



Biodiversity/Environment: Regulation 19 Report

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BIODIVERSITY: Regulation 19 report – May 2021

Note: all images in this report were taken in Capel

FOREWORD

This report was initially prepared from objections raised by Save Capel at the Regulation 18 consultation. The Biodiversity Team have many concerns about TWBC's proposed developments for Capel, some of which cross-over into other subject matters, such as the damage to the setting of our historic buildings and farmsteads, the scarring of the landscape, the loss of highly productive agricultural land and the danger posed to the health and well-being, even existence, of a close rural community. However, this report concentrates on the threat to our local fauna and flora.

The initial report held the intention is to assist Save Capel persuade TWBC to look for more suitable locations for the borough's housing need, particularly brownfield sites, including in Capel, and the urban generation that is so needed in Tunbridge Wells. However, TWBC continues to pursue development in open countryside, so the report has been updated for Regulation 19 scrutiny.



Grass snake: Capel

1. BIODIVERSITY RECORDS

Whilst there are various organisations that maintain wildlife records of the area, these are centralised in the **Kent & Medway Biological Record Centre** (KMBRC). It is to this body that developers turn to when assessing and investigation fauna and flora in our area in a 'desk top survey'.

At the start of the Save Capel campaign, links were forged with the **Campaign for the Protection of Rural England** (CPRE) who advised:

"People need to be much more proactive and record every bit of flora and fauna from earwigs to bats, dormice and orchids, trees and how old with the Kent and Medway Biological Records Centre (KMBRC)... If no flora and fauna has been



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recorded then none will be flagged up. The developer then sends in their own ecologists and as the ecologist is under the payroll of the developer it's not in their interest to find dormice, bats, great crested newts or early spider orchids for example, as this can delay a development and cost...a lot in mitigation etc. and in some rare cases prevent a development from even going ahead."

Examination of KMBRC records shows a sparsity of data for the proposed sites in Tudeley and East Capel. This is likely due to a previous lack of developer interest in the areas. When development opportunities arise, records tend to inflate as compulsory biodiversity checks are run by ecologists and local communities begin to report sightings. However, the rigorous nature of checks by ecologists may depend upon the level of recorded data; the more evidence as exists, the closer a developer will need to look to confirm and consider mitigation. As the CPRE state, if a species is not recorded there is an opportunity not to find it.

The KMBRC themselves also state "...the lack of information for a geographically defined area does not automatically imply a low biodiversity value for that area: it may simply be under recorded."

Comment

TWBC's assessment of fauna and flora in Capel in their **Biodiversity Evidence Base Update of February 2021**¹ uses KMBRC records, but the data looks out-of-date. Save Capel looked at KMBRC records in 2019 and found more recent data. For example, TWBC's latest 'Mammal' recording is 2017 but Save Capel's is 2018 (3 x Pipistrelle Bat); TWBC's latest 'Bird' recording is 2016, Save Capel's is 2017 (14 separate sightings). Although there may be a lag between submitting records and being logged officially, more recent KMBRC records would show more identifications as a response by residents to the development proposals.

Given the enormity of the plans for the area, the use of historic data to justify the proposals is suggestive of a process being followed because it has to be, rather than a professional commitment to accuracy.

2. TUDELEY – The Hadlow Estate (HE) Masterplan & Delivery Strategy²

*A more detailed analysis of the HE documents is at **Annex A**.*

The masterplan for Tudeley is presented very much in isolation. The wider setting, intrinsic to wildlife assessment and habitat mitigation, is largely blanked out in the mapping. It is therefore difficult to assess where the green corridors and wildlife habitat spread into and from the site and the connectivity. This internal focus is not just applied to biodiversity, but to listed buildings and 'key heritage viewpoints'; adjacent heritage buildings and the impressive views across the landscape to and from the AONB and Greensand Ridge are ignored.

The main hub of the development is adjacent to the central area of ancient woodland, but the sole linking green corridor is thin and cut by roads, effectively

¹https://tunbridgewells.gov.uk/_data/assets/pdf_file/0005/387563/Biodiversity-Evidence-Base-update.pdf

²<https://en.calameo.com/read/005138646e3c91ce5482a?authid=ofMfwz3z9AB7>



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isolating the woodland which is known to harbour roosting bats; this is likely to result in serious damage to the existing habitat. Indeed, all green corridors within the development are interrupted by roads, and replacing fields and orchards with housing and a segmented green network is unlikely to achieve a biodiversity gain of 10% as the HE masterplan claims.

The Delivery Strategy mentions (P24) *'...plans for a mosaic of wetland habitats...once quarrying of sand and gravel is complete'*, but the excavation works are likely to last 25 years, making these claims meaningless in determining their value to biodiversity. Other measures are listed in a 'benefits matrix' (P30), but are only described as *'possible'* works.

It is this uncertain reference to measures that raise questions on the seriousness of the HE's biodiversity ambition. For example, it is claimed there has been a 'thorough analysis' of many topics, including biodiversity, but no reports have been made public, so their content is no more than contained in the document.

The report even states requirements for biodiversity initiatives are not required as the site is not in or close to *'...any statutory or non-statutory wildlife site designation'*, contradicting the PSLP Development Management Policy EN 18 Section 6.228 which states *'In accordance with the European Landscape Convention the Local Planning Authority will view the landscape as a resource that will be protected as a whole and not just the designated sites or areas...'*. It adds that the proposals *'...will bring benefits to the site and local area which could not be delivered if the Tudeley plans were not to go ahead.'* No reasons are given for why these 'benefits' are dependent upon the proposal being accepted, which is a worrying insight into HE's claim to be *"...committed to active wildlife stewardship and conservation management..."* of the area.

With no apparent mechanism to ensure biodiversity net gain is achieved, and the HE report's citing that measures are not required, it is debatable whether there is any real commitment to biodiversity gain and replacement habitat. Indeed, the clearest detail of measures is a list of artificial homes for birds, bats and bees. It is not credible such measures alone can achieve biodiversity net gain, given the loss of so much irreplaceable habitat across the development.

Comment

The lack of specifics or assessment and the internal focus of the site, isolated from its wider setting, suggest HE's claims about mitigation and the benign nature of the proposals need careful scrutiny. However, despite the proposals for Tudeley Garden City being the cornerstone of the Local Plan, the HE Masterplan and Delivery Strategy have not been included in the suite of Regulation 19 documents produced by TWBC. This is even more curious TWBC refer to the HE masterplan as guiding the proposals and, therefore, must have the approval of



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Planning Services. Elements of the HE masterplan are even cited but not annotated, and no links offered, which the PSLP manages for other documents.

An argument that the Tudeley Delivery Strategy was not included as it was not commissioned by TWBC suggests opportunism, given the acknowledged importance to the Local Plan. Disclosure of all relevant evidence, which would include HE documents, is a legal norm in most circumstances and one would expect the same in the planning process. Moreover, in a reply to a query from Save Capel about this omission, the Strategic Sites & Delivery Team Leader stated: *'Further, given the document is on the Hadlow Estate's website, in the public domain, it was not considered necessary to include it on the TWBC website at this time.'* Presumably it will be included on the TWBC website at a time more convenient than a Regulation 19 examination.

The HE documents should be made available to Inspector scrutiny, rather than left to a planning application to be decided by TW Planning Services. To ensure proper disclosure of evidence links to the documents appear in this paper.

