



Date: 19th April 2023
Ref: 23/501071/EIASCO

By email only: policyresponses@swale.gov.uk

Dear Ray Deans

RE: Application 23/501071/EIASCO Scoping Opinion - Proposed development of 1740 residential dwellings, 160 retirement homes, 27ha of publicly available open space and recreation including a community park, outdoor sports pitches, a 5km recreation trail, a two form entry primary school, an integrated bus link to the surrounding area, an employment park, improved pedestrian/cycle links across the A2, upgrade to the Dunkirk A2 junction through a new trunk road, and an electric vehicle charging hub for approximately 36 vehicles alongside associated facilities including toilets and potential for cafe facility.

Kent Wildlife Trust (KWT) has reviewed the following documents:

- Scoping Report – Request for EIA Scoping Option; Carter Jonas; February 2023

Having reviewed the above information, KWT are concerned with the inadequate size of the buffers along South Blean Woods Local Wildlife Site and Kent Wildlife Trust Reserve and the indirect impacts the proposed development will have on these and other surrounding wildlife protected areas. Please be minded that the absence of comments from Kent Wildlife Trust within the consultation deadline does not indicate a lack of concern. We were not notified of the consultation period and therefore trust that you will accept these comments.

Please ensure that KCC Ecology and Natural England are consulted regarding ecology and European designated sites.

South Blean Woods Local Wildlife Site and Kent Wildlife Trust Reserve:

South Blean Woods Local Wildlife Site (LWS) comprises a large (663.2ha) relatively undisturbed woodland complex on acidic dry and damp soils adjacent to the large Blean Wood SSSI complex to the north, which is the largest area of ancient woodland in south-east England. The entire LWS is listed as ancient woodland and is known to support at least 46 ancient woodland indicator higher plant species. Fragments of dry and wet heathland, ancient bog habitat, acid grassland and traditional orchard also form an integral part of the interest of the site. A large area (329ha) of South Blean Woods LWS is managed as a Nature Reserve by KWT. Nightingale, honey buzzard, flycatchers, lesser spotted woodpecker, nightjar and tree pipit breed within the LWS, with other notable species such as mistle thrush, goshawks and turtle dove also recorded. South Blean Woods LWS comprises of a species-rich ground flora with notable species such as spotted orchid, early-purple orchid, common twayblade, yellow wort, fairy flax, marsh violet, wood horsetail and English bluebell. The heath fritillary butterfly, which is one of the UK's rarest butterfly species, is also present across the Blean Wood SSSI complex and South Blean Wood LWS. The heath fritillary butterfly is a UK BAP priority species, and species of principle importance under the NERC Act and fully protected in Great Britain. The species is restricted to just a few remaining strongholds, including Blean Wood SSSI complex and South Blean Woods LWS.

The application site is located directly adjacent to South Blean Woods LWS, with the LWS forming the site's eastern and western boundaries. The site is also some 180m south-west of Church Woods, Blean SSSI, which is part of the Blean Complex SAC and also designated as a LWS, National Nature Reserve, RSPB Reserve and Grade I in 'A Nature Conservation Review'. South Blean Woods LWS and the application site itself, are protected under local policy DM24 of The Swale Borough Local Plan (adopted in 2017) as Areas of High Landscape Value. Policy DM24 Conserving and Enhancing Valued Landscapes states:

"The value, character, amenity and tranquillity of the Borough's landscapes will be protected, enhanced and, where appropriate, managed [...] Within the boundaries of designated landscape areas, as shown on the Proposals Map,

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together with their settings, the status given to their protection, enhancement and management in development decisions will be equal with the significance of their landscape value as follows:

[...] Areas of High Landscape Value (Kent and Swale Level) are designated as being of significance to Kent or Swale respectively, where planning permission will be granted subject to the:

- 1. conservation and enhancement of the landscape being demonstrated;*
- 2. avoidance, minimisation and mitigation of adverse landscape impacts as appropriate and, when significant adverse impacts remain, that the social and or economic benefits of the proposal significantly and demonstrably outweigh harm to the Kent or Swale level landscape value of the designation concerned."*

South Blean Woods LWS is also protected under Policy DM28 as a Designated Site for Biodiversity for containing habitats or supporting species which are endangered at international, national or local level. Policy DM28 states:

"Development proposals will give weight to the protection of the following designated sites for biodiversity, as shown on the Proposals Map, which will be equal to the significance of their biodiversity/geological status, their contribution to wider ecological networks and the protection/recovery of priority species as follows:

[...] Within locally designated sites (including draft published sites), development likely to have an adverse effect will be permitted only where the damage can be avoided or adequately mitigated or when its need outweighs the biodiversity interest of the site. Compensation will be sought for loss or damage to locally designated sites [...]

