

Dunkirk Parish Council - Planning Committee Meeting

Minutes of Extraordinary Meeting held at Dunkirk Village Hall on 3 April 2023 at 7.00pm

Present:

Parish Councillors:; Cllr K. Kemp (Chair of Parish Council), Cllr J. Coleman (Vice Chair), Cllr J. Tutt , Cllr D. Brice and Cllr J. Clifford and Rebecca Parr (Clerk).

One member of the public.

Declaration: Any Declarations of Interest by members present to be made at the commencement of the meeting

Non-pecuniary declarations were made by Cllr Clifford in respect of a footpaths concerning the development passing his house and Cllr Brice who lives circa 200m from the north eastern corner of the development. It was noted that in the wider area of the Parish, the councillors were landowners.

1. **Apologies for absence** – received from Cllr G. Hewett

2. **Planning:**

a) **Consider applications:**

1) **Consider applications:**

23/501071/EIASCO Winterbourne Fields Dunkirk Kent Proposal: EIA Scoping Opinion - Proposed development of 1740 residential dwellings, 160 retirement homes, 27ha of publicly available open space and recreation including a community park, outdoor sports pitches, a 5km recreation trail, a two form entry primary school, an integrated bus link to the surrounding area, an employment park, improved pedestrian/cycle links across the A2, upgrade to the Dunkirk A2 junction through a new trunk road, and an electric vehicle charging hub for approximately 36 vehicles alongside associated facilities including toilets and potential for cafe facility.

The council met to discuss the draft scoping comments which had been submitted since the last full council meeting by each of the councillors which had been collated and circulated. The council lers worked through the scoping document and fine tuning the comments raised by the council agreeing to the scoping comments. Cllr Tutt was to refine the final version post meeting to be submitted to the planning portal. The scoping comments agreed have been attached to these minutes in Appendix 1.

Cllr Smith provided the Clerk with a list of local and national organisations that are non statutory consultees in order to approach to advise them of the Scoping request and to encourage submission of any relevant comments to the scoping request.

The Meeting was closed at 9.30pm

Date of next meetings:	Full Council:	17 April 2023
	Planning Committee:	2 May 2023

Rebecca Parr,
Clerk to Dunkirk Parish Council

Signed	Signed
Chair		Vice-Chair	
Date	Date

PLEASE VISIT OUR NEW WEBSITE FOR ALL THE LATEST NEWS IN AND AROUND THE VILLAGE: www.dunkirkpc.org.uk

SCOPING REPORT - REQUEST FOR EIA SCOPING OPINION

Notes on Shaptor scoping reports.

The purpose of this report by Dunkirk Parish Council (DPC) is to provide SBC with sufficient information for them to decide whether/what would be required for an Environmental Statement. Note: Normal text, and emboldening, in this document is by Dunkirk Parish Council (DPC) whilst *italic text* comes from Shaptor or other 3rd party reports.

DPC, in providing this information, makes no comment on any possible planning application that might come forward. All comments should be taken in the spirit in which they are given – to explore the boundaries of the scoping to ensure everything of importance is scoped in, not out.

Please note, many of the references to the two sites are confused. The sites and photographs are mislabelled i.e. 'A' is 'B' and 'B' is 'A'. We would suggest the reports are rewritten to avoid confusion, misdirection and wrongful interpretation of said scoping reports. If there was a Masterplan, perhaps many things would be clearer.

NPPF the top level in planning terms, should be considered:

NPPF para 10. *So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development (paragraph 11).*

The presumption in favour of sustainable development

11. Plans and decisions should apply a presumption in favour of sustainable development.

*For **plan-making** this means that:*

- a) all plans should promote a sustainable pattern of development that seeks to: meet the development needs of their area; align growth and infrastructure; improve the environment; mitigate climate change (including by making effective use of land in urban areas) and adapt to its effects;*
- b) strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas⁶, unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area⁷; or*
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when;**

*For **decision-taking** this means:*

- c) approving development proposals that accord with an up-to-date development plan without delay; or*
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date⁸, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed⁷; or*
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole assessed against the policies in this Framework taken as a whole.**

⁶ As established through statements of common ground (see paragraph 27).

⁷ The policies referred to are those in this Framework (rather than those in development plans) relating to: habitats sites (and those sites listed in paragraph 181) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 68); and areas at risk of flooding or coastal change.

8 This includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 74); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years.

12. The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

13. The application of the presumption has implications for the way communities engage in neighbourhood planning. Neighbourhood plans should support the delivery of strategic policies contained in local plans or spatial development strategies; and should shape and direct development that is outside of these strategic policies.

14. In situations where the presumption (at paragraph 11d) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided all of the following apply⁹:

a) the neighbourhood plan became part of the development plan two years or less before the date on which the decision is made;

b) the neighbourhood plan contains policies and allocations to meet its identified housing requirement;

c) the local planning authority has at least a three year supply of deliverable housing sites (against its five year housing supply requirement, including the appropriate buffer as set out in paragraph 74); and

d) the local planning authority's housing delivery was at least 45% of that required¹⁰ over the previous three years.

Conserving and enhancing the natural environment

174. Planning policies and decisions should contribute to and enhance the natural and local environment by:

a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);

b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;

c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;

d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;

e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions

such as air and water quality, taking into account relevant information such as river basin management plans; and

f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

175. Plans should: distinguish between the hierarchy of international, national and locally designated sites; allocate land with the least environmental or amenity value, where consistent with other policies in this Framework⁵⁸, take a strategic approach to maintaining and enhancing networks of habitats and green infrastructure; and plan for the enhancement of natural capital at a catchment or landscape scale across local authority boundaries.

58 Where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality.

NPPF 176. Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas and should be given great weight in National Parks and the Broads⁵⁹. The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.

177. When considering applications for development within National Parks, the Broads and Areas of Outstanding Natural Beauty, permission should be refused for major development⁶⁰ other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:

a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;

b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and

c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.

178. Within areas defined as Heritage Coast (and that do not already fall within one of the designated areas mentioned in paragraph 176), planning policies and decisions should be consistent with the special character of the area and the importance of its conservation. Major development within a Heritage Coast is unlikely to be appropriate, unless it is compatible with its special character.

Habitats and biodiversity

179. To protect and enhance biodiversity and geodiversity, plans should:

a) Identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity⁶¹; wildlife corridors and stepping stones that connect them; and areas identified by national and local partnerships for habitat management, enhancement, restoration or creation⁶²; and

b) promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.

⁵⁹ *English National Parks and the Broads: UK Government Vision and Circular 2010 provides further guidance and information about their statutory purposes, management and other matters.* ⁶⁰ *For the purposes of paragraphs 176 and 177, whether a proposal is 'major development' is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined.* ⁶¹ *Circular 06/2005 provides further guidance in respect of statutory obligations for biodiversity and geological conservation and their impact within the planning system.* ⁶² *Where areas that are part of the Nature Recovery Network are identified in plans, it may be appropriate to specify the types of development that may be suitable within them.*

Whilst NPPF is a planning document, it clearly sets out parameters for planning as such, but it is also important when considering the environmental issues in this scoping submission.

Whilst the Boughton and Dunkirk Neighbourhood Plan (made February 2023) (B&DNP) has been noted within the scoping report, it has been given little regard. In fact, throughout the consultation and referendum process, Shapton expended time and energy, along with unsubstantiated arguments in an effort to undermine the will of parishioners in Dunkirk and Boughton-under-Blean parishes.

