

DO/20/00419 Betteshanger Grove

CPRE KENT RESPONSE

1 CPRE Kent considers that there is no planning case for the development of this site and objects to the application for the following reasons, which are expanded upon in this response:

- 1 The site is not allocated for housing
- 2 The site lies outside the adopted Core Strategy Settlement Boundary
- 3 The site is in an unsustainable location and cannot be made sustainable
- 4 The site is in an area of intrinsically dark skies
- 5 The site is in an area that is some of the more tranquil parts of the district
- 6 The site is Previously Developed Land that is regenerating back to nature
- 7 Open Space
- 8 Green Infrastructure Network
- 9 Heritage
- 10 Local traffic issues
- 11 Ecology

1 The site is not allocated for housing

2 The site is not allocated for housing. The preamble to saved policy AS1 (Betteshanger Colliery) at paragraph 15.04 states that *"The redevelopment of the site for housing, retail or intensive recreation uses would not be acceptable."*

2 The site lies outside the Adopted Core Strategy Settlement Boundary

3 The Aim of the Local Plan Strategy set out at page 27 of the Adopted Core Strategy at page 27 is *'The Strategy will focus on Dover town where there is most need for action but also where there is most potential. At Deal, Sandwich and the large rural area the Strategy will be selective responding to more localised needs although some of these, especially at Deal and Aylesham are more significant. Elsewhere development will be focused on the larger and more sustainable rural settlements ...'*

4 Adopted Core Strategy Policy DM1 Settlement Boundaries states that: *'Development will not be permitted on land outside the urban boundaries and rural settlement confines shown on the proposals map unless specifically justified by other development plan policies, or it functionally requires such a location, or it is ancillary to existing development or uses.'*

5 The Adopted Core Strategy defines a Hamlet as *'Name used in the Settlement Hierarchy to describe settlements with no facilities. Not suitable for future development.'*

6 The applicants Travel Plan at Table 3.3 Local Facilities indicates that other than Betteshanger Social Club there are no other facilities near the site. The small housing estate is not a hamlet and therefore not suitable for development. The application provides for up to 150 sqm retail (Class A1) floorspace. No evidence has been provided that the development could support a shop or that a retailer would take up the unit or that it would not draw vehicular traffic to the site. Would a shop be dependent on attracting car borne trade? On the evidence provided there is no over-riding need for development at this location.

3 The site is in an unsustainable location and cannot be made sustainable

7 The preamble to saved policy AS1 (Betteshanger Colliery) at paragraph 15.03 states that *"In locational terms, the site is not sustainable"*. Nothing has changed to make the site sustainable in locational terms.

8 The Travel Plan at Table 3.3 Local Facilities shows that the site is not well served by services and facilities:

- Betteshanger Social Club (550m walk) and Northbourne Parish Hall 4.2 (950m walk) are close by. There is no assessment of how these facilities are used and if there is any capacity to serve the proposed new development.
- The nearest primary school is Sholden C of E Primary 2.8km away. Again, no indication if there is / will / can be capacity to meet the demand from the proposed development. Whilst 2.8km is around 1.75 miles given that young children walk slowly it will be a long journey and will parents prefer to take them by car?
- The main centres of employment and main shopping centres are over 5km away.

9 Para 3.1.4 states that the nearest bus stop for the two school services (X1 and X2) are at Sholden, which is around 3km from the centre of the site, almost 2 miles. There is no evidence that the proposed development would result in a bus stop nearer to the site or that there is capacity on the bus services.

10 There is a very limited public bus service:

- There is no evidence that the scale of development will enable a more regular bus service or that there has been any discussion with bus operators on the matter.
- Table 3.1: Bus routes and frequency does not distinguish between weekday and weekend services. It also does not say how far it is to the bus stop.
 - 80 Service does not serve Betteshanger – have to walk some 2 miles along the main road into Deal to catch a bus.
 - 81 Service (source Stagecoach):
 - There is an hourly service to Sandwich from 07.20 to 18.40 hours Monday to Saturday and 08.20 to 18.40 hours on Sundays. The journey is scheduled to take 30 minutes. AA route planner indicates that this would take 15 minutes by car.
 - There is an hourly service to Deal from 08.20 to 18.20 hours Monday to Friday and from 10.20 to 18.20 on Sunday. The journey is scheduled to take 10 to 15 minutes depending on destination in Deal.
 - There is a bus every two hours to Dover from 08.20 to 18.20 hours Monday to Sunday. The journey is scheduled to take an hour. AA route planner indicates that the journey would take 15 minutes by car.
 - 81A Service runs on school days only (source Travel line South East. The Stagecoach site indicates that there is no service at present).
 - KCC is supporting a 12-month public transport pilot service known as the ‘Sandwich Connect’ which runs five times a day from Mongeham village hall to Staple via Sandwich. There will be a bus stop at Northbourne cross-roads a 20-minute walk from the application site. The service is scheduled to take 11 minutes to Sandwich and 32 minutes to Staple. The first bus to Staple leaves Northbourne cross-roads at 10.24 hours and the last bus back from Staple leaves at 17.03 hours.

This suggests that people will have to travel by car if they need to travel to and from work, go shopping or travel for entertainment outside these hours.
- There is no bus service to Canterbury which is a major comparison shopping and entertainment destination as well as employment centre.

11 There is an hourly rail service from Deal to St Pancras which takes an hour and forty minutes, and two trains an hour to Canterbury West which take either an hour and twenty minutes or an hour and fifty minutes. The AA route planner indicates that the car journey from Betteshanger to Canterbury is a 31-minute drive. This suggests that people are more likely to drive to Canterbury than travel by rail.

12 The travel plan refers to existing footpath and cycle routes in the area. There is however, no assessment of the quality of these routes, for example:

- Are they surfaced and available all year round? PROW EE369, EE369A and EE370 for example are dirt tracks wide enough for a land rover or farm vehicle and are more than likely to be muddy quagmires in winter. The western end of PROW EE369 runs through woodland. They therefore do not make suitable / practical routes for school children, those on their way to work or attending Northbourne Parish Church or using the Church Hall.
- Do they benefit from lighting? PROW EE369 and EE370 for example are unlit.

