



Date: 4<sup>th</sup> August 2023  
Ref: 21/503906/EIOUT  
Site address: Land To The West Of Teynham London Road Teynham Kent

Matt Duigan  
Swale Borough Council  
By email only: [MattDuigan@Swale.gov.uk](mailto:MattDuigan@Swale.gov.uk)

Dear Matt,

**RE: Application 21/503906/EIOUT | Northern Site – Outline Planning Application for the phased development of up to 97.94 hectares at Highsted Park, Land to West of Teynham, Kent, comprising of. Demolition and relocation of existing farmyard and workers cottages. Up to 1,250 residential dwellings including sheltered / extra care accommodation (Use Class C2 and Use Class C3), up to 2,200 sqm / 1 hectare of commercial floorspace (Use Class E(g)). Mixed use local centre and neighbourhood facilities including commercial, business and employment floorspace (Use Class E) non-residential institutions (Use Class F1) and local community uses (Use Class F2) floorspace, and Public Houses (Sui Generis). Learning institutions including a primary school (Use Class F1(a)), open space, green infrastructure, woodland and community and sports provision (Use Class F2)). Highways and infrastructure works including the completion of a Northern Relief Road: Bapchild Section, and new vehicular access points to the existing network, and associated groundworks, engineering, utilities and demolition works.**

#### SUMMARY

KWT provided comments on the application in October 2021, highlighting our concerns about the negative impacts to priority habitats deciduous woodland and traditional orchard, and requesting further information in order to determine the impacts to biodiversity. These included a Biodiversity Net Gain (BNG) assessment and report to assess the biodiversity losses and gains from the development, including evidence of the current condition score assessment and metric calculation tool.

From reviewing the additional information provided within the application, we note that some of our previous concerns have not been addressed. We advise that further information is needed. Please ensure that KCC Ecology and Natural England are consulted regarding ecology and European designated sites.

#### UK BAP PRIORITY HABITATS

Under Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006, an inventory of Priority Habitats was devised. This is a list of habitats and species of principle importance for the conservation of biodiversity in England and require conservation action under the UK Biodiversity Action Plan (UK BAP). There are two priority habitats within the application site: two areas of deciduous woodland (which include Tonge Mill Countryside Park) and one area of traditional orchard. It is also understood that onsite hedgerows, ponds, wet woodland, and river may also qualify as priority habitats.

Priority habitats are a focus for conservation in England and are protected within the National Planning Policy Framework (NPPF, 2021). Paragraph 179 of the NPPF states to *“protect and enhance biodiversity and geodiversity, plans should (b) promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.”* Paragraph 180a of the NPPF states that *“if significant harm to biodiversity resulting from a development cannot be avoided (through location on an alternative site with less harmful impacts), adequately mitigated, or as a last resort, compensated for, then planning permission should be refused”*.

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Priority habitats are also protected within the Swale Borough Local Plan (adopted in 2017) under policies ST1: *“Conserve and enhance the natural environment by: a. applying international, national and local planning policy for: (a) areas designated for their biodiversity (inc. Nature Improvement Areas), geological or landscape importance; and/or (b) priority habitats and populations of protected and notable species [...]”* and DM28: *“[...] 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”*.

The proposals will see the direct loss of approximately 40% of the existing hedgerows and treelines, which equates to approximately 2km of linear habitat features, plus additional removals for road and pedestrian access as stated in Table 2.1 within the Ecological Mitigation Strategy report (October, 2022). This is an unacceptable loss of habitat, especially that the hedgerows have been identified as priority habitat. Paragraph 4.11.3 of the Baseline Ecological Appraisal describes the importance of these habitats, which states: *“the woodland areas, the hedgerows and treelines, within the site form a valuable habitat network, providing connectivity for movement of wildlife across the site, in addition to providing a nesting and foraging resource for species such as bats, birds and invertebrates.”* This is supported by Table 2.1 within the Ecological Mitigation Strategy report which states: *“A number of hedgerows are present across the site, together with a small number of treelines. These are variable in character and quality, ranging from well managed box hedgerows to more outgrown features. Together with the woodland areas, the hedgerows and treelines within the site form a valuable habitat network, providing connectivity for movement of wildlife across the site”*. The proposals will also see direct and indirect impacts to priority habitat deciduous woodland, traditional orchard and river, these impacts include *“potential encroachment into habitats and air/water pollution”* as stated within Table 2.1 of the Ecological Mitigation Strategy report. The report also states that these will see *“minor impacts from recreational disturbance and urbanisation effects”*, however KWT disagree with this statement as the recreational pressures, including cat predation, will likely be significant due to the 1,250 proposed residential houses. Studies have suggested a figure of 320 – 330 cats per 1,000 homes<sup>1</sup>, which would give an estimate of 400 cats living within the new development. The Ecological Mitigation Strategy report highlights the risk of cat predation on bats, birds, and small mammals; however, no mitigation measures have been made to reduce the risk of cat predation. It is understood that detailed mitigation measures will be *“prepared at an appropriate stage prior to work commencing, either to inform subsequent planning submissions, or to be secured by planning condition or licence.”* KWT strongly urge that all detailed mitigation strategies for habitats and species are provided before the decision stage, to allow the Council, KCC Ecology and KWT to review and advise. We follow KCC Ecology’s concern regarding the risk of recreational pressures on the proposed areas of mitigation, such as Tonge Country Park, and that these should be recognised and addressed appropriately before the decision stage, such as how strategic alternative green spaces will be designed to relieve pressure on Tonge Country Park.

