



STEERING COMMITTEE

**Statement of the impact on Local Green Space**

**19/01788/AS**

**Land between Woodchurch and Appledore Roads.**

- a) **Outline application for up to 250 residential dwellings, with the creation of a network of roads, footways and cycle ways through the site.**
- b) **Full planning permission application for the change of land use from agricultural to use as a country park with allocation for sports pitches.**

*Applications for outline & full planning permissions.*

**NORTH WARD & SOUTH WARD**

**This statement has been provided at the request of Cllr. Kate Walder on behalf of Tenterden Town Council**

**Date of Statement Issue: 10<sup>th</sup> February 2020**

**This statement is produced in accordance with the criteria requirements for Local Green Space designation set out in the NPPF and in use by the Tenterden Neighbourhood Plan Steering Committee (TNPSC) for the preparation of the Tenterden Neighbourhood Plan.**

**The National Planning Policy Framework 2019 advises in paragraph 100:**

‘The Local Green Space designation should only be used where the green space is:

- a) in reasonably close proximity to the community it serves;
- b) demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquility or richness of its wildlife; and
- c) local in character and is not an extensive tract of land.’

In accordance with these criteria, the land subject to the above planning application, has been short listed for selection as a Local Green Space in accordance with the Tenterden Town Council Neighbourhood Plan. The main reasons for selection, with supporting evidence are detailed in the following pages.

### Local Green Space Criteria - close proximity to the community

The subject land in this planning application qualifies as being 'close to the community' it serves, as lying within 8 minutes' walk of the town centre, or closer for the residents of Shrubcote or of the Appledore and Woodchurch Roads by virtue of the AB12 PROW footpath which provides access to and through it.

### Local Green Space Criteria – historical significance

As a survival unique within the area of an open field system, dating to before Tenterden's earliest town settlement, the land is integral to its history. Known originally as Dovenden, more than 1200 years ago in a charter of 785, it is described as 'wooded pasture'. For some six centuries to the end of the eighteenth century, areas of it were used for communal gatherings to witness public executions from gallows erected near the road to Appledore. To the far west of the site, surviving evidence of ridge and furrow cultivation, possibly post-medieval, is recorded with KCC Heritage. Surviving hedgerows in 7 fields (including those in Schools Trust possession) have been dated by the NP Biodiversity & Wildlife working group as 400-600 year-old survivals.



*Thomas Thurston Tithe Map of 1843*

From the mid-eighteenth century, the land was in the possession of the Weston family, who, conscious of its pastoral value, as part of a marriage settlement in 1822 placed a restrictive covenant on it – by which it may not be ploughed or used for any purpose other than for grazing.

There is evidence that during the Second World War the local Home Guard used the site.

The RPS Historic Landscape Assessment submitted with the Wates application describes the site as: ‘one exhibiting considerable time depth and coherence, with no historic boundary loss and the survival on site of various historic landscape features pre-dating 1845,’ confirming the NPSC’s view of its historical importance to the town.

The NPSC recommends further study of the restrictive covenant of 1822 to establish whether it has been or can be legally removed.

### **Local Green Space Criteria – routeways, recreation & amenity**

Both sites have a public right of way passing through them, numbered AB12 on the Kent County Council Public Rights of Way Adopted map, and running between the two fields on the Appledore Road in Schools Trust ownership, south to north across the main site at its midpoint, to cross the Woodchurch Road at its northern end into the ancient woodlands of Knock Wood.

One of the fields in Schools Trust ownership is freely accessed by residents for recreation, the other is gated and used for grazing livestock from the Homewood farm. An ancient routeway crosses the larger site east to west, with further well-established footpaths created over many decades by unrestricted ramblers and dog walkers, serving a local community need for amenity space throughout the year to promote exercise and a sense of wellbeing.