The 'made' Boughton and Dunkirk Neighbourhood Plan sections E3, E5, E6, AS5 are specifically all breached, and planners will need to take into account other policies of B&DNP during scoping. **They cannot scope out the 'made' B&DNP and must be measured against it as it has full weight for the next two years* at least, and slightly less until the 5-year review is in place (2028). Indeed, NPPF Para 14, points to the B&DNP being the defining document and would rule out this proposed level of development.** *Subject to NPPF changes in levelling up, this could be 5 years.

Before considering the scoping report, perhaps we should mention the highly significant changes envisaged for the village. We are currently around 1050 people - approx. 450 homes. This proposal, due to the proposed enormity of the plan, looking at scoping, before submitting an **outline** application with all matters reserved except access, doesn't have a Masterplan with it and scant details about layouts and designs. There is mention of an 'employment park' and a 'network of villages', both of which reflects the wording used by Highsted Park*. Calling the site '**SWALE NEW GARDEN COMMUNITY**' is out of step with SBC policy which has disregarded 'Garden Communities' as a valid planning solution for the Borough.

*21/500819/EIASCO, 21/500836/EIASCO, 21/503906/EIOUT and 21/503914/EIOUT refers.

Link: <https://pa.midkent.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>

We think the only information we have on this is from numerous flyers, with differing numbers and constantly changing 'facts'.

The site is in an Area of High Landscape Value (Kent Level), and is an open field to the south of the built-up area and lies between the settlement and borders numerous woodlands (many classified as Ancient) i.e. Chrislocks Wood, Goulds Wood, Hurst Wood, Wedgewood, Poundfall Wood, Court Wood (South Blean Woods Wildlife Trust Reserve), Brotherhood Wood, South Bishops Den Wood, Bossenden Wood, Clay Pits Wood. It is in close proximity to The Scheduled Monument of the Dunkirk Radar Site and the Grade II listed Mast, The Old Vicarage, The Old Vicarage Farm, Rochmel House (formerly Dunkirk Church) and The Old Schoolhouse. In particular scoping should focus on the effects on these woodlands, much of which is part of Blean West.

The proposed development would substantially occupy the open space between the built area of part of the village and the woodlands listed, and be visually detrimental to the Grade II listed assets.

The significance can be seen if reference is made to Appeal Decision APP/V2255/W/17/3172378. This was a refusal for 77 houses and many arguments about woodland, Local Character Assessment (LCA) AHLV, and listed buildings are referred to in the then newly made Local Plan (Bearing Fruits).

Quoting from the appeal:

Appeal Decision APP/V2255/W/17/3172378

Character and Appearance

6. Dunkirk is a small settlement, the built up area as defined in the LP covering linear residential development along Canterbury Road and Courtenay Road, which are at right angles to each other. Those two roads partially enclose a former World War 2 radar station which is a Scheduled Ancient Monument. The remaining mast is a grade II listed building. The appeal site is an open field to the east of the built up area and lies between the settlement and Bossenden Wood. To the south east of the site there is a small employment park and a small number of bungalows that are isolated from the main part of the settlement. Within the site there is an area of hardstanding which I saw on my visit is used for parking of lorries and trailers and storage of various materials. This area is adjacent to the road frontage and behind a hedge.

7. The proposed development would substantially occupy the open space between the built up area of the village, the employment park and Bossenden Wood. There is a timber yard between part of the eastern site boundary and the wood but the buildings and outside storage within that yard are small in scale and an open aspect towards the wood is maintained.

8. The landscape is predominantly wooded, the site and the settlement occupying an open break in the woodland. The landscape is designated an Area of High Landscape Value (AHLV) in the LP and is identified as being of value at the Kent level. In the Swale Landscape Character and Biodiversity Appraisal (2011) (LCA) the site falls within the Blean Woods West Landscape Character Area. The LCA describes the undeveloped nature and remoteness of the area and notes that the landscape forms part of one of the most extensive areas of semi-natural woodlands in the south-east of England. Thus the landscape is of value at the County as well as local levels.

9. The adjacent employment uses may affect the general tranquillity of the area and background noise from the A2 road may also have this effect. However the generally remote character would be altered by the proposal and the village would take on a more urban appearance. The proposal would substantially increase the size of the settlement and largely remove the open setting between the settlement and the wood. For these reasons the development would be highly intrusive in the context of the generally open and wooded landscape.

10. Two of the guidelines in the LCA are of particular relevance. One requires conservation of wooded fringes while another requires that development relates to the settlement pattern and that it protects the settings of settlements. Although the proposal would preserve an element of open land adjacent to the wood, this area would be minimal in relation to the scale of development proposed and much of that area is already occupied by the timber yard. The setting of the settlement would be harmed and the proposal would be out of scale with the settlement. For these reasons it would not accord with the LCA guidelines.

11. I acknowledge that there are limited public views into the site because of the built developments on Courtenay Road and Canterbury Road and the adjacent woodland all of which enclose the site. However, the frontage would be opened up and the development would be prominent in views from Canterbury Road and when approaching on the slip road from the A2. Views of the development would also be obtained from the rear of the Courtenay Road properties and from that road in gaps between buildings. Views would also be possible from the footpath within Bossenden Wood, although

those views would be filtered by intervening trees. The Parish Council has applied to the County Council for that path to be given the status of a public footpath. Although the proposal would have limited impact on longer distance views it would have significant impact on views in the immediate area.

12. The adjacent employment park is limited in extent and in terms of the scale of its buildings and structures. The warehouse occupied by Agrii is of significant size but the buildings are close to Canterbury Road and have only a limited effect upon the openness of the area between the village and the wood. The timber yard was approved recently but the scale of its operations is limited and controlled by conditions. Permission has also recently been granted for external storage racking at Agrii but this would be contained by the existing adjacent buildings.

13. The radar mast and the area of the former radar station are designated heritage assets. The Council's reasons for refusal were not based on any harm to the settings of those heritage assets and I see no reason to disagree. The mast is a large structure in the context of its predominantly open surroundings and the limited scale of the village. Its significance derives from its historic interest and as such it is of value rather than detracting from the character and appearance of the area.

14. I take into account the proposed new planting which would help to soften the appearance of the development and to blend it into its surroundings. **However neither this nor a condition limiting the height of the buildings would be sufficient to overcome the harm that I have identified.**

15. Paragraph 109 of the National Planning Policy Framework (the Framework) requires protection and enhancement of valued landscapes. For the reasons given the landscape is of value both locally and in a wider context and the proposal would unacceptably harm the character and appearance of the area.

16. In coming to this view I have taken into account the allocation in the LP of a site for residential development at Bull Lane, Boughton. Although that site will extend the built up area and is within the AHLV it is much smaller than the appeal site **and it adjoins a much larger village** and for these reasons is not directly comparable to the proposal.

17. **The overall requirement of Policy DM24 of the LP is to protect the value and character of the Borough's landscapes. Part C of that policy requires all development to have regard to the guidelines in the LCA. I have found that two of those guideline requirements would not be met. Although the policy allows for adverse landscape impacts to be balanced against social and economic benefits, for the reasons given the proposal would not accord with policy DM24 of LP.**

Location

18. Policy ST3 of the LP sets out the policy requirements in terms of the settlement strategy. Boughton, which is about 1 km away from the site, is defined as a Rural Local Service Centre in Table 4.3.1 of the LP and **Dunkirk is a lower order settlement ('other villages with built-up area boundaries')**. The policy focusses development on the urban centres while Rural Local Service Centres are identified as providing the tertiary focus for growth. **In other villages such as Dunkirk, development will be permitted within the built-up area boundaries. Outside those boundaries development is restricted under policy ST3.** The appellant agrees that the proposal would not accord with that policy.

