



## Tenterden

### Kent County Council Consultation Response

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#### 1. INTRODUCTION

- 1.1 This note addresses comments made by Kent County Council Ecology Services (KCC Ecology) (dated 6th July 2020; see **Appendix 1**) to the hybrid planning application 19/01788/AS on land between Woodchurch Road and Appledore Road, Tenterden, Ashford, Kent (herein referred to as the “Site”). Specially, this note focusses on matters associated with EPR’s Biodiversity Net Gain assessment and inconsistencies in the submitted plans.
- 1.2 This note supplements previous responses made by EPR on 11 March 2020 (to comments made by KCC Ecology on 17 February 2020) and 29<sup>th</sup> April 2020.

#### 2. CONSULTATION RESPONSE COMMENTS

##### **Biodiversity Net Gain – Summary of Previous Responses**

- 2.1 EPR have used the DEFRA Biodiversity Metric 2.0 to demonstrate a net gain for biodiversity is achievable based on the submitted development Illustrative Masterplan (RD1686\_P\_L010).
- 2.2 Initially, the metric was shared and discussed on an informal basis with Kent County Council (conversation with Helen Forster of KCC Ecology on 31 March 2020). It was then submitted on a formal basis for the first time, along with associated maps identifying habitat creation and enhancement areas (29.04.2020). In that first submission, the metric indicated how a +5.49% in habitat units and +17.98% in hedgerow units could be achieved.
- 2.3 Previously EPR has highlighted the limitations of metrics, including the Defra Metric 2.0. This limitation is noted by DEFRA in their User Guide. For example, it only considers the effects of the proposals on habitats. It does not allow for the inclusion of beneficial measures that are species-specific, such as the pond restoration and creation that will benefit the on-site aquatic invertebrate assemblage and amphibians. Nor does it take into account the installation of bat and bird boxes on buildings and trees, which will be included as part of the proposals to provide further enhancements for biodiversity.
- 2.4 EPR have also highlighted how the DEFRA metric fails to account for how the detailed net gain measures at Tenterden have been specially designed and targeted to contribute towards local conservation targets and/or benefit those priority species on or nearby the Site. At this point, in this response, we would like to highlight how the project has used the ecological mitigation hierarchy to inform design, and there have been significant efforts to avoid impacts where possible, including to on-site ponds, ecologically important trees and hedgerows. This is in accordance with best practice.
- 2.5 As previously indicated, biodiversity metrics are a blunt tool to assess Biodiversity Net Gain (herein referred to as BNG) and, as discussed and agreed on the 31 March 2020, the project

has made a conscious effort to avoid the risks associated with applying the metric in an unthinking manner (i.e. the project has avoided a 'computer says' approach to BNG). It was agreed with Helen Forster on the 31 March 2020 that the output of the metric should not be the only factor determining the BNG measures associated with the proposals.

- 2.6 We have taken due consideration of local conservation initiatives the development will contribute to. For example, the proposals contribute to local conservation targets detailed in the Kent Biodiversity Strategy 2015-2025, Kent Biodiversity Action Plan, the Low Weald Woodland Biodiversity Area, Wilder Kent Vision and National Character Area Profile 122: High Weald. A detailed analysis of this has already been presented in the Ecological Management Plan (EMP) in paragraphs 3.8 to 3.19. Unfortunately, this latter point seems to have been missed by some parties, and instead a narrow focus on the Defra metric output has developed. Contrary to that discussed with KCC ecology.
- 2.7 At no point has the project focussed on maximising the output of the metric at the expense of delivering tangible biodiversity benefits that are 'better' and further local conservation initiatives and strategies. For example, it is known that the metric 'favours' habitats that are quick to develop – such as low bramble scrub. Instead of pursuing a policy that maximised the metric output, the project has, for example, focused on restoring the grassland habitats to a point where they become rich in flowering plants which take longer to establish and thus attract a lower score despite the fact it is more appropriate for the biodiversity interests on this site .
- 2.8 Thus, as previously stated, whilst the Defra metric is an important tool in assessing BNG, it is not the only factor in determining whether a project will make a beneficial contribution towards ecological improvements. This is critical and must be taken into consideration.
- 2.9 Given the concerns that have been raised about EPR's use of the Defra Metric, this note details important contextual information that must also be taken into consideration in reviewing the revised submission.
- 2.10 Furthermore, EPR has extensive experience and expertise of using metrics on different projects, in different regions. Consequently, EPR and its staff understand the principles and challenges of using metrics, as well as having experience and expertise gained from working in Kent over many years.
- 2.11 Furthermore, EPR has a proven track record of delivering biodiversity net gain over 30 years of working with clients. I have, below, drawn on some of our recent experience to demonstrate how it is possible to deliver substantial benefits for biodiversity through development, even when visitation rates are high.