### **Local Green Space Criteria - landscape character, beauty & tranquility**

With a geology of Wadhurst Clay, Tunbridge Wells Sandstone and a mixture of the two, the site is bisected by a local ridge of higher ground running south to north just east of the public footpath. To the west of the ridge, the land slopes down towards the Appledore Road, with the upper and northern slopes gradually becoming shallower towards its southern boundary and the Schools Trust fields.

Through the centre of the site, running east to west along the Wadhurst Clay, a wetland of natural springs and ponds with radial ditches drain from the sandstone ridge above. The chain of ponds is identified on KCC heritage maps and the Thomas Thurston Tithe Map of 1843, and is unlikely to derive as the applicants imply from earlier marl pits.

The site has been designated by Ashford Borough Council as a Local Character Area (*Policy ENV5 of the LP2030*); defined as part of the Woodchurch Undulating Farmlands (involving, ‘undulating landscape, farmland with little intensive land use, varied field pattern with smaller fields use, field ponds and narrow stream corridors.’). This policy within the Local Plan requires: ‘development in the rural areas to be designed in a way which protects and enhances the landscape character area within which it is located.’

The larger application site covers (without including access areas) approximately 19.4 hectares (48 acres), with the 2 fields in Schools Trust ownership, 3.24 hectares or 8 acres. Lying just outside the High Weald AONB, much of the higher land offers panoramic views across it, and even shares a boundary with it at its easternmost point – thus falling ‘within the setting’ of that high status landscape area. From the lower AB12 footpath there are further unobstructed views of St Mildred’s Church tower, of south facing grassland dotted with iconic English oak trees, of picturesque ponds ringed with ancient trees (in variance with the applicant’s description of them as ‘in poor condition and heavily overshadowed’).

With the Three Fields and Church View land now built on and Tilden Gill about to be, the site represents the nearest and sole remaining stretch of tranquil open landscape to the east of the town centre.

Aside from the obvious visual impact of a major housing development within this peaceful setting, it is felt that light pollution from ‘peripheral street lighting’ and literally hundreds of windows could have a seriously detrimental effect on local wildlife, particularly bats (contrary to NPPF 125 and ABC Local Plan 9.46), in a one of the darkest sky areas in the South East region. The applicant’s argument: ‘Tenterden already contributes to local light pollution and the site is affected by this’, would appear to be offered as justification for *further* light pollution in an established dark sky area.

Water contamination, during construction and from domestic chemicals afterwards, poses a real threat to other valued landscapes in the vicinity, with surface water draining from much of the site beneath the Appledore Road into Tilder Gill (protected under NPPF 175 c and UK Biodiversity Action Plan Section 41). New regulations to be introduced in the impending Environment Bill 2020 for monitoring the quality of surface water drainage are particularly relevant in this context.

It is maintained by the NPSC that the principal application site has remained as grazing land from the earliest times, resulting in a uniquely biodiverse landscape on the fringes and within the setting of the High Weald AONB, and providing a beautiful, healthy and tranquil refuge away from the main roads and traffic for residents and wildlife alike.

The visual and historical harm to the tree-lined avenue of Appledore Road that would result from the proposed removal of four established trees to allow vehicular access to the development, is a further cause for concern. In relation to which it is noted that, following section 96 of the Highways Act 1980, Para 101 of the new Draft Environment Bill asserts: ‘A local highway authority in England must consult members of the public before felling a tree on an urban road.’

It is also noted that further harm to the grass verges would result from unsightly bollards required for the introduction of ‘Choker’ traffic calming measures at proposed new access points.

### **Local Green Space Criteria – biodiversity & wildlife**

In advance of studying the EPR Ecological Management Plan and Ecological Impact Assessment reports submitted with the application – with one of the ‘Limes Land’ joint landowners’ consent

and permission of the Tenterden Schools Trust – the NP Biodiversity and Wildlife working group undertook their own Phase 1 Habitat Surveys of the two sites, in Dec. 2019 and Jan. 2020, respectively. Both studies were limited by the season, but in the case of the larger site included in their report information logged over 2-year period by neighbouring householders and footpath walkers (registered BTO observers among them), recorded with the Kent & Medway Biological Records Centre, the British Trust for Ornithology and Kent Reptile & Amphibian Group, and stored on the NP database. Younger members of the working group undertook a pond-dipping survey from the AB12 footpath in August 2019, the results of which were also included.