- Are they safe / do they feel safe for women and children to walk on their own?
- Are there footpaths along local roads – if not would people walk along these roads? If they are not safe or perceived not to be safe people will not use them. The footpath along Deal Road north of Sholden is unlit and in many places looks onto open fields.

These PROW do not provide safe, passable all year-round routes and cannot be relied on to be used by residents to reach nearby villages and Deal.

13 Section 3.4 on Travel Modes states:

“The current mode split for travel to work, based on 2011 census data (MSOA E02005054 – incorporating Betteshanger, Northbourne and the northern part of Deal), is summarised in the following table. Given the location of the development site it is expected that the proportion of walk trips to the site might be expected to be lower and the car passenger/driver mode share increased. “

14 It is noted that the Transport Study uses MSOA E02005054 to provide an assessment of mode of travel to work. This covers a large geography that is both urban and rural in nature and includes the northern part of Deal. LSOA E01024201 which more closely aligns with the rural area around Betteshanger provides a better picture. The LSOA results are similar to those for the smaller area of Northbourne Parish.

15 The percentage figures for the MSOA, LSOA and Northbourne Parish and Table 3.4 are set out in Table 1 below.

16 It should be noted that the MSOA percentage figures set out below, based on ONS data, are not the same as those provided in the Travel Plan Table 3.4 Mode Share. The basis of the consultant’s figures will need to be clarified.

17 It should also be noted that the consultant’s assessment has excluded certain categories of method of travel to work, namely: work mainly at or from home, other method of travel to work and not in employment.

18 Table 1 indicates that travel by car (as driver and passenger) for the LSOA at 86% is higher than that given for the MSOA 82% (and Table 3.4: 77%), and public transport lower. The Table 3.4 on foot figure of 11.9% is almost double the LSOA figure of 6.2%. This brings into serious question the ability to achieve the Table 4.1 Likely Mode Split figures, which repeats the Table 3.4 figures, and thus the aim of the Framework Travel Plan to promote a shift away from car-based travel and encourage existing and new businesses on site to move toward more sustainable travel as set out in paragraph 4.1.1.

19 There is the implicit assumption in the Travel Plan that the modes of travel to work used by the residents of the proposed development will mirror those of existing residents. This is a big assumption.

20 Table 3.4 appears to have merged underground, train and bus into one category called Public Transport. The split between Underground, metro, light rail, tram, Train, and Bus, minibus or coach is set out in Table 2 below. This shows that at least a third fewer people who live in the LSOA travel by rail.

Table 1: Method of Travel to Work (2011 Census Table QS701EW)

Method of Travel to Work	Transport Plan Table 3.4 Mode Share 2011 Census	2011 super output areas - middle layer E02005054 : Dover 014	2011 super output areas - lower layer E01024201 : Dover 005A	E04004913 : Northbourne
Public transport	6.2	7.5	5.2	5.0
Taxi	0.4	0.5	0.1	0.0
Motorcycle, scooter or moped	0.9	0.9	0.7	0.3
Driving a car or van	70.2	76.3	80.1	81.3
Passenger in a car or van	7.1	6.1	6.0	4.4
Bicycle	3.3	1.4	1.7	1.9
On foot	11.9	7.2	6.2	7.2
Total	100.0	100.0	100.0	100.0
Number		3203	699	321

Source: Census 2011 Table QS701EW Travel to Work
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Table 2: Method of Travel to Work by Public Transport (2011 Census Table QS701EW)

Method of Travel to Work	2011 super output areas - middle layer E02005054 : Dover 014	2011 super output areas - lower layer E01024201 : Dover 005A	E04004913 : Northbourne
Underground, metro, light rail, tram	0.1	0.0	0.0
Train	3.2	2.1	1.2
Bus, minibus or coach	4.2	3.0	3.7

Source: Census 2011 Table QS701EW Travel to Work
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21 It is also helpful to consider how far residents travel to work. 2011 Census data for the MSOA, LSOA and Northbourne Parish are set out in Table 3 below.

22 The distance travelled to work data indicates that people living in the rural area are much more likely to travel farther to work than people living in the urban area. Whilst the percentage working at or from home is greater in the rural area it is not possible to know the split between those working at home and those whose work involves travelling to their place of work from home, for example self-employed craftsmen.

Table 3: Distance travelled to work (Census 2011 table QS5702EW)

Distance travelled to work	2011 super output areas - middle layer E02005054 : Dover 014	2011 super output areas - lower layer E01024201 : Dover 005A	E04004913 : Northbourne Parish
Less than 10km	51.9	36.5	33.3
10km to less than 20km	9.8	21.6	23.8
20km to less than 30km	10.4	7.0	5.5
30km to less than 40km	1.6	2.6	1.7
40km to less than 60km	2.7	1.4	1.7
60km and over	5.3	4.6	4.7
Work mainly at or from home	9.2	15.2	17.5
Other	9.1	11.1	11.9
Total	100.0	100.0	100.1
Average distance (km)	18.1	19.2	20.8

Source: Census 2011 Table QS702EW Distance travelled to work
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23 On 12 June 2019 the Prime Minister announced that the UK will eradicate its net contribution to climate change by 2050. A statutory instrument was laid in Parliament which amended the net UK carbon account target from 80% to 100%.

24 The Climate Change Committee have submitted annual Progress Reports to Parliament. A common theme has been the need to deliver car-km reductions.

25 The Foreword to the recent Committee on Climate Change (July 2019) points out tougher targets do not in themselves reduce emissions – new plans, must be drawn up to deliver them, that climate change will continue to warm in the short-term, and sea levels will continue to rise and that we must plan for this reality.

26 The recent House of Commons Science and Technology Committee report¹ in its Conclusions and recommendations encourages the Government *‘to develop and act on policies to ensure that the UK is on track to meet a 2050 net-zero emissions target’* and that *‘it must seek to achieve this through, wherever possible, domestic emissions reduction.’*² With regard to decarbonising transport the Committee state *‘The Government’s current long-term for decarbonising transport focus heavily on reducing exhaust emissions and increasing sales of low-emissions vehicles, rather than delivering a low-emissions transport system. In the long-term, **widespread personal vehicle ownership does not appear to be compatible with significant carbonisation.** The Government should not aim to achieve emission reductions simply by replacing existing vehicles with lower-emission vehicles.’* And continues *‘it must develop a strategy to stimulate a low-emissions transport system, with the metrics and targets to match. This should aim **to reduce the number of vehicles required**, for example by: promoting and improving public transport; reducing its cost relative to private transport; encouraging vehicle usership in place of ownership; and encouraging and **supporting increased levels of walking and cycling.**’*³ [My emphasis].