Development proposals will:

- 1. Apply national planning policy in respect of the preservation, restoration and re-creation of:*
 - a. the habitats, species and targets in UK and local Biodiversity Action Plans and Biodiversity Strategies;*
 - b. linear and continuous landscape features or those acting as stepping-stones for biodiversity;*
 - c. aged or veteran trees and irreplaceable habitat, including ancient woodland and traditional orchards"*

South Blean Woods LWS is afforded protected under Section 15 of the National Planning Policy Framework (NPPF, 2021), which sets out the Government's current planning policy in relation to conserving and enhancing the natural environment. Paragraph 174 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 (2021) 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.'

It is understood that the scope of the proposed development is for 1,740 residential units, however with the potential capacity increasing to 2,150 dwellings as stated within paragraph 2.8 of the Scoping Report. With a proposed development of this size to be built within an Area of High Landscape Value and directly adjacent to a LWS, there is a risk of adverse effects from direct and indirect impacts. Direct impacts include the direct loss of onsite habitats, which include coppiced deciduous woodland, hedgerows, veteran trees, ditches and streams which could all be adversely impacted by the development as stated within paragraph 4.245 of the Scoping Report. These onsite habitats support a variety of species such as dormice, great crested newt (GCN), reptiles and breeding birds

such as blackcap and chaffinch, including skylark which were recorded breeding within the fields. Indirect impacts to South Blean Woods LWS include an increase in artificial lighting, noise and dust pollution during the construction phase and increase in light, noise, air quality changes, recreational pressures, and cat predation during the operational phase. We are concerned a development of this scale will see a significant increase in recreational disturbances to South Blean Woods LWS from people, dogs, and cat predation. Small mammals, including dormice which are known to be present onsite and within South Blean Wood LWS, as well as birds, particularly ground nesting birds such as the onsite breeding skylark and nightjar and woodcock within the LWS will be at particular risk to cat predation as well as disturbance to people and dogs during breeding. It is therefore disappointing and concerning that only 15 – 20m buffers are proposed along ancient woodland boundaries, which includes South Blean Woods LWS. We also wish to point out that the sentence in paragraph 4.213 of the Scoping Report which states *“The areas of ancient woodland surrounding, which form part of the Blean Woods South Local Wildlife Site would be provided with a 20m buffer to protect the habitat within, albeit that much of this is recognised by the Kent Wildlife Trust as having been commercially managed and relatively poor for wildlife”* is speculation and enormously inaccurate. As mentioned on our website, South Blean Woods LWS *“has been commercially managed and has also been relatively poor for wildlife”* therefore this sentence within the Scoping Report has been taken out of context and significantly misrepresented. Since KWT has brought the LWS into conservation management it has seen huge benefits in the overall biodiversity of the site. Therefore, we consider the proposed 15 – 20m buffers to be inadequate and does not align with Natural England and the Forestry Commission Standing Advice for ancient woodland, ancient trees and veteran trees which states *“you should have a buffer of at least 15 metres to avoid root damage. Where assessment shows other impacts are likely to extend beyond this distance, you’re likely to need a larger buffer zone.”* As the proposed development will cause impacts beyond 15m, we strongly urge that the applicant should align with guidance by the Woodland Trust, which states *“As a precautionary principle, a minimum 50 metre buffer should be maintained between a development and the ancient woodland, including through the construction phase, unless the applicant can demonstrate very clearly how a smaller buffer would suffice.”* It is noted that a 50m wide belt of native woodland planting is proposed along the south-western edge of the site, however this is largely to contribute to biodiversity net gain (BNG). We currently feel the Scoping Report does not demonstrate clearly why a larger buffer is not required along all ancient woodland/South Blean Wood LWS boundaries.

In order to evaluate whether the proposed development complies with NPPF, impacts and mitigation measures need to be fully addressed/explained. We advise that an Ecological Impact Assessment (EclA) is provided to highlight all direct and indirect impacts the development may cause to South Blean Woods LWS and the Blean Wood SSSI complex during the construction and operational phases so appropriate, detailed mitigation measures can be provided and reviewed.

Overall, KWT are not convinced that the proposed development aligns with local policies within The Swale Borough Local Plan or shows enough evidence it complies with NPPF. We also wish to point out that Swale Council decided the site was an unsuitable site for allocation and therefore not taken forward in the emerging Local Plan. Due to the application site being adjacent to a Kent Wildlife Trust Nature Reserve, we hoped we would have been consulted at an earlier stage, especially that *“discussions with the Council through five pre-application meetings [...] and other key local stakeholders”* were undertaken. However, we are happy to discuss the project further to ensure the protection of South Blean Wood LWS and Kent Wildlife Trust Nature Reserve.

We hope that the detail within this letter proves to be useful in your assessment of this application. Please do not hesitate to contact me with further queries.

Yours sincerely,

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Planning and Policy Officer

Kent Wildlife Trust

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