For the TTC's consideration, the working group's January Habitat Survey for the Limes Land site is attached to this report.

Soil samples taken in the survey revealed the major part of the site to be neutral/mildly acid grassland (pH 6.00), with an instance of sheep sorrel confirming a more typically acid grassland presence on the higher, sandier slopes.

Undoubtedly the most important finding of the survey was the likely but rare survival of *unimproved* (as opposed to semi-improved) grassland in the western segment of the site – a discovery the applicant's ecologist, EPR, appears to confirm with the observation: 'Eleven (plant) species listed as unimproved grassland indicator species were recorded.'

Typically characterized by multitudes of anthills, indicator plant species and ecosystems supporting large populations of protected reptiles, small mammals and invertebrates, remnants of unimproved neutral grassland are widely held to be of national and European significance, and are protected as 'Section 41 Habitats of Principal Importance' within the Lowland Meadow category identified by the Joint Nature Conservation Committee within the UK Biodiversity Action Plan.

Protection for such habitats is offered by NPPF 174 c): *'To protect and enhance biodiversity and geodiversity, plans should promote the conservation, restoration and enhancement of priority habitats.'* Also, in NPPF 175 c) *'Development resulting in the loss or deterioration of irreplaceable habitats... should be refused unless there are wholly exceptional reasons.'* In the same context the Ashford Local Plan 9. ENV1 states: *'Proposals should... conserve and enhance habitats, including BAP (Priority) habitats and networks of ecological interest.'* Whilst in Para 95 3 b) of the new Environment Bill: *'The action which may be taken by the authority to further the general biodiversity objective includes... conserving, restoring or otherwise enhancing a particular habitat.'*

Five separate statements from four statutory bodies in other words support the protection and enhancement of Priority Habitats (in this case one of unimproved neutral grassland) – against which the applicant's Ecological Impact Assessment confirms: *'The loss of grassland within the west and south of the site cannot be avoided or mitigated, as this habitat will be lost to facilitate construction of the proposed development.'*

In which event, the NPSC feel strongly that further ecological assessment is needed to establish the quality and nature of that grassland and the ecosystems it supports.

That numbers of magnificent and ‘veteran’ oak trees (protected by NPPF 175 c) exist on the site is not contested; two of them dated by the Biodiversity & Wildlife working group to more than 200 years old and one to more than 350 years old. Nor is the presence of numbers of ancient hedgerows, six of them dated to between 400 and 600 years old, contested. The concern of the NPSC is that the applicant’s mitigation strategy merely involves building around them, ignoring damage the trees would sustain from compaction of the soil, destruction of the mycorrhizal fungi which link and support them and disruption of their water source – ignoring the detrimental effects on nesting birds and roosting and foraging bats that infilling up to and between ancient hedgerows, which act as wildlife corridors, must also cause.

In studying EPR’s ecological assessments, the NSPC working group has noted numbers of significant inconsistencies and omissions. For example, EPR’s record of 34 bird species on the site is exactly *30 less* than those recorded by a local BTO observer over the past two years. EPR note 4 ‘Red Listed’ birds of highest conservation priority, NPSC have recorded 17. EPR note 3 ‘Amber Listed’ birds, NPSC have recorded 15 – inconsistencies which might(?) explain EPR’s statement: ‘The birds assemblage using the site generally consists of common and widespread species.’