3. EAST CAPEL: PSLP Section 5: Place Shaping Policies - Strategic sites (Tudeley Village and Paddock Wood, including land at East Capel)

*More detailed analysis of this aspect of Section 5 is at **Annex B** where quotes are referenced; TWBC's double documentation makes that difficult here.*

There is little in this section relating to Biodiversity, but it is important to note TWBC accept there will be 'perceived' coalescence between settlements, notably between the expansion of Paddock Wood (PW) at East Capel and Five Oak Green (FOG) and Whetsted in Capel. Tree belts and denser housing elsewhere in the site is considered *'...an important design principal'*, but the need for such measures demonstrates merger will occur and can only be camouflaged, contrary to Green Belt principles.

Within East Capel is an area of ancient woodland (Whetsted Wood), divided by the railway line and connected to tree 'belts' north and south and the Tudeley Brook watercourse. This woodland will be important to wildlife in the area.

In terms of a lack of flood mitigation, a *'Wetlands Park... as a significant new area of natural open space...'* is proposed at the south-western corner of East Capel. This will border the A228, the proximity of which needs consideration given the flooding potential and the danger to drivers and wildlife should retention fail in this flood-prone area. No mention of potential hazards is made.

Although the document also claims there will be other *'...ecological and landscape enhancements as part of the exceptional circumstances case for the release of this Green Belt land...'* these are not described. Any enhancements therefore appear aspirational rather than guaranteed.



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The site is to be developed along garden settlement principles, including environmental improvement and biodiversity net gain. However, the inclusion of East Capel in the wagon-wheel of development around Paddock Wood will seal off residents in the town's west from the countryside East Capel provides them. The A228 border will make it harder for existing and new communities to access further into rural Capel.

The loss of habitat and encirclement of East Capel by housing and road networks makes biodiversity gain almost impossible, and there is no clear indication as to how it will be achieved. Development in PW is already having an effect, with deer appearing on local roads (May 2021) as their habitat disappears.

Comment

Reference is made to the David Lock Associates' (DLA) **Strategic Sites Master-planning & Infrastructure Study 2021** confirming deliverability of the proposals. But that document is equally short on biodiversity considerations, concentrating on the 'wetland park' and, as with Section 5 of the PSLP, much content in the DLA document is given to describing what they hope to do, rather than specifics. As such it is difficult to assess from either document what actual intentions there are beyond the so-called wetland park.

Indeed, it would appear such work has yet to start. For example, DLA state an ecological appraisal and other surveys would identify '*... suitable mitigation and enhancement measures which can be incorporated into a masterplan at an early stage.*' (4.136). It seems rather a leap to assess that the strategic sites are both 'justified and viable' - as claimed by TWBC in the PSLP (5.165) - if the work upon which to base such an assessment has not been done.

4. FIVE OAK GREEN BY-PASS

A significant impact to biodiversity would be expected by constructing the Five Oak Green Bypass, given the planned change from rural fields and farmland to a highway. The land concerned is classed as 'Priority Habitat Inventory – Traditional Orchards' and 'Priority Species for Countryside Stewardship Targeting – Lapwing' by MAGIC³. Record submissions for Lapwing nests have fallen to 300 per year. Lapwing population numbers have declined rapidly since the 1980s with number falling over 50%. The species is on the **Birds of Conservation Concern Red List** (see also P11).

Other rare species of fauna and flora live or visit the fields, hop gardens, hedgerows and woodland through which the proposed route follows, including:

- linnet, thrush (mistle, song, fieldfare and redwing), nightingale, cuckoo, tawney and little owl, buzzard, sparrowhawk and kestrel;
- hedgehog and various species of bat;
- slow-worm, grass snake, toad and frog;
- lichen, fungi, mosses and plants.

³ <https://magic.defra.gov.uk/MagicMap.aspx>



5. CUMULATIVE IMPACT ASSESSMENT

Capel Parish totals 5228 acres, including Five Oak Green⁴. The proposals would see development on 600 acres, or over 11% of the Parish, to accommodate 4,800 homes, or a third of the entire Borough's supposed housing requirements. Paddock Wood is targeted for thousands more, bringing the total in one area to over 65% of the Borough's development plans.

The proposals will all but join Tonbridge to Tudeley in the west; will merge Tudeley with Five Oak Green, and Five Oak Green with Paddock Wood in the east. An urban sprawl will be created across a rural Parish, all of which is in the Metropolitan Green Belt. The problem is exacerbated by Kent County Council (KCC) authorising gravel extraction in Capel and placing a further 200 acres at risk, from east of Hartlake Road at Tudeley stretching across the Parish to the A228 at Whetsted. (The area to be excavated belongs to the same landowner as the land at Tudeley). With additional plans for a Five Oak Green by-pass through green belt fields to a partial Colt's Hill by-pass proposal, which will threaten breeding grounds of the Lapwing (as described above), Capel will lose well over 15% of its countryside to development of one type or another. This cannot fail to have a serious and negative impact on the area's fauna and flora.

Save Capel argue a Cumulative Impact Assessment is needed, encompassing the TWBC proposals and KCC extractions. The environmental impact is likely to be far greater than if each proposal is considered in isolation, but TWBC continues to view the developments as separate, and neither Borough or County councils have discussed the wider impact of their plans upon the parish, despite stating in the PSLP EN14 6.179 *"In making decisions about the acceptability and location of new development, the Council will seek to avoid and reduce habitat fragmentation"*. However, it must be apparent that any such assessment would demonstrate that the proposals, if viewed together, would impact significantly on the parish as a whole. This would be true not just for biodiversity, but for other matters, including flooding, the historic landscape, pollution, and so on.

Natural England's 2005 research paper **"Going, going, gone? The cumulative impact of land development on biodiversity in England (ENRR626)"**⁵ states, *"Cumulative impacts threaten many of the government's sustainable development objectives. Development that ignores the threat of cumulative impacts cannot be called sustainable because it is contributing to a net reduction of biodiversity in England."* (p.6 point 5). The main types of cumulative impact are listed as: habitat loss, habitat fragmentation (the breaking down of habitat into smaller units), disturbance (such as noise, light, vibration, recreational activity, pet predation), and chemical or biotic pollution. All of these aspects will feature heavily given the significant size of the proposals across Capel, and be additionally impacted by the increased flood risk.

⁴Capel Parish Plan 2006

⁵<http://publications.naturalengland.org.uk/file/107006>



Comment

The Planning Inspector needs to consider why a Parish-wide Cumulative Impact Assessment for the TWBC proposals and KCC permissions is not taking place, given the strategic importance of the Capel sites to the Local Plan. Save Capel would ask the Inspector to press the Council's Planning Services to commission such an assessment, but through an independent practice as agreed with the Save Capel campaign and/or Capel Parish Council.

Development in Capel Parish on this scale cannot therefore be sustainable with regards to biodiversity.

6. PLANNING POLICY

National Planning Policy Framework (NPPF)

The NPPF states that biodiversity is a significant consideration (paragraphs 174, 175& 177), and plans should secure '*measurable net gains for biodiversity*'. If significant harm cannot be avoided or adequately mitigated, planning should be refused. The same is true if there is loss or damage to '*irreplaceable habitats*', including ancient woodland. Moreover, a plan cannot be sustainable if it '*...is likely to have a significant effect on a habitats site...'* or its integrity.

Moreover, to justify any loss in habitat, let alone release of green belt, there has to be 'wholly exceptional circumstances', but TWBC's argument continues to rely on the need for housing itself as the circumstance justifying the Capel proposals.