## **PROTECTED SPECIES**

### Birds

It is understood from reviewing the Ecological Mitigation Strategy report, that mitigation for turtle dove, yellowhammer, corn bunting and grey partridge will be created and provided for within Tonge Country Park. It is concerning that the majority of the proposed species mitigation is being pushed to this one area, as it risks isolating species from the surrounding landscape and reduces the effectiveness of the mitigation. Mitigation measures should strengthen the network of habitats at a landscape scale, not be pushed into one small area. We also wish to point out that the mitigation fails to mention any habitat creation for skylark which are present onsite and will be directly impacted by habitat loss. Habitat for skylark cannot be retained onsite due to their requirement for open spaces as

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<sup>1</sup> Underhill-Day, J. (2005). A literature review of urban effects on lowland heaths and their wildlife. In. English Nature Research Report No. 623. English Nature, Peterborough.

highlighted by KCC Ecology, therefore, if mitigation is not possible onsite, we would expect to see efforts made to compensate for the loss of habitat offsite.

### Riparian Mammals

Water vole and otter surveys were undertaken in 2018 which confirmed the presence of both species onsite. We recommend that surveys are updated and continue up until works commence. We strongly urge that all watercourses are retained and enhanced and that a robust pollution strategy is devised to minimise pollution of water habitats on and offsite. We also recommend that beaver surveys are undertaken of the onsite river/water habitats. Beavers were added to Schedule 2 of the Conservation of Habitats and Species Regulations 2017 in October 2022, and up until recently the presence of beavers in Kent hasn't been common knowledge, however they are now widely spread across East Kent and should be included in all riparian mammal surveys. Therefore, it is important that surveys are undertaken by suitably licensed ecologists/experts who have experience working and surveying beavers.

### **BIODIVERSITY NET GAIN**

We note that preliminary Biodiversity Net Gain (BNG) calculations have been produced, which indicates a possible net gain of ca. 30%. KWT are supportive of net gains which exceeds the minimum requirement of 10% as stated within the Environment Act, 2021. Across Kent, many councils and local planning authorities are seeking more ambitious BNG schemes in line with the Kent Biodiversity Net Gain Strategy – Statement of Principles, being prepared by The Kent Nature Partnership. This document states that this should deliver a strategy net gain of 20% as a minimum across Kent and aim to achieve more wherever possible. With a large portion of the site being cropland, we are pleased the applicant has set an ambitious BNG target. We wish to highlight to the applicant that mitigation areas for protected species cannot provide net gain within the BNG metric, as they can only be considered as providing no net loss. Our previous concerns outlined in our 2021 response still stand in regard to the BNG long-term management and monitoring plan. To ensure the proposed BNG is successful and sustainable, we would expect to see these plans before the decision stage, to assess the suitability and delivery of the proposed BNG.

Overall, due to the unacceptable loss of 40% (>2km) of existing priority habitat hedgerows and treelines, as well as direct and indirect impacts to priority habitat deciduous woodland, traditional orchard and river, we feel the mitigation hierarchy has not been applied appropriately, and therefore KWT object to these developmental proposals. 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 hope that our comments are useful in your assessment of this application. Please do not hesitate to contact me with further queries.

Yours sincerely,

**Emma Waller**

Planning and Policy Officer

Kent Wildlife Trust

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