¹ House of Commons Science and Technology Committee 22 August 2019
<https://www.parliament.uk/business/committees/committees-a-z/commons-select/science-and-technology-committee/news-parliament-2017/clean-growth-report-published-17-19/>

² House of Commons Science and Technology Committee Conclusions and recommendations paragraph 3

³ House of Commons Science and Technology Committee Conclusions and recommendations paragraph 31

27 The UKFIRES report Absolute Zero (Delivering the UK’s climate change commitment with incremental changes to today’s technologies)⁴ published in November 2019 sets out that for the UK to achieve zero carbon emissions by 2050 road use will need to be at 60% of 2020 levels - through reducing distance travelled or reducing vehicle weight; and that total energy required to transport food will need to be reduced to 60%. [https://ukfires.org/absolute-zero/]. As set out in paragraph 18 above the Framework Travel Plan assumes that future modal split will mirror the 2011 picture. This will not help achieve the 60% reduction in distance travelled identified by UKFIRES.

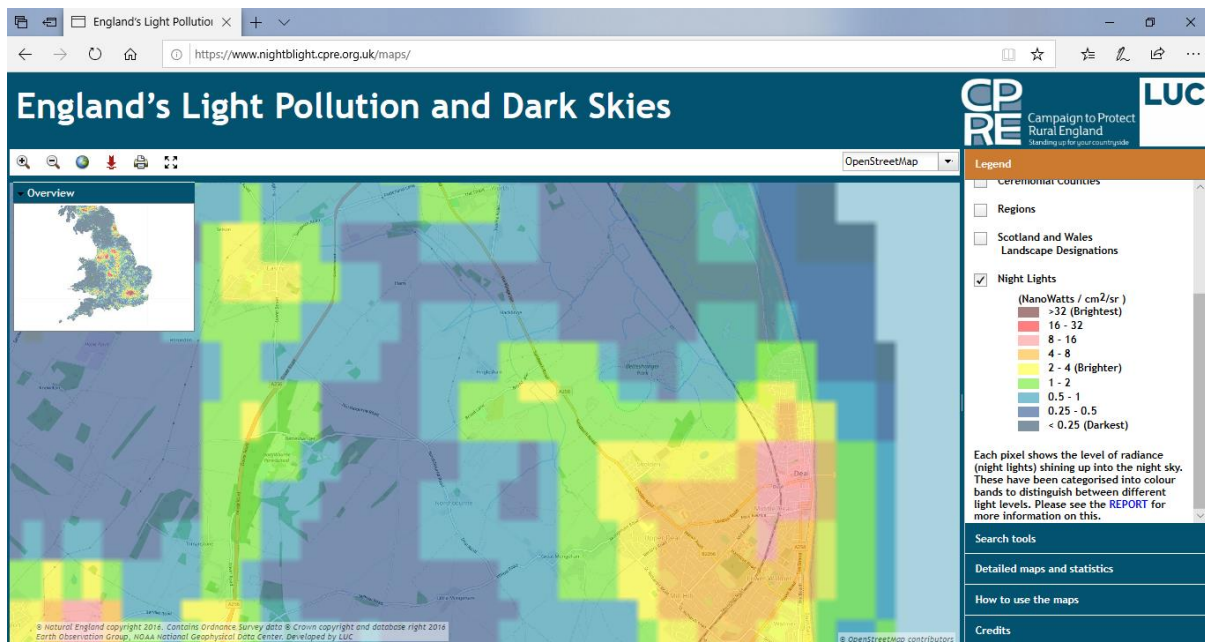
28 The aim of the Framework Travel Plan set out at paragraph 4.1.1 is “to promote a shift away from car-based travel and encourage existing and new businesses on site to move toward more sustainable travel. The intention is to influence how journeys are made on a day to day basis and to engage all the occupiers in the monitoring of travel behaviour.” However, the Travel Plan is sadly lacking. It provides neither evidence that it will be possible to reduce reliance on the use of cars and vans and increase the use of public transport and active travel, nor actions that the developer will take to achieve this aim or concrete proposals that will result in a change in behaviour. The proposed development makes no positive contribution to achieving governments zero carbon level targets, nor the Council’s own Climate Change Emergency declaration.

4 The site is in an area of intrinsically dark skies

29 NPPF paragraph 180 requires planning decisions to ensure that “new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:
c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.”

30 The CPRE Dark Skies map indicates that the site lies within an area of darker night skies (see Figure 1 below). The proposed development would introduce light pollution into an area of intrinsically dark landscape contrary to the NPPF.