Other regulations and guidance exist to ensure environmental protection, such as the **Tree Health Resilience Strategy 2018** to increase and encourage healthy woodland. DEFRA's **Biodiversity 2020: a strategy for England's wildlife and ecosystem services** aims to '*...halt overall biodiversity loss, support healthy well-functioning ecosystems and establish coherent ecological networks.*' The **Global Agreement for the halt of biodiversity loss 2010-20** set an ambition to halt overall loss of England's biodiversity, and is mirrored by the **EU Commission's Biodiversity Strategy 2010-20** and the **UN Convention on Biological Diversity: Strategic Plan Targets for 2020.**

Conclusion: It remains to be seen how effective the strategies are, and whether TWBC has properly considered their environmental responsibilities, or is skirting around them. Promises of net biodiversity gain will need rigorous examination.



View of a portion of the Tudeley site from Crockhurst Street

7. WILDLIFE

The area is home to a number of endangered species, including EU protected species and birds considered Species of Principal Importance and / or Red List Birds of Conservation Concern.

EU protected species

GREAT CRESTED NEWTS (GCN): KMBRC shows GCN are present in Tudeley and East Capel, and will also exist in the areas of gravel excavation. The Stantec 'Desk Top' Ecology Report also verifies this "*...there is the potential for this species and other amphibian species to be present within on-site and nearby off-site ponds/ waterbodies and to use terrestrial habitats within the site during their terrestrial phase (for the great crested newt the core terrestrial area is c. 50m around pond, and this species can use habitat up to 500m from breeding ponds).*" Significant measures need to be put in place pre-development, such as translocation and additional mitigation. Such measures can be astronomically costly anything between £2,200 and £100,000 per newt (as quoted in press releases), depending on what is deemed necessary this might contribute to questioning the viability of the development.

DORMICE: nest tubes have been seen around the proposed quarry sites and an ecology report produced by PleydellSmithyman in 2018 confirmed the presence of the species across the area. The same report (commissioned as preparation for quarrying approval) identified that the surrounding area provided '...optimal habitat for dormice.'⁶The dormice will use hedgerows to migrate into Tudeley. KMBRC already has records of dormice in East Capel.

BATS: KMBRC records show four species in the areas (**common pipistrelle, soprano pipistrelle, brown long-eared and noctule**); all EU protected; see **Annex C** 'Recorded bat roosting locations: Capel.'

BADGERS: also an EU Protected Species but all data is highly sensitive and cannot be revealed here. However, the Badger Trust confirm there are badgers in the area: www.badgertrust.org.uk .

The presence of these species requires mitigation licenses from Natural England for development to go ahead. For each license application developers need to provide a 'reasoned statement'; which needs to state why development must go ahead in these locations, and why suitable, less damaging alternatives are not available with less of an impact on wildlife. However, no such licences have been seen by Save Capel to date and, like much else in the Local Plan relating to the Capel strategic sites, it is assumed applications will only be if applied for should the proposals receive official approval to proceed to planning application.

Other mammals include deer, foxes, hedgehogs, shrews, stoats and voles; and

⁶ P15: PleydellSmithyman: STONECASTLE FARM QUARRY – PRELIMINARY ECOLOGICAL APPRAISAL



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reptiles such as slow worms, grass snakes, toads, frogs and lizards. There is a wide variety of insects upon which many animals and birds depend.



Great Crested Newt and Common Toad: All Saints Church



Slow worm: Sherenden Lane

Birds

Kent Ornithological Society Records (which feed KMBRC data) show the following for the Tudeley site:

- 70 species of birds regularly rely upon the Tudeley site, over winter or during the breeding season.
- 53 bird species are considered to breed within the proposed site.
- 12 breeding species are **Species of Principal Importance** as listed in the Natural Environment & Rural Communities (NERC) Act 2006.
- 10 species breeding within the site are also on the **Birds of Conservation Concern Red List**⁷, the highest conservation priority, largely due to significant population decline as a result of habitat loss and change in agricultural practices.

Yellowhammer, linnet and skylark (all Species of Principal Importance and Red List) occur within the proposed site in high densities and all three species are undergoing significant population declines. The proposals can only exacerbate this decline through the loss of suitable fields. Indeed, with the proposals and gravel excavations, habitat will be squeezed from all sides, leading to a further and inevitable decline in numbers; a loss not just for the area but nationally.

To calculate Biodiversity losses and gains, planning applications will use DEFRA's Biodiversity Metric 2.0. The metric takes into account factors such as habitat distinctiveness and condition to give an overall score, known as 'biodiversity units.' TWBC are one of the early adopters of Net Gain policies in advance of national rollout. As the methodology is very much in its infancy several research projects (Durrell Institute of Conservation and Ecology, Lancaster Environment Centre) are underway assessing the true long-term effects on ecology in development sites.

The biometric has come under criticism for being based heavily on habitat rather than species, and weighted towards habitats such as deciduous woodland rather

⁷<https://www.rspb.org.uk/birds-and-wildlife/wildlife-guides/uk-conservation-status-explained/>



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than cropland which is considered of low-ecological value and subsequently being lost. This could have devastating consequences for the significant populations of UK declining field bird species such as Lapwings, Linnets, Yellowhammers and Skylarks observed on the Capel & Tudeley farmland.

Save Capel Bird Surveys at Tudeley: 21& 22 June 2019:

Alphabetical list of bird species observed (by sight or sound).

Key: UK Red List: *red* or *amber* / UK Biodiversity Action Plan Species: *

- Blackbird / Blue Tit
- Carrion Crow / Chaffinch / Chiffchaff / Collared Dove / Common Buzzard
- Goldcrest / Goldfinch / Great Tit / Green Woodpecker / Greenfinch / Great Spotted Woodpecker
- *House Sparrow** / *Kestrel* / *Linnet** / Magpie / Robin
- *Skylark** / *Song Thrush** / *Starling** / Stock Dove / Swallow / *Swift*
- Whitethroat / Wood Pigeon / *Yellowhammer**



Common Buzzard: Five Oak Green



Pheasant: Sychem Lane



Sparrow Hawk: Alder's Road

Other species known to inhabit the area include (but not limited to):

*Bullfinch** / *Cuckoo** / *Dunnock** / *Fieldfare* / *Grey Wagtail* / Heron / Jackdaw / *Kingfisher* / *Kestrel* / *Lapwing** / *Lesser Spotted Woodpecker** / Little Egret / Martin (Sand & House) / *Meadow Pipit* / *Mistle Thrush* / *Nightingale* / Nuthatch / Peregrine Falcon / Pheasant / Pied Wagtail / Red Kite / *Redwing* / *Reed Bunting** / *Short-toed Treecreeper* / Sparrow Hawk / *Spotted Flycatcher** / Stonechat / *Tree Sparrow** / *Turtle Dove**

Four species of owl also occur in the area – Tawny, Little, Barn and Long-eared - itself an unusually diverse number. *Note: There are few long-eared owl breeding pairs recorded in Kent; any loss would be a serious conservation concern.*

Several varieties of Duck, Geese, Grebe and Swan, many on the amber list of Birds of Conservation Concern, inhabit the flooded quarry pits and will be threatened by KCC's proposed excavations.

The situation is broadly similar in terms of bird species in the East Capel site, where Red Kites have taken up residence. An annual breeding bird survey is conducted for the BTO and many of the key species are present in this area too.



