



Issue 6 & 7

Additional information by

Kent Wildlife Trust

**6.1 Are the housing sites CHAR1 and CHAR2, HAM1 and HAM2 the most sustainable locations for development in these villages, including consideration of village form and wildlife?**

1. The representations below are appertaining to CHAR1 and HAM1 only. As regards CHAR2 and HAM2 Kent Wildlife Trust have no objections to these sites being developed providing the important ecological features detailed within our submission response are incorporated into the design.

**The Ecological value of Alder Woods and Fen LWS and HAM1**

2. Biodiversity Action Plan (BAP) habitats were identified within the UK to ensure compliance with the Convention of Biological Diversity signed in 1992, as part of the Rio Janeiro Earth Summit. BAP habitats are those which are under threat within Britain or play an important role within the ecosystem. *Wet woodland, lowland fen* and *traditional orchards* are priority habitat types under the UK BAP head waters are a qualifying feature of the broad BAP habitat of *Rivers*.
3. CHAR1 is adjacent to the Alder Wood and Fen Local Wildlife Site which supports the priority habitat types of *wet woodland* and *lowland fen* and the head waters come under the broad Biodiversity Action Plan habitat type, *Rivers*.
4. Defra's explanatory notes to the s41 list of priority habitats (compiled under the NERC Act), state that:

*The S41 list will be used to guide decision-makers such as public bodies, including local and regional authorities, in implementing their duty under section 40 of the Natural Environment and Rural Communities Act 2006 "to have regard" to the conservation of biodiversity in England, when carrying out their normal functions. In particular*

- *Local Planning Authorities will use it to identify the species and habitats that require specific consideration in dealing with planning and development control, recognising that under PPS the aim of planning decisions should be to avoid harm to all biodiversity.*
- *All Public Bodies will use it to identify species or habitats that should be given priority when implementing the NERC Section 40 duty.*

### **The Impacts of CHAR1 and HAM1 on the Ecology of the Area**

5. Alder Woods and Fen is important for its ancient woodland and fen habitats and the wet nature of the site. Ancient woodland is irreplaceable with the habitat reflecting the long history of the woodland, at least 400 years, and the fact that ancient woodland contains fragile ground flora which takes many years to form and is slow to germinate and spread. Ancient woodlands often shelter rare and specialised invertebrates and lichens which require unpolluted ecologically diverse environments for survival. The woodland present within Alder Woods and Fen LWS is not only ancient but is also wet. The Local Wildlife Site citation records the presence of typical wetland ground flora such as opposite-leaved golden-saxifrage, pendulous sedge, marsh marigold and yellow flag, under alder, a typical tree of waterlogged environments. Wet ditches and streams are present within the woodland. Wet ancient woodland is less common than dry ancient woodland, with only 231ha recorded by the Kent Habitat Survey, and is reliant on the water source that feeds it for its survival and the health of its ecosystem. The woodland is important for its insect fauna, which includes many cranefly and beetle species. Nine nationally notable and 49 locally notable species have been recorded.
6. The lowland fen habitat within the Local Wildlife Site is very rare within Kent. It contains wet grassland species such as cuckoo flower, ragged robin, great willow herb indicative of lowland fen. Of particular note is the presence of fen bedstraw which is scarce within Kent. A number of springs and wet flushes are present throughout the habitat. Both the wet ancient woodland and fen are fed by head waters
7. Alder Woods and Fen LWS is well managed by a local group supported by the Kentish Stour Countryside Partnership and is currently protected from direct recreational pressure by its position outside the built environment. Access into the site has been provided by means of a boardwalk however this is carefully managed.

8. HAM1 is part of a traditional orchard half of which was developed in the 1990s. The orchard has been recorded on maps since landmap addition 2 produced in 1897, making this orchard at least 110 years old. Although unmanaged, around 15 veteran fruit trees and grassland is still in existence and the site is well connected to the Hamstreet Woods NNR. There is a public footpath through the site from which the site has been appraised. As no detailed surveys have been completed the Trust is not able to provide information regarding species that may be present, however the longevity of the orchard itself brings it under the priority habitat type of *traditional orchard*. Traditional orchards in general are of value to wildlife as they provide a grassland and fruit tree ecosystem that can be accessed by invertebrate, reptile bird and bat species. The suggestion to retain the tree species within the development would not mitigate for the habitat lost as the ecological value of traditional orchards is due to the differing roles of the grassland and trees. Many species are attracted to traditional orchards due to the availability of food in the form of grassland and tree dwelling invertebrates and fruit, cover being provided for ground dwelling species within the grassland and birds within the veteran trees. Bat roosts are common within traditional orchards as the veteran trees provide many cracks and hollows in which the bats can roost.

