

Date: 4th December 2023
Ref: 20230991
Site address: Land At Heron Hill Lane, Meopham, Gravesend, Kent

Mrs Amanda Cue
Gravesham Borough Council
By email only planning.reps@gravesham.gov.uk



Dear Mrs Cue,

RE: Application Ref. 20230991 – Application for variation of conditions 2 and 3 attached to planning permission reference number 20180163 allowed on Appeal under reference number APP/K2230/W/19/3223958 for an application for a material change of use of land to a Gypsy Traveller site with 5 pitches each with space for stationing of a static caravan, touring caravan and utility block, with associated hard standing, gabion retaining wall and shared package sewage treatment plant; to allow a replacement of the approved layout plan to drawing no. GP01/23 Rev B.

Summary:

The application proposes to extend outside of the approved red line boundary and further into the Happy Valley, Meopham Local Wildlife Site (LWS) to the east and west.

Kent Wildlife Trust (KWT) are seriously concerned about the both the impacts of this proposal on the LWS and its continued destruction in this area from development. The proposal also fails to provide at least a 15-metre buffer zone from the Cowcrofts / Copicar Woods ancient woodland situated opposite the application site as advised by Natural England and the Forestry Commission. No assessment has been provided on the impacts of the development on this irreplaceable habitat.

KWT **objects** to the current variation of condition application in the absence of any ecological appraisals or detailed assessment on how a biodiversity net gain would be achieved.

Site Designations and Protected Species

Happy Valley, Meopham Local Wildlife Site:

The application site, as well as surrounding land, falls within the Happy Valley, Meopham Local Wildlife Site (LWS). The site is also situated directly opposite Cowcrofts / Copicar Woods ancient woodland. Happy Valley, Meopham includes fragments of scrubby, open ancient semi-natural broad-leaved chalk woodland and calcareous grassland along the steep sides of a dry chalk valley near Meopham. Several orchid species can be found within the LWS, including the Lady Orchid which only occurs in Kent, and 34 ancient woodland indicator plant species have been recorded. Several active badger setts are present, and rabbit and fox use the whole area. Bird species such as woodpeckers and common warblers, including lesser white-throat, have also been recorded.

Planning Framework

National and local policy require that development safeguards and enhances the environment.

National Planning Policy Framework

Happy Valley, Meopham LWS and the adjacent Cowcrofts / Copicar Woods ancient woodland are protected under Section 15 of the National Planning Policy Framework (2023) (NPPF), which sets out the Government's current planning policy in relation to conserving and enhancing the natural environment. Paragraph 174 of the NPPF states:

'Planning policies and decisions should contribute to and enhance the natural and local environment by:

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); [...]
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;
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 environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans’.

Paragraph 180 of the NPPF states that:

‘When determining planning applications, local planning authorities should apply the following principles: 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.’

Part C of the paragraph is clear that development resulting in the loss or deterioration of ancient woodland should be refused *‘unless there are wholly exceptional reasons, and a suitable compensation strategy exists’*.

In addition to the above, Part D of the paragraph sets out that *‘opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity’*.

Relevant Development Plan Policies

It is considered that Policy CS12 of the Core Strategy is relevant in this instance. The policy states that:

‘Sites designated for their biodiversity value will be protected, with the highest level of protection given to internationally designated Special Protection Areas, Special Areas of Conservation and Ramsar sites, followed by nationally designated Sites of Special Scientific Interest, followed by Local Wildlife Sites and then by other areas of more local importance for biodiversity.’

The policy goes on to set out that:

‘There will be no net loss of biodiversity in the Borough, and opportunities to enhance, restore, re-create and maintain habitats will be sought, in particular within the Biodiversity Opportunity Areas shown on the Strategic Green Infrastructure Network map and within new development.’

Key Considerations

It is noted that the extent of the application site identified in the proposed site block plan (drawing no. GP/01/23 Rev C) differs from that approved on appeal (reference 20180163) and the plans previously submitted to discharge condition 3 (reference 20200867). The submitted proposed block plan includes development which falls outside of the red outline identified on the drawing itself and that shown on the site location plan. The extent of the development did not form part of the original application and appears to include works such as the erection of a retaining wall within an area of woodland that forms part of the, the provision of additional hardstanding, and formation of a wider access road. Kent Wildlife Trust (KWT) question whether it is either possible or appropriate to increase the size of the development site under a S73 application. If such changes are within the scope of a S73 application the proposed site location plan and the description of development for this proposal need to be amended to reflect this. A further, and more minor, point is that the drawing number of the submitted site block plan does not match that within the current description of development.

The application site is situated less than 5 metres from the Cowcrofts / Copicar Woods which are an ancient woodland. The application site, despite the unauthorised felling that has taken place in the past, falls within the Happy Valley, Meopham Local Wildlife Site (LWS). In varying the approved plans, the application proposes to widen the access road

closer to the ancient woodland and extend the application site further into the LWS with hardstanding and the retaining wall situated where there appears to currently be woodland.

The proposal fails to provide a 15-metre buffer zone from the ancient woodland as advised is the minimum requirement by Natural England and the Forestry Commission¹. KWT are concerned that there is a lack of information to clearly establish that the proposed works will not have a detrimental impact on the adjacent ancient woodland in terms of damaging tree roots or preventing future tree root growth.

An ecological appraisal has not been submitted to assess the impacts of extending the site further to the east or south and there are no details on how a biodiversity net gain will be achieved. KWT therefore object to the biodiversity losses that the current scheme will likely result in. If you are minded to grant permission then we advise that ecological enhancement measures should be required which far exceed standard mitigation measures typically put forward by applicants. These measures are essential to compensate for the loss that will occur and to ensure that there is a net gain for biodiversity in line with the Core Strategy and NPPF.

I hope that the detail within this letter proves to be useful in your assessment of this application. If you have any questions, please do not hesitate to contact me.

Yours sincerely,

Nicholas Trower

Planning and Policy Officer

Kent Wildlife Trust

nicholas.trower@kentwildlife.org.uk

¹ <https://www.gov.uk/guidance/ancient-woodland-ancient-trees-and-veteran-trees-advice-for-making-planning-decisions>