SAVE CAPEL

NOTE: on 06/05/2021 two White Stork were seen photographed flying from Five Oak Green to Tudeley, passing over the proposed development site. The birds have also been seen twice on 09/05/2021 within the Tudeley development zone and a singular bird on 30/05/2021 just outside the zone on the Medway. It is thought that the storks may have originated from a reintroduction project at the Knepp Estate in West Sussex⁸. The White Stork Project team commented:

"Looking at a map of the area there is a large amount of suitable foraging and nesting habitat nearby. They predominantly forage in grassland and flood plains, and will nest or roost in large trees, typically trees with open dead branches near the top or on building roofs."



White Storks: Five Oak Green / Tudeley

All of these species should be taken into consideration by a public body when performing its functions with a view to conserving biodiversity. However, there is little in the Local Plan to confirm mitigation measures beyond a 'wetlands park' in East Capel and the HE's vague promises. Whilst the presence of species and habitat loss is acknowledged, it is down-played by the HE and TWBC focusing on the two strategic sites not being within or close to an SSSI.

Destroying the habitats of this rich diversity of birdlife will further reduce their alarming loss rate. It is therefore Save Capel's assertion that these habitats should be preserved rather than erased.

Insects: Butterflies & Moth

Some of the species recorded in Capel on 21 June 2019: Cinnabar Moth / Mullein Moth / Common Blue / Meadow Brown / Peacock / Red Admiral / Speckled Wood

Insects abound in the area and support the wildlife as significant food source. As diversity and scale of the insect population is reduced through development, this also impacts negatively on the area's wildlife.



Mullein Moth: Five Oak Green



Spotted Wolf Spider with eggs: Capel

⁸www.whitestorkproject.org

Flora

Whilst pockets of ancient woodland exist in the Tudeley development zone, there is an equally significant ancient woodland site in East Capel, needing protection. The AONB in Capel contains a large expanse of woodland. There is currently a healthy population of Ash trees in the parish, notwithstanding Government expenditure of £6 million on ash dieback research. Other trees include some 20 veteran oak trees on the Tudeley site alone.

Hedgerows are the roadways for much wildlife, including EU protected Dormice, and provide nesting opportunities for a number of birds, but the removal of these natural corridors has been pervasive as fields widened. Creation of large housing estates will merely increase the problem and again impact on the wildlife dependent upon them.



Greater Butterfly Orchid: Trooping funnels: Amhurst Bank Tudeley Woods



Sheep's-bit: Tudeley

There are grasses and flowers and other plants in Capel that need protection, including the Greater Butterfly Orchid (above), and the True Fox-Sedge is recorded by KMBRC in 2014 and is thought to survive in the low weald floodplain (both are 'Near Threatened' on the Vascular Plant Red Data List for Great Britain). Abundant fungi can be found in the woodlands, meadows and fields.

See Annex D on a critically endangered species found within the area.

Note: on 05/05/2021 residents noted an abundance of Early Purple Orchids amongst Bluebells in a patch of ancient woodland within the Tudeley development zone. From the footpath alone over 70 plants were noted – many more will exist within the woodland. Such is the scale the find has been reported to KMBRC, Woodland Trust and Orchid Society of Great Britain:





8. DOMESTIC PETS

In February 2020 the People's Dispensary for Sick Animals estimated 26% of the adult population owned at least one cat, and 24% one dog; this being individuals rather than households, so potentially a quarter of homes own two pets. Since the Covid-19 pandemic, according to the Pet Food Manufacturers Association in February 2021, pet ownership increased dramatically by a further 11%. In the two Capel developments of 4,800 homes, assuming an equal split between cats and dogs, this would amount to over 1,500 cats and 1,400 dogs.

Dogs

The impact on wildlife, footpaths and the general environment would be significant from the introduction of hundreds of dogs into the proposed two developments. Uncontrolled off-lead dogs will disturb and catch ground-nesting birds and destroy nests and result in loss of clutches and broods.

Unfortunately, many people who walk dogs do not clear up after their pet. The Scottish Wildlife Trust have reported dog faeces over-enrich soil and encourage growth of plants such as nettles and thistles, which compete with and outgrow specialist fauna such as orchids. Flora may also be damaged by uncontrolled dogs, and plants which are rare or provide habitat or food for wildlife lost.

Cats

The Mammal Society estimates cats in the UK catch 275 million prey items a year, of which 27 million are birds. A study of 'catches' by 987 cats in 618 households over a period of 5 months resulted in 11,537 prey items brought home (which does not include prey left where caught). A minimum of 20 species of wild mammals (7,837 confirmed kills), 44 species of wild bird (2,809 kills), four species of reptile and three species of amphibians (549 kills), and other species (fish and invertebrates – 342 kills) were recorded.⁹

The results from 4,800 new households in a rural area where wildlife is more abundant and varied than in an urban setting would clearly be devastating. The survey concluded that cats are major predators of wildlife in Britain. In Capel there are at least two ground nesting birds on the red list (Skylarks and Lapwings) which would be particularly vulnerable to cat predation.

A cat will roam its environment and the distance can vary but will be anywhere from 100m to 3km. This would be around and beyond the proposed developments, bringing the RSPB site at Tudeley Woods, as well as the rich Medway flood zone, into the feline hunting areas. **The impact on wildlife on the introduction of hundreds of cats will be devastating.**

⁹The Mammal Society – Domestic Cat Predation on Wildlife Michael Woods, Robbie A McDonald and Stephen Harris



9. AGRICULTURAL LAND (Policy EN 20 of the PSLP page 378)

The significant loss of fields and orchards will not only impact the biodiversity that depends on them and the local community that enjoys the benefits of the countryside to their health and well-being, but will also have an effect on the nation's food production.

The NPPF 2019 states that Local Planning Authorities should protect the best and most versatile (BMV) agricultural land from significant, inappropriate or unsustainable development proposals and protect all soils by managing them in a sustainable way. Policy EN 20 of the TWBC PSLP reinforces that statement.

To help inform LPA decisions on appropriate and sustainable development the agricultural land classification (ALC) is used. The ALC uses a grading system to enable you to assess and compare the quality of agricultural land in England and Wales. A combination of climate, topography and soil characteristics and their unique interaction determines the limitation and grade of the land, which will affect the range of crops that can be grown, the yield of crop, consistency of yield and cost of producing the crop. ALC is graded from 1 to 5. Grade 1 being the highest and most consistent yielding with less input and it has the widest range and versatility of use. BMV agricultural land is graded 1 to 3a.

Land at East Capel and Tudeley Village

The land to be developed in **East Capel is classified as Grade 3. At Tudeley it is Grade 3 to the south of the railway line and Grade 2 to the north** (source Provisional Agricultural Land Classification 1977 Mapping).

Grade 2 is 'very good quality agricultural land' with the potential to grow a very wide range of agricultural and horticultural crops giving high and consistent yields. Crops commonly include: top fruit, for example tree fruit such as apples and pears, soft fruit, such as raspberries and blackberries, salad crops and winter harvested vegetables.

Grade 3 can be sub-divided into Subgrade 3a 'good quality agricultural land', which has moderate limitations affecting the choice of crops, timing and type of cultivation, harvesting or the level of yield. Where more demanding crops are grown yields are generally lower or more variable than on land in grades 1 and 2. However it is land capable of consistently producing moderate to high yields of a range of arable crops, especially cereals, or moderate yields of crops including: cereals, oil seed rape, grass, potatoes, sugar beet and less demanding horticultural crops.

Subgrade 3b – 'moderate quality agricultural land' is capable of producing moderate yields of a narrower range of crops, principally: cereals and grass, lower yields of a wider range of crops, high yields of grass which can be grazed or harvested over most of the year.



