method increases housing land supply to 6.5 years and for the 20-year period identifies a supply of 18,353 – 693 more than required.
- The proposed 46,000 sqm of commercial floorspace are not required. Outline planning permission has been granted for employment uses at Woodcut Farm for up to 45,295 sqm B1(a), (b) and (C), and B8 units. This is a site that is allocated in the Adopted Local Plan.

Adverse impact on the adopted Local Plan strategy

To allow another strategic scale development, as proposed at Binbury Park, would not only conflict with the local plan's objective of protecting the Kent Downs Area of Outstanding Natural Beauty, but will also compete with and undermine the delivery of the strategic sites allocated in the local plan.

The NPPF sets out that *'Planning law requires that applications for planning permission should be determined in accordance with the development plan, unless*

¹ NPPF July2018 paragraph 15

*material considerations indicate otherwise*². It goes on to state that *'the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan permission should not usually be granted, but only if material considerations in a particular case indicate that the plan should not be followed.'*³

The Local Plan adopted in October 2017 sets out the strategy for the Borough to 2031 in Policy SS1, namely that:

- An expanded Maidstone urban area will be the principal focus for development in the borough;
- Strategic locations to the north west and south east of the urban area provide for substantial residential development and junction 7 of the M20 motorway is identified as a strategic location for additional business provision in association with a new medical campus;
- A prestigious business park at Junction 8 (Woodcut Farm) of the M20 will provide for a range of job needs up to 2031; and
- The Kent Downs AONB will be conserved and enhanced.

At 1 April 2018 the Council had a 6½ year land supply. Outline planning permission was granted for up to 45,295 square metres employment use at Woodcut Farm.

Binbury Park was put forward as an alternative site for strategic economic development and rejected by the Local Plan Inspector. The Woodcut Farm site was preferred and included in the plan.

In the Kent Downs Area of Outstanding Natural Beauty

The application should be refused because it is contrary to the NPPF, Maidstone Local Plan and the Kent Downs AONB Management Plan.

The National Planning Policy Framework paragraph 172 states:

'Great weight should be given to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty ... The conservation and enhancement of wildlife .. (are) also important considerations' It continues 'The scale and extent of development within these designated areas should be limited. Planning permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated to be in the public interest. Consideration of such applications should include an assessment of:

- a) The need for the development ...*
- b) The cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and*
- c) Any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which it could be moderated.'*

There are no 'exceptional circumstances' to justify the scheme:

² NPPF July 2018 paragraph 2

³ NPP F July 2018 paragraph 12

- The development covers an area of around 173.6 hectares and cannot be considered 'limited'. A proposal of this scale represents major development in an AONB, with regard to the tests set out in the NPPF.
- The NPPF requires that consideration of the application should include an assessment of the need for the development. There is no need for the housing and employment floorspace.
- The proposed development will have a detrimental effect on the environment and landscape which cannot be moderated to reduce the adverse impact to an acceptable level (for example with regard to light pollution and impact of height of development which are considered below).

The spatial vision for the Borough sets out that by 2031 the Kent Downs AONB '*will be conserved and enhanced*'. This is taken forward in the Plan's spatial objectives which seek '*to safeguard and maintain the character of the borough's landscapes including the Kent Downs Area of Outstanding Natural Beauty*'. Adopted Local Plan policy SP17 'The Countryside' at point 3 requires '*Great weight should be given to the conservation and enhancement of the Kent Downs Area of Outstanding Natural Beauty*', and that '*Account should be taken of the Kent Downs AONB Management Plan and the Maidstone Borough Landscape Character Guidelines Supplementary Planning Document.*'

The Maidstone Landscape Assessment Supplement 2012 on page 60 states that '*within the AONB, landscape quality will be given the greatest possible protection, and this will be given priority over all other planning considerations. Development will be resisted and, where it is permitted, must be of the highest standard of design and siting.*' It also states that '*This information will not be reviewed until the Landscape Character Guidelines Supplementary Planning Document (SPD) is published.*'

Allowing development of this scale would not be consistent with the Council's aim to conserve and safeguard the AONB.

The Kent Downs AONB Management Plan Sustainable Development policies SD1, SD3, and SD7 are relevant. These seek to conserve and enhance the natural beauty of the AONB, resist development which disregards or runs counter to the primary purpose of the AONB (to conserve and enhance natural beauty), and retain and improve tranquillity, including the experience of dark skies at night.

The proposed development will not achieve this and will in our view be contrary to the Management Plans' Sustainable Development policies.

Light pollution

Planning permission should be refused because the development will have a major adverse effect on the AONB at night.

