

## Judith Ashton

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**From:** Judith Ashton  
**Sent:** 31 August 2021 13:58  
**To:** Mark Davies  
**Cc:** 'Daniel, Rio'  
**Subject:** FW: Land off Appledore Road, Tenterden - Ecology 21/00790/AS (9349)  
**Attachments:** 9349.Ecological enhancements using green infrastructure and waterbodies within new development.pdf; 9349.UpdatedSurveyNote.1.vf.pdf

Mark

Please see below and attached info shared with KCC ecology following a site meeting earlier this month

Kind Regards

Judith

Judith Ashton Associates

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**From:** Vicky Locke <Vicky.Locke@ecologysolutions.co.uk>

**Sent:** 20 August 2021 14:29

**To:** Judith Ashton <judith@judithashton.co.uk>; Rio Daniel <Rio.Daniel@wates.co.uk>

**Cc:** Tim Goodwin <Tim.Goodwin@ecologysolutions.co.uk>; George Miles <George.Miles@ecologysolutions.co.uk>

**Subject:** FW: Land off Appledore Road, Tenterden - Ecology 21/00790/AS (9349)

Dear Rio/Judith

Please see below my email to Helen together a PDF of pictures to illustrate what can be achieved within green corridors.

Kind regards

Tim

**Dictated by and sent on behalf of Tim Goodwin by**

**Vicky Locke** | PA to Tim Goodwin



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**From:** Vicky Locke  
**Sent:** 20 August 2021 14:27  
**To:** 'Helen.Forster@kent.gov.uk' <[Helen.Forster@kent.gov.uk](mailto:Helen.Forster@kent.gov.uk)>  
**Cc:** Tim Goodwin <[Tim.Goodwin@ecologysolutions.co.uk](mailto:Tim.Goodwin@ecologysolutions.co.uk)>; George Miles <[George.Miles@ecologySolutions.co.uk](mailto:George.Miles@ecologySolutions.co.uk)>  
**Subject:** FW: Land off Appledore Road, Tenterden - Ecology 21/00790/AS (9349)

Dear Helen

Many thanks for taking the time to meet me and George on site on Monday 16<sup>th</sup> August, hope you didn't end up getting wet before you got back to your car.

I promised I'd write to clarify a few points that you raised during the site visit and also just to recap on some of the concerns and issues that we discussed at the time.

#### Country Park

I have discussed with the client your concerns that the 'Country Park' can be interpreted as meaning quite a few different things and maybe much more formal than perhaps you or I had envisaged. However, I can confirm that the client's intention is to deliver a large area of open space managed on an informal basis, the main purpose of which is to deliver biodiversity gains both from a habitat point of view and for a number of species. Presently, we are thinking that it might be better to describe this part of the development proposals as Countryside Open Space which I think conveys a better understanding of what we are trying to achieve but I'd welcome any further views that you may have.

I appreciate that whatever the title this part of the site must capitalise on its delivery in biodiversity terms while also providing a recreational resource of an informal nature. This can obviously be achieved by either a planning condition or as part of the 106 legal agreement which would spell out that biodiversity is the primary target of what is a substantial tract of land being some 8.66 hectares.

#### Existing grasslands

I think our site visit was an ideal opportunity to get a better handle on the existing quality and diversity of the grasslands currently on site. As we discussed the grass species complement is high and apart from one or two limited locations there is no indication of over sowing with rye grass or something like brown top bent. In the past all of the meadows have been extensively grazed but there was no indication at the time that I originally visited the site, that this had led to a reduction in biodiversity of the flowering herb content. If it was simply over grazing one would have expected a relatively even distribution of the herb content once grazing ceased, but as you discovered on site there are vast areas which are devoid of a broad leaved component. As I discussed on site, my own take on this is that at some point in the past there has been a general herbicide application, as it's rare to come across a decent grass species complement and such a depleted forb element. It is exactly that observation which has led me to downgrade the existing grasslands and there is no evidence to substantiate a claim that they are 'unimproved'.

From past experience, I really don't consider that it would be difficult to achieve a far more diverse grassland element to both the areas we retain within the green corridors and within the Countryside Open Space and I have attached some examples that ESL or myself have been directly involved in, including briefing and overseeing the landscape contractors.

#### Hedgerows

You know already that the scheme design has based itself around the existing field pattern so that the existing hedgerow features are to be retained. As you commented on site many hedgerows can no longer be regarded as such a feature, many as you observed were lines of individual hedgerow species with no structure and little if any associated ground flora. I don't need to explain to you that hedgerows were established in the UK largely for two reasons, either to delineate an ownership / administrative boundary, or as a stock proof feature within which the owner of the land could be safe in the knowledge that their cattle / sheep could be retained. It's pertinent to remind ourselves that the hedgerow regulations make it clear that a line of individual vegetation does not qualify for protection. However, as I've already mentioned the intention is to retain, manage and enhance by laying where this is possible and by closing gaps with new planting. Those measures alone would be significant given that strong linear features provide a wealth of opportunities for wildlife movement, foraging, breeding and cover.

