Date: 28 June 2019
Our ref: [redacted]
Your ref: Y19/0257/FH

[redacted]
Folkestone & Hythe District Council

BY EMAIL ONLY

Customer Services
Hornbeam House
Crewe Business Park
Electra Way
Crewe
Cheshire
CW1 6GJ

[redacted]

Dear [redacted]

Planning consultation: Outline application, with all matters reserved, for a comprehensive residential led mixed use development
Location: Land bounded by the M20 and Channel Tunnel Railway Link (CTRL) to the north; the A20 / Stone Street and Sandling Park to the east; Harringe Lane to the west; and Aldington Road to the south

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

This is our second letter in response to the proposed application, including Natural England's advice on the following aspects:

- **Habitats Regulations Assessment (HRA)**
- **Sites of Special Scientific Interest (SSSIs)**
- **Soils and land quality**
- **Green/ blue infrastructure (GI)**
- **Biodiversity**
- **Biodiversity net gain**

Please refer to our first letter, dated 03 June 2019 with same ref, for our detailed comments in relation to the Landscape and Visual Impact Assessment (LVIA) and impacts on the Kent Downs Area of Outstanding Natural Beauty (AONB), on which we are requesting further information.

SUMMARY OF NATURAL ENGLAND'S ADVICE (not including LVIA)

FURTHER INFORMATION REQUIRED TO DETERMINE IMPACTS ON DESIGNATED SITES

As submitted, the application could have potential significant effects on:

- Folkestone to Etchinghill Escarpment Special Area of Conservation (SAC)
- Folkestone to Etchinghill Escarpment Site of Special Scientific Interest (SSSI)
- Lympne Escarpment (SSSI)

Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation, as required:

- **Air quality** – clarification on screening of air quality impacts, with further detailed assessment as necessary, for the above designated sites.

Without this information, Natural England may need to object to the proposal.

Please note that if your authority is minded to grant planning permission contrary to the advice in this letter, you are required under Section 28I (6) of the Wildlife and Countryside Act 1981 (as amended) to notify Natural England of the permission, the terms on which it is proposed to grant it and how, if at all, your authority has taken account of Natural England's advice. You must also allow a further period of 21 days before the operation can commence.

Furthermore, additional information/ clarification should be provided as follows:

- **Soils and land quality** – detailed Agricultural Land Classification (ALC) survey and soil resources survey required to assess impacts on Best and Most Versatile (BMV) soils
- **Otterpool Park SSSI** – clarification of proposed future management of SSSI as part of the proposed Woodland Country Park
- **Green/ blue infrastructure (GI)** – we strongly encourage the GI Strategy is significantly expanded on which pulls together all strands of GI including high level principles and parameters, along with further detail on longterm management of the GI estate, which can be secured through to reserved matters and detailed phase design
- **Biodiversity net gain calculations** – clarification on methodology used to maximise the net gain achievable for the proposed scheme; how net gain principles and targets will be secured through to reserved matters and detailed phase design; and how net gain will be secured via a management plan for at least 25-30 years of operation of the scheme

Please re-consult Natural England once the above information has been obtained.

Natural England's further advice on designated sites and on other issues is set out below in Annex One.

Should the applicant wish to discuss the further information required and scope for mitigation with Natural England, we would be happy to provide advice through our Discretionary Advice Service.

If you have any queries relating to the advice in this letter please contact me on [redacted].

Please consult us again once the information requested has been provided.

Yours sincerely

[redacted]

Senior Advisor
Sustainable Development network, Sussex and Kent team

Annex One: detailed comments on Otterpool planning application – HRA, SSSIs, soils, GI, biodiversity and net gain

Habitats Regulations Assessment (HRA)

On the basis of information provided, Natural England advises there is currently not enough information to rule out the likelihood of significant effects on European protected sites. Natural England therefore advises your authority should not grant planning permission at this stage.

Uncertainties remain relating to effects that may become significant when considered in combination with other plans or projects.

