

Date: 4th March 2024

Ref: PA/2022/2772

Site address: Land to the South of the Ashford Designer Outlet Centre, Ashford,
Kent (Brompton Bikes Ltd, Project Green)

Steve Musk
Ashford Borough Council
By email only Steve.Musk@ashford.gov.uk



Kent
Wildlife Trust

Dear Steve,

RE: Application Ref. PA/2022/2772 – Application for outline planning permission for up to 46,000 sqm of employment floorspace (Use Class E/B2/B8) for an ebike factory and offices, with all matters reserved except access (excluding internal circulation); and application for detailed planning permission for the change of use of land to a parkland flood storage area.

SUMMARY

Kent Wildlife Trust (KWT) provided comments on the application in January 2023, with concerns over the direct loss of locally protected, biodiversity rich South Willesborough Dykes Local Wildlife Site (LWS) and Ashford Green Corridor Local Nature Reserve (LNR). There were also concerns over the discrepancies within the applicant's Defra Biodiversity Metric calculation and the downplaying of the baseline condition of the grassland and ditches. We were also concerned with the proposed mitigation, such as providing green roofs for ground nesting birds and the lack of mitigation against runoff pollution and potential contamination of the river habitats onsite and further downstream. KWT are pleased that some of our advice has been followed, such as recommendations for aquatic invertebrate surveys and a detailed assessment of the grassland. However, we still have concerns around the lack of appropriate mitigation and compensation for the loss of over 11ha of LWS. This response will focus on the additional information submitted to the council. The majority of our concerns outlined in our previous response still applies.

IMPACTS TO BIODIVERSITY

The application site sits within South Willesborough Dykes LWS and forms part of the Ashford Green Corridor LNR. The proposals will result in the loss of approximately >10% of the LWS and 30% of green corridor habitat within the LNR. The protection of South Willesborough Dykes LWS and Ashford Green Corridor LNR are protected under Policies ENV1 and ENV2 of Ashford's Local Plan 2030. From reviewing the Planning Statement Addendum (December, 2023) we note that Policy ENV2 regarding the protection of the Ashford Green Corridor has now been addressed. However, we disagree with the statement in paragraph 3.23 which states "*extensive evidence has been prepared and submitted in support of this application which confirms that the existing ecology of the site is low, the impact of the proposed development will not result in unacceptable harm to existing wildlife and the scheme would deliver approximate BNG of 46.51% for habitat units.*" We strongly disagree that the existing ecology of the site is "low". Firstly, the site consists of a LWS, designated for its mosaic of habitats, which support a rich assemblage of birds and a network of dykes and ditches which support good aquatic and marginal flora, and a rich invertebrate fauna. The Environment Statement (ES) describes the grassland and wetland habitats within the site as having high ecological value, with the species-rich marshy grassland and the wintering bird population that utilise the site being of County Level importance. Secondly, the ecological surveys have identified a wide range of protected species using the site such as:

- Breeding population of dormice.
- Medium population of great crested newt (GCN), with smooth and palmate newts also present.
- Three species of reptiles using the site (grass snake, slow worm and common lizard).
- Minimum of seven species of bat using the site (common pipistrelle, soprano pipistrelle, Nathusius's pipistrelle, noctule, Leisler's bat, serotine and bats from the Myotis genus).
- 32 species of birds recorded during the breeding bird surveys, 12 of which are notable species and appear on the Birds of Conservation Concern (BoCC) red and amber lists.
- 31 species of birds recorded during the wintering bird surveys, 14 of which are notable species and appear on the BoCC red and amber lists.
- Minimum of 93 aquatic invertebrates, including 3 Near Threatened species, 6 Nationally Notable species and 13 species with Local distributions.
- Suitable habitat for riparian mammals such as water vole and otter.

- Suitable habitat for badgers and hedgehogs.

This statement that the site has “low” ecological value validates our previous concerns that the applicant has downplayed the baseline ecological value of the site. As mentioned within our previous response, we had concerns around the discrepancies within the Phase 2 Botanical Survey and Biodiversity Net Gain (BNG) report. Previously, the Phase 2 Botanical Survey Results concluded the grassland as *“a good example of an unimproved flood meadow”*. The Phase 1 Habitat Survey outlined within the Ecological Assessment noted the grassland as *“Marshy Grassland”* and *“botanically it was reasonably diverse”*. Likewise, within Chapter 11 – Ecology and Biodiversity of the ES, paragraph 11.51 refers to the grassland as *“Much of this habitat type within the Study Area aligns with the Kent BAP Priority Habitat ‘Marshy Grassland’, whilst due to its close association with the River East Stour and location within the flood plain, it is also representative of the Kent BAP Priority Habitat type ‘Rivers’. In line with the approach to valuation outlines in Table 11.1 this habitat is considered to represent a viable area of habitat identified in a County BAP. This Study Area is therefore considered to be of value at the Country Level for marshy grassland.”* However, the BNG report contradicted the Phase 2 Botanical Survey and classified the grassland as ‘other neutral grassland’, which significantly underrepresents the quality of high/very high distinctiveness priority habitat onsite, some of which will be lost to the proposals. We therefore recommended that the BNG metric should be amended, reclassifying the grassland to ‘lowland meadow’ or ‘floodplain wetland mosaic (CFGM)’. It is therefore disappointing and extremely concerning that instead of amending the BNG to fit the description of the grassland within the 2021 assessment, the assessment of the grassland has changed to align with the BNG metric. The 2023 grassland assessment now suggests that the grassland is equivalent to MG6 grassland, which is characterised as ‘other neutral grassland’ within the metric. The applicant however has failed to provide information to clarify why the assessment of the grassland has changed and therefore further evidence and an evaluation is required. KWT support KCC Ecology’s comment that the grassland onsite should be classified as ‘lowland meadow’. The loss of lowland meadow will therefore require bespoke compensation agreed with by the LPA before the decision stage. KWT are concerned that the applicant has moderated the baseline of the grassland to help achieve a higher BNG, therefore it is in our opinion that the applicant cannot achieve a net gain of 46.51%.

We also wish to highlight KCC Ecology’s comment regarding the need to address the suitability of the site for beavers. Due to sensitivities around the species KWT will not specify the specific location of beavers and their burrows, however they are known to be within the immediate surrounding area. In October 2022, beavers were added to Schedule 2 of the Conservation of Habitats and Species Regulations 2017, the same protection offered to bats, dormice and otters. Beavers are now part of our wild biodiversity in East Kent, and all planning applications along or near waterways should be including the species within their impacts assessments and protected species surveys. KWT, who have worked closely with the Beaver Trust, the East Kent Beaver Advisory Group (EKBAG) and have our own inhouse licensed ecologists and are happy to discuss this species in more detail with the applicant and their ecologists to provide further guidance and advice.

Overall, KWT strongly object to any development that would see the permanent loss or degradation of habitat within designated wildlife sites and our concerns raised within our previous response regarding the BNG metric and report, mitigation, and the need for offsite compensation/enhancements to the wider LWS and LNR still stand.

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

Yours sincerely,

Emma Waller

Planning and Policy Officer

Kent Wildlife Trust

emma.waller@kentwildlife.org.uk