The bat flight recording equipment EPR used was unable to distinguish between rare and common myotis species. Their record of a water shrew in 2018 has not appeared on recent reports. Aside from studies of bats and hazel dormice, they have made no effort to record the dozen or more mammal species known to habituate the site, and which include Section 41 BAP Priority Species polecats and hedgehogs. The EPR scoping survey for invertebrates, undertaken in a single day, was demonstrably inadequate, missing at least two Section 41 invertebrate species (Small Heath butterfly and Stag Beetle). A current list of animal species is appended to this report.

It is known that 6 protected amphibian species are present on the site, including Section 41 Great Crested Newts, with 3 protected reptiles. The GCN and unusually large assemblage of reptiles are considered to be of ‘County Importance’.



*Slow worm assemblage on Limes Land - 2018*

Plans by the prospective developer to drain wetlands, divert watercourses, dredge ancient ponds and relocate protected amphibian and reptile species must be of serious concern.

It should be further mentioned that currently only some 40 dwellings and gardens abut the site, while the erection of up to 250 more dwellings would inevitably introduce numbers of domestic predators (cats) to decimate populations of wild and protected species remaining on the site.

In total it has been established that no less than 30 Section 41 Species of Principal Importance are present on the larger site, with a likely and rare survival of Priority Habitat unimproved neutral grassland, at least 8 oak trees classified as Veteran, and numbers of ancient hedgerows.

In the new Environment Bill, reintroduced to Parliament following the January election, a mandatory requirement for 'net biodiversity gain' is to be made a condition of planning permission for any new development – and in objecting to the application in this context, Richard Bloor, Wilder Towns Manager of the Kent Wildlife Trust, has stated:

'Kent Wildlife Trust objects to this application on the grounds that the applicant has not satisfactorily demonstrated that there will not be a net loss to biodiversity, let alone the net gain that is claimed in the Landscape and Ecology Management Plan.'

### **Local Green Space Criteria – local in character and not an extensive tract of land**

NPPF, para 100 does not define 'extensive' or suggest a maximum area for Local Green Space qualification, and in view of its position as a green amenity close to the centre of the town, at 19.48 hectares (48 acres) the TNSC considers the larger site to fall within the scope of designation.

### **Work of the Neighbourhood Plan Steering Committee**

The Neighbourhood Plan Steering Committee and working groups are engaging with the community as the new Neighbourhood Plan evolves with numerous public events, a website, press releases and community workshops. The TNPSC operate transparently and under the guidance of Tenterden Town Council, with regular involvement from the Town Clerk.