We advise that additional information should be submitted by the applicant in order for your authority to fully assess the proposal. This would then provide an opportunity for your authority to repeat your screening to check for the likelihood of significant effects of the project as submitted (i.e. with all new information provided as part of the proposal) but excluding, at this stage, any measures specifically intended to avoid harmful effects on European sites.

If following the submission of additional information you conclude, as the competent authority, that there is a likelihood of significant effects, or uncertainties, you should undertake an appropriate assessment in order to fully assess the implications of the proposal in view of the conservation objectives for the European site in question. Natural England must be consulted on any appropriate assessment your Authority may decide to make.

Additional information should be requested from the applicant with particular regard to air quality impacts, as set out below.

Natural England's advice on the supporting information for the HRA, and additional information required

The HRA is set out in a rather confusing way in that it is not clear at what stage of the HRA process European sites are considered, ie Stage 1 for likely significant effect or Stage 2 for Appropriate Assessment.

Nevertheless, we generally agree with the European sites scoped in for more detailed consideration for the impact pathways of **recreational pressure and functionally-linked land**. We note in combination effects for these impact pathways include the Folkestone and Hythe DC emerging Core Strategy Review and Places and Policies Local Plan (PPLP).

However, with regard to the **air quality impact pathway**, we advise the HRA has not been undertaken correctly to ensure in combination effects are considered at the screening stage for likely significant effect.

Our detailed comments are as follows:

Air quality

Following the *Wealden* judgment[1], road traffic effects of other plans or projects which are known or can be reasonably estimated (including those of adopted plans or consented projects) should be included in road traffic modelling at the screening stage, as has been undertaken for the FHDC Core Strategy Review submission. The Design Manual for Roads and Bridges (DMRB) screening criteria of 1,000 AADT or the 1% exceedance test for critical loads and levels (CL) for key emissions can then be applied to the traffic flows of the proposals in combination. This should all be undertaken as part of the screening stage for likely significant effect, to inform which European sites should be scoped in for further detailed assessment under the appropriate assessment stage (ie for

[1] Wealden District Council v. (1) Secretary of State for Communities and Local Government; (2) Lewes District Council; (3) South Downs National Park Authority and Natural England

sites where the process contribution exceeds 1% of the CL and the background is less than 70% or 1000 AADT).

As it stands, the HRA only relies on DMRB screening criteria for the proposed development alone, when considering air quality.

We have the following comments to make on the air quality assessment, as submitted. In Table 3, baseline information is entered for average N deposition rates in years 2013-15, and 2017. It is not clear in the HRA where this baseline information is derived from, upon which modelling for future predictions is then based. The HRA should clearly cross-reference to *Chapter 6 Air Quality, Section 6.3 Baseline*.

For the detailed assessment for Folkestone to Etchinghill Escarpment SAC, as set out in Table 7, it is not clear that impacts particularly from NOx and N deposition have been properly assessed. We would expect to see both NOx and N deposition each clearly expressed as a % of the APIS critical level and load for the designated site, for both Process Contribution (PC, ie the development alone and in combination) and Predicted Environmental Concentration (PEC, ie the development in combination, plus the background level). This should be undertaken for the various future scenarios. This should all be undertaken under Stage 1 for likely significant effect.

At the moment, the results only appear to show N deposition expressed as a % of the critical load. These results show parity or exceedance of the 1% threshold for N deposition for scenarios 2029 and 2046, respectively. This should have automatically triggered further detailed assessment as part of the appropriate assessment stage. Yet the conclusions go on to state no likely significant effect on the integrity of the SAC. This is also despite no data for the contribution of the development, together with baseline, to NOx emissions.

We strongly advise the air quality assessment should be amended as per our above comments, to ascertain whether there may be an adverse impact on integrity of European sites.

Notwithstanding the above, we welcome the various mitigation measures proposed to reduce air emissions as set out in Chapter 6 *Air Quality*, para 6.4.21, including promotion of alternative use of transport such as public transport, cycling, walkways and electric charging points.