### **Biodiversity Metrics – The Importance of Context (a summary)**

- 2.12 The Biodiversity Metric 2.0 User Guide states:
- *"We know that development and land management are not incompatible with nature. Both can and do provide spaces for wildlife to thrive in. The challenge is to understand how to design developments and manage land in such a way that supports biodiversity;"*
  - *"The metric is a tool that can be used to help inform plans and decisions. Used properly, it incentivises actions that are expected to benefit biodiversity and discourages actions*

that harm biodiversity. It is important, however, to be aware of its limitations and to follow some important principles.”

- “Used in combination with appropriate professional advice the metric can help to reduce biodiversity losses and increase gains resulting from development or land management,”;
- “The metric uses habitat categories as a proxy for biodiversity. Although this is rational, it is an oversimplification of the real world. Furthermore, while the scoring of habitats is informed by ecological reasoning and the available evidence, the outputs of biodiversity unit calculations are not scientifically precise or absolute values. The generated biodiversity unit scores are proxies for the relative biodiversity worth for the state of a place.”
- “The metric and its outputs should therefore be interpreted, alongside ecological expertise and common sense, as an element of the evidence that informs plans and decisions. The metric is not a total solution to biodiversity decisions;” and
- “The metric is not a substitute for expert ecological advice.”

(The underlined sections have been emphasised because this response draws on this text in particular).

- 2.13 The above highlights that development can contribute to biodiversity conservation and the importance of professional judgement. It highlights that judgment and common sense are needed when using the metric. It indicates that the metric can be used to test scenarios and options, so that biodiversity benefits can be secured and delivered overtime. The metric has been designed to incentivise positive BNG interventions and action.
- 2.14 One of the principles of the metric is “to encourage enhancement, not transformation, of the natural environment.” The Biodiversity Metric 2.0 Technical Supplement also states, “many factors influence how long a habitat takes to go from the point of creation or restoration to the desired end point condition. Factors are often site dependent but can include soil nutrient status, soil types and pH, site preparation, climate and the neighbouring habitats and species matrix available to colonise the new or restored habitat. The timeframe is also resource dependent. With sufficient time and money most habitats can be recreated more rapidly but allowing a more gradual process may be more beneficial to wildlife in the longer term.”
- 2.15 The above highlights that with investment, enhancements in habitat condition are deliverable and that the timeliness of this are resource dependent and this is applicable to “most habitats.” It also highlights that wildlife most frequently benefits when the process is gradual.
- 2.16 Given that the guidance highlights the importance of applying common sense and professional judgment, this note clarifies where this has been used. Rather than applying the guidance in a manner which is not.
- 2.17 The next section of this response draws on the contextual summary provided in this section.