The NPPF requires planning decisions to '*ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on ... and the natural environment.*' This includes

limiting *'the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.'*⁴

CPRE England's Light Pollution and Dark Skies map 2016⁵ maps light pollution in 9 bands from >32 NanoWatts/cm²/sr (brightest) to <0.25 NanoWatts/cm²/sr (darkest). This shows that the southern part of the site is in the fifth band 2-4 NanoWatts/cm²/sr. Whilst the rest of the site is in the sixth band 1-2 NanoWatts/cm²/sr.

The proposed development will introduce lighting into an area that benefits from generally darker night skies. This will have an adverse impact on wildlife both on site and in the ancient woodland and Local Wildlife Sites within and adjacent to the site.

Impact of height of development

The Parameter Plan: Development Heights sets out that the hotel (10m high) will be located at the highest end of the site.

We have concerns that due to the slope of the land and its topography the taller residential and employment units are likely to be visible from locations well beyond the site, and especially at night, such as Stockbury, and land along the North Downs to the south-east and north-west.

In the countryside

The proposal conflicts with national and local planning policies for the protection of the countryside and should be refused for this reason.

The NPPF requires that planning decisions should contribute to and enhance the natural environment by recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services.⁶

The site is within the countryside where Adopted Local Plan Policy SP17 resists development in the countryside unless it accords *'with other policies in the plan and will not result in harm to the character and appearance of the area.'*

The development covers approximately 173.6 hectares of greenfield land and adjoins and includes ancient woodland and Local Wildlife Sites. It will result in the loss of countryside; the introduction of significant urbanisation in a remote and undeveloped area; and will not aid either the conservation or enhancement of the Kent Downs AONB.

Ancient Woodland and Local Wildlife Sites

The application should be refused because It will result in the loss or deterioration of ancient woodland which is identified in the NPPF as an irreplaceable habitat. There are no exceptional reasons to justify the loss or deterioration.

⁴ NPPF July 2018 paragraph 180 and paragraph 180 c)

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https://www.nightblight.cpre.org.uk/?gclid=EAlaIQobChMIIsJGa3KOa3gIVRrTtCh1cnQCrEAAAYASAAEgLFvvd_BwE

⁶ NPPF July 2018 paragraph 170 b).

The application site includes areas of ancient woodland and also adjoins a number of ancient woodlands. Most of these are also Local Wildlife Sites.

The NPPF states that *'development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodlands and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists.'*⁷ The footnote to the section gives the example of infrastructure projects where the public benefit would clearly outweigh the loss or deterioration of habitat.

The NPPF requires that planning decisions should contribute to and enhance the natural environment by protecting and enhancing valued landscapes and sites of biodiversity value.⁸

Local Plan Policy DM3 'Natural environment' requires new development to protect and enhance the natural environment by incorporating measures to protect areas of Ancient Woodland⁹. With regards to Local Wildlife Sites the policy development that is likely to have an adverse effect will be only be permitted where the damage can be avoided or adequately mitigated or when its need outweighs the biodiversity interest of the site.¹⁰

Residential development is proposed in close proximity to the ancient woodlands / Local Wildlife Sites. The Environmental Statement at paragraph 11.108 sets out that some 20% of the Local Wildlife Sites are located within 400m of proposed residential development. The scale of proposed development will result in intensification of recreational activity by residents and people working on the site. Domestic animals such as cats are known to prey on bird, animal and reptile life. The proposed development could result in domestic cats catching around 45,000 creatures (birds, animals and reptiles) in a six-month period.¹¹ It is noted that the Environment Statement Vol 1 does not refer to the impact of dogs on wildlife. Pet dogs will also have an adverse effect on wildlife and ecology which will adversely affect the breeding success of birds.¹²

The County Park incorporates existing areas of Ancient Woodland and Local Wildlife Sites. These are sites that are already managed. Opening them up as a Country Park will increase the risk of recreational disturbance from increased visitor impact.

Ecology

We are concerned that the Appraisal and Environmental Statement Vol 1 is based on incomplete / inadequate surveys and as a consequence lacks detail meaning that a comprehensive evaluation is not available at this stage for an informed decision. Should the application be permitted it will be too late at the detailed stage to make changes should additional surveys reveal greater on-site ecology.

⁷ NPPF July 2018 paragraph 175 c).

⁸ NPPF July 2018 paragraph 170 c)

⁹ Policy DM3 1(i)

¹⁰ Policy DM3 5(iii)

¹¹ The Mammal Society: Domestic Cat Degradation on Wildlife 1997

¹² Nature Conservation Report No 649

CPRE Kent's Ecological Expert Vicky Ellis BSc(Hons), MReS, MRSB, who since 2004 has worked in ecology, has the following concerns about the Baseline Ecological Appraisal and the Environmental Statement Vol 1 namely:

- Aspects of the Appraisal are based on incomplete or inadequate data;
- We are concerned that the Appraisal plays down the presence of importance of key protected species to the extent of often contradicting industry standard advice and best practice; and
- Concerned that the assessment underestimates the cumulative impact of the site's habitats.