Recreational disturbance

We agree with the scoping out from Appropriate Assessment stage of Tankerton Slopes and Swalecliffe SAC and Stodmarsh SAC, given their distance from the proposed site and their qualifying features are not likely to be susceptible to recreational pressure.

For Folkestone to Etchinghill Escarpment SAC and Wye and Crundale Downs SAC, it is not clear in the HRA (section 6.6.1.5) how the conclusions were drawn that the proposals are not likely to have a significant effect through recreational pressure. It is likely residents of Otterpool Park will visit these sites given their proximity, and are likely to use it for walking and walking with dogs, and as such this impact pathway should have been considered as part of the appropriate assessment stage. Nevertheless, given the substantial onsite provision of publically-accessible greenspace as part of the proposals, we do not consider the scheme will have an adverse effect on integrity of these sites, alone or in combination with other plans and projects.

Similarly for Dover to Kingsdown Cliffs SAC and Parkgate SAC, we consider the proposals alone will not have an adverse effect on the integrity of these sites, alone or in combination.

For the Dungeness complex, based on latest evidence, visitor pressure comes largely from tourists visiting from beyond the Folkestone and Hythe District. This pressure is not currently having an adverse effect on integrity of these sites, however Folkestone and Hythe and Rother District Councils are developing an approach to address future increase in tourism to the area with a suite of visitor and site management measures. In light of this, we concur with the conclusion drawn that the proposed scheme will not have an adverse effect on integrity of these sites, alone or in

combination, as well as taking into consideration the considerable on-site provision of publically accessible greenspace for the scheme itself.

Functionally linked land
We concur with the conclusions made that the proposed site does not provide functionally-linked habitat for European sites in the vicinity.

Sites of Special Scientific Interest (SSSI)

Otterpool Quarry SSSI
One of the key existing assets of the proposed site is the Otterpool Quarry SSSI, which occurs in the centre of the site, and forms the focus of the proposed Woodland Country Park.

This SSSI is notified for its geological interest, of particular value to the scientific community. We are pleased to see it will be protected in its entirety, with no hard development occurring within the SSSI boundary, and will form a key element of the wider GI strategy with benefits for public access and education.

In the Non-Technical Summary, Section 10 *Geology, Hydrogeology and Land Quality* (p30), the photo caption for the SSSI refers to '*its existing overgrown state'*. This site is regularly grazed by sheep and as a result is in favourable condition. The site is now owned by Folkestone and Hythe District Council and we would expect the Council as landowners to continue protecting the site from scrub encroachment by continuing the management regime which has been successful for the last 30 years.

Chapter 10 states in para 10.4.7 that the '*former quarry face will be maintained and potentially enhanced (benched back) to expose additional areas of the Hythe formation geology'*. Natural England welcomes this, and the benefits of this for scientific purposes and public education.

We are also pleased to note the proposed biodiversity enhancements within the Country Park to include mixed deciduous woodland, ponds and native species-rich scrub and wildflower grassland.

However there is little information provided on how the Country Park and the SSSI specifically will be managed, particularly on how the SSSI feature will be maintained and enhanced. Currently, the exposure itself is best managed by sheep grazing, which is otherwise difficult to achieve with machinery, but it is not clear if this is envisaged for the ongoing SSSI management.

Although the planning application is for outline, **further information should be provided on what habitat management practices will be adopted for the Country Park and SSSI in particular, to ensure the SSSI will be maintained in favourable condition and how it will be enhanced. A more detailed management scheme, to be agreed with the Council and Natural England at Reserved Matters, should form a specific condition in the event of this application being granted permission**.