## Application of the Defra Metric at Tenterden

- 2.18 The KCC Ecology response on 6<sup>th</sup> July 2020 state:
- *“We highlight that there is some contradictions between the proposed habitats plan and an illustrative ecological framework plan as the framework plan indicates that shrubs /trees will be planted in the grassland areas;”* and
  - *We have reviewed the Tree protection Plan West (SJA; September 19) and it also highlights that planting is proposed within the grassland areas (as per the illustrative ecological framework) therefore we are concerned that, if granted, there will be a significant increase of planting within the site.*
- 2.19 To address the above, the Illustrative Ecological Framework Plan, the Tree Protection Plan, the Illustrative Masterplan, the Detailed Application Area Plan (sheet 1) and the Proposed Habitat Plans have been updated to ensure, insofar as is possible, there is consistency across these. These updated plans have been submitted alongside this response and an addendum DAS (which summarises the changes). The revised plans supersede previous versions of the submitted plans.
- 2.20 Together, the re-submitted plans also ensure it is clear which habitats will be retained/created/enhanced within the outline application area and also what planting is proposed in the Country Park.
- 2.21 The KCC response on the 6<sup>th</sup> July also states:
- “The biodiversity net gain metric is based on the proposed site layout within the proposed habitats plan and therefore we are concerned that the conclusions within the metric is unlikely to be correct as the area of grassland to be retained/created/enhanced, is likely to be reduced due to tree/shrub/scrub planting. Our main area of concern is primarily the residential area but the submitted plans also indicate that there will larger areas of tree planting within the country park – over and above what we would expect within a parkland.”*
- 2.22 To address the above, a substantial area of proposed woodland planting has now been removed from the Country Park and further reductions in proposed tree planting have also been implemented elsewhere within the proposal (please see addendum to DAS for further information). Occasional native tree planting is still proposed in the Country Park, for example occasional scattered oaks, because in time these new trees will provide new habitat for the on-site terrestrial invertebrate assemblage and other faunal groups. The quantum and density of tree planting is very low and will not materially affect the proposals to significantly enhance the on-site grasslands because the land take and shading effects associated with low numbers of scattered individual trees will be negligible (see detailed planting plans for precise locations of new trees). Instead, it brings about gradual change that will benefit biodiversity. As discussed, this was always the intention and the revisions further clarify this.
- 2.23 The new revised plans clearly differentiate between existing trees and new planting so that KCC Ecology can review this specific aspect (for example, see the Detailed Application Area (sheet 1)).
- 2.24 As the Defra guidance highlights, it is *“an oversimplification of the real world.”* As such, to capture the details of the proposal fairly and honestly, professional judgement combined with

evidence from ecological survey work has been used to populate the metric. Furthermore, to help KCC Ecology understand the consequences of different judgements, EPR has now tested a range of scenarios (detailed below) to demonstrate a range of outcomes.

- 2.25 This ranges from a positive reasonable and deliverable scenario to a reasonable but extremely precautionary scenario. All scenarios demonstrate a net gain.
- 2.26 Whilst the revised submission applies an even greater precautionary approach to that previously submitted, it still does not fully account for the targeted and positive conservation-orientated interventions aimed at the on-site botanical community, terrestrial and aquatic invertebrate assemblages and the amphibian populations amongst others.

### **Clarification of baseline condition assessments**

- 2.27 In the submitted EclA, paragraphs 3.70 and 3.71, it states:

*“The list of species recorded in each field are provided in Appendix 4. The fields support a mosaic of grassland and patches of rushes. The vegetation is generally rich in grass species and poor in associated forbs – these are here called ‘herb-poor pastures’.*

*These types of herb-poor permanent pastures are here referable to the National Vegetation Classification type MG6 Lolium perenne - Cynosurus cristatus grassland. The fit to this community is not perfect mostly because Greater/Common Birds-foot-trefoil Lotus pedunculatus/corniculatus is present.”*