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Policy EN 20 6.241 explains that to differentiate between Grade 3a (BMV) and Grade 3b (not considered BMV) land, site-specific ALC studies are required. If these are not available as appears to be the case for East Capel & Tudeley Village the TWBC should assume that the site is classified as best and most versatile as stated in Policy EN 20, 6.243. Therefore, the land to be developed in the parish of Capel is BMV.

According to 6.241 only 4.4% of land in the borough is Grade 2 and above, while 78% is Grade 3. However, some of the Grade 3 land also has agricultural constraints due to topography and other factors, but to lose even some of the best quality land in the Borough at a time when food production is so vital, and when there are alternative poor-quality alternatives available (see penultimate paragraph below), seems locally and nationally negligent.

Paragraph 6.243 states that it is important to use areas of poorer quality agricultural land in preference to that of higher quality, but goes on to explain that 'quality' may be determined by more than the ALC grade. The 'economic and other benefits' such as infrastructure, fragmentation, and access, as well as the contribution land may make to wider ecosystem services and natural capital, are important considerations in relation to the effects of development on agricultural land. Natural capital is "*that part of nature which directly or indirectly underpins value to people, including ecosystems, species, freshwater, soils, minerals, the air and oceans, as well as natural process and function*".

The Government Policy '**A Green Future: Our 25 Year Plan to improve the Environment 2018**' sets out the government's 25-year plan to improve the health of the environment by using natural resources more sustainably and efficiently. It plans to:

- protect the best agricultural land
- put a value on soils as part of our natural capital
- manage soils in a sustainable way by 2030

Planning applications that would result in the loss of best and most versatile agricultural land will need to justify why the loss of the agricultural land is acceptable and also assess the impact of the loss of the agricultural land on the wider farming resource, natural capital, and ecosystem services.

If TWBC are following Government Guidelines (NPPF) and their own Policies it transpires that land at Tudeley and East Capel should not be developed as it is all Grade 2 and Grade 3 BMV and productive land. TWBC appears to have offered no justification for losing this finite resource which is not only invaluable in contributing to the UK being self-sufficient in food production but also important in providing other important 'ecosystem services' such as a store for carbon and water, as a reservoir of biodiversity and as a buffer against pollution (EN 20 6.238). It is not a 'sustainable' option, nor does it put a value on soils as part of our natural capital.

Food Policy Experts are warning that with Brexit & Climate Change threatening UK food imports, self-sufficiency should be taken more seriously with the NFU



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asking for food security, which has been pushed into the spotlight by the pandemic, to be at the heart of wider government policies. The UK has an ideal temperate climate for growing food, but if our BMV land is covered in concrete this will be out of the question. **In the mid-1980's the country produced 78% of our food today that figure is 64%; TWBC's plans for Capel will add to the decline.**

The area to be developed at Tudeley in an average year has the potential to yield the following: 129 tonnes of blackcurrants, 265 tonnes of Bramley apples, 216 tonnes of pears, 207 tonnes of wheat, 155 tonnes of barley, 87 tonnes of oil seed rape and 175 tonnes of field beans*. In addition there is a very successful Livery yard providing a leisure service to local riders and access to the countryside via Toll Rides off-Road Trust (TROT).

The 182 acres of cultivatable land at East Capel has the potential to produce 154 tonnes of wheat, 115 tonnes of barley, 65 tonnes of oil seed rape and 130 tonnes of field beans a year*.

If the land at Tudeley and East Capel was continued to be farmed, this production could go on ad-infinitum and in essence contribute significantly to the self-sufficiency of the UK. It should be noted that the soil to the north of the railway line is particularly good and has produced exceptional crops of blackcurrants.

An alternative site south of the A21 at Castle Hill (also within the Capel Parish and proposed as an alternative site to Tudeley Garden Village) benefits from good existing infrastructure and is Grade 4 poor quality agricultural land but has been omitted from the PSLP. If however TWBC adhere to 'A Green Future: Our 25 Year Plan to improve the Environment 2018' and prioritise BMV, this site should be considered.

Comment

TWBC are taking the easy, short-sighted option by using large areas of Green Belt, good quality, agricultural land to fulfil their housing requirement for the PSLP. This is not **'sustainable'** development contrary to the Government Policy requirements.

April 2021 Jose Hyatt-Twynam H.N.D Ag

* **Sources:** 'DEFRA Magic Maps' used to calculate the areas in cultivation (Tudeley 312 acres) and observation in the field for assessing local farming practices with information from 'assets.publishing-service.gov.uk' for average crop yields.



10. CONCLUSION

The scale of the proposals, compounded by KCC's excavations, will inevitably cause significant destruction of wildlife habitat and a wholly negative effect upon fauna and flora in the parish. Mitigation cannot hope to match, let alone better, the damage; the mitigation proposed by the HE is vague and confused, and therefore lacks sincerity. There is little more of substance in the David Lock Associates' Masterplan for East Capel, other than a 'wetlands park' to run alongside the main A228, a potentially unsuitable setting for wildlife and drivers.

In a report submitted to the TW Planning & Transportation Cabinet Advisory Board on 19/08/2019, the Council's Landscape and Biodiversity Officer suggests better woodland management might mitigate the loss of habitat and achieve net biodiversity gain. However, the land to be lost in Capel, and which forms the vast bulk of the borough's development plans, is primarily fields and hedgerows, so woodland management would achieve very little against the inevitable biodiversity loss of field birds and waterfowl, reptiles and amphibians. The same Officer, when questioned by Councillors, suggested wider field boundaries might mitigate that loss, evidently forgetting it is the fields that are going to disappear.

Moreover, TWBC have not described a governance mechanism to ensure biodiversity gain is monitored and achieved. This omission has also been noted by the Durrell Institute of Conservation and Ecology in a report that is sceptical about the delivery of Biodiversity net gain and the ability of councils to hold developers to account; "Unfortunately, our analysis also shows that the governance might not be there to ensure these promises are kept for habitats delivered within the footprints of proposed developments."¹⁰

It seems TWBC do not take habitat loss seriously, with lip service given to mitigation, net gain placed on trust and designated land status a dispensable inconvenience. Perhaps this because the destruction of such a vast area of protected countryside makes biodiversity net gain impossible to achieve, and loss of irreplaceable habitat is an inevitable consequence of the Local Plan's strategy for Capel.

David Lovell

Save Capel - Biodiversity Team

May 2021

¹⁰<https://www.britishecologicalsociety.org/mandatory-biodiversity-net-gain-may-not-deliver-the-desired-outcomes-for-nature/>



Annex A: TUDELEY: The Hadlow Estate's Masterplan and Delivery Strategy

This report seeks to examine the Tudeley masterplan, specifically in respect of biodiversity and claims the development will secure a 10% net biodiversity gain.

MASTERPLAN (<https://www.tudeleyvillage.co.uk>)

There are six maps under the following tabs:

Masterplan / Constraints / Land Use / Open Space / Commercial / Phasing

Three are of potential interest to Biodiversity (and Landscape / Heritage):

Constraints (*see also P35 Delivery Strategy*)

The site's constraints create '...a basic structure for the masterplan...' with the landscape integral to providing '...places for wildlife and biodiversity.'

This map shows existing ponds, hedgerows, trees and ancient woodland within the site boundary as constraints, with a buffer at the minimum 15 metres. The wider setting, which is intrinsic to wildlife assessment and habitat mitigation, is blanked out. It is therefore difficult to assess where the green corridors and wildlife habitat spread out into and from the site.