19. Boughton has a range of local facilities that include a primary school and village hall/library, restaurants, a public house and retail facilities including a post office. In Dunkirk there is a village hall and employment opportunities while just outside the village there is a public house and a farm shop. Regular bus services run along the main road to Canterbury and Faversham, each destination being about 5 miles away. I note the Parish Council's concerns about the lack of medical facilities in the area but I nevertheless find that the site has a reasonably good level of accessibility to services and facilities by sustainable means of transport. Thus, while undoubtedly residents would use the car to a great extent, other travel options would be available.

20. Paragraph 4.3.23 of the LP describes the primary purpose of policy ST3 as being to protect the open countryside from isolated and/or large scales of development. The paragraph goes on to say that some minor development outside the built-up area boundaries may be essential for the social, economic or environmental health of a community. The proposal would include a shop and business floor space both of which would clearly benefit the local community in terms of increasing local provision and reducing the need to travel. **However, the development as a whole would far exceed the scale of development envisaged in the LP as being acceptable in this location. Although I have found that the development would be accessible by sustainable means, for these reasons the proposal would not accord with the settlement strategy as set out in the LP.**

21. While there would be benefits in terms of strengthening the community the development would overwhelm the limited scale of the existing settlement. For these reasons, and given the clear and undisputed conflict with policy ST3, I conclude that the site is not a suitable location for the proposed development. The proposal would not accord with policy ST1(4) of the LP which requires development to accord with the settlement strategy.

Conclusion

44. For the reasons given I conclude that the appeal should be dismissed.

Nick Palmer

INSPECTOR

Notes on Appeal Decision APP/V2255/W/17/3172378 ends.

This appeal has not been acknowledged in the EIA, but it clearly shows that the proposal is unsustainable and against SBC policy (as well as the B&DNP).

There are mistakes and mis-directions throughout the scoping report, many are serious and cause concern over the efficacy of the whole report.

Starting at 2.9:

The delivery of the proposed development will be infrastructure led, creating a network of villages, transport links and community facilities comprising: 1,550 dwellings. 200 retirement homes.

Other figures show 1740, 2050, and 2150.

The telecommunications tower adjacent to Highwood Farm is wrongly shown as grade II listed. This raises further questions on the validity of the documents.

3.3 Relevant Planning Policy and Guidance

No mention of B&DNP

3.4 Receptors.

Local schools including Dunkirk Primary School. The school was closed and declared redundant in 2008. It was converted to residential in 2014. The proposed 2 form entry would be difficult to fund and staff.

4.0 TOPICS WITH LIKELY POTENTIAL SIGNIFICANT EFFECTS

This section lays out many of the significant restraints that would form the basis of objection to a planning application, so there is no need to list them here.

Para 4.213 mentions a 20m buffer, but the attached map (page 24) shows the destruction of the woodland and hedges, even where there are dormouse boxes. We think the cutting was done at the

end of February to avoid the 1st March Defra imposed 'no cutting', but the machinery was far in excess of normal hedge cutting equipment. This will have caused much more damage to the woodland edges and the scoping must take this destruction into account when determining the wildlife that is (and would be) there. Heath Fritillary and Purple Emperor butterflies are known to have returned to ancient woodlands at the edge of the site. They are almost certainly on the rest of this site. Purple Emperors require tall trees; hence removal of established trees cannot be mitigated against. The presence of glow worms needs to be assessed.

Invertebrate focused issues to flag up in the scoping opinion would be:

The need for surveys of aquatic invertebrates in the network of ditches across the application site. Potential impacts of lighting on the invertebrate assemblages of the adjacent priority habitat woodland.

Light pollution is increasingly becoming an acknowledged issue for invertebrates-

<https://www.buglife.org.uk/campaigns/light-pollution/>. Note; this includes a link to a review of the impact of artificial light on invertebrates.

Para. 4.216 This states SuDS as sustainable drainage. The soil is heavy and retains water. Along with surface water flooding maps this must be given special attention to ensure it will work. Dunkirk churchyard is still 'open' for burials, yet it is known that graves need to be dug, coffins placed in them within an hour, or the coffin will float out. This is not an amusing anecdote; it is a fact. The trees have been taken out of the ditches so must weaken the usefulness of them.

Para 220 Previous leaflets have suggested that few cars would be required as cycling, walking and public transport would be the major forms of travel. Concerns to understand why suddenly four junctions onto the A2 are required.

Para 4.225 – 8 This would take walkers from ancient woodland through a housing estate. Could we suggest scoping a different walk-through to Brotherhood Wood, alongside the gypsy and traveler site, through Bishops Den and Court Wood, to re-connect with the 'Big Blean Walk'.

Para 4.234 Please see map and photos of damage to this '*irreplaceable habitat is of high ecological value*' on pages 24 and 25 of this report.

SBC's comments to 'Levelling Up and Regeneration Bill: reforms to national planning policy (NPPF consultation)' notes this as a problem area so it is critical to commission in-depth reports.

Environmental protection and tackling climate change

2.18 Steps will be taken to prevent developers from gaining biodiversity net gain rules by clearing habitats before submitting planning applications. This will involve closer working with Defra to review current degradation provisions for Biodiversity Net Gain to reduce the risk of habitat clearances prior to the submission of planning applications, and before the creation of off-site biodiversity enhancements.

We believe flailing took place late February to avoid Defra imposed 'no cutting' recommendations.

Para 4.235 The effects on the SSSI and other woodlands needs full appraisal with suggested 2050 houses, shops, commercial units, school, 4 'A' road junctions - with the traffic that entails, bus services etc..

Para 4.236 The statement '*revealed the likely absence*' of water voles, otter, barn owls or badgers on site need investigating. Hardly a scientific phrase '*likely absence*' or baseline for scientific audit

procedures. Further detailed scoping is required as local knowledge of their known presence nearby is at odds with this report (with the exception of otters which are felt to be unlikely).

Para 4.242 - 3 Skylarks are on the red list and require protection, not to be 'scoped out'. There are at least 8 skylark territories cited in the document. They nest in tussocky grassland. This habitat will be destroyed, and it will take years to regenerate. Mitigation is not a strategy. The chicks depend on dense ground cover - again, once destroyed is difficult to replace.

https://nc.iucnredlist.org/redlist/content/attachment_files/Guidelines_for_Appropriate_Uses_of_IUCN_Red_List_Data_ver3_rev1.pdf

Project-level decision-making

Red List data can be used to help identify, manage, and reduce the negative impacts of development projects across a range of sectors (e.g. agriculture, infrastructure, extractives, and energy) on biodiversity and ecosystem services. These data can be used in the implementation of the mitigation hierarchy to anticipate and avoid, minimize, rehabilitate or restore, and offset impacts (Figure 2).

Figure 2. Schematic diagram showing how IUCN Red List data can be used in the implementation of the mitigation hierarchy.

Red List data help inform key stages in project decision-making (Figure 3). These include: Screening and scoping risk: Before investment in exploration permits or development of projects, companies often screen potential project sites for biodiversity risk, alongside other factors such as social or security risk. The Red List species' range maps and assessment information are valuable for early assessment and identification of potential biodiversity risk, at a stage where up-front avoidance, such as alternative project siting, is still possible. For example, in IFC's PS6, the presence of Endangered or Critically Endangered species may qualify an area as 'Critical Habitat', with specific stipulations for the project. Critical Habitat screening for a project site could use IUCN Red List species range maps to identify if Endangered or Critically Endangered species were likely to be present. Red List information on range size and migratory status can be used to assess qualification under other PS6 criteria. Another example is that the presence of threatened species and ecosystems may qualify an area as High Conservation Value (HCV).