These are set out greater detail in Appendix A.

Air quality

The vast majority of traffic entering and leaving the proposed site will use the A249, either north towards the M2 Junction 5 and Sittingbourne or south towards the M20 Junction 7 and Maidstone. There is already a severe air quality issue on the M20 between from junctions 6 to 7 which exceeds the national objective. The proposed development would make this worse. We consider that the number of spaces proposed at the park and ride (200-300) is unlikely to make any improvement to air pollution in the AQMA. We consider that the development will not contribute towards compliance with national objective and should be refused for this reason.

The NPPF requires planning decisions to *'sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones and the cumulative impacts from individual sites in local areas.'*¹³

The Council's Review of Air Quality Management Areas of June 2017 shows that the M20 west of Junction 6 through to the east of Junction 7 has levels of pollution of over $60\mu\text{pgm}^{-3}$ well in excess of the national objective of $40\mu\text{pgm}^{-3}$ that was to be achieved by 1st January 2005 and maintained thereafter. The Review identifies the route as an AQMA.

The M20 between New Hythe Lane and Hall Road in Tonbridge and Malling Borough is also identified as an AQMA.

We would draw your attention to planning applications for land at London Road, Newington, Kent which were refused at appeal, inter alia, on the grounds of air quality (APP/V2255/W/15/3067553 and APP/V2255/W/16/3148140) and lost again at Judicial Review on the air quality issue.

Not in a sustainable location

The site is not previously developed or brownfield. It is greenfield. Its development would be contrary to NPPF paragraph 117 which seeks the safeguarding and improvement of the environment.

We consider that the application will neither limit the need to travel nor offer a genuine choice of transport modes and is thus contrary to the NPPF and Adopted

¹³ NPPF July 2018 paragraph 181

Local Plan policy SP23. It will result in a ‘disconnected community’ built around the car requiring people to drive for most of their journeys.¹⁴

Paragraph 103 of the 2018 NPPF states that ‘*Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes*’. As ‘*This can help to reduce congestion and emissions, and improve air quality and public health.*’

Adopted Local Plan policy SP23 ‘Sustainable transport’ seeks to improve accessibility and modal shift across the borough. This the policy states will, inter alia, be ‘*through enhanced public transport and the continued Park and Ride services and walking and cycling improvements*’; and improving ‘*transport choice across the Borough and seek to influence travel behaviour*’.

We have serious reservations that the site could be served by a choice of travel modes and would therefore be unlikely to influence travel behaviour:

- There is a 200-metre rise from Maidstone town centre to the Kent County Show Ground which makes cycling challenging. This is reflected in the Department of Transport traffic count figures for 2018 for Detling Hill. This indicates that the number of cyclists using the road daily was no more than 14 out of total daily vehicular traffic use of 48,974 vehicles (including push bikes).¹⁵
- The site is over 4 miles from the town centre and is too far away to reasonably expect people to walk to and from the town. Again, it involves a steep ascent.
- The site has no rail service. The nearest stations are in Maidstone Town Centre and would have to be accessed by car, bus / park and ride. The present bus service terminates at the Chequers Bus Station which is a good ten-minute walk from both railway stations.
- Due to the site’s rural location it is difficult to contemplate any household on the proposed development not having a car.
- There is a currently a limited bus service between Maidstone and Sittingbourne. This provides an hourly service past the site Monday to Friday to Maidstone from the County Showground from 6.19am through to 6.30pm, and the return journey from Maidstone is hourly from 6.36am to 7.30pm. There is an hourly Saturday service and no Sunday service. The Travel Plan does not provide any business case to support a more frequent bus service which could genuinely influence travel behaviour.
- The scale, type of employment and their hours of operation will influence the extent to which bus services, including park and ride, will be used by employees working at the proposed development. For people who will live there it is not clear if Maidstone and Sittingbourne are places people will want to go to work, shop or for entertainment. Their place of work and hours of work will influence whether they will choose to travel by bus / park and ride service if they serve their work location. If it is anticipated that they will commute by train, bus service timetables would need to align with

¹⁴ Transport for New Homes: Project Summary and Recommendations, July 2018. Transport for New Homes and Foundation for Integrated Transport.

¹⁵ Department of Transport traffic count, count point id 36857 (www.dft.gov.uk/traffic-counts/cp.php?la=Kent)

those of the trains as well as matching the travel requirements of users, as well as stopping at the stations. Services ceasing during evenings and at weekends will not help.