Figure 1: CPRE Dark Skies Map



5 The site is in one of the more tranquil parts of the district

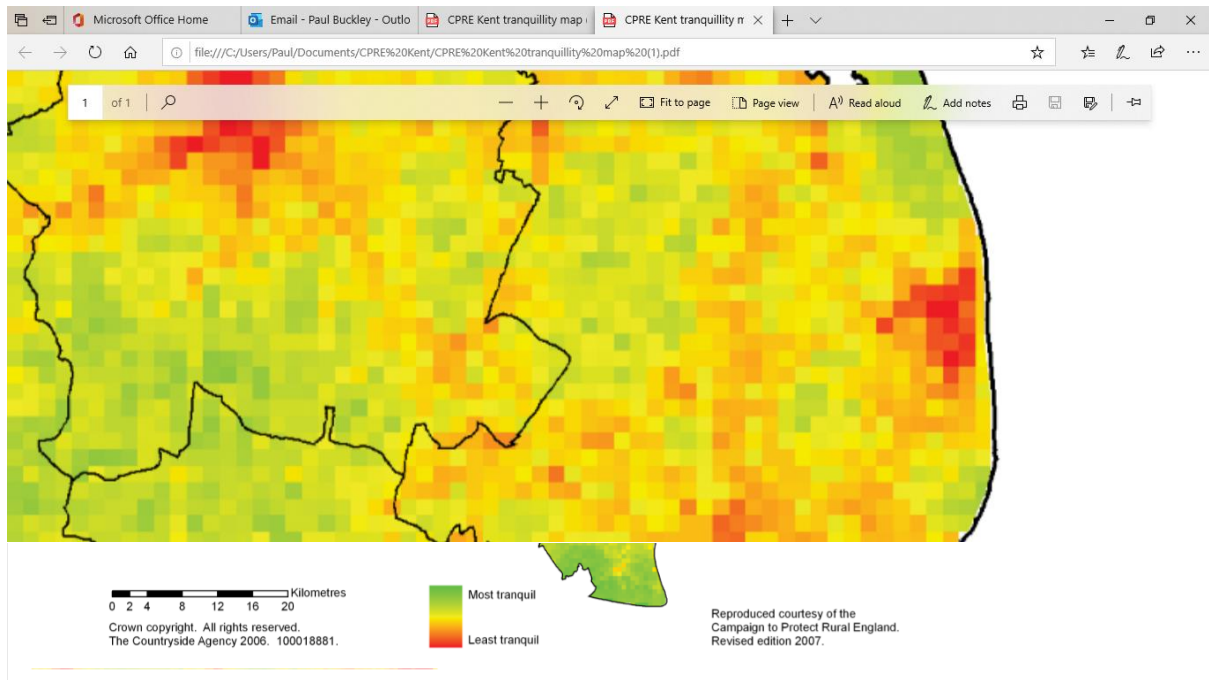
⁴ <https://ukfires.org/absolute-zero/>

31 NPPF paragraph 180 requires planning decisions to ensure that *“new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:*

b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason”

32 The CPRE Tranquillity map indicates that the site lies between moderate and most tranquil (Figure 2). The proposed development would reduce the tranquillity of the area contrary to the NPPF.

Figure 2: CPRE Tranquillity Map



6 The site is Previously developed land site that is regenerating back to nature

33 The NPPF Glossary describes Previously Developed Land as: *“Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: ... land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.”*

34 The site has been vacant for some 30 years and not only is it being reclaimed by nature but also tree planting has been undertaken and walkways have been created for the public. The application seeks to redevelop much of the site contrary to the NPPF.

7 Open Space

35 Adopted Core Strategy policy DM25 Open Space resists development proposals that would result in the loss of open space. Point vi of the policy states that *“in all cases except point 2, the site has no overriding visual amenity interest, environmental role, cultural importance or nature conservation value.”* Point 2 refers to where there is a qualitative or quantitative deficiency in public open space in terms of outdoor sports sites, children's play space or informal open space the site is incapable of contributing to making it good. The site layout indicates that much of the site, excluding water bodies will be developed. This will significantly reduce the area of public open space, wildlife habitat and biodiversity opportunity area. The development will destroy all the rewilding that has taken place since the colliery closed in 1989 along with all the tree and bush planting and public paths provided through funding. PROW are maintained as recreational use.

The site forms part of a specifically created Country Park using public funding. It also forms part of the Miners Trail, is used as public open space and no evidence has been provided that the site has no nature conservation value. Development would result in the loss of this public open space

36 If the Council is minded to approve this application it will be important that there will be pedestrian, cycle and horse connectivity to the country park - and that the routes into it are protected. Horse crossing lights should also be introduced, where the button is high enough to be pushed from the back of a horse.

8 Green Infrastructure Network

37 Adopted Core Strategy CP7 Green Infrastructure Network seeks to protect and enhance the integrity of the existing network of green infrastructure through the lifetime of the Core Strategy. The preceding Figure 3.6 'Improvements to Green Infrastructure Network' identifies the application site as part of a wider area for proposed network improvements. Development on the scale proposed will not help achieve this.

38 The eastern part of the site adjoins the North Stream SSSI and housing is proposed adjacent to it. NPPF paragraph 175 b) states that *"development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted."* There will be predator pressure and disturbance from domestic animals which along with human activity will have an adverse impact on wildlife and housing at this location would be inappropriate.

9 The proposed development could result in substantial harm to heritage assets

39 NPPF paragraph 193 advises local planning authorities *when 'considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.'*

40 Paragraph 194 continues: *'Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:*

- a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;*
- b) assets of the highest significance, grade I and II* listed buildings, grade I and II* registered parks and gardens, should be wholly exceptional.'*

41 With regard to significance for heritage policy the NPPF Glossary defines this as *"The value of a heritage asset to this and future generations because of its heritage interest. The interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting."*

42 The Dover Adopted Core Strategy 2010 Policy DM19 Historic Parks and Gardens states that *"Permission will not be given for development proposals that would adversely affect the character, fabric, features, setting, or views to and from the District's Historic Parks and Gardens."*

43 The south western part of the application site is in close proximity to Northbourne Court Park and Garden (Grade II*), within which are 5 listed buildings (ranging from Grade II* to Grade II). The Park and garden adjoin the Northbourne Conservation Area within which there are 15 listed buildings (one Grade I, one Grade II*, and thirteen Grade II).

44 There are also three listed buildings at Marley Lane (Grade II) and three at Finglesham (Grade II).

45 Whilst the application is accompanied by a Built Heritage and Archaeological Assessment it does not appear to consider the impact of the height and density of proposed development on the setting of these heritage

assets. It is therefore not possible to be convinced that the proposed development will not result in substantial harm to Northbourne Court Park and Garden contrary to the NPPF and Policy DM19.

10. Local traffic issues

46 There is local experience that there are already holdups on the Eastry and Sandwich Bypasses. The HELAA for the site states: *“Site observations suggest that the existing access road/junction onto the A258 appears to have residual capacity with limited queuing, however a development of this size and scale could have an impact on traffic flow on the A258 corridor as it would generate far greater opposing movements than are currently experienced, therefore more detailed traffic study and capacity checks will need to be undertaken to check the impact of development at this junction.”*

47 The HELAA also recognises that *“the proposed site is surrounded by a network of rural routes that in their current form may not be suitable to accommodate significant increases in traffic flow (without improvement).”* Improvements to these rural roads is likely to adversely change their character along with rural nature of this area.