Whilst turtle doves may be making a slight comeback in this area, their numbers have declined by over 90% and the impact of this needs to be robustly assessed.

Para 4.244 We don't know how this works. How can you scope out an environment where red list birds live and try to recover; all the other birds etc. will probably also be lost. See Appendix 2

Gov.uk information makes it clear that detailed Environmental scoping is required. Taking the initial information into account, the development site area should, at the very least, be reduced due to the red-list species on site.

How to prepare a development proposal

The National Planning Policy Framework explains how a local planning authority (LPA) should apply government planning policies to your planning proposal. Further guidance is set out in the natural environment planning practice guidance.

1. Assess the effect of development on protected species

Before you submit a planning application, you need to know if:

- *protected species are, or likely to be, on or near the development site.*
- *the proposed development would affect the protected species.*

You may need to carry out a survey to find this out.

You only need to survey if it's likely that protected species are:

- present on or near the development site.
- affected by the development.

Ask an ecologist to help you decide if a survey is needed and to carry out the survey.

You can find one using either:

- Chartered Institute of Ecology and Environment Management directory (CIEEM)
- Environmental Data Services directory

The LPA can ask you for the following.

A preliminary ecological appraisal to decide if you need to do a further survey where it's not clear:

- if there are species present
- which species they are
- if their numbers are significant to the species population as a whole

More detailed surveys to provide an assessment of the potential effects of your development.

A further survey as a condition of the planning permission - usually only for outline applications or multi-phased developments - to make sure protected species are not affected at each stage.

You may not need to provide a detailed survey if you can show that the protected species are not affected by your proposal, because of:

- your proposed working methods.
- the layout of the development to retain supporting habitats or special features.
- the timing of the development to avoid sensitive times, such as hibernation and breeding seasons.

You can ask for discretionary advice from Natural England about site specific survey needs and biodiversity. There is a charge for this service.

You can get expert ecological advice to help you decide if a survey is necessary. You can also get best practice survey guidance from professional bodies including CIEEM, species conservation bodies and the British Standards Institute.

Some species are designated and protected as European protected species (EPS). EPS get full protection under The Conservation of Species and Habitats Regulations 2017. It's an offence to deliberately capture, injure or kill, or deliberately disturb EPS.

If you can predict the effect of your development on EPS it may be possible for the LPA to use licensing policy 4, which in certain circumstances allows you to do less survey work and propose worst-case scenario compensation. Natural England can advise you about this.

The LPA can refuse planning permission if the surveys:

- **are carried out at the wrong time of the year, are not up to date or do not follow standard survey guidelines without appropriate justification.**
- **do not provide enough evidence for them to assess the likely impact on the species and its supporting habitat.**

Habitats

Para 4.245 It is unlikely that the new human residents will confine themselves to the new paths that are being created and their intrusion into the currently rarely disturbed ancient natural habitats and SSSI is likely to have a high impact. The encouragement to walk and cycle in the surrounding ancient woodland is a problem not a benefit to everything living there except humans and even that is a short-term understanding of the human ecosystem.

The devastating effect of hundreds of domestic cats and dogs on the wild animals in the nearby nature reserve and ancient woodland needs to be robustly assessed.

DPC has researched this previously and is happy to share this evidence at Appendix 1 'Animal Predation by Cats'.

Further information available at:

Reference: <https://www.footprint-ecology.co.uk/reports/Floyd,%20L%20and%20Underhill-Day,%20J%20C%20-%202013%20-%20A%20literature%20review%20on%20the%20effects%20of%20pet%20cats%20on%20.pdf>

Protected Species

Para 4.247 Dormice, bats and newts will be killed, inevitably as stated in this document. A few nest boxes will not mitigate for the loss of hibernating holes in the roots of veteran trees or the loss of food, especially fungi, that dormice rely on. Honeysuckle, hazel and bramble take several years to bear fruit, nuts and flowers that form a large part of their diet. Many will also starve to death in the years following the development, being unable to find suitable hibernation sites. Translocation, as suggested in the document, will likely result in more death, as the animals will be unable to find safe shelter, food, hibernation sites and nesting sites before they are predated or starve.

Bats, in large numbers, have been seen on site. This needs to be adequately assessed. Mitigation is increasingly questioned to not be a sensible option and needs to be assessed fully. To suggest 'moderate adverse at a local scale' can be mitigated is challenged.

Para 4.248 The statement that the phased clearance of hedges is a good idea needs to be assessed. The impact of already cleared hedgerows needs to be assessed fully as this has caused irreparable damage to the habitat of many species. Hedgerows take decades to mature to a form where they support insects and the rest of the ecosystem above. See pages 25/26.

Para 4.249 '*would reduce these impacts to non-significant levels*'. This needs to be challenged and assessed further, the harm will be substantial.

Para 4.250 The '*significant water contamination*' needs a full assessment.

Para 4.251 Sometimes the increased biodiversity is offered at 20%, sometimes 10%. This makes it another questionable reference.

Para 4.260 Mention is made of Forrester's Lodge Farm, which may be considered a non-designated heritage asset. This is also now part of the scheme. There is no mention of the other four properties in the middle of site 'B?' and the harm on many policy and social levels. It seems unreasonable that the occupants have been ignored and not formally consulted (they've had leaflets like many others).

Para 4.271 Report states '*no designated landscapes recorded within the Site or study area*'.

SBC document *The Blean: Statement of Significance*. **This draws a different conclusion and scoping must include the Blean in total.**

Extent of area: The distinct Blean Woods LLD in the east of Swale extends to the boundary of Canterbury District to the east (to meet their AHLV designation). The Blean is located on an area of elevated topography of London clay and gravel drift deposits. The heavy clay soils support one of the largest areas of continuous semi-natural woodland in south east England. It is divided east west by the A2, partially in cutting.

Landscape character context

The Blean is a highly distinctive and unique wooded landscape in Swale. The strong sense of place is created by the large and continuous belts of woodland on elevated ground, that provide containment and a backdrop in the eastern part of the borough. It is part of one of the most extensive semi-natural woodland complexes in south east England supporting habitats of national and international value.

Much of the area is owned by conservation bodies including the RSPB and Woodland Trust and provides an important recreation resource.

Qualities

- Extensive and continuous belts of semi-natural woodland, much of ancient origin, linking to the wider Blean area beyond the borough boundary.
- **Prominent steep, elevated wooded backdrop to lower lying land in the eastern part of Swale District, providing a strong sense of containment and enclosure.**
- Grazed pasture with mature standing oak trees creates a 'parkland' landscape in some areas between blocks of woodland, as well as more open areas of farmland.
- **A strong sense of tranquillity and relative remoteness created by the continuous expanse of woodland and absence of development. Much of the area is only accessible by foot.**
- Woodland dissected by the A2 with local visual and audible impacts although largely contained in cutting, and maintaining sense of continuous wooded cover.
- **Absence of settlement other than occasional roadside dwellings within woodland or farms in more open areas cleared for arable farming, plus the small linear settlement of Dunkirk.**
- **Varied woodland habitats of national and international importance, supporting notable species such as the rare heath fritillary butterfly and woodland birds including nightingales.**
- Historic interests of this area include the evidence of different management techniques within the ancient semi-natural woodland including hedge banks and hornbeam and chestnut coppice.
- A World War II Chain Home Radar Station (Scheduled Monument) is located at Dunkirk.
- Extensive opportunities for access and informal recreation including the Woodland Trust site at Victory Wood and the Blean Woods National Nature Reserve (RSPB).
- **Relatively limited road access into the area maintaining 'hidden' remote quality.**

