

[REDACTED]

From: Samantha Reed <[REDACTED]>
Sent: 21 February 2022 13:43
To: Caroline Williams <[REDACTED]> Leanne Palmer
[REDACTED]
Subject: Re: APP/E2205/W/21/3284479 - Public Inquiry - Land between Woodchurch Road and Appledore Road, Tenterden commencing 8 February 2022, at 10:00 hours - URGENT UPDATE

[REDACTED]

FAO: MR WHITEHEAD, PLANNING INSPECTOR

Dear Inspector

Thank you for allowing time on Friday for my questions to be put to Mr Asher Ross as part of the Planning Inquiry.

I do not believe that my questions were fully answered or properly considered by Mr Ross during the session. Indeed, he appeared irritated and *brushed aside* many of my concerns. My intention was to raise my concerns after the cross-examination session with Mr Howell Williams, as I thought many of the issues would be included in the cross-examination, with specific emphasis on the table in paragraph 9.99.

Unfortunately, due to the severe storm (Storm Eunice), all power and mobile phone coverage was lost in the area, so I was unable to follow the cross-examination of Mr Ross or participate further in the discussion. It was my intention to participate after the cross-examination, and I note on retrospective viewing that you kindly indicated that it would be ok to do so if I was able to re-join, however, the loss of power prevented this from happening. I therefore had no opportunity to establish whether all questions were adequately addressed and/or answered as part of the cross-examination process until watching the proceedings via YouTube on Saturday morning (power and phone connectivity was lost for approximately 17 hours).

Mr White QC recognised that I would be prejudiced if I was unable to re-join the inquiry, but assumed I would be watching the inquiry on my phone. I did attempt to obtain a mobile phone signal by driving around the local area, however, this proved unsuccessful.

Might I also add that, following concern raised by people watching on YouTube, they felt it was difficult to understand the context of the questions/responses made by Mr Ross as he did not read out the questions.

I would therefore appreciate using this opportunity to place context to each question and furthermore, I seek assurance that the following matters be considered by you to avoid any prospect of prejudice.

Kind regards

Samantha Reed

QUESTIONS FOR MR ASHER ROSS REGARDING HIS PoE FROM SAMANTHA REED, ON BEHALF OF LLPG

1. Please clarify why you say in paragraph 3.4 that the playing pitch has not been used for at least 10 years when the pitch was still being maintained with white lines & goal posts etc in 2015 and as late as 2018?

Mr Ross has answered that it doesn't matter whether the pitch had not been used for 5 years or 10 years. I note that he also does not dispute that the pitch was used as recently as 2018.

I asked this question because Mr Ross has stated in his evidence that the pitch had not been used for 10 years. I would now ask whether Mr Ross places any weight on when the pitch was last used?

2. In Paragraph 3.9 you state that the site has no landscape designations, however, it does form part of the Landscape Character Area 23. Do you agree? Are you aware that the landowners are restricted by contract to allow/permit any additional designation that would affect the ability to obtain planning permission? The site more than meets the criteria for LWS and nature reserve status, yet, without landowner consent, these designations cannot be implemented.

Mr Ross stated that a Landscape Character Area is not a designation and that LCAs cover all of the country. He did not dispute that this site forms part of the LCA 23.

I would have asked Mr Ross whether he was aware that in fact, TENT1 and Tilden Gill/Appledore Green developments are not in a Landscape Character Area? In landscape hierarchy, Limes Land has greater landscape significance than both Tilden Gill and TENT1. I would have therefore asked Mr Ross whether he was aware that the Planning Inspector for Tilden Gill Appeal referred to landscape designation and stated that if Tilden Gill were in a LCA, then he would have given this weight?

In light of that, I would have then asked Mr Ross whether he would accept that this site has more landscape importance than those sites which do not form part of the LCA, and that the Inspector should give weight to the fact that this site does form part of LCA23.

3. In para 3.10, you comment that the site is unremarkable and has no specific landscape designations. Were you aware that CPRE approached Natural England requesting that Limes Land be included in the High Weald AONB?

Mr Ross does not dispute that such an approach has been made.

I consider it a matter for the Inspector to ascertain whether it is a relevant factor that CPRE consider that this site sits above other sites in the landscape hierarchy as meets the requirements for inclusion in the High Weald AONB.

4. In para 6.29, you confirm that policy ENV5 seeks to protect important rural features including local historic and landscape features. In your view does destroying the ridge and furrow, which is indeed above ground and not sub-surface, comply with ENV5?

Mr Ross confirms that he is not qualified to answer this question and declined to do so.

