



Tenterden and Rural Site DPD
Examination in Public

Additional information for Post Hearing Consultation and Proposed changes to
Policy CHAR1 by Kent Wildlife Trust

Implication of the Revocation of the South East Plan to the Soundness of the Tenterden and Rural Sites DPD

1. It is Kent Wildlife Trust's view that the revocation of the South East Plan has no impact on our position regarding the unsoundness of the Tenterden and Rural Sites DPD. It is our view that Policy TENT1 is unsound as it is not in conformity with national policy contained within Planning Policy Statement 9 Biodiversity and Geological Conservation (PPS9), the Natural Environment and Communities Act 2006 (NERC) and the Countryside and Rights of Way Act 2000 (CROW). This was due to the lack of protection afforded to the adjacent ancient woodland Local Wildlife Site, Ashenden Gill, and the head waters within the development site from recreational pressure and hydrological impacts.
2. Despite the withdrawal of NRM5 and CC8 of the South East Plan, protection of Local Wildlife Sites is still advocated within PPS9 Key Principals ii, iii and vi and paragraph 9. The importance of protecting ancient woodland from deterioration is stressed within paragraph 10, with the need to protect Habitats of Principal Importance stipulated within paragraph 11 of PPS9, the NERC Act 2006 section 41 and the CROW Act 2000 (CROW) section 74. Head waters are included under the category of rivers within ss41 of the NERC Act 2006 and ancient woodland under the category of Lowland Mixed Deciduous Woodlands within ss41 of the NERC Act and ss74 of the CROW Act.
3. It is Kent Wildlife Trust's opinion that TENT1 does not conform to PPS9 the NERC Act 2006 and the CROW Act 2000 being unsound for the following reasons:-
 - a. There is no evidence that the biodiversity within Ashenden Gill LWS will be maintained or enhanced within the proposed plans and there is a high probability that the ecological interest will be degraded due to hydrological changes and recreational pressure.
 - b. Appropriate weight has not been afforded to the protection of the Local Wildlife Site.
 - c. The importance of conserving ancient woodland has not been recognised within the policy and the contribution this habitat makes to supporting many rare flora and fauna species has not been considered.
 - d. The protection of the head waters have not been appraised in the light of the NERC Act 2006 ss41 and the CROW Act 2000 ss74.

- e. Alternative sites have not been assessed in regards to whether they would have a lesser impact on ecology.
 - f. Adequate mitigation measures have not been put in place to protect the ancient woodland or the head waters.
4. In the case of CHAR1, Kent Wildlife Trust has worked closely with both Ashford Borough Council and Mr Jarman. Alternative policy wording was formulated which provided the flexibility to enable appropriate mitigation to be developed to protect The Alders Local Wildlife Site from developmental harm. Kent Wildlife Trust supports the suggested policy wording and respectfully requests that consideration be given to incorporating these amendments into Policy CHAR1 to ensure clarity at the planning application stage. Unfortunately due to the legalities of site ownership negotiations are still underway regarding the field to the south of the LWS being used as mitigation land and we cannot be certain that this mitigation can be supplied. The proposed revised policy wording would provide all involved with some clarity regarding the protection that is required to ensure no impact on the Local Wildlife Site. We support the wording incorporated within the text and agree that it clarifies the situation to a certain extent. This wording alongside proposed changes negotiated for the policy would give us a firm basis to protect the Alder beds from impacts of development.
5. In the case of HAM1 we still regard Policy HAM1 as unsound, despite the withdrawal of the South East Plan, as it is not in conformity with national policy contained within PPS9 paragraph 9 and the NERC Act 2006 ss41. We retain our position that HAM1 is a traditional orchard containing more than 10 veteran trees, 14 old trees were sighted from the public footpath within the open habitat alone. As such this site should be protected as it contains habitats of Principal Importance under the NERC Act 2006 and PPS9 Paragraph 11. Policy HAM1 is therefore unsound as it is not in conformity with national policy and withdrawal of the RSS does not alter this position.
6. Providing the enhancements suggested within our response to Policy BIDD1 are incorporated within the final policy we feel that any loss of Lowland Meadow, a Habitat of Principal Importance under the NERC Act 2006, is mitigated and Policy BIDD1 will be sound in relation to national policy regarding the conservation of biodiversity and the natural environment. The withdrawal of the RSS does not alter Kent Wildlife Trust's view.

7. We welcome the exclusion of residential garden land from the definition of Previously Developed Land in PPS3 Annex B but do not feel this has a bearing on the Tenterden and Rural Sites DPD. Deletion of the national indicative minimum density of 30 dwellings per hectare falls beyond the Trust's remit and we do not wish to submit comments regarding this legislation.