Swale Local Landscape Designations Review and Recommendations 2018

Criteria	Summary
<i>Local distinctiveness and sense of place</i>	<i>A very distinct sense of place is created by the large and continuous belts of deciduous woodland on elevated ground. The Blean forms a prominent wooded backdrop to the lower lying land in the eastern part of Swale and offers a strong sense of containment and enclosure within the area. The extensive deciduous woodland blocks are divided by areas of farmland as at Courtenay Farm, Bossenden Farm and Forester's Lodge Farm - some intensively managed and some with areas of grazed pasture and mature trees creating a parkland type landscape. It is a highly distinctive and unique wooded landscape within Swale.</i>
<i>Landscape quality (condition and intactness)</i>	<i>A landscape in good condition evidenced by active management/ coppicing of woodlands and well-managed farmland. There are some minor detracting features including more open arable farmland south of the A2, prominent mast at Dunkirk, and a small wind turbine but these are not intrusive. Although the A2 dissects the area with local visual and audible impacts, the road is well contained within the wooded landscape. The area has strong ecological integrity</i>
<i>Scenic qualities</i>	<i>A strong sense of tranquillity and relative remoteness/insularity created by the continuous expanses of woodland linked to the wider Blean Woods complex extending beyond the Borough boundary. Much of the area is only accessible on foot with just two minor rural lanes (apart from the</i>

	<i>A2), with limited built development and consequently very dark skies In more open elevated areas e.g. along Courtenay Road, long views to the Thames Estuary provide a contrasting scenic quality to the densely wooded landscape.</i>
<i>Landscape values</i>	<i>The area is highly valued for recreation; with sites including the Woodland Trust site at Victory Wood providing walking trails and open access land and the Blean National Nature Reserve (RSPB), plus an extensive rights of way network. Denstroude valley is particularly noted for its wildlife habitats, built heritage (including pill boxes) and scenic quality of open farmland set between the wooded hills.</i>
<i>Natural and cultural attributes/associations</i>	<i>The area is part of one of the most extensive semi-natural woodland complexes in south east England containing many varied habitats of national and international importance including part of Blean SSSI and NNR, and the Blean Wood Complex SAC. Woodland and heathland habitats support the rare heath fritillary butterfly and woodland birds including nightingales. The landscape provides a living record of past woodland management practices, with historic features including hedgebanks and extant coppice. Features of historic interest in addition to the ancient woodland include a Scheduled Monument: World War II Chain Home Radar Station and a number of Grade II listed buildings.</i>
Requirements	<i>The key requirement is to continue to manage the woodland to conserve and enhance its identified qualities and maintain the relative absence of development, rich biodiversity and remote qualities.</i>

<https://archive.swale.gov.uk/assets/Planning-General/Planning-Policy/Local-Landscape-Review-2017/The-Blean-Statement-of-significance-FinalV3.pdf>

Para 4.272 *“It is not anticipated that any of the field boundaries comprise historically ‘important hedgerows’ as defined under the Hedgerow Regulation (1997)”*. The openness and fields around Foresters Lodge have been in place since at least the 19th century. Therefore, it is recommended for Historic Hedgerows 1997 to be scoped in for further analysis, along with the known, high heritage value, of the properties in the middle of the site along with The Scheduled Monument of the Dunkirk Radar Site and the Grade II listed Mast, The Old Vicarage, The Old Vicarage Farm, Rochmel House (formerly Dunkirk Church) and The Old Schoolhouse.

In particular scoping should focus on the effects on these woodlands, much of which is part of Blean West.

6.0 STRUCTURE OF ENVIRONMENTAL STATEMENT

The site is currently fairly dark at night. The impact of light pollution from 2000+ buildings has not been adequately assessed. Recent research has revealed the devastating effects on insects and hence on the higher levels of the food chain, from lights, LED lights. (Missing from 6.6)



‘New Garden Community’, therefore not considering it to be part of Dunkirk.

Landscape and Visual Impact Assessment Draft Issue

1.3.2 In preparing this report Stantec has considered the requirements of the National Planning Policy Framework (NPPF) (MHCLG, 2021) in respect of ground conditions and in particular paragraph 183 which states:

“Planning policies and decisions should ensure that:

- a) a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation);*
- b) after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and*
- c) adequate site investigation information, prepared by a competent person, is available to inform these assessments”.*

However, more importantly, below parts of NPPF not noted:

Para 180. When determining planning applications, local planning authorities should apply the following principles:

- a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, **then planning permission should be refused;***
- b) 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. **The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest,** and any broader impacts on the national network of Sites of Special Scientific Interest;*
- c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and*
- d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate. For example, infrastructure projects (including nationally significant infrastructure projects, orders under the Transport and Works Act and hybrid bills), where the public benefit would clearly outweigh the loss or deterioration of habitat. Potential Special Protection Areas, possible Special Areas of Conservation and proposed Ramsar sites are sites on which Government has initiated public consultation on the scientific case for designation as a Special Protection Area, candidate Special Area of Conservation or Ramsar site.*

181. The following should be given the same protection as habitats sites:

- a) potential Special Protection Areas and possible Special Areas of Conservation;*
- b) listed or proposed Ramsar sites; and*
- c) sites identified, or required, as compensatory measures for adverse effects on habitats sites, potential Special Protection Areas, possible Special Areas of Conservation, and listed or proposed Ramsar sites.*

182. The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.

The grant of 'up to' 2150 houses would clearly be of greater impact than the refused 77 houses, and increase the population to over 5,500, some 500% extra, which will definitely change the character of the village. The scoping report notes the inadequacy of infrastructure including water and wastewater. Electrical supply requires a further 21,500KvA for the houses and a further 7,500KvA for car charging points. Scoping should include 'Green Energy'. No gas supply is envisaged for any of the properties.

It should be noted that the previous B&DNP assessment and SHLAA found the site 'unsuitable and unsustainable' and was not included in Bearing Fruits 2017. It has been submitted in the current range of SHLAA sites. There are extreme policy concerns, with so much fundamentally in conflict with the SBC development plan, Bearing Fruits and B&DNP.

Para 2.7 notes five pre-application meetings with SBC and other key local stakeholders including National Highways and Kent County Council, plus discussions with Design South East.

I suggest we need copies of the submissions + responses from SBC, NH, KCC and those of Design South East. Hopefully, these will indicate the extent of commercial floor space and type of user, including GP surgery, pharmacy, dispensary, and dentists surgery.

Para 2.8 notes potential capacity to be 2,150 (being 2,050 +5%).

Para 2.9 notes development 'creating a network of villages, transport links and community facilities' of 1,740 dwellings + 160 retirement homes. See 2.8 above.

Up to 40% affordable – anywhere from 1 to 39 is 'up to'. The scope of this need's clarification. The B&DNP is based on research and questionnaires, this then became the basis of policies. There is no scoping described to understand whether there is a need or viability/sustainability for this site at a level higher than the B&DNP.

EIA Methodology.

Relevant Planning Policies and Guidance.

They have ignored the Boughton and Dunkirk Neighbourhood Plan (B&DNP) and its policies.

Long list of main receptors but avoids documents at this stage.

There is no mention of the 3/4 residential properties in the middle of the site. I note the farmhouse is now shown as part of the development. This will mean additional scoping for PROW's. Receptors note 'Local schools including Dunkirk Primary School'. Closed 15 years ago.

Potential significant effects.

Traffic and Transport will be assessed once SBC has undertaken new LPR modelling. Cycling and walking footway just south of A2 to connect with lower Dunkirk (muddy footpath). Walking and cycling to Selling station or Faversham are seen as acceptable although local knowledge would suggest otherwise. Some information should be included in pre-application documents that we hope to interrogate.