48 The Department of Transport manual Annual average daily flows traffic data for the A256 and A258 (see Table 4 below) show that vehicular traffic has increased significantly on these roads since 2001 / 2002. It should be noted that the data shows that bus and coach services have reduced significantly over this period. Given the low usage of pedal cycle and public transport it is more than likely that residents of the proposed development will travel by car adding further to traffic on not only these A roads but also country roads (see also paragraphs 13-22 above).

Table 4 Department of Transport Annual average daily flows on A256 and A258

Road	Location of manual traffic count	Site number	Change	Pedal cycles	Two wheeled motor vehicles	Cars & taxis	Buses & coaches	Light goods vehicles	Heavy goods vehicles	All motor vehicles
A256	From C road towards Nonington to A258	26842	2001-2018							
			Number	-15	-66	2247	-42	815	25	2979
			Percentage	-88	-33	29	-45	72	5	30
A256	From A2(T) to C road towards Nonington to A258	6824	2001-2018							
			Number	-16	-75	2587	-27	585	-11	3059
			Percentage	-55	-44	29	-31	48	-4	28
A258	From Sholden New Road to Burgess Green	78159	2002-2017							
			Number	22	105	2095	-36	527	-80	2611
			Percentage	88	91	20	-33	38A258	-24	21
A258	From Burgess Green to Deal Road	16798	2002-2017							
			Number	-16	-75	2587	-27	585	-11	3059
			Percentage	-55	-44	29	-31	48	-4	28

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11 Ecology

49 Limited ecological evidence has been supplied by the applicant. CPRE Kent has spoken with Aspect Ecology and has been advised that survey work they started on species surveys in April is still ongoing – full reports will be provided in June on Great Crested Newts, Bat, Reptile, Badger species, together with detailed habitat survey incorporating an assessment for invertebrates. Dormouse and Breeding bird surveys have been undertaken but have not been made publicly available and should be. It is noted from the Council’s HELAA for this site that the EA have raised concerns about the impact on the wetlands.

50 These are important surveys and natural justice requires that the application should not be determined until the surveys have been uploaded onto the Council's webpage and members of the public (and other interested parties) given 28 days to consider and comment on them.

51 NPPF 170 (d) and 175 (d) respectively require development to minimise impacts on and provide net gains for biodiversity, and that *"development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity."* The Environmental Bill sets this as 10% biodiversity net gain. The application does not appear to provide for a 10 per cent biodiversity gain, rather results in a loss of biodiversity.

52 CPRE Kent's Ecologist has the following comments on the Ecological Appraisal:

Page 1. para. v. **Habitats** it states, *'Generally the habitats present are considered to be of limited ecological value, with some elevated potential associated with the woodland, ponds and wetland, albeit these areas are retained under the proposals.'*

Then at para vi. **Protected Species.** The report states, *'The site offers some suitability for protected species, and a number of priority bird species were recorded during the survey work undertaken. Additionally, suitability is present within the site for species such as bats, badger, water vole, great crested newt, reptiles and birds.'*

In our opinion, if it is necessary to survey for six different priority species on one particular site, then this would be regarded as a biodiverse site and not as described above, 'to be of limited ecological value'. Since the mine has closed this area has regenerated and been repopulated by a range of flora and fauna. Betteshanger colliery is unique in that it offers a rich diverse mosaic of habitats ranging from woodland, brownfield, wetland, grassland and ponds, which in turn offers an abundance of options for a range of taxa to take advantage of, clearly evident in the number of priority species surveys that are necessary, indeed this site is marked on KCCs Kent Land and Information System (KLIS) as a Biodiversity opportunity area. See Figure 4.

For example, it's likely that the recolonised hard-standing areas of this disused mine and associated buildings will be a hotspot for reptiles and great crested newts (GCN) utilising the crevices along with a range of invertebrates, small mammals and possibly as temporary bat roosts and so be of good ecological value.

Page 5. 2..3.10. Dormouse Survey. A dormouse survey was carried out in 2018. Why has this survey report not been made available to interested parties as part of the planning application?

Page 5. 2.3.1. Breeding Bird Survey. A breeding bird survey was carried out in 2018. Why has this survey report also not been made available?

Page 6. 2.4.3. We agree that absence should not be assumed for invasive species due to the timings of this survey being suboptimal, we would like to expand on this sentiment and add that absence cannot be assumed or confirmed for any species of flora and fauna that may be on site until a species specific survey has been completed.

Page 9. Statutory Designations. The Northern most point of the site lies directly adjacent to several nationally and internationally designated sites (see Figures 3 to 9) including SSSI, Ramsar and UK BAP plus other priority grassland and woodland areas. The proposed development at its most northern point overlaps a biodiversity opportunity area which would be lost where the development to be allowed to proceed. When a development overlaps or sits adjacent to nationally and internationally important designations, the site itself then must be afforded the same considerations as if it were a SSSI or RAMSAR.

3.1.1 States: *"Sandwich Bay to Hacklinge Marshes SSSI and Thanet Coast and Sandwich Bay Ramsar intersect the north eastern part of the site and also lie adjacent to part of the north eastern boundary."*

The Government guidelines clearly state: *"If your proposal also affects a European protected site which is, or is proposed as, a SAC, SPA or Ramsar wetland, the planning authority will need to do a Habitats Regulations assessment. You may need to give the planning authority extra information to help them do this assessment,*

eg extra survey information.” [https://www.gov.uk/guidance/protected-sites-and-areas-how-to-review-planning-applications]

We see no evidence of a Habitats Regulations Assessment having been completed, yet the development cannot fail to negatively affect the adjacent designations due to the proximity of the proposed development, plus no obvious regard for these sites have seemingly been considered, this is evident as very little in the way of buffer zones have been offered and the detailed plan shows intended construction on every available green space with the exception of a mown area in the centre of the site.

There are a number of ways in which this development is highly likely to directly impact the protected sites.