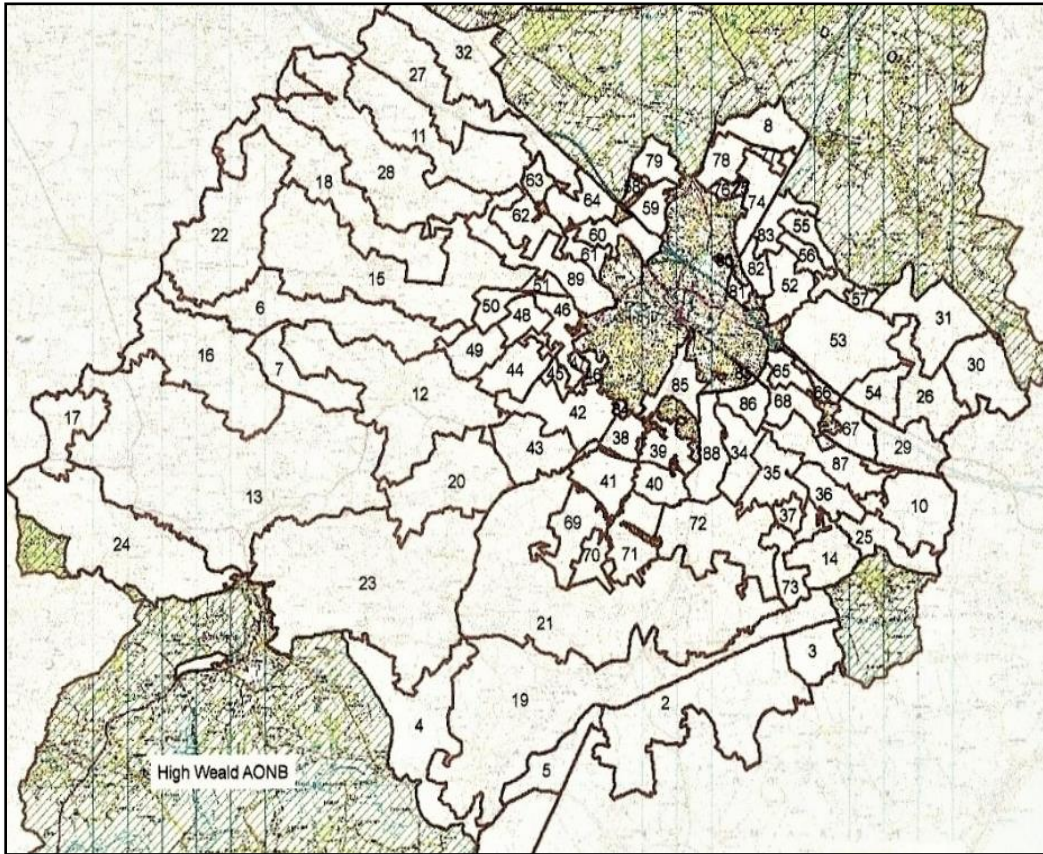
The larger area of subject land featured in both outline and full planning permission applications has been selected in accordance with the specific criteria for the designation of Local Green Space. It is a site within easy walking distance of the town centre with an adopted public footpath and other established routeways through it. As a selected Local Green Space site proposed for inclusion within the draft Tenterden Neighbourhood Plan, supporting evidence has been assembled through due process to meet the Local Green Space designation criteria applied.

The Limes Land site is numbered as Site 12 in the Draft Neighbourhood Plan.

### **Other documents and sources used in collecting the appropriate data to designate the subject land as Local Green Space:**

- i. The area of land numbered 23 on the Ashford Landscape Character Area map (below) shows that the application site, designated within the Woodchurch Undulating

Farmlands Character Area, has been considered worthy of protection through tree orders and by landscape character assessment within the Adopted Local Plan.



Policy ENV5 of the LP2030 - *All development in the rural areas of the Borough shall protect and, where possible, enhance the following features:*

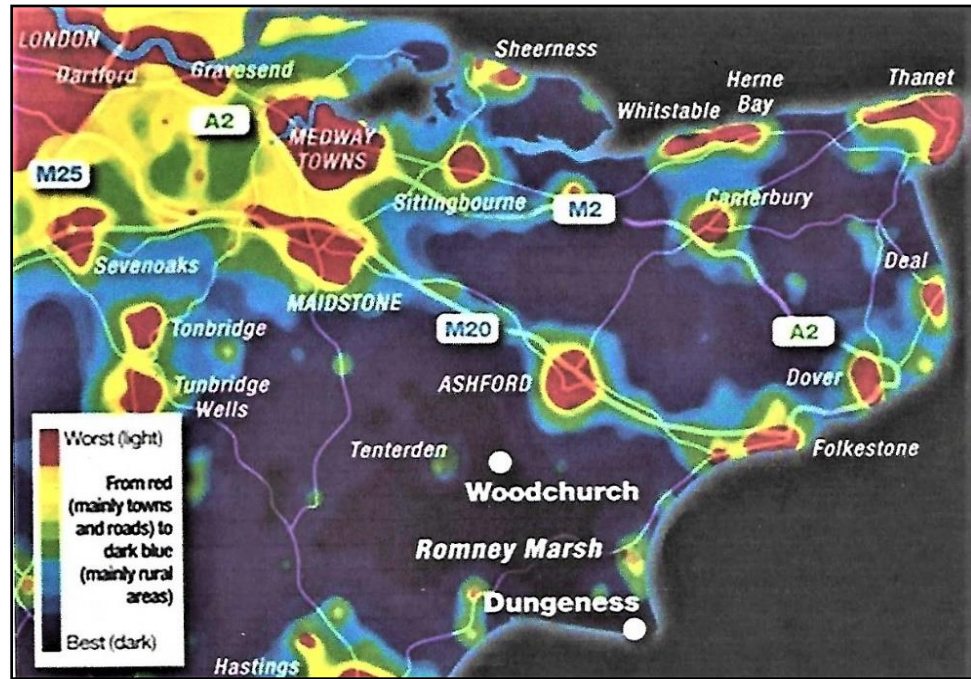
- a) Ancient woodland and semi-natural woodland.*
- b) River corridors and tributaries.*
- c) Rural lanes which have a landscape, nature conservation or historic importance.*
- d) Public rights of way; and,*
- e) Other local historic or landscape features that help to distinguish the character of the local area.*