- Community facilities such as hospitals and a wide range of comparison shopping are in Maidstone. It is unlikely that residents would use public transport to access these facilities.
- The application would provide between 200-300 Park and Ride spaces. On average some 36,000 cars and taxis pass the site daily¹⁶. The proposal is for a significantly lower number of spaces than that provided at London Road (535) or Willington Street (368) which have lower daily car and taxi traffic flows of around 10,000 to 11,000.¹⁷ It is questionable that the scale of provision will be sufficient to provide an economic service or that it will make any significant reduction in traffic travelling into Maidstone.

The Binbury Park submission to the Local Plan Examination (document ED022) in the section 'Pulling It Together: Centres of Excellence' stated '*This site occupies a prime location within proximity strategic motorway corridor [sic]*'. It went on to explain '*The site is accessible to many large centres of population with ready access to a large economically active employment base, attractive to established and new businesses.*' Given the site is only linked to Maidstone and Sittingbourne / Sheerness by a limited bus service, is poorly accessible by walking or cycling, and is not served by rail, the sites attractiveness must be assumed to be based on its access to these centres of population via the motorway network. This would require people living and working here to travel to work by car.

It would be helpful to survey existing staff at the Kent Show Ground and Detling Airfield employment area to understand how they travel to the site. This would provide a sounder basis on which assess the reasonableness of the assumptions set out in Travel Plan Table 5.3 Baseline Mode Share.

It is not clear what actions can or will be taken should the aspirational increase in sustainable travel modes of +10% set out in Travel Plan paragraph 5.4 not be achieved.

Designated and non-designated heritage

NPPF paragraph 184 sets out that heritage assets '*... are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.*'

Adopted Policy SP18 'The Historic Environment' seeks to ensure that the characteristics, distinctiveness, diversity and quality of heritage assets in the Borough will be protected and, where possible, enhanced. Policy DM4 'Development affecting designated and non-designated heritage assets' seeks to

¹⁶ Department of Transport traffic count, count point id 36857 (www.dft.gov.uk/traffic-counts/cp.php?la=Kent)

¹⁷ Department of Transport traffic count, count points id 78257 and 78253 (www.dft.gov.uk/traffic-counts/cp.php?la=Kent)

conserve, and where possible, enhance, the significance of the heritage asset, and where appropriately its setting.

It is noted that Heritage England consider that the application is flawed because it fails to meet the requirements of the NPPF, and that they have serious concerns about the application because they think that it is very likely to be harmful to the heritage significance of heritage assets. It is also noted that KCC Heritage consider that the assessment of heritage is very disappointing and inadequate, and that the conclusions and mitigation for archaeology are not evidence based or meaningful.

Binbury motte and bailey castle is a scheduled ancient monument and Bimbury Manor adjacent to the motte and bailey is Grade II listed. Both lie within the application site. Heritage England comments that *'Development in the settings of the castle and manor house has the potential to harm their heritage significance by destroying associated archaeological remains and intruding into views of open countryside thereby eroding the rural context of the assets.'*

The Archaeological Assessment at page 6 states: *'The present open landscape, especially to the south of the industrial estate, is a physical and visual reminder, together with the airfield pillbox defences, of the role that the airfield played in the defence of Britain both in World War I and especially in World War II. Development within the Application Site will remove this open 20th century historic landscape.'*

It continues at paragraph 5.22 *'However, the remains recorded within the Application Site include a group of airfield defences including sixteen pillboxes, three Pickett-Hamilton forts, a Battle Headquarters and a possible Seagull Trench. Whilst individually these structures do not represent the best-preserved or most representative or unusual examples (all seem to have been designed to known and common patterns), they do comprise a near-complete group of structures related to airfield defence, with the surviving examples of Pickett-Hamilton Forts and the Battle Headquarters potentially being of national importance.'*

There are very few undeveloped WW2 airfields in Kent and the loss of these WW2 features would not aid the Council in protecting the diversity of heritage asset.

It is noted that Historic England agrees with Cotswold Archaeology regarding the airfield defence structures and that they consider that if any of these assets are of such importance they anticipate that they should be worthy of preservation as part of a development scheme. They also consider that the *'effect of a development of this size on the character of the twentieth-century airfield would inevitable be very harmful to its heritage significance ...'*

We note that Historic England and KCC Heritage consider that there may also be potential archaeological remains of prehistoric, Roman and medieval date on the site.

Given that the application site is not allocated for development and lies within the AONB there is in our view no clear or convincing justification for the harm to, and loss of, the site's heritage assets.