Noise and vibration.

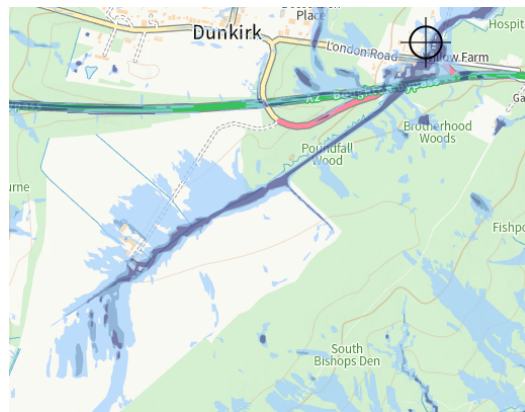
Likely to be significant impact. Requires scoping.

Air Quality.

The proposed building program lasts for 15 years. The impact on the village and its surrounding ecosystem, noise, pollution, air quality, water contamination, CO2 release, needs to be assessed. Likely to impact Blean SAC and Church Wood/Blean SSSI and the other surrounding woodlands. The closest AQMI is in Teynham so won't show any adverse levels from Dunkirk. Local AQMI required at a number of sites around the parish before and scoping work begins. The proposed public transport hub needed to look at the quanta of buses to cars and vans. The huge increase in vehicles will put extra stress on over capacity Brenley Corner, the A2 including through Teynham and Sittingbourne, A2 to Canterbury and Dover, M2 to London and the A299 to Whitstable and Thanet. Traffic through Dunkirk and Boughton under Blean could paralyse both villages. The B&DNP found the traffic already unacceptable, and just sustainable for the proposed allocated site in Boughton.

Flood Risk and Surface Water.

The Site is located within Flood Zone 1 'Low Probability'; classified as land at less than 1 in 1000 (0.1%) Annual Probability (AP) of river or sea flooding. However, the Site is likely to be impacted by surface water drainage. This would be exacerbated with run-off from 2000+ homes, offices & other commercial buildings. Southern Water is unable to provide an acceptable solution for many years.



Winterbourne - literally, a stream that appears in winter - means that the site is known to flood every winter and a stream to commence. Whilst not in a flood zone, it is regularly flooded with surface water every winter. This is crucial for the ecosystem in the centre of this area of ancient woodland. Digging a pond as suggested in the report, will destroy the winterbourne nature of this water feature and disturb the entire ecosystem.

The historical importance of the source of the Sarre Penne will be destroyed by the scheme and the impact of this should be assessed. Tributaries to the Sarre Penne intersect the site and their destruction needs to be assessed.

Foul Drainage.

No existing infrastructure, and the Site lies within the Stour Catchment. S. Water no current plans to update. Southern Water suggesting a minimum of 24 months from notification [planning permission obligation].

Water.

South East Water cannot meet its obligations currently to some 200 houses, with many instances of cuts and bottled water being provided. The scoping must be accurate and definitive, no phrases such

as 'we will endeavour to', 'we expect to', 'we will try' etc.. Scoping must provide conclusive evidence. (This applies to all the scoping actually).

Climate change.

'Reports to follow'.

Future users of the site could alter any predictions. Without exploring this it could undermine much of the good work Swale has started. This also has serious implications for the water supply.

Health and Wellbeing.

Key area of concern.

There appear to be a move to 'scope out' areas including health care. Stating a surgery **could** be built ignores the fundamentals of the facts. This should be within the scoping because:

- a). They state the wrong CCG, and even this is on a 'we will contact' basis. This shows a fundamental error which undermines their judgement on this topic (and it must be said, other glaring errors).
- b). The existing CCG in Swale doesn't cover this land mass and has no obligations to take on patients or make home visits.
- c). When fully built out, suggested by 2042, there would be insufficient numbers on site to support the variety of (GP) services, required to be provided today. Clearly, before 2042 the numbers would be even lower, not sustainable and make a practice even less viable, unable to support the full range of services that are now part of general practice. We suggest that this would not meet the regulatory burden that setting up a practice entails. We suggest this is also true for pharmacy and dental services.

The absence of a practice would raise questions about the viability of a residential home.

Expert advice we have received suggests this should be taken seriously, and even described as 'a fantasy'. Strong comments from a senior partner of a surgery. This would put lives at risk.

Scant mention of sports; facilities should be listed in detail so we can assess whether it would meet a need.

No mention of B&DNP.

Landscape and Visual.

Key areas of concern.

National, Local and B&DNP policies noted.

Descriptions of site wrongly labelled with A and B transposed.

Swale Landscape Sensitivity Assessment: Boughton and Dunkirk Areas BK1 and BK2.

Request for Scoping (S L S A) shows site 'A' (B in Shaptor's document) as 'High' in *Overall assessment of landscape sensitivity to future change from residential development (2-3 storey housing, over 2ha)*.

Description of the village implies Canterbury Road and Courtenay Road is Dunkirk. Dunkirk Primary School mentioned without a caveat that it is now a residential building, same with Christ Church.

Site 'B' (S L S A) (A in Shaptor's document) shows sensitivity to development as 'Medium to High'.

Photographs refer to 'A' and 'B' sites incorrectly, giving a wrong perspective of the landscape. Photos of the properties in the centre of the site actually make no mention of them or their contribution to the setting.

I would suggest we ask to meet SBC landscape and spatial officers to discuss the setting and changes it will make to the SAC and SSSI, as well as the farmland itself.

The area is designated habitat for Turtle Doves, whose decline has been noted recently to be 95%.

Great crested newts are found in nearby ponds.

Socio-Economic Effects.

Key area of concern.

There appears to be a desire to suggest these should not be included and removed as insignificant. 'Overall, the potential for significant effects related to socio-economics are not anticipated as a result of the Proposed Development. As such, it is not necessary for the topic of socio-economics to be included within the EIA'. We suggest 5000+ people, cars, buses, bikes etc. is indeed significant and would overwhelm the village and the bio-diversity.

Kent Police Service should be included in the scoping, as there is going to be an increase in the amount of Police needed during any proposed development.

We must take exception to Stantec table 8. *Social cohesion and lifetime neighbourhoods.*

Does the proposal connect with existing communities, i.e., layout and movement which avoids physical barriers and severance and land uses and spaces which encourage social interaction?

The village centre? ** Dunkirk already has a village centre**. This implies this is a new village, as described by Lizard - SHAPTOR CAPITAL LTD. SWALE NEW GARDEN COMMUNITY, DUNKIRK, will provide a central hub for the Proposed Development, and can also draw in residents in the surrounding area. It will include a range of shared use facilities and public open space. This doesn't show connectivity, only isolation and dominance over the existing settlement./

*Lizard Report notes: *The Scheme comprises some 1,850 dwellings, (with this including approximately a 5% contingency of 1,750). The delivery of the Site will be infrastructure led creating a network of villages, transport links and community facilities comprising: 1,550 dwellings and 200 retirement homes**. Yet again, different to Main Report.

The provision of education needs to be in scope; the 2-form entry primary school would be required with 2050 houses, especially with all local schools full. Apparently KCC have a duty to provide, but at least they are a statutory consultee. Do they wish to see further provision so far aware from sustainable infrastructure?

Appendix 4 replacement document.

Appendix A.

Finally able to read the document 29th March 2023.