**Not Compliant with National, Regional and Local Policy**

9. Kent Wildlife Trust is of the opinion that Policies CHAR1 and HAM1 are unsound as they are not compliant with national regional and local policy. These sites do not constitute the most sustainable location for development when viewed against the sites submitted for consideration within the Issues and Options Document
10. It is Kent Wildlife Trust's view that the Policies CHAR1 and HAM1 are unsound as they are not in compliance with national, regional and local policy. Within the Key Principles of PPS9 there is clear guidance regarding the preservation of Biodiversity Action Plan habitats, Local Wildlife Sites and biodiversity in general. Key principal ii states that policies should *aim to maintain, and enhance, restore or add to biodiversity* and give *appropriate weight* to designated sites of

Local importance. There is little evidence within Policies CHAR1, HAM1 or the supporting text that impacts on the Local Wildlife Site adjacent to CHAR1 or the Biodiversity Action Plan habitats present in both sites have been considered or investigated. The policies at present contain no clauses to fully mitigate either the hydrological or recreational impacts in relation to CHAR1 or the loss of traditional orchard habitat within HAM1.

11. Key Principle iii states that Local Authorities are required to take a strategic approach to the form and location of development with conservation, enhancement and restoration of biodiversity and recognition of the contributions that sites features and areas make to ecology being considered. However there appears to have been little consideration of biodiversity protection within the development planned within CHAR1. There has been no investigation as to the impacts that the draining of the field at right angles to the site will have on the hydrology of the Alder Wood and Fen Local Wildlife Site, with no consideration given as to how recreational pressure would affect the LWS or provision of visitor management required. The Trust is concerned that drainage of the field below the woodland may force the water currently held within the LWS into the lower field drying out the woodland and fen and impacting on the ecological value of both habitats. Due to the proximity of CHAR1 to the LWS recreational impacts such as trampling and nitrification due to dog faeces should be considered and visitor management put in place to ensure no impact on the delicate ecology. Due to the sensitivity of these habitats to hydrological changes, and recreational pressure we feel that that a full hydrological survey should be undertaken, to ascertain whether the hydrology of the LWS could be safeguarded within the development and the impacts of recreational pressure assessed before allocation to ensure there is no impact on the biodiversity of the LWS and the BAP habitats it contains. If development of this site is agreed before these investigations have been undertaken and no mitigation can be formulated to protect the Local Wildlife Site then the policy will not comply with Key Principle iii of PPS9.

12. In relation to HAM1 Key Principal (iii) of PPS9 appears not to have been considered at all. Ecological interest cannot be conserved if the site is developed as the grassland an important component of traditional orchards will have been replaced by housing. It is likely that many of the bird invertebrate and reptile species likely to be present will be displaced and food sources of any species that remain, limited
  
13. Key principle (vi) states that planning decisions should aim to prevent harm to biodiversity and that if such a decision could cause significant harm then consideration should be given to alternative sites. Within the Issues and Options document of the Tenterden and Rural Sites DPD other sites were brought forward for development that would not impact on a Local Wildlife Site or Biodiversity Action Plan habitats however these were disregarded within the final selection. It is our view that there were alternative sites that would have been less harmful to biodiversity or where impact could have been mitigated more easily and selection of these should have been considered above CHAR1 and HAM1 in compliance with PPS9 Key Principle (vi.) we made clear in our earlier responses to the DPD where development would have been unlikely to have a significant impact on biodiversity.
  
14. Paragraph 4 of PPS9 states that Local Development Plan documents should be consistent with biodiversity priorities and objectives agreed by Local Biodiversity Partnerships. The Kent Biodiversity Partnership has formulated a number of objectives and targets for Mixed Broadleaved Woodland and Plantations on Ancient Woodland Sites. Objective 1 is to *maintain the existing area of ancient and semi ancient woodland* with the target being to *retain the current area and quality of ancient woodland*. The Kent Biodiversity Partnership has also formulated a number of objectives for lowland fen. These include *Maintain the extent and quality of all lowland fen sites, Ensure that sufficient water is available to maintain and where appropriate enhance fen habitat and secure appropriate conservation management on existing fens*. However there is a risk that development will cause deterioration in the quality of Alder Wood and Fen LWS

due to hydrological change and recreational pressure. As no investigations have been undertaken in regards to these impacts and no mitigation suggested to resolve these issues, it is Kent Wildlife Trust's view that Policy CHAR1 is not in compliance with paragraph 4 of PPS9 or the targets set by the local Biodiversity Partnership.