Existing adjoining uses

The site adjoins the Kent Show Ground, and the Detling Airfield employment site (a Local Plan designated Economic Development Area) is surrounded by the development. Residential development is the proposed use alongside these existing uses. It is noted from the KCC response dated 13 November 2018 that the existing industrial estate has historically been home to several waste management facilities, including a skip hire company and a waste recycling centre.

The NPPF requires that planning decisions should *'ensure that new development can be integrated effectively with existing businesses and community facilities Existing businesses and facilities should not have unreasonable restrictions places on them as a result of development permitted after they were established.'*¹⁸

The proposed development could due to the proposal to located housing adjacent to the existing employment uses and buildings result in conflict between existing uses and businesses, and new residents, contrary to the NPPF.

¹⁸ NPPF July 2018 paragraph 182

Appendix A: Concerns about the Baseline Ecological Appraisal and the Environmental Statement Vol 1

1 Aspects of the Appraisal are based on incomplete or inadequate data, for example: Baseline Ecological Appraisal:

- Paragraph 2.2.5. The area surveyed is a small proportion of the woodland as a whole making it likely for key species to be omitted from the result.
- Paragraph 2.3.2. With regards to bats it seems that no internal inspection were carried out limiting the potential results.
- Paragraph 2.3.3 states that with regards to bats only buildings providing bat potential were surveyed and that some of the buildings that are to be demolished were not surveyed. It needs to be established what species are on site before demolition is agreed.
- Paragraph 2.3.6 Bats. Not all trees were surveyed. All trees need to be surveyed to establish what species are on site.
- Paragraph 2.3.17 Dormice. The woodlands were not surveyed for the whole of the survey season, which is April to November. 2.3.19 and 2.3.20 shows that only three visits were made far fewer than the 8 that would be undertaken if a full survey season had been undertaken. The late November visit was at the end of the dormouse survey season when dormice begin to come down from the canopies and enter torpor. Thus, best practice was not followed, and the robustness of the output is questionable.
- Reptiles
 - The reptile survey (paragraph 2.3.32) does not state how much of the site is suitable habitat.
 - The survey comprised 240 50x50 cm (0.25sqm) sheets of thick roofing felt for the wider site that is larger than the applications site. Froglife Advice Sheet 10 Reptile Survey at page 4 recommends that refuges (sheets) are 0.5sqm and that for general survey purposes that between 5 and 10 refuges should be placed per hectare. The application site is 173.6ha and using the guidance between 868 and 1736 refuges should have been located on the application site as opposed to the 55 used. The same conclusion follows for the wider site where just 120 refuges were used in all.
 - The Froglife Advice Sheet 10 Reptile Survey does not advise discounting areas within a site. In our view the consultants approach is contrary to the Froglife Advice which on page 4 states *'To examine the distribution of reptiles on a given site, place the tins evenly over the habitat. You may be surprised to find reptiles in unexpected locations, or demonstrate their likely absence from less suitable looking areas.'*
 - Table 2.6 indicates that the refuges were checked on 8 occasions. Froglife at page 8 states that *'to establish a presence generally at least 7 visits in suitable weather conditions and at the appropriate time of year may be required'*; but *'For detailed surveys to gain some idea of relative population size or to identify key areas, at least 20 visits per season, in suitable weather, are recommended.'* This is far more than the 8 occasions the refuges were checked in suitable weather.
 - 2.3.34 refers to a visual search. Froglife at page 9 also states *'that it is very difficult to prove absence, but the greater the number of visits, the more confident you can be in your assessment'*.

- 2.4.1 regarding survey constraints and limitations states that in their view the surveys are robust as they were undertaken at a appropriate survey periods. Whereas Froglife at page 2 states *‘Sometimes, even determining the [presence of species can be arduous, let alone obtaining some idea of population size.]’* Whilst page 9 states *‘for some groups of animals, it is possible to convert survey counts into an indication of (relative) population size and an index of change in status. For reptiles, this is difficult to do because of the challenges involved in surveying them, and because their ecology is not fully understood. Each survey visit may only reveal a small sample of the population, and the proportion of animals available for survey varies according to weather, migration patterns etc.* Froglife on page 1 also comments that *‘reptiles are relatively challenging animals to find as they tend to be secretive, camouflaged, occur in comparatively low numbers on a given site, and may be inactive for long periods during winter or hot, dry summers’.*
- With regard to Habitats and ecological features their desktop study flagged up a number of protected plant species several of which are either classified endangered or critically endangered at paragraph 4.1.1; for example:
 - Fingered speedwell is classified as endangered facing a high risk of extinction in the wild, is listed a priority species under UK BAP and threats include loss of habitat due to development (Plantlife).
 - Ground-pine is classified as endangered and facing a very high risk of extinction in the wild (Plantlife).
 - Field Eryngo is listed in the British Red data book as critically endangered (Botanical Society of the British Isles).
- Despite evidence of bat roosting Paragraph 5.3.8 sets out that no specific emergence /re-entry surveys have been carried out and suggests that these buildings are to be retained and are unlikely to be affected by proposals. We disagree with this conclusion. No survey was undertaken for trees (paragraph 5.3.10). We recommend that a full emergence / bat survey be undertaken prior to determining the application.
- 5.7.10 states that no Schedule 1 Bird Species were recorded yet table 5.1 includes the Mediterranean Gull a Schedule 1 species. This casts doubt on the robustness of the survey.
- Paragraph 5.10.6. The assessment does not consider that it is important to undertake more detailed assessment. 5.10.7 sets out that the habitats are considered likely to support an invertebrate assemblage of importance at the district level. Therefore we consider that need to undertake a more detailed assessment prior to determining application.