As noted at the beginning of this report, it is very difficult to make constructive comments on this section as the sites and photographs are mislabelled i.e. 'A' is 'B' and 'B' is 'A'. Pictures of both sites and mixed up and give completely the wrong impression of both sites. Figure 6.1 and constraints again reversed. Figure 6.2 and landscape opportunities confused and reversed. Point 15:

"Reduce – *Access to the surrounding woodland resource should be managed, whilst increasing attractiveness as a resource for walkers through appropriate surfacing and improved interpretation to educate users of the importance of keeping to nature trails alongside physical barriers such as gates at the end of rides to prevent access"*.

This would be on land owned by third parties. Also, being promoted as access to Selling Station, 500+ people? Or would they just use cars?

7.8 Is this 'A' or 'B'.

Appendix B – viewpoint photographs.

There isn't a single photograph showing the 4/5 other residences in the middle of the site. The impact on these properties would be immense. Only references appear to be Viewpoint No. 06a **Description** - *Primarily vehicular users accessing the built form at Forester's Lodge Farm and a smaller number of pedestrians using the Public Footpath have visibility of the large agricultural barn and*

*silage containers within the centre of the Site, **beyond which there are various farm houses and cottages**, with boundaries defined with hedgerows with trees.*

Appendix C – Draft swale landscape sensitivity assessment (LUC, may 2019) – extract
Referring to site ‘A’? North of the A2

Overall assessment of landscape sensitivity to future change from residential development (2-3 storey housing, over 2ha)

HIGH

Overall assessment of landscape sensitivity to future change from employment development (Use Class B light industrial)

HIGH

*This is a highly distinctive, unique and scenic wooded landscape within Swale, whose value is recognised through its designation as an Area of High Landscape Value (Kent Level). The combination of landscape value, ecological sensitivities and natural character, intimacy of scale of some parts, strong time depth, perceptual and experiential qualities, relatively compact settlement form and the historical significance of the Chain Home Radar station complex indicate a **high** overall sensitivity to future change from residential and employment development. Spatial variations in sensitivity within the area: There are small, discrete areas of open fields/paddocks and detracting modern sheds/warehouses around the settlement core, immediately south of Canterbury Road and east of Courtenay Road that display fewer of the aforementioned distinctive and valued landscape qualities. Whilst these have a moderate degree of openness, and are in proximity to the designated Blean Woods, they are considered to have a slightly lower sensitivity than is typical for the remainder of BK1.*

Guidance

Given the overall assessment of landscape sensitivity outlined above, the following represents general guidance and should not be interpreted to the effect that residential and employment development of the scale assessed would be considered acceptable in principle in landscape terms.

Referring to site ‘B’?

The area of the landscape to the south of Dunkirk lies within the Blean Woods West landscape character area (No.33).

It relates to a discrete area of open, predominantly arable farmland around Forester’s Lodge Farm, immediately south of the A2.

This area lies wholly within the Blean Woods Area of High Landscape Value (Kent Level).

The whole area is recommended in the 2018 study for designation as part of The Blean LLD.

Overall assessment of landscape sensitivity to future change from residential development

MEDIUM to HIGH

Overall assessment of landscape sensitivity to future change from employment development

MEDIUM to HIGH

The landscape has a broadly flat or gently undulating plateau-like landform, relatively strong sense of rural character with some minor modern human influences, moderate time depth, limited valued natural features and semi-natural habitats (although the surrounding ancient woodland makes a

strong visual contribution), and is visually well contained from some neighbouring areas. Whilst some of these attributes are atypical of the Blean Woods West character area, and suggest a moderate sensitivity, taken in combination with the location of area BK2 wholly within the Blean Woods Area of High Landscape Value (Kent Level), this indicates a **moderate-high** overall sensitivity to future change from residential and employment development.

Spatial variations in sensitivity within the area: There are no notable variations in overall sensitivity within this landscape area, although the sense of tranquillity and remoteness increases with increasing distance from the A2.

Given the overall assessment of landscape sensitivity outlined above, the following represents general guidance and should not be interpreted to the effect that residential and employment development of the scale assessed would be considered acceptable in principle in landscape terms.

- Ensure reference is made to relevant published guidance, including the Kent Design Guide and the Swale Landscape Character and Biodiversity Appraisal.
- Consider any new development in relation to the sensitive landscape character and value of the AHLV, designated ancient woodland and the statutory designations of the neighbouring Blean Woods complex (SSSI, NNR, SPA).
- Any new development should follow a landscape-led approach, utilising landform and natural contours to sensitively contain and provide boundaries to built form; and conserving and reinforcing the existing network of woodland, shelterbelts and hedgerows, which provide landscape structure, enclosure and screening. Consider the creation and restoration of such features, where these have been lost. This landscape-led approach should extend to the consideration of green infrastructure (GI), and opportunities to incorporate existing valued landscape features within a network of multi-functional, accessible green and blue spaces and routes, which is capable of delivering a wide range of environmental and quality of life benefits for local communities.
- **Ensure consideration is given to sensitive heritage assets including Conservation Areas, listed buildings, scheduled monuments and their settings.**
- **Incorporate and conserve views to local landmarks in conjunction with any new development, e.g. the surviving built features of the Chain Home radar complex.**
- **Ensure any new development is sensitive to local character and context in terms of building scale, massing, style and materials, incorporating sensitive lighting design and native plant species of local provenance. New development should also seek to maintain a rural character along the Canterbury Road.**
- **Maintain the sense of Dunkirk as a distinct small rural village, and avoid extensive linear development along the Canterbury Road giving the impression of a more continuous urban/suburban area with neighbouring Boughton.**

Both sites are in tier 5 SBC hierarchy which, along with M-H and H reinforcing the sensitivity of both sites, should be scoped with the greatest detail as it appears they cannot be mitigated against.

Appendix D – CPRE relative tranquillity and light pollution maps.

The maps show the site towards the most tranquil, and the greater proportion of the site in the darkest skies. Any development will change this completely and be very bad for the wildlife on and around the site.

The site is currently fairly dark at night. The impact of light pollution from 2000+ buildings has not been adequately assessed. Recent research has revealed the devastating effects on insects and hence on the higher levels of the food chain, from LED lights.

Appendix E - local landscape character areas (LLCA) photographs

Lots of pictures of Boughton and Dunkirk built areas, and finally a picture of one residential property within the site – of just a roof.

Appendix F - landscape and visual impact assessment – methodology.

The receptors show how highly sensitive the area is and they should be given the highest weight when measuring against the site(s).

Table 1 Effect sensitivity framework	Major
Table 2 Value criteria	Medium to High
Diagram 2	Highly sensitive and susceptible
Table 3 Susceptibility criteria	High, only small change tolerated.
Table 4 Landscape sensitivity criteria	High Scheme would be out of scale / cause a noticeable deterioration to a landscape area / associated feature of recognised quality / scenic qualities.
Table 5 Magnitude of landscape change criteria	High
Table 6 Landscape effect criteria definitions	Significant major adverse
Table 7 Visual sensitivity criteria	Medium to High
Table 8 Magnitude of visual change criteria	High
Table 9 Visual effect criteria definition	Major to significant adverse

The cumulative effect of these receptors would indicate that they could not scope out the detrimental effects of the proposed development. **Mitigation would not address these issues. This, along with national, area and local planning policies would suggest the scheme is both unsuitable and unsustainable.**

Appendix G - British geological survey - bedrock geology.

The site(s) are both on London Clay Formation, clay and silt, with many local properties suffering subsidence and other forms of ground movement.

