



Date: 12th October 2023

Ref: 20230724

Site address: Land Off Heron Hill Lane, Meopham, Gravesend, Kent

Mrs Alison Webster

Gravesham Borough Council

By email only planning.reps@gravesham.gov.uk

Dear Alison,

RE: Application Ref. 20230724 – Material change of use of land to Gypsy Traveller site with 1no pitch each with space for stationing of a static caravan, utility block with associated hard standing for parking, with shared septic tank and space for associated storage of touring caravans.

Summary:

The application site, which consists of priority habitat deciduous woodland, is situated within the Happy Valley, Meopham Local Wildlife Site (LWS). The Officer's report for a previous application at this site clearly demonstrates that trees have been felled and the site cleared (reference 20220106). It is noted that a similar process has taken place to the north of the application site, including as part of application reference 20230673, on land which also falls within the Happy Valley, Meopham LWS.

Kent Wildlife Trust (KWT) are seriously concerned about the apparent systematic felling of woodland in this location and the continued destruction of the LWS.

KWT wish to also raise concerns that, due to the site having been cleared, it is now not possible to establish the pre-development biodiversity value of the site or whether any protected/notable species were present. As a result, this development has led to a net loss of biodiversity and impacts on the site's biodiversity cannot now be mitigated against.

KWT advises that due consideration is given to the biodiversity value of the site prior to it having been cleared rather than its current state. Ecological enhancement measures should be required which far exceed any mitigation measures proposed by the applicant to compensate for the loss that has occurred and to ensure that there is a net gain for biodiversity.

The development fails to provide a 15-metre buffer zone from the Ridge Wood/High Reed ancient woodland situated opposite the application site as advised by Natural England and the Forestry Commission.

Site Designations and Protected Species

Happy Valley, Meopham Local Wildlife Site:

The application site falls within the Happy Valley, Meopham Local Wildlife Site (LWS) and is situated directly opposite Ridge Wood/High Reed 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 Ridge Wood/High Reed 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.'

Relevant Planning History

20220106 - Application for change of use of land to Gypsy Traveller site with 3 pitches, each with space for stationing of a mobile home, utility block with associated hard standing for parking, with shared septic tank and space for associated storage of touring caravans and retention of works of woodland/scrub clearance and re-profiling and re-contouring on the site and retention of retaining structures – Refused 04.07.2023.

Key Considerations

The application has not been supported by any ecological assessments and does not mention that the application site is situated within an LWS or directly opposite ancient woodland. It is apparent from the Officer's report for the previous application at this site (reference 20220106) that trees, and well-established vegetation have been removed

relatively recently. A similar clearance of trees and vegetation has taken place to the north of the site on land that also falls within the LWS and is in close proximity to Cowcrofts / Copicar Woods, an ancient woodland. This includes land subject to application reference 20230673 which was refused, in part, due to habitat loss without sufficient compensatory measures, the introduction of residential activity in close proximity to ancient woodland, and its significant adverse biodiversity impacts.

The areas cleared, including the application site, are designated as priority habitat deciduous woodland. Priority habitats and species are of principle importance for the conservation of biodiversity in England and require conservation action under the UK Biodiversity Action Plan (UK BAP).

Kent Wildlife Trust (KWT) strongly objects to the ongoing systematic felling of priority habitat deciduous woodland and the continued destruction of the LWS. The LWS citation states that there is a tree preservation order in place however it is unclear whether this is for specific trees or the whole LWS. It is recommended that this matter is investigated and that the Forestry Commission are contacted about the ongoing felling of trees.

The development fails to provide a 15-metre buffer zone from the Ridge Wood/High Reed ancient woodland situated opposite the application site as advised by Natural England and the Forestry Commission¹. KWT are concerned that, in the absence of a sufficient buffer, the proposal risks having a detrimental impact on the ancient woodland, and surrounding priority habitats within the LWS, due to increased recreational pressure, noise and light pollution, and cat predation.

The submission of an ecological appraisal at this stage will serve as an inaccurate representation of the biodiversity value of the site, as it should be considered through planning. Whilst it is not possible to retrospectively avoid or mitigate for impacts to legally protected species (such impacts should be dealt with under relevant wildlife legislation) and notable species and habitats, it is possible to retrospectively compensate for losses of biodiversity. The pre-development biodiversity value should be considered using a precautionary approach.

KWT object to the biodiversity losses that the current scheme will result in. If you are minded to grant this application then we advise that ecological enhancement measures should be required which far exceed standard mitigation measures typically put forward by applicants, including those briefly outlined in the supporting planning statement. These measures are essential to compensate for the loss that has occurred and to ensure there is a net gain for biodiversity in line with the Core Strategy and NPPF.

The applicant may wish to consider using a suitable biodiversity metric (i.e., the Defra Biodiversity Metric or the Defra Small Sites Metric) to evidence that their scheme will achieve a net gain. We would suggest that such a metric is used in line with best practice and the Environment Act (2021) to ensure that gains are properly evidenced. Where habitat degradation has taken place since 30th January 2020 Schedule 14 of the Environment Act (2021) enables planning authorities to take the earlier habitat state as the baseline when assessing biodiversity net gain.

It is also recommended that an ecological assessment of the development's impact on the adjoining areas of the LWS is carried out prior to determination of the application.

We hope that our comments and suggestions are useful. If you have any questions, please do not hesitate to contact me.

Yours sincerely,

Nicholas Trower

Planning and Policy Officer

Kent Wildlife Trust

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