Lympne Escarpment SSSI
Lympne Escarpment SSSI is located approximately 240m south of the proposed Otterpool Park site and supports notified features which are sensitive to water quality and air quality (in particular nutrient nitrogen and nitrous oxides), including calcareous grassland, wet ash-maple woodland and lowland fen meadows. Our comments on these two impact pathways are provided as follows:

Hydrological impacts
We note in Chapter 7 *Biodiversity*, para 7.5.13, that drainage for the proposed site flows to the north-west and as such Lympne Escarpment SSSI should not be subject to hydrological impacts form the development in terms of surface runoff/ groundwater drainage.

However, the proposed site abuts the Roman Road B2067 on its southern boundary. It is not clear from the application whether increased use of this road as a result of the proposals has been

assessed for impacts on the SSSI. **Clarification should be provided on whether increased run-off from the B2067 as a result of the proposals may potentially reach the Lympne Escarpment SSSI, and the likely impacts of this on the notified features**.

Air quality
In Chapter 6 *Air Quality*, Lympne Escarpment SSSI is assessed. For construction emissions (ie dust), we are satisfied with the proposed best practice construction mitigation measures to minimise dust emissions (as set out in para 6.4..20), which should be secured through specific conditions in the event of permission being granted.

However, it appears operational impacts particularly from traffic emissions, have not been assessed for this SSSI. Given its proximity to the scheme, and similarly for Folkestone to Etchinghill Escarpment SAC, this site should be assessed especially for NOx emissions and N deposition. The development's PC and PEC should be expressed clearly as a % of the APIS critical level and load specific for this SSSI. Where there is exceedance of the critical load/ level 1% threshold, these impacts should be considered in further detail for the SSSI.

Folkestone to Etchinghill Escarpment SSSI
Similarly for Lympne Escarpment SSSI and Folkestone to Etchinghill Escarpment SAC, air quality impacts should be considered further for Folkestone to Etchinghill Escarpment SSSI particularly in terms of nutrient nitrogen and NOx. The development's PC and PEC should be expressed clearly as a % of the APIS critical level and load specific for this SSSI. Where there is exceedance of the critical load/ level 1% threshold, these impacts should be considered in further detail for the SSSI.

Soils and land quality

Natural England has considered the proposals as a consultation under the Development Management Procedure Order (as amended), and in the context of Government's policy for the protection of the 'best and most versatile' (BMV) agricultural land as set out in paragraph 170 and 171 of the National Planning Policy Framework.

As submitted, the application does not appear to include a detailed Agricultural Land Classification (ALC) survey or soil resources survey. Instead, the applicants have based information on agricultural land quality largely on the published provisional ALC map. This map is broad brush and suitable for strategic planning purposes only, with the stated accuracy being to about the nearest 80ha. Whilst there is a detailed ALC survey covering a small proportion of the site, there is no detailed ALC information for the rest of the area to confirm the grades present so that the LPA can be properly appraised of the agricultural land quality circumstances of the site. Further details on information required and methodology are provided on Gov.uk here[2].

Without a detailed ALC survey for the whole site, it is not possible to know whether the permanent impact on BMV can be minimised/ mitigated by sensitive design, for example by siting the hard development on the lower quality land. The master plan needs to be informed by this detailed ALC information and on an appraisal of the soil resources information in line with best practice contained in Defra's Code of Practice for the Sustainable Use of Soils on Construction Sites[3], particularly section 4.1. In practice, both sets of field information can be collected at the same time, so the resource requirements will be not be very different from that already proposed, but ultimately detailed ALC information is needed to support the planning application.

[2] https://www.gov.uk/government/publications/agricultural-land-assess-proposals-for-development/guide-to-assessing-development-proposals-on-agricultural-land
[3] https://www.gov.uk/government/publications/code-of-practice-for-the-sustainable-use-of-soils-on-construction-sites

Green/ blue infrastructure

As part of Natural England's pre-application engagement with the applicants, we provided advice alongside the Environment Agency on the need for a comprehensive green and blue (GI) strategy for the proposed development as a whole.

This included discussion on GI vision, typologies, functions, and specifics such as a pollinators network. We have also consistently advised on the need to consider long term management of the GI 'estate' as a whole, to ensure it is not diminished during detailed design phase and the long construction period as the scheme is divided into parcels for separate developers to build out.