1. Increase recreational pressure
2. Increase in light pollution
3. Increase in domestic pet predation and disturbance
4. Increase in noise pollution

Furthermore, the Government gives clear advice about development in or near SSSIs and sites with European protection [https://www.gov.uk/guidance/protected-sites-and-areas-how-to-review-planning-applications].

“Sensitive areas

The more environmentally sensitive the location, the more likely it is that the effects on the environment will be significant and will require an Environmental Impact Assessment. Certain designated sites are defined in [regulation 2\(1\)](#) as sensitive areas and the thresholds and criteria in the second column of the table in [Schedule 2](#) are not applied. All developments in, or partly in, such areas should be screened. These are:

- *Sites of Special Scientific Interest and European sites;”*

The Government goes further and states.

“An Environmental Impact Assessment is more likely to be required if the project affects the features for which the sensitive area was designated.”

Page 12. Habitats and Ecological Features. 4.3.2. The report states *“hedgerows, deciduous woodland, ponds and lowland fen are considered to potentially qualify as Priority Habitats and may constitute important ecological features.”* However, according to MAGIC (Defra), the area referred to as W1 in the report and shown on Figure 9, is listed as priority habitat. W1 and W4 are earmarked for ‘some’ clearance work. When studying the detailed plan within the brochure, only a thin strip of both priority habitats is illustrated as remaining, yet Page 14. 4.6.7. states, *“some minor clearance works are proposed in relation to woodland W1 and at the eastern edge of woodland W4, comprising around 0.4ha in total (less than 10% of the total woodland area)”*. These two areas of woodland are the only two areas marked as priority habitat on MAGIC (Defra). The rest of the woodland and trees lining the site, are also showing as a reduced canopy when comparing the original map with the detailed plan. If the detailed plan is to be believed, then we question the accuracy of the stated 10% total for tree removal, especially taking into consideration the purposefully planted young woodland, referred to as scrub, is also to be cleared.

This eroding of habitats within and around the proposed site will only serve to negatively affect the surrounding designated sites as flora and fauna do not recognise human boundaries drawn on a map and will undoubtedly migrate between areas.

The woodlands, hedgerows (also a priority habitat) and newly planted woodlands together with the pond and reed bed serve to enrich this area and compliment the designated areas. It is important to consider Betteshanger colliery holistically and not each micro habitat in isolation.

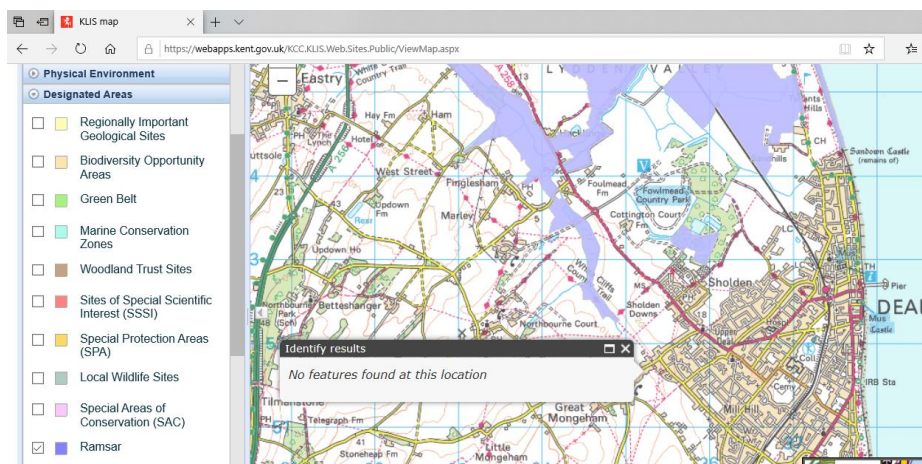
Page 19. 5.3.2. The desktop study revealed the presence of eight species of bat on site. This represents 50% of the 18 species of bat in the UK and is thus significant and should be given material consideration pending the survey results.

Following a site visit on the 20th May 2020 our CPRE ecologist observed refugia laid down, presumably for the reptile survey. There were observations made that greatly concerned her, which she will address when she has full site of the report.

According to the Ecological Appraisal there are protected species surveys outstanding or in the process of being completed, we look forward to reading these reports with interest. These include: Bat; Badger; Water vole; Great crested newt; Reptile; Invertebrates

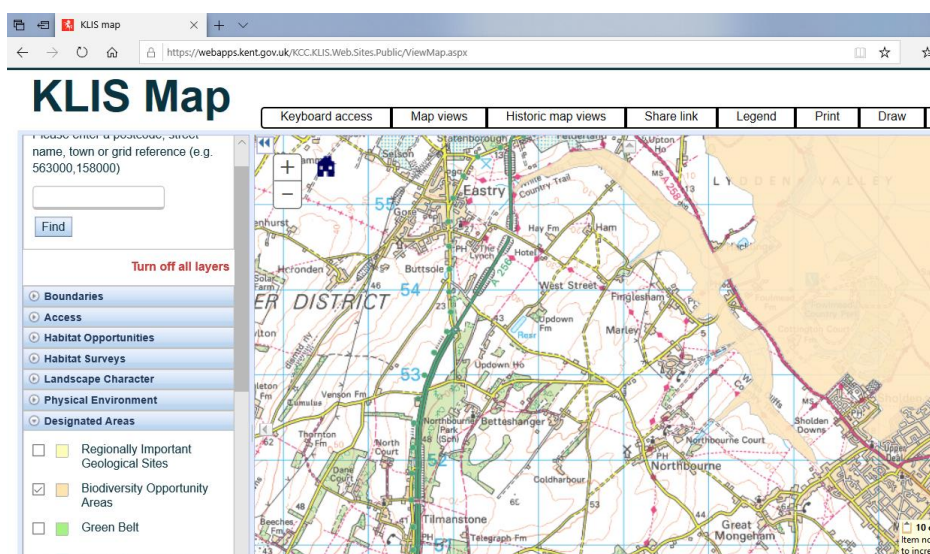
We also look forward to a full botanical survey. For your information we attach a map and list sent to us by a local CPRE member of flora found to be present on site (see Table 5 and Figure 10). This list is not exhaustive. A more comprehensive list is available from the Kent and Medway Biological Records Centre (KMBC). Pennyroyal is Critically Endangered on the **England** Red List and was an 'original' BAP species with a Species Action Plan and is also Schedule 8. Lizard Orchid is Near Threatened on the **GB** Red List, is Vulnerable and Near Threatened, according to Plantlife and is Schedule 8.