The application site is considered to fit the remit for protection in accordance with this policy to ensure that:

- No trees or roots are impacted
- No impact to a large number of evidenced protected wildlife species occurs
- No harm to the wider landscape views and from nearby and far reaching locations occurs, so that the overall quality of the historic townscape adjacent to the site and nearby listed buildings is maintained.



- ii. The application site also falls within an area of the darkest skies in Kent, with the map below, produced by the Ashford Astronomical Society from satellite images, showing how unusual the zone centred on Woodchurch but extending to Tenterden is in this respect.



Within the Adopted Supplementary Dark Skies Design Guidance 2014 and Policy ENV4 of the LP2030:

*E1 External lighting to be limited to accord with ILP lighting guidance for this zone. Decorative lighting generally inappropriate. All lighting must be extinguished after 23:00 except in exceptional circumstances. This applies to AONBs; SSSIs; rural areas outside of settlement confines.*

*E2 For large-scale developments, lighting levels should accord with ILP technical guidance for this zone. Where development takes place, strict control of new street lighting. All lighting must be extinguished after 23:00 except in exceptional circumstances.*

*Within identified rural settlement confines and Tenterden (excluding High Street)*

The area falls within the dark skies policy protection and should be protected accordingly. Designation as a Local Green Space would ensure this.

National Planning Policy Framework 2019 – *Paragraph 171- Plans should allocate land with the least environmental or amenity value.* The site has been researched and evidenced to provide high value in terms of its environmental and amenity value to the town and should therefore be retained for that important land use.

- *Paragraph 175 c) 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.*

There is no exceptional reason in this planning application that would overcome the policy. Page | 10

- *Paragraph 180, planning policies and decisions should, in section b): 'identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason' – and, in section c): 'limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.*

The statement evidences that the land is indeed undisturbed and prized for its amenity, tranquil setting and nature conservation. The site lies within dark landscape policy. The planning application proposed is not capable of satisfactorily meeting these national policy criteria.

## **CONCLUSIONS**

The larger Limes Land site has been short listed for inclusion in the emerging Draft Neighbourhood Plan and was selected on the basis of the critical evidence set out in the above document.

Although either or both fields in ownership of the Tenterden Schools Trust may be considered within the Neighbourhood Plan for recreational Open Space protection, the Steering Committee would not propose to designate them for statutory protection as Local Green Space. It is, however, recommended that the line of 21 oak trees between these two fields, which include a minimum of 8 Veteran specimens, should be protected in accordance with para 175 c) of the National Planning Policy Framework, as above.

The TNPSC have taken into account additional designatory evidence submitted by their Biodiversity and Wildlife working group; whose 'Limes Land' Habitat Survey report and list of species is appended with this document. It has also noted the recent objection to the application on the basis of an anticipated net loss of biodiversity, as submitted by the Kent Wildlife Trust.

The TNPSC recommends that further ecological surveys should be undertaken to establish the quality and nature of the ancient grassland, particularly in the western sector of the larger site, and of the numerous protected species the area supports.