GI is reflected in some key parts of the application, including the *Design and Access Statement* and the *Biodiversity* chapter. However it is disappointing there is no specific chapter devoted to the overarching GI Strategy. The key plans relating to GI is the GI Framework as depicted in the Design and Access Statement (Figures 87 and 88), however this comes with relatively little supporting information.

Notwithstanding this, GI is clearly integrated throughout the development, comprising a wide range of types and functions, and we note in Chapter 7 *Biodiversity* in para 7.5.24 that over 50% of the development area is identified as GI, including retained habitats and newly created GI areas, which is impressive in relation to other development schemes.

We note this includes the three key open spaces including Otterpool Woodland Country Park, the Riparian Park and Westernhanger Town Park, along with naturalised 'resilience' areas buffering Lympne village to the south-east, and in the north-west corner of the proposed site. For the latter, we note this will have limited public access and include the water treatment works, and provide receptor habitat for great crested newt, water voles and reptiles to be translocated from other parts of the site.

We also note the incorporation of 'dark corridors' for ecological benefit, including along the East Stour river and also the watercourse which runs through the eastern part of the site.

These various forms of GI will provide key natural capital services which will benefit the local environment, community and local economy, ranging from countering climate change, supporting habitats and wildlife and providing flood storage, to improving landscape character, sense of place, and benefitting people's health and wellbeing.

GI will also be critical in providing mitigation for impacts on views from the Kent Downs AONB, however the ability to achieve the maximum screening benefit will depend on the location, density and height of built development, which we elaborate on in detail in our first letter in response to this application (dated 03 June 2019, same ref as this letter).

The drive for integrating GI into planning and development is underpinned in national planning policy[4], and Folkestone and Hythe DC's adopted Core Strategy policy *CSD4 – Green infrastructure of Natural Networks, Open Spaces and Recreation,* which is being further strengthened in the emerging Core Strategy Review.

Yet, for a scheme that is so substantial in extent and scale, and its status as a 'garden town', we would expect all the details relating to the proposed GI to be reflected and elaborated on in a comprehensive and ambitious GI Strategy, despite the application being submitted as outline.

Natural England strongly urges such an overarching GI strategy is provided in support of the application which clearly demonstrates how GI will form the foundation of a sustainable community at Otterpool Park through providing multiple natural capital services and the

[4] NPPF paragraph 20 and 171 requiring local authorities to maintain and enhance GI at a strategic level; 91, 150 and 181 requiring local authorities to positively plan for GI provision to address health and wellbeing, counter climate change and improve air quality, respectively.

benefits of these for people, the local environment and local economy, and how the GI estate will be managed as a whole for the long term including ownership and responsibility of the local community.

The Strategy should outline key parameters and principles for providing GI throughout all aspects of the development, from planned open spaces through to construction and building design of homes and public and commercial buildings, infrastructure and highways, and more specific features such as those described for biodiversity value such as green walls and roofs, 'hedgehog friendly' permeable fences and bat and swift boxes. These principles and parameters should be carried throughout the whole planning process as key drivers for detailed design and where the scheme is then divided into parcels for construction. It will be crucial for details to be provided on how the GI estate will be secured for the longterm future.

Specific measures for biodiversity, as elaborated on in Chapter 7 *Biodiversity*, will of course be critical to the GI strategy, our comments on which are provided below.

Biodiversity

We very much welcome the estimated 20% uplift for biodiversity across the proposed site, as set out in Chapter 7 *Biodiversity* and Appendix 7.21 *Biodiversity net gain calculations*. Our comments in relation to net gain are provided further below where we believe there is opportunity to further enhance this. Given the extent of the site, and that it is currently by far occupied by arable land, there is plenty of scope to achieve significant uplift for biodiversity, however ultimately much of this will depend on the ability for the noble principles and targets for biodiversity net gain to be upheld throughout the planning process including reserved matters stage and where the scheme is divided into parcels for construction.