We consider that these concerns should be addressed prior to determining the application.

2 We are concerned that the Appraisal plays down the presence of importance of key protected species to the extent of often contradicting industry standard advice and best practice; for example:

- Bats: The site supports at least a third of UK bat species, and potentially 44%, some of which require a specific habitat ‘niche’ that is unique to this site. EG Table 5.3:

- Brown Long-eared bat has exceptionally sensitive hearing and is a woodland species therefore any noise emanating from new development would severely, negatively impact on the species
- The table refers to *Myotis* sp. Four of which are native to the UK. Of these *Myotis myotis* is extremely rare. The table does not break down the 485 recordings into the four species and is incomplete.

Paragraphs 5.3.38 – 5.3.41. The survey results could be affected by the location of static detectors being located in unfavourable locations where there was low bat activity. Furthermore, it could also be the result of wider foraging opportunities.

Lighting can have an adverse effect on the behaviour of moth species and consequently bat behaviour.

- Dormice are Priority Species and fully protected under legislation and form an important ecological feature. The desktop study shows a large number of records within search area (5.5.2), and highly likely to relate directly to the site. Map 4460/Ec0* indicates three nesting sites, all of which are in locations identified for built development and are therefore likely to become extinct on site. Paragraph 5.5.3 clearly states that the site provides good opportunities for dormice. The hedgerows provide good connectivity throughout the site which benefit dormice. It is unlikely that the open grassland fields and arable would enable dormice to migrate around the site.
- Paragraph 5.6.6 states that hedgehogs remain relatively common. They are estimated to have fallen in numbers by 30% since 2002 and that it is estimated that there are fewer than one million in the UK (Hedgehog Street). BTO's Garden Bird Watch estimates hedgehog decline to be 36% between 2007 and 2010.
- Table 5.9 sets out Birds as being of a Local level of importance. Given that Table 5.6 identifies breeding Mediterranean Gull which are SPA and Schedule 1 the level of importance should be re-evaluated. Table 5.39 and 6.2: no comprehensive invertebrate surveys have carried out so it is difficult to know how the level of importance has been derived.

