



TM/22/01570

Ivy Farm, Wateringbury Road, East Malling

Formed in 1926, CPRE is a registered charity and one of the longest established and most respected environmental groups in England, with over 40,000 members and supporters living in our cities, towns, villages and the countryside. CPRE Kent is the largest of the CPRE County branches with over 2,300 members, including 150 parish councils, civic societies and other Kent organisations and companies.

Our vision is of a beautiful and thriving countryside that enriches all our lives, and our mission is to promote, enhance and protect that countryside.

CPRE Kent objects to this planning application on the following grounds:

- Site is not allocated for development
- Loss of Best and Most Versatile agricultural land
- Impact on ecology – survey work has not been completed
- Lack of affordable housing

Not allocated for development

CPRE Kent is of the firm view that new housing sites should be properly tested and agreed through a democratic and transparent plan-led system, with phasing policies used to ensure that brownfield sites are developed before greenfield ones. It is therefore disheartening to see this site coming forward ahead of the necessary scrutiny afforded by the Local Plan process.

Loss of Best and Most Versatile Agricultural Land

Development in this location would result in the loss of Grade 2 Agricultural Land.

Paragraph 174(b) of the NPPF requires that planning decisions should contribute to and enhance the natural and local environment by 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.

Best and most versatile agricultural land is needed to help feed the Country's population. Recent world events are now underlining the need to protect such land. The loss of such an important resource will compromise the ability of future generations to meet their own needs contrary to the NPPF.

Impact on ecology

Notwithstanding the above comments, in principle CPRE Kent welcomes the proposed 30% Biodiversity Net Gain. In the event that planning permission is granted it should be ensured that this level of BNG is not reduced.

However, CPRE Kent has significant concerns over the status of the applicant's Ecological Appraisal.

It is noted that the Phase 1 habitat survey was undertaken outside the optimal season (in February 2022) and that the required additional Phase 2 surveys for foraging and commuting bats and Dormouse are not due for completion until the autumn of 2022 (see paragraphs 2.4.1 and 2.3.8).

Without the necessary surveys it is not clear how the applicant can state there will be a Biodiversity Net Gain of above 10%.

Table 6.2.14 will need amending once the Phase 1 habitat survey has been completed within the optimal season and completion of the Phase 2 surveys.

The application should therefore be **withdrawn** until all such survey work has been completed.

In terms of mitigation, it is not clear what the interrelationship will be between land identified for BNG, SUDS and open space.

Each of the mitigated species will have specific habitat requirements, which will need to be separate from one another (predators) and in no circumstances should have a dual role as public open/recreational space where significant disturbance will take place as a result of human activity, including general play, dog walking and cat prowling.

Affordable housing and housing mix

It is noted that the application is proposing 25% affordable housing, which falls well below the 40% requirement set out at policy CP17 of the Council's 2017 Core Strategy.

The applicant has not explained why this requirement cannot be met.

It is noted that the proposed housing mix is predominantly 3 & 4 bedroom houses which does not reflect the shortage of 1 & 2 bedroom accommodation in the area.



The countryside charity Kent

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Following the receipt of the additional Phase II survey results from Aspect Ecology, CPRE Kent wishes to reiterate its original objections to this scheme:

- Site is not allocated for development
- Loss of Best and Most Versatile agricultural land
- Impact on ecology – survey work has not been completed
- Lack of affordable housing

With specific reference to ecology (and the Phase II survey work) we comment as follows.

Dormice

Paragraph 3.1.4 of the Phase II Survey Results concludes an absence of dormice from the site. However, it is noted at paragraph 2.4.2 of the original Ecological Appraisal that the detectability of invasive species does not necessarily equate to absence on site. It is not clear why the same logic has not been applied to dormice, especially when this view has been reached without any survey having been carried out within the woodland on site, or along H8.