We also saw that there are a few hedgerows, now between 6 and 8 metres tall which provide a different set of opportunities particularly in terms of a food source where mature plants substantially bear more fruiting bodies, or nectar sources than a hedgerow which is cut and maintained. Both types I believe are important to have as a feature of the proposals.

#### Veteran trees

We examined on site a number of the most substantial veteran individuals, mostly of oak and the role that they would play in maintaining species connectivity across a wider landscape. As you will see from the arboricultural report that has already been submitted such trees are to be retained and linked as far as possible by green infrastructure. One of the points you raised in this regard was to ensure that light spill is avoided on any of these key features. As I suggested and indeed what my client has suggested in the past, is that this can be delivered and achieved via an appropriate condition which requires a scheme of lighting to be submitted to and agreed with the local planning authority. Like you I would want to ensure that lighting adjacent to any of the key green corridors is minimal and where absolutely necessary is achieved by low level bollard lighting to minimise light spill.

#### Existing ponds

We had the opportunity to look at some of the onsite ponds and again I think it was clear from our discussions, indeed agreement, that we could do so much better than the current position. Most are densely shaded with willow and hawthorn scrub, with little in the way of emergent and no true aquatic vegetation on a level that would provide the basic needs for key species groups, for example dragonflies. I couldn't agree more that any works would need to be done sensitively, but they are the type of works which are routinely carried out on Wildlife Trust reserves or indeed within statutory designated sites. The delivery of the benefit comes from ensuring that the management plan and landscape works have been properly thought out and are subsequently controlled and overseen by an ecologist with the requisite knowledge.

#### Protected species

From the surveys (past and present) bats, breeding birds, common reptiles and GCNs are the key issues. There is no indication from any of the work undertaken that we have something with very specialist or sensitive requirements. I don't believe it's beyond you and I to prepare an appropriate mitigation scheme for common reptiles, neither do I see any concern or limitations to delivering a significantly enhanced range of habitats of benefit to the more common bat species which the surveys indicate use the existing site. In terms of breeding birds these were relatively common species and largely those found in open countryside but no Skylark or Meadow Pipit were identified. This is probably as a result of over grazing in the past where the grassland vegetation would be too short to provide suitable breeding sites for either of these ground nesters, but also I believe it may be as a result of a reduction in invertebrate prey given the lack of the forb content of the grasslands themselves. As you know from the masterplan the proposals seek to enhance existing water features and provide new waterbodies within the green corridors and the Countryside Open Space. I have also attached some pictures of a scheme in Rugby where the population of GCNs has been significantly enhanced by the appropriate design and planting of the new ponds within green corridors, all of which were established in line with Natural England's green infrastructure publications and which Natural England are on record as saying it is an exemplar scheme for how green infrastructure should be delivered as part of development. I've used exactly the same principles in advising the design team on this site and this largely led to a reduction in units when compared with the original scheme.

## BNG

As you know there has been much controversy over the use of the BNG and a significant difference between EPR (the previous ecological consultants representing the client) and the Wildlife Trust. I was brought on board for a second opinion and while there are some differences to my interpretation of the current value of the habitats on site, it is undeniable that the existing grasslands are at a relatively low base. They could not be described as anything other than in poor condition when one looks at the criteria associated with how to assess condition. It is that starting point which seems to generate the gap in disagreement between the various parties, but I hope that now you have seen the site in person you will be able to reflect better on that starting point. One must also remember that the BNG / metric is a 'tool' and nothing more, it is not the start, the middle or the end of an assessment undertaken by a professional ecologist, it is simply one process by which we measure biodiversity and the fact that it is unable to assess or ascribe a value for key species is a case in point.

I have no hesitation in saying that if you, I and any other party who wants to achieve biodiversity gains as part of this development work together we can deliver something equally as exciting as the green infrastructure at a site like Rugby.

Once you've had time to reflect on the site visit, the example photographs and my thoughts set out above I'd be grateful for a further consultation response and given where we are in terms of the planning process it would be very helpful to get an updated steer from you in the next seven days. I know when we discussed your latest response to the development proposals you pointed out that you rarely set out any of the good points but concentrate on the remaining concerns. While I understand that this is the position you adopt, others who may read your consultation response may do so in a different light and see none of the benefits that are both part of the scheme in terms of design but also the measures which can be secured by condition or legal agreement to your and the LPA's satisfaction.

Finally, I promised I would update you with the new round of surveys (we discussed many of the findings during our site visit) and I have since spoken to George who informs me that he will be circulating to you shortly the survey results / reports for badgers, reptiles, GCNs, invertebrates and breeding birds, if he has not already done so. As I mentioned on site there are no new issues which need to be assessed but the surveys give us an up-to-date position to enable us to fine tune the mitigation proposals.

I hope all of the above is clear but do come back to me if you want to discuss anything further, or you think that there are any additional concerns that I've forgotten to address, otherwise I look forward to your updated response as soon as possible.

Kind regards

Tim

**Dictated by and sent on behalf of Tim Goodwin by  
Vicky Locke | PA to Tim Goodwin**



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