Perhaps this should have been a question for the heritage expert. **Unfortunately, I only received this evidence from the Footpath Inquiry on Wednesday afternoon, which was after the appellants heritage expert had given evidence in this inquiry.**

Given the material error within the heritage reports stating that the ridge and furrow heritage feature is *sub-surface*, as the appellant asserts in this inquiry, I felt responsible to correct this error. The appellant submitted the evidence which confirms the *above ground* ridge and furrow as part of the AB70 footpath inquiry, however, this has not been included as evidence in the planning inquiry which I find concerning. Destroying this heritage asset would contravene ENV5.

5. I do not believe you have fully covered the concerns raised in the table in para 8.71, specifically the release of carbon. Can you advise why there are no calculations regarding the release of carbon stored in the unploughed grassland. Carbon calculation toolkits are readily available, so please explain why you have not presented your own calculation.

Mr Ross responds that this is simply not a matter and dismissed the issue saying that this is covered under building regulations. I would have asked Mr Ross if he was aware that this goes against guidance from Natural England who clearly state that ‘established semi-natural grasslands represent an important carbon stock due to their undisturbed soils’.

It is for the Inspector to determine whether significant volumes of carbon being disturbed and released from the ancient unimproved grassland on the site would contribute to climate change, and if this would conflict with the vision of the Ashford Local Plan and the NPPF by causing ‘harm’.

I would have asked Mr Ross if he was aware that issues relating to climate change underpin the Ashford Local Plan?

6. Although you state in para 9.71 that Mr Goodwin addresses the reason for refusal under biodiversity loss, I see no mitigation strategy for dormice. Please advise where that is?

Mr Ross has declined to answer this question as he believes it was a matter for Mr Goodwin.

Mr Ross has given a ‘moderate’ weight to ecological enhancements in his PoE, despite a dormouse mitigation strategy not being in place and also that Kent Wildlife Trust (not the consultancy) calculated biodiversity loss, not gain.

7. Within the drainage section of your evidence, I cannot find mention of Woodchurch Road flooding and how this will be dealt with. Are you aware of the regular flooding of properties in Woodchurch Road? Why have you not addressed this?

Mr Ross declines to answer this question despite it being raised in objections.

My concern was that the issue of regular flooding in Woodchurch Road (gardens/properties), clearly set out in objections to this appeal, have not been addressed at all as far as I can see. I am sure the inspector will take account of all relevant matters in his decision, whether subject of specific scrutiny in this inquiry or not.

8. I would appreciate clarification as to how 50% of residents who are on lower income and live in affordable housing would be able to contribute to £2m local spending each year as expressed in para 9.91.

Mr Ross eluded that I did not understand the concept of affordable housing. I am not sure what gives him this impression. I did not say owners of affordable housing would not contribute anything to the town. I merely queried how this could amount to £2,000,000 annual spending locally from 141 homes when 50% affordable, as this seems remarkably

optimistic when affordable housing is supposed to be for key workers.

9. I note in para 9.93 you refer to vacant shops in the High Street. Would you agree with me that the onset of the global pandemic, continued lockdowns and the growth of online shopping has affected the sustainability of high streets and this is evident across the whole country?

Mr Ross agreed that online shopping has led to changes in the high street. He did not answer the question regarding the effect of the global pandemic and continued lockdowns. It will be for the inspector to consider whether these are additional relevant factors in this inquiry.

10. Table 9.99 does not appear to address the subject of deliverability. Can you confirm whether all permissions have been sought from the relevant bodies?

Mr Ross confirms he is not a lawyer and cannot definitively give an answer, but then does go on to say that he does not see that lack of permissions as being an issue that affects delivery.

I take from his answer that permissions have not been sought from the relevant bodies, ie the Secretary of State for the Department for Education and this has been confirmed by the Case Manager at the DfE. Thank you.

In light of that, I would have asked how Mr Ross can say that deliverability is unaffected i.e. the site is deliverable, when the Government guidance outlined in the '[Disposal or Change of Use of Playing Field and School Land](#)' clearly states that prior to any application being made to the Secretary of State, a widespread consultation with all interested parties including pupils and the local community, must be carried out in term time. Only then can an application be made to the SoS who considers that there is a very strong policy presumption against the disposal of school playing field land, which would inevitably cause delays.

I would also ask Mr Ross if he was aware of whether the reduction in provision for sports facilities for Homewood School meets the minimum spatial requirements set out in the '[Disposal or Change of Use of Playing Field and School Land](#)', Annex C?

Finally, does Mr Ross's opinion regarding deliverability take account of the 2015 Government Advice on standards for school premises which confirms that all maintained schools and academies **must** provide suitable outdoor space to enable physical education in accordance with the school curriculum, and to enable pupils to play outside, and that **there is a very strong policy presumption against the disposal of school playing field land**?