3 Concerned that the assessment underestimates the cumulative impact of the site's habitats, for example:

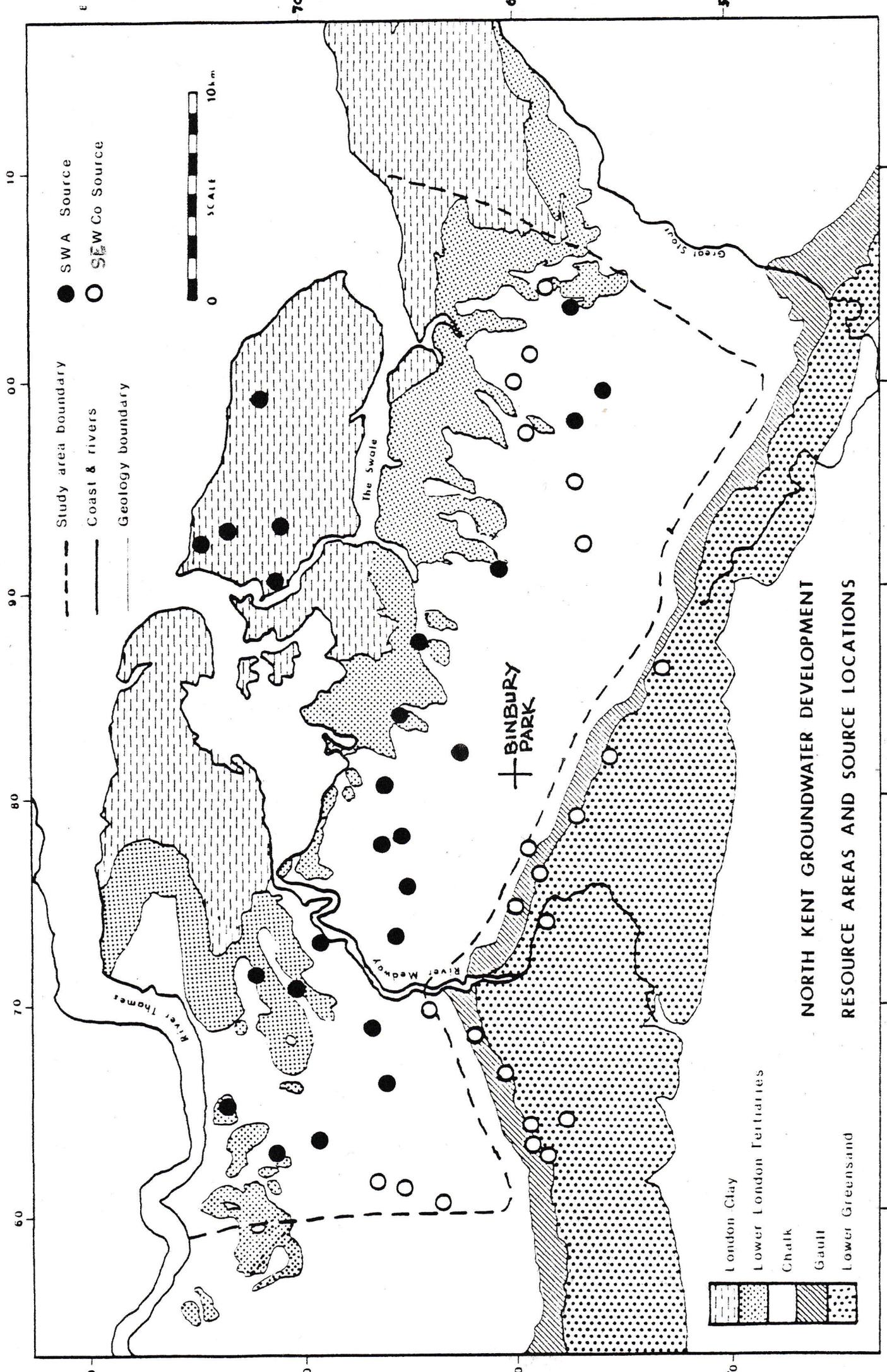
- Paragraph 4.9.2 states that tall ruderal vegetation and bracken does not constitute a priority habitat type and therefore does not form an important ecological feature. Caution must be applied when evaluating habitats in isolation as they form a mosaic of habitats on the site. This ecological niche plays an important part in supporting and adding value to the biodiversity and diversity that exists.
- Table 4.1 sets out that there are 3 ponds on site. Paragraph 4.10.3 says that these are not an important ecological feature. Nevertheless, ponds are listed as a Priority Habitat under UK BAP and are likely to sustain a range of aquatic invertebrates such as Hawkers (dragonflies).
- Paragraph 4.12.3 states that scattered trees do not form Priority Habitat. We consider that scattered trees can be indicative of parkland and therefore constitute a Priority Habitat. Furthermore, these trees should be assessed to see if they are veteran trees and retained.

- With regard to bats there are historic records of bats having utilised the buildings on the site. Despite this the assessment at 5.3.7 considers that there are negligible opportunities. This would appear to overlook their actual use.
- The Environmental Statement Vol 1 at paragraph 11.105 downplays the importance of the area of Local Wildlife Sites. The sites, most of which are also designated Ancient Woodlands, are important for wildlife. The wildlife Trusts (2016) state that LWS can be of equal or greater value for wildlife than SSSI. Sites that are reduced in size or degraded can lack the resilience to withstand dramatic events such as drought or the steady attrition of hostile land use which can result in species starting to disappear.