15. In relation to traditional orchard habitat contained within HAM1 the Kent Biodiversity Partnership has formulated a number of objectives and targets for this habitat. Objective 1 *Seek to minimise the loss of traditional old orchards* with objective 2 being to *Maintain those traditional old orchards remaining in (or restore them to) favourable managed condition*. The destruction of the traditional orchard complex will not help to fulfil these objectives and will in fact work against these aims and therefore is not compliant with paragraph 4 of PPS9.
16. NRM5 (iv) of the South East Plan highlights the need to ensure that damage to Local Wildlife Sites is avoided. As the policy stands no consideration has been given to protection of the hydrology, with no analysis as to the recreational impacts on the wet ancient woodland and fen or comprehensive mitigation to endeavor to protect the BAP habitats within the Local Wildlife Site. Therefore policy CHAR1 does not comply with NRM5 of the South East Plan.
17. Finally Policy CHAR1 and HAM1 do not comply with Ashford Borough Council's Core Strategy CS11 which aims to maintain, enhance and expand biodiversity in conformity with Biodiversity Action Plan targets. The policy states that when in exceptional circumstances other considerations justify development that would cause harm to biodiversity then appropriate mitigation or compensation will be provided. It is not clear how this might be achieved in these cases
- 18. 6.2 Do they represent the best strategy when considered against reasonable alternatives?**
19. Due to the important habitats present on the LWS near CHAR1 and within HAM1 and the impacts which may occur, it is Kent Wildlife Trust's opinion that this is

not the best strategy when considered against reasonable alternatives. Within the Issues and Options document there were adequate sites put forward which would have significantly less impact on BAP habitats than CHAR1 and HAM1 or no impact at all. From an ecological point of view the best strategy would have been to avoid sites adjacent to Local Wildlife Sites and which contain or would have an impact on Biodiversity Action Plan habitats. CS11 of Ashford's Core Strategy states that impacts on biodiversity will only be tolerated in exceptional circumstances and will be fully mitigated or compensated. It is the Trust's opinion that exceptional circumstances did not occur within this DPD and therefore the document should have been in conformity with CS11.

### **Conclusion**

20. Due to the ecological sensitivity of Alder Wood and Fen LWS and HAM1 it is Kent Wildlife Trust's view that CHAR1 and HAM1 should remain undeveloped to ensure conservation of the wet woodland, fen and headwaters within Alder Wood and Fen LWS and the loss of traditional orchard habitat. We believe that Policies CHAR1 and HAM1 are unsound as they are not in compliance with national and regional policy, are likely to cause significant harm to the sensitive ecology of the Local Wildlife Site and traditional orchards. The allocation of CHAR1 and HAM1 would not fulfill the obligations made within Policy CS11 of the Ashford Borough Council Core Strategy as other sites were available to enable delivery of housing numbers without an impact on biodiversity. Inadequate mitigation and compensation has been provided to ensure the quality of the wet woodland and fen in conformity with Kent Biodiversity Action Plan targets and the loss of traditional orchard habitat is neither acknowledged, mitigated or compensated.
21. I have discussed the development of CHAR1 with the management group responsible for Alder Wood and Fen LWS who were concerned regarding the impacts specified above. However when asked what they felt was appropriate mitigation to make protection of the habitats easier and to help manage increased visitor pressure they informed me that the field to the south of CHAR1 is owned

- by the developer and if the ownership of this field were to be handed over to the group to manage either as fen or to replant to provide further wet woodland this would create a natural buffer to the site along with other enhancements and may deflect people away from the ancient woodland whilst providing natural space for the whole community to enjoy.
22. If the inspector is minded to grant development on this site Kent Wildlife Trust recommends that additional supporting text is inserted which sets out clearly that, due to the sensitivity of CHAR1, development will only be permitted subject to the determination, following full ecological and hydrological surveys, that impacts upon the Local Wildlife Habitat and other habitats can be fully mitigated, and full compliance secured with policy CS11.
23. In the case of HAM1 where BAP habitat is to be lost the Trust would posit that traditional orchards are irreplaceable and development should not occur on this site.