The dormouse handbook states: *“The presence of dormice should be assumed in any areas of woody habitat (including plantations, hedgerow and scrub”.*

There appears to have been no visual searching for field signs carried out. The conclusion of absence is based solely on just three visits of nesting tubes, placed in-situ less than three months prior to checking.

It is noted that Aspect Ecology checked the tubes on 10 June, 11 July and 14 September, missing out the optimal months of May and August.

On this point, the dormouse handbook states: *“Nest tubes are most frequently occupied in May and August/September. Timing their deployment is therefore important.*

It is best to leave them out for the entire season, from March onwards, for checking in November”.

It would appear that best practice has not been followed with regard to dormice in this instance, or a cautionary approach adopted with regard to the conclusions reached.

Bats

On the issue of background records, paragraph 3.2.2 of the Phase II Survey Results states that presence of bats (Brown Long-eared Bat, *Plecotus auratus*) is likely to be attributed to an undisclosed property – the last sentence of this paragraph hasn't been completed.

This statement is misleading. There is no evidence that this record relates to this unidentified property. It may well relate to an area much closer to the application site. In any event, bats are mobile. This means that the existence of a record of bats at an off-site location is meaningless, in the context of the likelihood of bats being found on site.

Paragraph 3.2.11 of the survey report states that the centre of the site is “*of lower value for foraging and commuting bats*”. We assume this is referring to H8 that is to be removed under the current application.

It’s important to evaluate the site as a whole. Each area/feature is significant and contributes to the value of the site as a foraging corridor for bats. The survey results show the whole site is of value and utilised by bats and it is unhelpful and misleading to pick out one area or feature in isolation.

If H8 was to be removed this would greatly increase the competition in and around the site for food resources, likely resulting in some species of bat being out-competed, leading to an overall loss in biodiversity.

The lighting scheme aims to minimise disruption to foraging bats. However, some species of bat will cluster around lights because certain insects are attracted to the light; whereas other species of bat are likely to shy away from any lit areas, despite the suggestion of dimming and angling of lighting structures.

The retention of H8 would help alleviate this issue to a degree, but under the current proposals, there is no buffer or hedge to prevent light spill.

According to research undertaken by the Bat Conservation Trust (BCT) and CPRE only a fifth of England now has ‘pristine night skies’. Light pollution increases bats likelihood of predation, forcing them to alter their behaviour in response to this threat, including affecting their foraging behaviour.

Long-eared bats (Myotis species – Brandt’s, Whiskered, Daubenton’s, Nattere’s and Bechstein’s bat, Barbastelle and Greater/Lesser horseshoe bats) avoid artificial light at night (ALAN). Therefore, these species are placed at a disadvantage and are subsequently less able to forage successfully and efficiently, which has a profound impact on their fitness and ability to breed.

The BCT state research has shown that ALAN placed along or near hedgerows can disrupt how bats move through the landscape and can even cut off bats from reaching foraging areas.

Therefore, any kind of ALAN is a disrupter of nature and should be avoided.

Additional comments Ecological Appraisal – mitigation for bats and BNG

Aspect Ecology concludes its Phase 1 habitat survey by stating it has been: “... *established that the site is dominated by habitats not considered to be of ecological importance*”. Despite priority habitats being present and despite the site supporting over 50% of the UK bat species.

Whilst bat boxes, hedgehog nest domes, bird boxes, refugia, log piles and bee bricks are all welcome, none of them should count towards 10% BNG. BNG measures habitat and not individual species. Furthermore, mitigation is in addition to BNG and should not be included in the calculation.

With the loss of H8 and the partial loss of H7 and the loss of available foraging areas for bats, this development is likely to result in a net loss in BNG.

Furthermore, Aspect Ecology has omitted to address the issue of predation of reptiles, amphibians, birds and bats by domestic cats and recreational disturbance by humans and dogs, especially walking in the available woodland.

We are also concerned that gardens have been included within the BNG – there is no control over how these gardens will be managed by future occupants, for instance they could be paved over, sprayed with insecticide or covered with artificial grass.