4 Other:

- We note that 4.3.2 states *'Habitats within the site are considered to qualify under the UK BAP Priority Habitat descriptions for 'Lowland Mixed Deciduous Woodland', 'Wood-Pasture and Parkland', 'Lowland Calcareous Grassland' and 'Hedgerows'. A number of priority habitat types within Kent are also present within the site.'* This further demonstrates the importance of this site.
- 4.5.6 refers to Woodland W12 and two lines of mature Hornbeam pollards. It is recognised that these may represent a feature of some antiquity. It is suggested that this might be an historic outgrown double hedgerow. They could also be boundary trees.
- Paragraph 4.5.14 states that *"Native Woodland' is also listed as a priority habitat in Kent, which covers all of the woodland on this site.'* Paragraph 4.5.15 goes on to say that the woodland habitat constitutes an important ecological feature and is of particular importance due to its ancient woodland listing and provide irreplaceable habitat enriching the local biodiversity. This again reiterates the importance of the site for biodiversity and heritage.
- Paragraph 4.11.3 states *'All of the native hedgerows within the site are likely to qualify as a Priority Habitat'*. And at 4.11.4 states that *'Together with the woodland areas, the hedgerows and treelines within the site form a valuable habitat network providing connectivity for movement of wildlife across the site, in addition to providing a nesting and foraging resource for species ..'* This includes Priority Species such as bats and dormice. We consider this to be important at District level and not local level as set out at 4.11.5.
- Paragraph 4.13.6 states that of the 11 pill boxes on site they conclude they would support little of botanical interest. However, they are likely to be a hot-spot for reptiles and roosting bats. The Environmental Statement Volume 1 at paragraph 11.65 comments that there is potential for bats that roost in the pill boxes to be affected if they were removed.
- Badgers: the survey indicates that there are badgers on site (paragraphs 5.5.5 – 5.4.6). It is well documented that badger activity is not welcome in residential areas due to their destructive nature when foraging. Paragraph 5.4.9 sets out that the site provides good foraging for badgers and found limited evidence of foraging and concluded that there were only limited levels of foraging. The site in our view provides an important opportunity to commute to other foraging areas in and around the site.

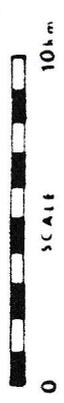
- In Table 5.6 four of the 14 bird species breeding on site the Mediterranean Gull is SPA, 4 are Schedule 1 (including the Mediterranean Gull), 7 are red listed and Priority species and the other 7 are amber listed. Some of these species such as Linnet, Turtle Dove and Yellow Hammer are strongly associated with farmland and not found in residential areas. These farmland birds are therefore highly to be displaced should development go ahead. Over the period 1970-2010 farmland birds have declined by 80%.
- Paragraph 5.7.3 and 5.7.4. The desktop study refers to a wide number of birds recorded in the search area. They do not mention that it returned a number of Schedule 1 bird species. Some of them are also red listed and SPA such as: Mediterranean Gull (SPA and Schedule 1), Field Fare and Redwing (both Schedule 1 and red listed) and the Herring Gull is also another SPA species.
- Paragraph 5.8.2 states no specific records of Great Crested Newts were returned. We consider that caution must be applied to this conclusion.
- Table 5.8 survey 7 was carried out at a sub optimal time
- Paragraph 5.10.2. The background survey flagged up several protected invertebrates within the search area. This includes Stag Beetle which is a UK BAP priority species, Silver Spotted Skipper a UK BAP priority species and Schedule 5 species, Small Blue a UK BAP priority species, a Schedule 5 species and Section 41 Species of Principle Importance under NERC Act in England.
- Domestic gardens can introduce non-native species which can out compete native species and this will affect already mentioned Priority Species.
- The Environmental Statement Vol 1 paragraph 11.88 refers to the fact that the SAC/SSSI is currently subject to very low levels of use. The SSSI is around a 15-20 minute walk from the new homes and jobs as well as the proposed Country Park and is likely to increase visitor numbers. It is unclear how the figures of 1.5 and 4.3 visitors have been derived.
- The Environmental Statement Vol 1 paragraph 11.104 does not list predation by cats and dogs, invasive species (flora and fauna) from gardens, noise and light pollution, and garden encroachment.
- The Environmental Statement Vol 1 at paragraph 11.57 states that a 15m buffer will be provided. This would only protect woodland from the effects of development such as run-off, noise, damage to tree roots. A deeper buffer would be required to provide protection from encroachment activities from adjacent housing. McWilliam *et al* (2010) recommends 50m and Palomino and Carrascal (2007) recommend 400m.
- The Environmental Statement Vol 1 at paragraph 11.199 considers that the proposed habitat creation and enhancement will provide benefits to a range of fauna. We consider that there will be a net loss of irreplaceable habitat and fail to understand how the loss of protected flora, fauna and habitat is considered to be an enhancement.



**NORTH KENT GROUNDWATER DEVELOPMENT
RESOURCE AREAS AND SOURCE LOCATIONS**

- SWA Source
- SEW Co Source

- - - Study area boundary
- Coast & rivers
- Geology boundary



- London Clay
- Lower London Tertiaries
- Chalk
- Gault
- Lower Greensand

60 70 80 90 100

60 70 80 90 100

0

70

60

50

8

70

60

50

River Thames

River Medway

The Swale

Great Ouse

+ BINBURY PARK