- 2.28 Furthermore, in EPR’s response of 14<sup>th</sup> March 2020, in paragraphs 2.18 to 2.21, there is a clear, reasonable, robust and defensible explanation of why the grasslands are not unimproved.
- 2.29 Building on the information provided in the EclA and EPRs response of 14<sup>th</sup> March, and referring to the Biodiversity Metric 2.0 Technical Supplement (pages 19 and 20) and the UK Habitats Classification Field Key (pages 26 and 27), which is what the Defra Metric 2.0 uses as basis, it is clear that the on-site neutral semi-improved grassland habitat (which are referable to MG6 grasslands) are dominated by grass species and that they are herb poor.
- 2.30 Furthermore, it is clear that the poor quality semi-improved grassland in Fields 1, 6, 9, 13 and 14 within the Site (as shown on Map 4a) support higher abundances of the undesirable botanical species detailed in the Biodiversity Metric 2.0 Technical Supplement (see Appendix 4 of the EclA for botanical abundance data for each field).
- 2.31 Therefore, the evidence-base to support the baseline habitat condition assessments used in the submitted Defra metric is reasonable, accurate, robust and defensible. The assessment of the baseline condition of the grassland habitat has drawn on the technical guidance associated with the Defra Metric and the UK Habitat Classification best practice methodology. The botanist who completed the assessment is a highly experienced and skilled botanist, whose evidence has withstood scrutiny at several public inquiries.

### **Clarification of net change, after development**

- 2.32 EPR’s assessment of habitat condition after assessment has assumed that where there is positive intervention to improve the ecological quality of the grassland, it will improve in condition. This is a logical and common-sense approach. It would not make sense, given the

proposal to invest in biodiversity enhancements, that the habitat condition would remain the same before and after development.

- 2.33 With respect to the grassland habitat in the Country Park, in paragraph 4.27 of the Ecological Management Plan (EMP) it states:

*In the country park (and if available) green hay will be used to create a sward that has a greater diversity of flowering plants. The use of green hay ensures that seed material is of local provenance and the 'seeding' of the grassland will speed up the process of diversification compared to methods that only use management. Further detailed methodology will be developed post-submission, and it will take soil conditions and other factors into account to create 'target' NVC (National Vegetation Community) sward types for grassland restoration and management.*

- 2.34 Furthermore, paragraph 4.29 (when referring to grasslands in the open spaces, i.e. not the County Park) states "*Yellow Rattle Rhinanthus minor will be included in seed mixes when possible and will be sown soon after harrowing in late August/early September or spring.*" This species suppresses competitive grasses and consequently swards tend to be more floristically species rich.

- 2.35 Table 3.1 of the EMP clearly states, with respect to grassland habitat across the development, that the proposals aim to "1) Create **more** areas of herb-rich grassland; 2) Introduce **better** habitat management practices to restore and improve the quality of the retained grassland habitats in the Country Park; 3) **Connect** areas of grassland habitat within the site. These are principles drawn from the influential 'Making Space for Nature' report by John Lawton. Principles that many conservation charities apply in their own work and one which can be applied in development too. Furthermore, Table 3.1 of the EMP makes it clear, "*through development there is an opportunity to create/restore grassland habitat to a point where they qualify as a Habitat of Principal Importance*" (this latter part specifically relates to the grasslands within the County Park). This would mean restoring the vegetation community to one that is referable to MG5 grasslands.

- 2.36 This is an ambitious but realistic target and there is evidence that this can be achieved at sites with much greater footfall than that which may occur at Tenterden (see below). Furthermore, if the source grasslands for the green hay (and/or any seed) are already referable to MG5 grassland communities, there is no reason why this cannot be achieved with the appropriate implementation of restoration and management actions. For which there is a wide scientific evidence base to draw on to ensure it is successful.

- 2.37 EPR is currently working at Langley Mead SANG (an area of Suitable Alternative Natural Green Space) to restore a mix of arable and MG6 Improved grassland to 'lowland meadow' priority habitat, including areas of floodplain meadow. Target vegetation communities include MG5 and MG4 grasslands, with some localised patches of M22 or M23 rush pasture. This work has been on-going for approximately 5 years and EPR recently conducted botanical monitoring surveys to review progress.

- 2.38 In only five years, in EPR's judgement, Langley Mead either does meet the Berkshire LWS (Local Wildlife Site) selection criteria 1 and 3 or is very close. It already supports at least 17 of the LWS indicator species for 'lowland meadow' priority habitat, including Ragged Robin and Betony, and three of the fields already show strong affinities with MG5 grassland. It also

supports other plant species that are rare at a County Level, for example Great Burnet which is a Berkshire rare plant.