'London Clay is highly susceptible to volumetric changes depending upon its moisture content. During exceptionally dry periods or where the moisture is extracted by tree root activity, the clay can become desiccated and shrink in volume, and conversely swell again when the moisture content is restored. This can lead to many problems near the ground surface, including structural movement and fracturing of buildings, fractured sewers and service pipes/ducts and uneven and damaged road surfaces and pavings. Such damage is recognised to be covered by the interpretation of subsidence in buildings insurance policies, and the periods of dry weather in 1976/77 and 1988/92, in particular, led to a host of insurance claims. As a result, many insurance companies have now increased the cost of premiums for buildings located in the most susceptible areas where damage occurred, where the clay is close to the surface'. ©Wikipedia

Receptor points to the unsuitability and unsustainability of the site(s).

Conclusions.

Many areas including Landscape, Heritage, Ecology, Health (especially provision of a surgery) in the LVIA seems to play down the sensitivity of the areas and try to remove them from the scoping. These must be fully explored, and more information provided.

It is assumed that the reports as all listed on the pages 94, 95 (request for scoping 1) on the structure of environmental statement will be full and comprehensive. Many of the right reports seem to be

there, with the exception of lighting, but obviously scoping must be of the highest integrity for all areas. Socio economic, and utilities need special attention, especially in light of the sensitive nature of the site.

Transport, a major concern both in terms of the extent of highway, infrastructure and impact on the quality of the environment and tranquillity, not fully addressed. Clearly this number of houses would also put Brenley Corner even further over capacity.

As well as highway data, the inference from receptors is that the roads and highway transport assessment travel plan will extend to Brenley corner and A251. We all know the issues with them currently, without another 2000+ cars from Winterbourne Fields, 6-8000 from Canterbury and an unknown number from Thanet.

SBC's LPR has been halted due to Traffic data suggesting no development can happen in the Borough until a solution is found for Brenley corner. We have been told discussions will start in 2028, so clearly the EIA cannot address this fundamental problem.

Highway assessments will need to have full regard to the cumulative impacts of committed /permitted developments, (pages 15 – 23) and include those from Canterbury City Council. The impact on Boughton-under-Blean (in particular), Selling and Hernhill must also be included. The many local rural lanes will be many times over capacity causing concern for road safety. Most local roads do not have footpaths and they are already extremely dangerous.

The scoping seeks to remove utilities and infrastructure from the EIA. This must not be allowed to happen. These two major grounds we consider must be part of the EIA.

1. Water, foul drainage, electricity all has implications for delivery and impact on wider areas.
2. Suggested programming has implications for delivery of this development and importance to timescale for meeting housing provision which is seen as one of the sustainable arguments by the applicant. Without foul drainage in place (S. Water suggesting a minimum of 24 months from notification [planning permission obligation]), how can any housing be brought forward?

If not, there are environmental issues, water quality etc. for both Dunkirk and Boughton.

The latter point legitimises current local concerns of inadequate services now, without piling WF on top. If raised to ES status we will hopefully end up with greater detail, and greater transparency and accuracy.

Appendix 1 Cat predation.

Dunkirk PC are aware that there is likely to be increased predation of birds and other wildlife in the RSPB reserve due to domestic cats if development takes place. We have looked at the available evidence that is available online in an attempt to make an informed assessment of the potential harm that may occur. This has proved to be very difficult.

By their nature cats are predatory and tend to disappear into any areas where they may find prey. At night it is almost impossible to track their movements accurately and know what they are doing. It was impossible to state what they have caught and killed with any certainty. Counting the dead animals or birds that they bring home is one measure that was recorded, but it is known that cats often eat or leave their kills behind. Virtually all the studies we examined showed a wide range of results from a variety of habitats around the world.

After further searching and careful reading it was concluded that a 2013 paper reviewing the effects of cats on nearby protected wildlife sites commissioned by Breckland Council seemed to be both the most comprehensive and up to date. It also cited the largest range of up-to-date references. 'A literature review on the effects of pet cats on nearby protected wildlife sites' by Floyd and Underhill-Day.

This has distilled a lot of information into an understandable format. It also demonstrated that it is not just cats killing birds that may affect bird populations, just their presence can have a negative effect on bird numbers. Cats also kill large numbers of small mammals and reptiles that are normally the food of birds of prey; this then makes the normal bird population the subject of their hunting. **Their range of travel is also highly variable, varying from 100 to 300 metres up to 3000 metres.** Much of this recent information has come from fitting GPS collars and miniature cameras to cats and then observing their nocturnal hunting habits and allowing accurate counts of their 'kills'.

Because the historical database is still imprecise and modern surveys are not yet fully confirmed in a wider range of habitats, we cannot accurately predict the degree of risk in the surrounding woods. **However, the most recent research indicates that cats kill more birds and animals than was previously thought.**

The use of 1.8metre fencing with 1.2mm gauge wire mesh seems to reduce the entry by cats, but not entirely prevent it. 'A planning decision in 2012, within 400metres of Talbot Heath, part of the Dorset heaths SPA, confirmed the view long held by Natural England and the RSPB that cat proof fencing is not a fail-safe means of preventing access by domestic cats, and certainly should not be relied upon to prevent harm to SPA interest, AHLV, LCA and SSSI.

Poole Borough Council had their planning consent for housing and student accommodation overturned by the Secretary of State (APP/Q1255/V/10/2138124) having regard for the long-term ineffectiveness of both cat proof fencing and covenants on the new property banning occupants from keeping pets.

We quote the last paragraph of the paper and leave its significance for others to judge: 'Cat predation is only one of a large suite of factors to consider which may limit prey populations, including habitat loss and disturbance, agricultural land change, climate change and competition, all of which are also relevant to planning decisions. However, it is apparent that there is increasing need for planning bodies to take account of the potential impact of the domestic cat on biodiversity, and the listed means available to deter hunting behaviour, or exclude domestic cats from sensitive locations within their home ranges. Essentially, sensitive wildlife areas are most effectively protected by informed spatial planning that prevents large scale residential development in locations where biodiversity interest could be significantly affected by cat predation.'

Ends.

Appendix 2

Red list UK

	Known to nest on site.		Known to nest on site.
Grey partridge		Lapwing	
Grasshopper warbler		Ptarmigan	
Whimbrel		House martin	X
Capercaillie		Curlew Wood warbler	
Black grouse		Black-tailed godwit	
Starling	X	Bewick's swan	
Ruff Mistle thrush		White-fronted goose	
Dunlin		Fieldfare	X
Long-tailed duck		Purple sandpiper	
Ring ouzel		Velvet scoter	
Woodcock		Spotted flycatcher	X
Common scoter		Red-necked phalarope	
Nightingale		Goldeneye	
Kittiwake		Whinchat	
Smew		Herring gull	
House sparrow	X	Pochard	
Roseate tern		Tree sparrow	X
Scaup		Arctic skua	
Tree pipit		Red-necked grebe	
Puffin		Yellow wagtail	X
Slavonian grebe		Hen harrier	
Hawfinch		Turtle dove	
Montagu's harrier		Greenfinch	X
Swift		Lesser spotted woodpecker	
Twite		Cuckoo	
Merlin		Linnet	X
Corncrake		Red-backed shrike	
Redpoll		Leach's storm-petrel	
Marsh tit		Corn bunting	
Balearic shearwater		Willow tit	
Cirl bunting		Shag	
Skylark	X	Yellowhammer	X
Dotterel		Marsh warbler	
Ringed plover		Savi's warbler	

Clear guidance is also given in:

Swale Landscape Sensitivity Assessment (SLSA).

An assessment of the landscape sensitivity of the main settlement edges within Swale

Borough Final Report Prepared by LUC for Swale Borough Council Incorporating consultation comments October 2019 has been used in preparing this report.

Destruction of hedges, trees & ditches Winterbourne Fields. March 2023.



Winterbourne Fields March 2023