This internal focus is not just applied to biodiversity, but also for listed buildings; only Hadlow Estate (HE) properties within the boundary are shown, others are not; for example, Lilley Farm House is a HE property and is marked, Lilley Farm Barn is privately owned and is not marked. Those on the periphery (like Tudeley Hall) or beyond, but whose setting will be affected, are not identified. Perhaps for consistency of omission, this applies to All Saints Church.

Purple arrows show 'key heritage viewpoints', but again only focus on limited internal site views, not across the wider landscape which can be enjoyed from various places alongside and within the site boundary, including the B2017 and AONB, Hartlake Road, Greensand Ridge and various public footpaths.

This map (and others) is indicative of the masterplan's tactic of looking at the development in isolation rather than the context of its setting, which is vital to wildlife movement. It is also important to look beyond the site when assessing the impact of the development, including landscape and visual impact, but scant regard is given to the wider setting.

Land Use (*see also P39 Delivery Strategy*)

This map shows how the land will be used with residential, commercial, green areas, etc. Open space includes woodland and appears to show that all green corridors will be either cut or run alongside roads. There is no explanation as to how this will be mitigated. (*Author note: At the exhibition I was told there would*



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be no tunnels under roads as wildlife would use the tree canopy – how badgers and even dormice might adapt was not explained).

Unfortunately, the website does not allow for the easy overlay of maps, but a comparison of the 'masterplan' and 'land use' maps show examples of where hedgerows will be lost, with seemingly few replacement hedgerows to be placed. For example, to the north of the site, in phase 5, a significant hedgerow which used to run across a (recently) removed orchard, will be segmentised. Further hedgerows in phases 1 and 6 will be removed.

Open Space (see also *P40 Delivery Strategy*)

The 'open space network' is 60.35ha / 149.13 acres is based upon existing features such as ponds, ancient woodland and surviving hedgerows, which will '...contribute to a biodiversity net gain of at least 10 percent.'

The main hub of the development (*Commercial Map – 'village centre'*) is positioned adjacent to the central area of ancient woodland which will suffer from increased noise, light and air pollution. The green corridor linking this woodland to the south-eastern woodland is cut by at least two roads, effectively isolating the woodland and leaving it even more open to incursion from the surrounding urban areas. The proposals leave this ancient woodland vulnerable to persistent harm and by segmenting the green corridor, already too thin for meaningful preservation, the cumulative impact is likely to render any suggested mitigation ineffective and result in damage to the existing habitat.

Indeed, all the green corridors within the development areas appear to be interrupted by roads and it is unlikely that replacing fields and orchards with housing and a segmented green network can achieve the biodiversity gain the masterplan claims. There needs to be other more significant measures in place, aligned with habitat beyond the site boundary, but the internal focus appears to counter this aspiration.

DELIVERY STRATEGY

(<https://en.calameo.com/read/005138646e3c91ce5482a?authid=ofMfwz3z9AB7>)

HE claims to be '...committed to active wildlife stewardship and conservation management...' (P12). The first mention of the site itself appears at P24 with reference to the Medway floodplain and '...plans for a mosaic of wetland habitats...once quarrying of sand and gravel is complete'. It does not clarify what the 'mosaic' will consist of, where they will be implemented or if there is linkage to the Tudeley proposals. It is thought the excavation works will take at least 25 years, making these claims as speculative as they are distant and, as such, worthless in determining the value to biodiversity in the area.



Page 25: the development will take into account its surroundings and refers to three key objectives; ‘...pursue Green Belt compensatory improvements; address its impact on views to and from the AONB; and achieve a biodiversity net gain of at least 10 percent....to form a consolidated programme of actions.’

There is no explanation of how these three objectives will be achieved, other than to claim the estate has significant land to enable it to do so. This land ownership will also apparently assist flood mitigation, referring to ‘Leaky Wood Structures’ (which did nothing to alleviate severe flooding in early 2020). The only detail of measures is listed in a ‘benefits matrix’ of *possible* works (P30).

Of these objectives, the loss of Green Belt and merger with Five Oak Green will be impossible to disguise; as will the inevitable damage to an ancient landscape of such a vast development; and the lack of any governance to ensure compliance suggests nothing other than net biodiversity loss will be achieved.

Site Analysis – P27

Despite this internal site focus, HE claims the masterplan takes account of the ‘...unique characteristics of the site and the surrounding region.’ This has involved a ‘thorough analysis’ with consultants advising on landscape, flooding, ecology, biodiversity, heritage and more. However, no reports have been made public, so the ‘advice’ appears no more than that contained in the document.

HE also claims their proposals *will bring benefits to the site and local area which could not be delivered if the Tudeley plans were not to go ahead*. The benefits are not explained, nor any reason given for why they might be dependent upon the proposal being accepted.

On the same page it is stated a Landscape and Visual Appraisal was completed for Regulation 18 to ‘support’ their submission. It is not surprising the report managed to do exactly that with the dubious claim any impact ‘...would be highly limited.’ This is not possible given the size of the development and the positioning alongside the AONB and across from the Greensand Ridge. HE concedes views from the Medway Valley would be impacted (erroneously to the ‘south of the site’), but any mitigations are possibilities rather than certainties and the landowner himself has stated “I want it to be seen.”

Ecology & Biodiversity net gain – P28/29

A biodiversity focus ‘...within the site boundary...’ is emphasised, including existing arable land and paddocks. How gain will be achieved when the arable land and paddocks are lost is not explained. However, there is finally mention of habitat beyond the site, to be linked by green corridors, and contributing ‘...to regional strategies by creating and supporting links between existing ecological networks.’



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There is no definition of the strategies or networks referred to and the statement appears as pure obfuscation.

The masterplan apparently benefits from ‘...an extensive suite of surveys and site assessments...which together with off-site land management proposals...will surpass the national requirement to achieve 10 percent biodiversity net gain.’ (See *NOTE at end*). However, these reports and proposals are not annotated or available for scrutiny, and their purpose (or existence) is put into question when the report emphasises requirements for such initiatives are not needed as the site is not in or close to ‘...any statutory or non-statutory wildlife site designation.’

Given there is no governance to ensure biodiversity net gain is achieved, and the proposals proffered are not guaranteed, *‘for the lifetime of the development’* as required (PSLP Section 6; Development Management Policies E9 Biodiversity Net Gain), this place-mat to failure calls into question whether there is any real commitment to biodiversity gain and replacement habitat for fauna and flora. Indeed, it is on P29 where the detail to biodiversity ambition is explained with the placement of artificial homes for birds, bats and bees. It is beyond credible that such measures alone can achieve this gain, given the loss of so much habitat across the development.

HE emphasises they *‘...will preserve and protect all ancient woodland and...seek to retain existing hedgerows.’* Whilst ancient woodland is preserved, albeit with a patch by Bank Farm all but surrounded by development, not all hedgerows are being retained and it is not clear if they will be replaced or where they might go.

Biodiversity Gain proposals and Benefits Matrix – P30 & 31

Although the strategy has concentrated upon biodiversity within the site, proposals for how land beyond the site might be improved are listed at page 30. These would *‘...be developed later in the process.’* No certainties are provided.

The matrix provides a little more detail with a list of benefits through possible works. Biodiversity suggestions off-site include creation of different habitats, including meadows, orchards and hedgerows in the AONB; the improvement of hedgerows and creation of wet grasslands, SUDS and flood management, improving ponds and restating a commitment to Tudeley Woods RSPB reserve.