- 2.39 EPR visitor surveys carried out since 2016 have also shown that Langley Mead is visited around 37,000 times per annum, and visitor feedback is overwhelmingly positive. Wildlife events are hosted there every year, including 'National Meadows Day', when guided walks and wildflower identification tutorials are offered to visitors. The adjacent school often uses the site. Therefore, there is no reason why similar success cannot be achieved at Tenterden through the submitted proposals.
- 2.40 EPR has also successfully restored other priority habitats within SANGs, where visitor numbers are naturally high, including botanical communities associated with Ancient semi-natural woodland (at Piggery Wood).
- 2.41 Finally, EPR has translocated an area of lowland dry acid grassland at Shinfield West in 2016, and the first three years of monitoring have shown strong signs of success, with 80% of the target species from the donor site recorded at the receptor site. Populations of the main target species, Knotted Clover (a Berkshire Rare plant) have increased substantially from only a handful of plants over 30 individuals. No acid grassland at Tenterden is being translocated, but this shows EPR has a track record of success in habitat restoration and target species do respond.
- 2.42 Overall, given the successful track record detailed above and given that the objective is to restore the grass sward within the Country Park to one that is far richer in flowering plants (where abundances are more than 30%) so that the sward is referable to MG5, it would be reasonable and defensible to use the 'Lowland Meadow' habitat category in the Defra Metric and a condition assessment of moderate.
- 2.43 In this instance, **the metric shows a net gain in habitat units of c. 10.68%**. The results of this has not been provided, but can be easily checked by amending the habitat and condition categories of the three areas of grassland enhancement within the Country Park that are 2.53ha, 1.27ha and 3.37ha in size. The only reason we have not used this scenario in the submitted metric is because EPR has taken a precautionary approach to this assessment, as many other ecological consultancies also take. Yet, as previously demonstrated at Langley Mead SANG, it is possible to deliver habitat of this type in areas where there is much greater visitor pressure.
- 2.44 In the submitted version of the Defra Metric 2.0, because EPR has taken a precautionary approach to the assessment, within the Country Park it has used the 'Grassland – Other neutral grassland' category and a habitat condition value of 'Good.' Despite the fact using the Lowland Meadow Category would score considerably higher. Therefore, EPR has not, as some have suggested, at any point manipulated the methodology to achieve a desired result. At all times, the assessment has been a robust and accurate assessment of habitat condition pre and post development. The submission has included all the relevant information in an open and transparent way, so that it can be scrutinised.
- 2.45 In turning to the other grassland areas within the Site, and to respond to KCC Ecology comments of 6<sup>th</sup> July 2020, the revised submission has taken an even greater precautionary approach to that used previously (i.e. in the first submission of the metric) because of the concerns raised about the predicted recreational pressure on the smaller areas of green

infrastructure closer to residential properties. Therefore, it has used condition values of Fairly Good or Moderate within the open spaces of the proposal. This, without prejudice adjustment in condition, still demonstrates the proposals will deliver a net gain in biodiversity. The notes section within the metric clearly explain where different condition values have been used dependent on the difference in likely / predicted recreational pressure so that the assumptions have been communicated in an open and transparent way. When this approach is used, the Defra metric **shows a net gain in habitat units of c. 4.13%**. This is the scenario that has been re-submitted to planning. In EPR's view this calculation approach for the residential element is the minimum that will be created and restored – and the final output could well be better.