Figure 3: RAMSAR (Source KCC KLIS Map)



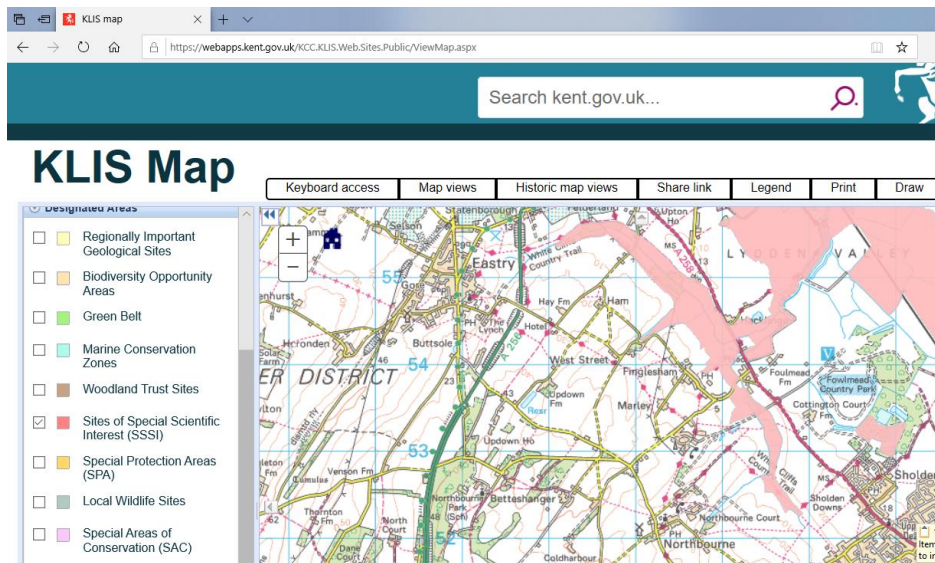
KCC Copyright

Figure 4: Biodiversity opportunity area (Source KCC KLIS Map)



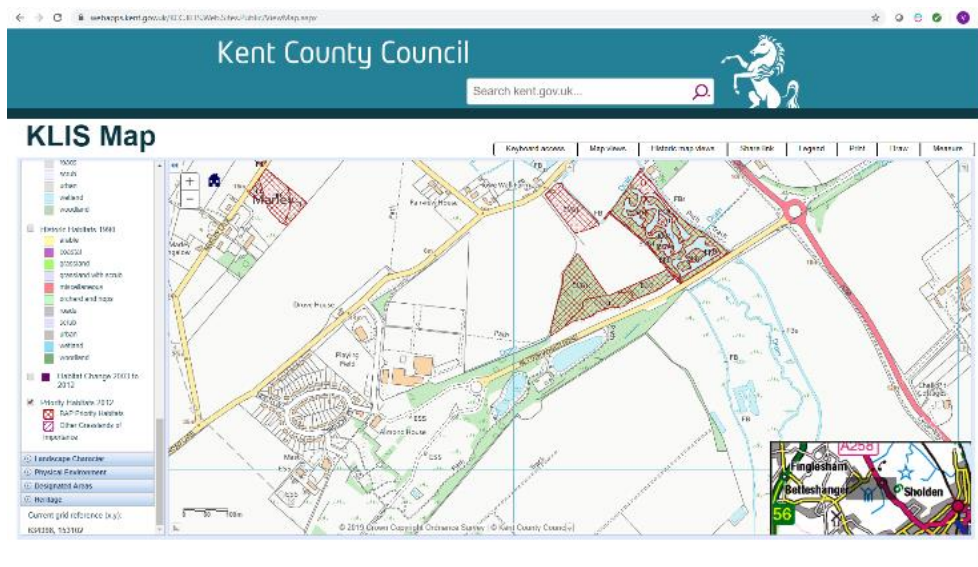
KCC copyright

Figure 5: SSSI (Source KCC KLIS Map)



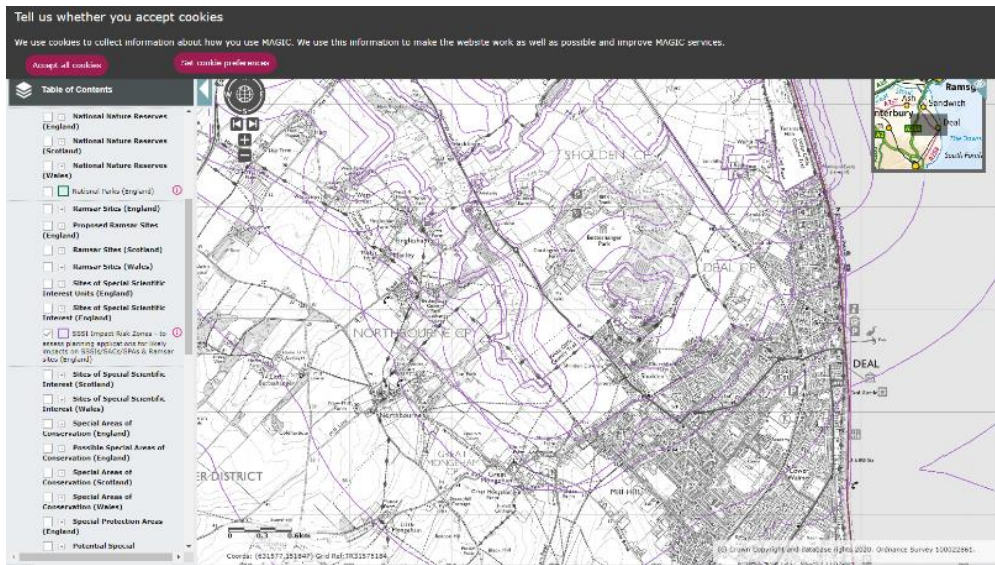
KCC copyright

Figure 6: UK BAP & other grasslands of importance (Source KCC KLIS Map)



