

Our ref: 866660/grh
Your ref: SW/14/0502

Item 2.6 SW/14/0502

7th October 2014

Martin Evans
Swale Borough Council

By email only – no hard copy



Kent Wildlife Trust

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Dear Martin,

RE: Erection of poultry shed and grainstore, with associated access tracks, hardstandings, turning areas, land profiling and feed silos, Woodland Farm

We have read the Report of the Head of Planning ('the Report') regarding this application and felt the need to submit a further response to that of 23rd May 2014. We would be grateful if you could bring these further comments to the Committee's attention.

Within the Report, the term 'ancient woodland' has been misunderstood, and therefore Natural England's (NE) Standing Advice misapplied. Ancient woodland is a diverse and complex habitat, principally defined by its ground flora. As such, while permanent loss of, or damage to, trees could constitute 'loss or harm to ancient woodland', loss or damage to trees is not the only activity that results in loss or harm to ancient woodland. The Report states "*The chickens grazing inside the woodland also reduce its ecological value.*" This impact, and the intensification of it, constitutes 'loss or harm to ancient woodland', and paragraph 118 of the National Planning Policy Framework (NPPF) therefore applies. In order to comply with this, the Planning Authority must be confident that need for and benefits of the development in that location clearly outweigh the loss of or harm to ancient woodland. Unfortunately no information has been provided by the applicant regarding the ecological impacts of the proposals, so this judgement cannot be made.

It should be noted that these comments from the Borough's Tree Consultant relate to the protection of trees, not the impacts upon ancient woodland. The suggested safeguards that may be adequate for tree protection or TPOs are not adequate for the avoidance of impacts upon the ancient woodland.

The Report states "*No ecological appraisal is required on this basis because there would not be a reasonable likelihood of protected species being present or effected[sic].*" It is unclear what this assertion is based upon as no ecological information has been provided. Given the habitat, the importance of woodland edge habitats to protected species, and the known use of the woodland by protected species, it seems likely that there would be some impact on protected species. This is consistent with application of NE's Standing Advice regarding protected species, which identifies woodland as a habitat supporting protected species.

Additionally, the requirements for considering biodiversity when determining planning application go beyond protected species. The NPPF states that "*The planning system should contribute to and enhance the natural and local environment by... minimising impacts on biodiversity and providing net gains in biodiversity where possible...*" Section 40 of the Natural Environment and Rural Communities



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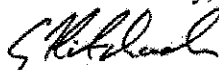
Act 2006 (NERC) also places a duty on all public authorities in England and Wales to have regard, in the exercise of their functions, to the purpose of conserving biodiversity.

The Report also states *“I note the objection of Kent Wildlife Trust. However, the use of the land for agriculture does not require planning permission therefore it is only the impact of the buildings that is being considered here.”* We reject this statement. The potential for deterioration of the ancient woodland (and impact on biodiversity and protected species) through agricultural intensification is attributable to the planning application being considered. It is entirely consistent with the NPPF to consider the indirect impacts of a planning application as well as the direct impacts. It is unreasonable, and contrary to the purpose of the NPPF to achieve sustainable development, to argue that the planning application and agricultural use of the land are not connected, regardless of whether or not the agricultural use of the land would require planning permission in isolation.

We restate our objection to this application in the absence of information regarding the impacts on the ancient woodland and how they will be mitigated. *“Planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland unless the need for, and benefits of, the development in that location clearly outweigh the loss.”* (NPPF Paragraph 118).

We advise the Council to refuse permission as the applicant is not consistent with the NPPF, nor Natural England’s Standing Advice regarding ancient woodland or protected species.

Yours sincerely,



Greg Hitchcock