- 2.46 EPR is aware that there might be other scenarios KCC Ecology and others might wish the project to examine. Therefore, as well as testing a reasonable, deliverable and defensible scenario, which shows a net gain of **c. 10.68%** in habitat units, we have also tested reasonable worst-case scenarios. These return outputs of between **+1.41% and +2.05%** in habitat units. These have not been submitted but are based on comments made by KCC Ecology and Kent Wildlife Trust (KWT).
- 2.47 Therefore, in all the scenarios tested the proposals deliver a biodiversity net gain in habitat units, and the metric indicates that the proposals will deliver a net gain in habitat units in the range of **+1.41% to at least +10.68%**. In EPR's professional opinion, the habitat unit score is likely to be in the mid to upper range of this variation, and a net gain of +10% could be achieved with appropriate restoration and management.
- 2.48 This is on top of **a positive net gain in hedgerow units of +17.98%**, the biodiversity benefits associated with the delivery of new bird and bat boxes, hibernacula for reptiles and Great Crested Newt, as well as the fact that the proposals specifically target species groups known to be within the Zone of Influence of the proposals. As well as development proposals that positively contribute to local conservation initiatives / strategies.
- 2.49 The proposals apply best practice guidance highlighted in the Defra Metric 2.0 user guidance relating to the ecological mitigation hierarchy and it provides opportunities for people to engage with wildlife and the natural world.
- 2.50 For clarity, it is known that gardens can and do provide habitat for wildlife. Kent Wildlife Trust celebrate this in their Wild About Gardens initiative, where they say *"We're not expecting you to turn your backyard into a mini nature reserve. We're looking for gardens around Kent to be turned into wildlife havens with just a few simple changes."* Therefore, the submitted metric does use "Suburban Mosaic of Developed / Natural Surfaces" and this includes areas of houses and gardens combined. This is a minor adjustment to respond to comments on the planning portal and means "Vegetated Gardens" has not been used. This reflects on the fact the illustrative Masterplan does not precisely detail the location and shape of gardens. Given the presence of natural surfaces within this area (for example see the illustrative master plan) it would not be logical, nor would it make common sense to use the category of "Developed Land/Sealed Surface" for this area.
- 2.51 The submitted metric does not use the Wood Pasture and Parkland Classification because it does not fairly represent the nature of the proposals, which is to restore and enhance the on-site grassland. Only the occasional native tree, such as oak, will be planted. Therefore, applying professional judgement and common sense, it is more appropriate to use those categories within the submitted Defra Metric given that the grassland habitat will not be

adversely impacted. But the long-term aspiration is to increase the number of mature oaks because these are known to benefit a range of native species.

- 2.52 In the assessment of habitat condition after development, other 'common sense' assumptions have been made. For example, if the project is investing resources into enhancing habitat quality (i.e. habitat condition) then it will improve the condition upwards. A common misconception is that irrespective of the work that will be done to improve habitat condition across the Site, in some areas the condition of a habitat will be the same before and after development. This is not in the spirit to which the metric was designed, nor is it logical, nor does it apply in common sense.
- 2.53 Where there is likely to be the greatest footfall within the interior of the development (e.g. some parts of the green infrastructure closest to residential properties), a precautionary (without prejudice) approach has been applied and the notes within the metric explain this. However, as EPR has demonstrated at Langley Mead, it is possible to improve the quality of grassland habitats where there is an increase in visitor numbers. Therefore, the condition of habitats need not be restricted by greater visitation. In fact, more visitors and residents will provide greater opportunities for people to engage with and enjoy nature. Another important principle underlying BNG.
- 2.54 Furthermore, given the shape and nature of the green infrastructure areas, that provide designated pathways, it is unlikely that residents will venture off the paths to undesignated areas and thereby the risk of impacts to enhanced vegetation is low. Given that people in built-up areas typically stick to formal footpaths and that further design measures will be investigated at Reserved Matters to manage access to sensitive areas, this approach is reasonable, proportionate and robust.

### **Metric Calculation and Results Summary**

- 2.55 In all scenarios tested the proposals deliver a biodiversity net gain in habitat units, and the metric indicates a net gain in habitat units in the range of **+1.41% to at least +10.68%**. The submitted version uses an even greater precautionary approach to that previously submitted and it shows **a net gain in habitat units of c. 4.13%**. EPR's view is that the most likely and reasonable result is that the habitat unit score is likely to be in the mid to upper range of this variation, and that a net gain of +10% could be achieved with appropriate restoration and management.
- 2.56 In addition, there is a positive **net gain in hedgerow units of +17.98%**, and the metric does not account for additional measures that will benefit biodiversity, such as the provision of bird and bat boxes. The proposals also contribute to local wildlife conservation strategies.
- 2.57 Therefore, this note responds to uncertainties from KCC Ecology and clearly demonstrates a BNG will be delivered. Consequently, the Local Planning Authority can be confident that the proposals do deliver a BNG.
- 2.58 **Consequently, the proposals do meet the requirements of the National Planning Policy Framework and the Tables below demonstrates this.**