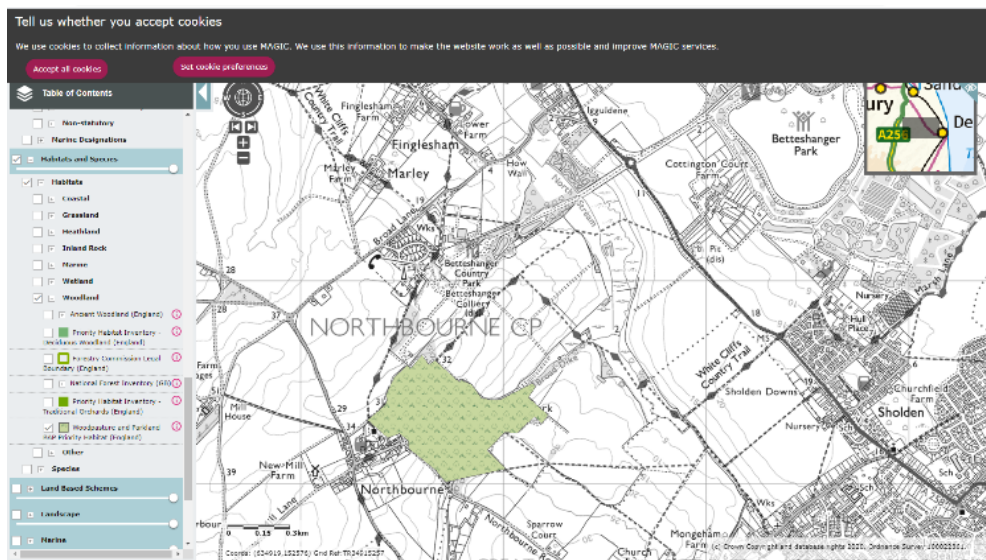
KCC Copyright

Figure 7: SSSI Impact Risk Zones (Source MAGIC)



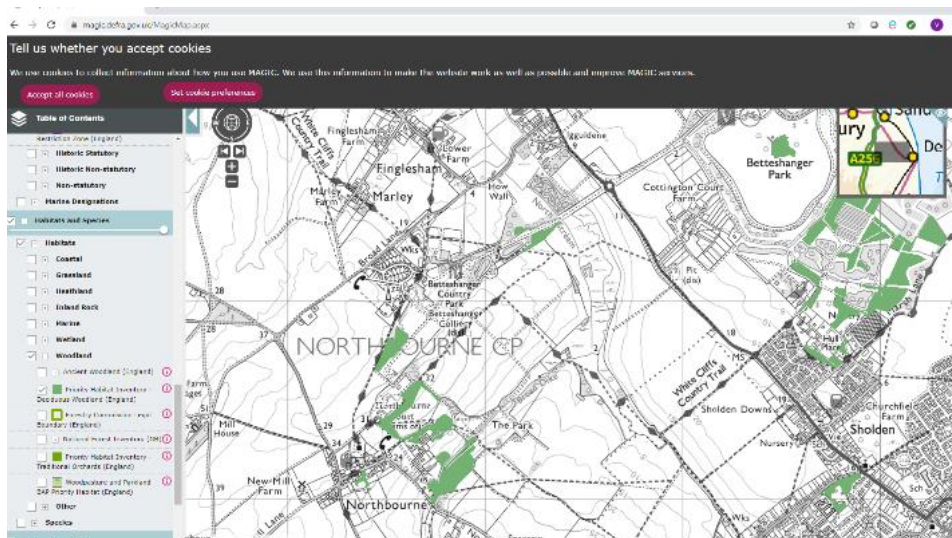
Crown copyright

Figure 8: Woodpasture and Parkland BAP Priority Habitat. (Source MAGIC)



Crown Copyright

Figure 9: Priority Habitat Inventory Deciduous Woodland. (Source MAGIC)



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Table 5: List of wild flowers found on the Betteshanger Road Colliers Way site 2019/20

Agrimony	Cats ear	Hemp agrimony	Pendulous sedge
Bee orchid	Celandine lesser	Herb bennett	Penny royal*
Birds foot trefoil	Chalkweed	Herb Robert	Ploughman's spikenard
Biting stoncrop	Comfrey	Hogweed	Common scurvy grass
Bittercress	Cleavers	Hop trefoil	Common stork's bill
Black mustard	Common centuary	Lady's bedstraw	Convovulus
Blue fleabane	Common cudweed (near threatened status)	Mare's tail	Cranesbill (3 kinds)
Bramble	Germander Speedwell	Medicks	Common cinquefoil
Bristly ox tongue	Ground ivy	Marjoram	Common mallow
Broadleaved Willow herb	Groundsel	Moth mullein	Creeping cinquefoil
Burdock	Great hairy willowherb	Mugwort	Common scurvy grass
Canadian fleabane	Great mullein	Nettle	Creeping thistle
Caper spurge	Hard head	Ox eye daisy	Common scurvy grass
Carline thistle@	Hedge bedstraw	Ox tongue	Creeping thistle
Daisy	Evening primrose	Forget me not (may be early forget me not)	
Dock	Everlasting pea	Figwort	Red clover
Dog Rose	Eyebright	Primrose	Red campion
Dwarf mallow	Field madder	Pyramidal orchid	Red dead nettle
English sone crop	Fleabane	Ragwort	Rest harrow
Ribwort plantain	Stinking iris MORISONII	Wild Basil	Yarrow
Rosebay willowherb	Sweet violet	Wild carrot	Yellow wort
Scarlet pimpernel	Teasel	White clover	Lizard orch
Scentless mayweed	Upright hedge parsley	White campion	Wall Bedstraw\$
Self heal	Vervain	White melilot	Small flowered Primrose
St Johns wort (perforate?)	Vipers bugloss	Wild parsnip	
Sow thistle (unconfirmed)	Ploughman's spikenard	Woody nightshade	
Speart thistle SPERGULA	Weld	Wild strawberry	

Notes:

@ Listed in Red Data Book as Nationally Threatened

* a schedule 8 plant Protected under Wildlife and Countryside Act

\$ Listed in Red Data Book as Vulnerable

Figure 10: Examples of Wildflowers and their location on Betteshanger Grove