Possible on-site measures appear contradictory given the proposals to remove orchards, fields and paddocks, referring to improvement to existing habitats and new habitat creation, including ponds, meadows and orchards and increasing the percentage of higher value grassland. How these will vie with the development is not clear. The list also includes *‘set back of building line to south and south west...’*



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and 'tree-lined avenues and swales where possible' – although tree-lined fields are presumably more biodiversity valuable.

There are no guarantees any of the proposals will progress, other than the protection of ancient woodland, albeit the central woodland will be all but isolated by the development. Indeed, the apparent caveat that any benefits might only come about if the Tudeley proposals progress (P27), gives a worrying insight into the type of wildlife stewardship and conservation management the Hadlow Estate declares itself committed to.

NOTE: The following 'well hidden' document transpired after several emails with Thomas Vint at TWBC, requesting access to Environmental Assessments:

https://tunbridgewells.gov.uk/_data/assets/pdf_file/0006/385395/01_Strategic-Sites-Masterplanning-and-Infrastructure-Main-Report.pdf

[Other Reports Template \(tunbridgewells.gov.uk\)](#)

TW Local Plan Update Baseline Review Report on Tudeley Village by Stantec

Section 4. Ecology p.13 4.1.1 States "*A desk-based review has been completed to identify any high-level ecological constraints and opportunities that should be considered in relation to future development at the Tudeley Garden Village Allocation Site ('the Site')*".

The conclusion included the following statement 4.6.1;

"Phase 2 Surveys: Surveys for protected and notable species potentially present within the Site and detailed botanical surveys (potentially including hedgerow and woodland survey) will be required to establish the ecological baseline for the site. Surveys are seasonal and should be completed early in the project programme to ensure pertinent information is available to inform masterplanning" ...and;

"Master-planning Input: In order to protect key ecological resources and demonstrate biodiversity net gain, early ecological input to the scheme design is needed to ensure suitable mitigation for designated sites, habitats and species is embedded."

As yet there appears to be no on-site surveys available for scrutiny, contradictory to Stantec advice of 'early ecological input', which is necessary for demonstrating biodiversity net gain.

CONCLUSION

HE's use of self-serving reports and a lack of specifics or assessments suggest their claims about mitigation and the benign nature of the proposals need careful scrutiny. For example, the masterplan shows segmentation of green networks and



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the isolation of ancient woodland within an urban environment, which will be damaging to irreplaceable habitat. But there is limited detail given about how this habitat is to be protected and biodiversity gain is to be achieved, with potential rather than any certainty making the proposals more aspirational than practical.

The insular focus of plan, rather than an outward-looking emphasis, also lacks credibility for biodiversity gain. No account is taken of the cumulative impact on the Capel countryside of all of the works being proposed, not just at Tudeley; two 'strategic' housing developments, an arc of gravel extraction linking the two, and the requisite infrastructure requirements. However, both HE and TWBC insist on looking at each proposal in isolation, presumably because the combined effects of all the works will be far greater and even more difficult to justify.

This cumulative impact will not only be significant on biodiversity, but for many other environmental issues, as well as the Green Belt and local communities. No strategic Environmental Impact Assessment is being made on the strategic sites in advance of Regulation 19, notwithstanding the size of the developments and their fundamental importance to the Local Plan.

TWBC confirm that this omission will be left to the planning application stage, when the process of considering each site separately will doubtless continue. The Council will therefore avoid independent examination at this stage, which implies the negative environmental impact of the lop-sided plans for Capel, are known by developer and local planning authority to be a significant flaw.

DL

21.04.2021



Annex B: SECTION 5: PLACE SHAPING POLICIES - Strategic sites

There are (at least) 2 versions of the PSLP on the TWBC website:

A. https://tunbridgewells.gov.uk/data/assets/pdf_file/0010/387793/Pre-Submission-Local-Plan_final-compressed.pdf (pages 138-150)

B. <https://democracy.tunbridgewells.gov.uk/documents/s53232/3%20Appendix%20B%20-%20PSLP%202020-2038.pdf> (pages 137 - 149)

Paragraphs are differently numbered, with some different content. To help cut through this confusing arrangement, quoted paragraphs are marked A and/or B.

This report concentrates on Biodiversity issues within the PSLP Section 5 relating to East Capel, but mentions other related aspects for use by Save Capel.

Tudeley Village and Paddock Wood, including land at east Capel

The section starts by describing how the proposals for Tudeley and Paddock Wood (PW), including East Capel, are to be based upon 'garden settlement principles' (A 5.153 / B 5.145) with the delivery of 3,490-3,590 dwellings as well as employment opportunities and infrastructure across an area of 418 hectares.

CONTEXT

The land at East Capel is in the Green Belt, but the 'exceptional circumstances for this release are outlined in the **Development Strategy Topic Paper.**' (A 5.160). TWBC accept there will be 'perceived' coalescence between settlements, most notably between the expansion of PW at East Capel and Five Oak Green (FOG) and Whetsted in Capel. The A228 will be the only division with FOG at Dampier Corner roundabout and Whetsted at the Old Whetsted Road. Tree belts and denser housing the east of the site is considered '...an important design principal' (A 5.161/B 5.149), but the need for such measure demonstrates merger will occur and can only be camouflaged.

Within East Capel is an important area of ancient woodland (Whetsted Wood), which is divided by the railway line. "The woodland is connected to tree belts north and south, and the Tudeley Brook watercourse." (A 5.162 / B 5.150).

The section also describes fluvial flood risk (with large areas in flood zones 3 and 2) and heritage aspects: 'Whilst there are no listed buildings within the allocated sites, there are clusters of listed buildings adjacent to the site boundaries at Badsell Manor Farm, Whetsted, Mascalls Court, and south of Church Farm. The settings of these buildings form an important part of the heritage of the town.' (A 5.166 / B 5.154). However, the proposals will radically alter the settings of these heritage assets.

JUSTIFICATION

TWBC's development strategy '(Policy STR1) set out in Section 4 of this Local Plan'... is based on the delivery of a significant extension to PW and East Capel. It is considered that an extension to PW, based on garden settlement principles,



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provides an appropriate, sustainable, and effective means of meeting housing needs across the borough during the plan period.' (A 5.174/ B 5.162)

TWBC commissioned David Lock Associates (DLA) to assess deliverability of the East Capel and PW proposals (Strategic Sites Masterplanning & Infrastructure Study 2021). Apparently, this took into account various constraints but '...whilst further detail on phasing and mix of dwellings is required, the deliverability and viability of the growth here is justified.' (A 5.177 / B 5.165).

This appears rather a bald statement given the regularity of flooding, proximity of heritage assets, loss of Green Belt and merger of PW with FOG. It might be argued the DLA conclusion was inevitable, in that you get what you pay for, and it is therefore vital careful and independent scrutiny is given to the DLA work.

VISION

Past failures in service provision, mobility, and flooding infrastructure have been identified, but claims the proposals for East Capel and Paddock Wood are '...an opportunity to address these deficiencies....' (A 5.180 /B 5.168). One such opportunity is a 'Wetlands Park.... as a significant new area of natural open space, enhancing locally distinctive natural habitats.'" (A 5.182 / B 5.170).

Although the document also claims there will be other '...ecological and landscape enhancements as part of the exceptional circumstances case for the release of this Green Belt land.' (A 5.183 / B 5.170), these are not described, nor is there a reference to where these might be found within the package of documentation provided. Any enhancements therefore appear aspirational rather than guaranteed.