## Compliance with /relevance of paragraph 170 of the NPPF

Criteria	Impact / relevance
<p>a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);</p>	<p>N/A because the site has no specific landscape designation. The High Weald Area of Outstanding Natural Beauty lies in close proximity to the east. The proposed development seeks to protect the setting of the AONB as set out in the LVIA and LEMP.</p> <p>There are no statutory designated ecological sites within or nearby to the boundary of the development and therefore, the site does not fall into an ecologically designated 'sensitive area', within the definition of 'sensitive areas' in the EIA Regulations 2017.</p> <p>The site is not known for its Geological or Soils value. Whilst 56% of the site is classified as BMV land, the built development has been directed toward the areas of lower quality agricultural land, with 56% of the area for built development classified as Subgrade 3b and Grade 4. The public open space and recreational uses occupy the areas where most of the BMV land has been identified and, although this land would be removed from agricultural use, the soils would remain undisturbed and would retain their inherent quality.</p>
<p>b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;</p>	<p>The proposed development does recognise and respect the intrinsic character and beauty of the countryside, as is clear in the LVIA and DAS that accompanied the submission. Significant social, economic, landscape, ecological and recreational benefits accrue from the development as set out in the supporting documents</p>
<p>c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;</p>	<p>N/A</p>
<p>d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;</p>	<p>The development follows the ecological mitigation hierarchy, it provides for BNG as asset out above and contributes to establishing a coherent ecological network in the Tenterden area that is more likely to be resilient to current and future pressures</p>
<p>e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local</p>	<p>The site is not located within an area at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Nor would it generate unacceptable levels of</p>

<p>environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and</p>	<p>pollution, a point accepted by Ashford BC in their screening opinion of 23.8.2019 which states:  <i>'The proposed development is likely to cause short term nuisance during the construction programme. This will be kept to a minimum through good environmental management and the submission of a Code of Construction Practice prior to any development commencing. The proposal involves the development of mainly agricultural land. The construction of and proposed permanent uses for residential purposes, open space, a country park and formal sports area will not have a significant effect on the environment by virtue of pollution and nuisances to require an EIA'</i></p>
<p>f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.</p>	<p>N/A</p>

**Compliance with /relevance of paragraph 175 of the NPPF**

Criteria	Impact / relevance
<p>a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;</p>	<p>Not relevant because there is no significant harm and none has been identified by KCC ecology. See submitted EclA and EMP for further information.</p>
<p>b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;</p>	<p>N/A</p>
<p>c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and</p>	<p>No loss or deterioration of irreplaceable habitats.  Relationship of development to ancient / veteran trees has been agreed with ABC tree officer</p>
<p>d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.</p>	<p>The development does provide for BNG as asset out above</p>

*Document Prepared By: Dr David W. Smith BSc (Hons), MCIEEM*  
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**Appendix 1**  
**Kent County Council Consultation Comments**

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## ECOLOGICAL ADVICE SERVICE

**TO:** *Mark Davies*

**FROM:** *Helen Forster*

**DATE:** *06 July 2020*

**SUBJECT:** *Land btw Woodchurch Road etc, Tenterden 19/01788/AS*

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*The following is provided by Kent County Council's Ecological Advice Service (EAS) for Local Planning Authorities. It is independent, professional advice and is not a comment/position on the application from the County Council. It is intended to advise the relevant planning officer(s) on the potential ecological impacts of the planning application; and whether sufficient and appropriate ecological information has been provided to assist in its determination. Any additional information, queries or comments on this advice that the applicant or other interested parties may have must be directed in every instance to the Planning Officer, who will seek input from the EAS where appropriate and necessary.*