Garden settlement principles are described as key to the development of East Capel, including '...involvement of the existing local community (and)... consideration of how the natural and historic environment of the local area is reflected and respected...'. (**5.Strong local vision and engagement.** (A 5.187 / B 5.174)).

However, the local communities of Capel and Paddock Wood continue to object strongly to the heavily lop-sided overdevelopment of the area, which will completely alter the natural and historic environment, and merge the two communities against Green Belt principles. By their very design, the proposals work against the qualities TWBC claim they wish to achieve.

Another garden settlement principle relates to the provision of green spaces and environmental improvement, including biodiversity net gain (**8. Green space** (A 5.187 / B 5.174)).

However, the inclusion of East Capel in the wagon-wheel of development around PW will seal off residents in the west of the town from the open countryside East Capel provides them. The A228 border will make it harder for existing and new communities to access rural Capel. Moreover, loss of habitat and encirclement by housing and road networks makes biodiversity gain almost impossible.

POLICY STR/SS1

Whilst this table reiterates much of the above, there is a little more detail on the 'Wetland Park' which will be to the south west of East Capel with the aims of flood



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retention and a publicly accessible 'new wetland habitat'. (A 2.j P145 / B 2.j P144). The positioning can be seen on map 28, and may have some advantages for wildlife, but presents equal hazards to drivers and other wildlife through flood potential if retention fails.

CONCLUSION

Other than the proposal for 'wetland park', which is at least positionally visible on map 28, clear measures to achieve biodiversity gain are extremely hard to come by in SECTION 5: PLACE SHAPING POLICIES. Any proposals are few and vague, and more hopeful than certain.

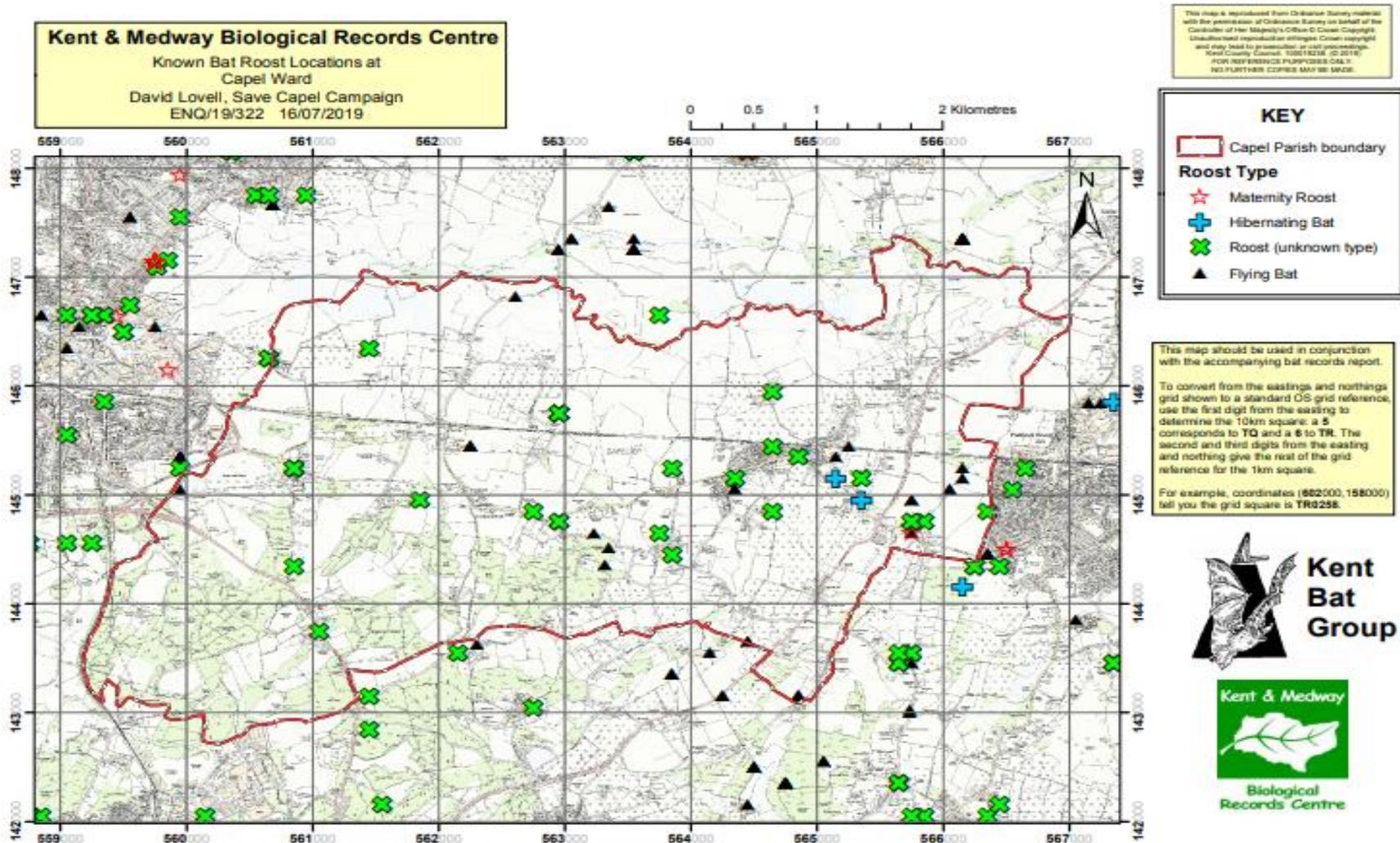
Reference is made to the DLA Strategic Sites Masterplanning & Infrastructure Study 2021 as confirming deliverability of the proposals. However, that document is equally short on biodiversity considerations, again concentrating on the 'wetland park'. It states biodiversity gain is a key component of 'garden city principals' (P11 & 20) and that biodiversity enhancements will be '...identified and pursued by the creation, protection, enhancement, extension, and management of green corridors and through the development of green infrastructure networks... (P38 4.67). However, as with Section 5 of the PSLP, much content in the DLA document is given to describing what they hope to do, rather than specifics. Detail is lacking and, as such, it is difficult to assess what will actually be actioned.

Indeed, it would appear such work has yet to start. For example, the DLA document states an ecological appraisal and other surveys would '...identify suitable mitigation and enhancement measures which can be incorporated into a masterplan at an early stage.' (P60 4.136). It seems rather a leap to assess that the strategic sites are both 'justified and viable' - as claimed by TWBC in the PSLP (A 5.177 / B 5.165) - if the work upon which to base such an assessment has not been done.

Perhaps most importantly, there is no description of governance in either document to measure such gain or to ensure it is achieved, or even attempted.

DL
10.05.2021

Annex C: Recorded Bat Roosting Locations 16/07/2019: Capel





Annex D: Critically Endangered Plant Found in Capel

A native plant of national significance has been confirmed on 30 May 2021 as found at one of the Stonecastle quarries close to the Tudeley site in Capel; the disused quarry has current KCC planning permission for mineral extraction, potentially to be used for construction of the strategic sites in the parish.

This critically endangered plant is on the Great Britain Red List for Vascular Plants and listed under Schedule 8 of the Wildlife and Countryside Act 1981 and must be protected under Section 13 of the Act. The plant's rarity and value mean its identity and whereabouts must be kept confidential at this stage, but if the Planning Inspector needs verification this can be supplied in confidence by the County Recorder via a member of the Save Capel Biodiversity Team. Please contact David Lovell (davelovell01@yahoo.co.uk).