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We advise that we have the following comments to make on the biodiversity net gain metric

This is a hybrid application which consists of a full application for the country park and sports pitches and outline for the residential aspect of the site. With outline applications we understand that the layout is not fixed therefore there may be some changes made to the finalised layout (if planning permission is granted). To try and address concerns that the built footprint of any reserve matters application will erode into the areas of habitat within the proposed development a *proposed habitats* plan and an *illustrative ecological framework* plan has been submitted. The *proposed habitats* plan shows the areas of habitat which will be retained, enhanced and or created as a result of the proposed development. However we highlight that there is some contradictions between the *proposed habitats* plan and an *illustrative ecological framework* plan as the framework plan indicates that shrubs /trees will be planted in the grassland areas.

We have reviewed the *Tree protection Plan West* (SJA; September 19) and it also highlights that planting is proposed within the grassland areas (as per the *illustrative ecological framework*) therefore we are concerned that, if granted, there will be a significant increase of planting within the site when we would expect the habitat fingers going through the site to be primarily grassland and retained hedgerows with minimal (ideally no) non native planting within these areas)

To address this point we recommend a plan is submitted clearly demonstrating the habitats which will be retained/created/enhanced within the outline application area. We acknowledge that the areas identified as Semi Natural Greens space within the *illustrative ecological framework* – details that there will be limited new tree shrub planting but *limited* is open to interpretation. Any new planting should be enhancing the existing hedgerows not resulting in a reducing of the grassland area.

The report has detailed that the proposal will result in biodiversity net gain and the submitted net gain metric has demonstrate that there is a small anticipated net gain proposed for habitats. The biodiversity net gain metric is based on the proposed site layout within the *proposed habitats plan* and therefore we are concerned that the conclusions within the metric is unlikely to be correct as the area of grassland to be retained/created/enhanced, is likely to be reduced due to tree/shrub/scrub planting. Our main area of concern is primarily the residential area but the submitted plans also indicate that there will larger areas of tree planting within the country park – over and above what we would expect within a parkland.

The country park aspect of the planning application is for full planning permission and therefore we would expect the plans to clearly demonstrate what planting is proposed and therefore understood if the proposed tree planting could have a negative impact on the grassland - potential impacts include direct loss from the tree planting and shading. As the number of trees increase the impacts from shading also increase and if the area of tree planting is to dense the grassland is likely to cease to exist. We spoke to the applicant about this point and we understand that the intention is to only plant the occasional tree within the park land area however this point is not supported by the plans.

We do understand that the application for the residential area is an outline planning application and therefore it's unlikely that, if planning permission is granted, any reserve matters application will look exactly like the proposed illustrative masterplan. However we would expect the biodiversity net gain metric to take this in to account and calculate the minimum area of grassland retained/enhancement/created within the proposed development which is likely to be achievable.

The metric does consider the quality of the grassland and the metric submitted with the planning application details that on completion of the development the quality of the grassland will increase from moderate to good. The proposed development is for up to 250 dwellings and therefore there will be in increase in recreational pressure within this area which can degrade the quality and conditions of habitats – particularly grassland.

We do agree that if an area is managed appropriately the quality of the habitat can increase and from discussions with the applicant we understand that they are of the opinion that the appropriate management can be carried out. However we are concerned that it will be difficult to manage some areas within the site to retain or improve the quality of the grassland such as small areas of habitat, areas will be high recreational pressure or areas where there may be other management requirements – areas include the habitat fingers, the play trail area within the country park, grassland surrounding the sports pitches.

Therefore we would suggest that there is a need for information to be provided demonstrating why the applicant is satisfied that the quality of the grassland can improve

through proposed management – if that is not possible we suggest that there is a need for the metric to be amended to reflect the quality of the habitat within the whole of the site.

If you have any queries regarding our comments, please do not hesitate to get in touch.

**Helen Forster MCIEEM**  
**Biodiversity Officer**

This response was submitted following consideration of the following documents:

*Ecological Management Plan; EPR; December 2019*

*Ecological Impact Assessment; EPR; December 2019*