In terms of the biodiversity assessment in this application, we welcome the emphasis made on following the mitigation hierarchy, as stated in para 7.5.17 of Chapter 7, to minimise impacts on existing biodiversity-rich 'hotspots' on site, and to seek net gain through enhancement and creation of habitats elsewhere.

We welcome that this includes valuable habitats to be retained and buffered as far as possible, as set out in Table 7-23 in Chapter 7, including all onsite woodland, river corridors, most hedges (92%), ditches/ tributaries (89%) and the majority of trees. We note 11 of the existing 17 ponds will be retained, with one ecologically valuable pond to be lost.

There is also some good detail provided on what habitat buffers will entail, as set out in Table 7-24 of Chapter 7, eg 25m wide buffer for hedgerows along dark corridors, and woodland; and 50m buffer for ancient woodland (eg adjacent to Harringe Brooks Woods); and 50-100m buffer along East Stour river.

We note a variety of habitats will be created including orchards, hedgerows, ponds and lowland meadows, trees, scrub and additional ditches, which together will support a variety of species including common toad and great crested newt; common reptiles; mammals including hedgehog, water vole and bats; and invertebrates.

We also note and welcome new habitat links such as connecting Harringe Brooks Woods to the East Stour river through woodland planting, as well as providing habitat through various SuDS features including ponds, drainage ditches, swales and rain gardens.

A key principle is the use of native species for habitat enhancement and creation, of local provenance, for the best value for wildlife. This should form the centre of choices for habitat and landscape planting. We are pleased to note specific pollinator planting, described on page 156 of the Design and Access Statement. A number of locations are depicted on a simplistic map of the proposed site, but this ethos should be embraced throughout all aspects of the GI estate across the site.

However the use of native species should also be applied as far as possible to the more formal public open areas such as the Westernhanger Town Park, and the 'scattered trees' for planting, where Chapter 7 currently states they will 'be native where appropriate' (para 7.5.27).

We would also strongly encourage the applicants and Folkestone and Hythe District Council to support community-led efforts to encourage and look after local wildlife and habitats of Otterpool Park, particularly through use of educational interpretation and guides, setting up of local environmental groups, and residents information packages.

Knowledge is power for people, and information could include providing wildlife friendly gardens as well as community spaces and assets. Public spaces could exhibit best practice wildlife features, for instance log piles and wild areas for insects such as the stag beetle; ponds and gaps in fencing to allow the movement of hedgehogs and amphibians; and refuge and nesting boxes for a range of bat and bird species. Installing public art which reflects Otterpool Park's natural heritage would also form a key means of carrying the message.

To inform and inspire the people who will live and work in Otterpool Park will help instil passion, pride and responsibility for their local natural heritage, providing custodianship through the community, and a place where people and nature can thrive together.

Biodiversity net gain

We very much welcome the provision of biodiversity net gain as a key part of the Otterpool Park proposals. We are pleased to note the Defra biodiversity offsetting metric has been used, as well as adopting the CIEEM underpinning principles of the net gain approach, including avoiding impacts on the most valuable areas of the proposed site for biodiversity.

For information, the revised Defra biodiversity metric 2.0 is currently being piloted, due to be published this summer 2019. The metric is much improved on the original, now including a larger range of habitats and linear features including hedgerows and rivers. Should the proposals be amended, the applicants may wish to consider updating the calculations using the latest version.

As it stands, the proposals will achieve 20% uplift for biodiversity, by uplifting biodiversity value of the site by 434 units (equating to 0.8 units uplift per hectare). This is very welcome, as well as expected given the opportunity to enhance what is an extensive site which mainly supports arable land of relatively low biodiversity value.

However, having considered the net gain calculations, in conjunction with the plans depicting uplift across the site pre- and post-construction, we would like to make the following comments where we think further net gain could in fact be achieved.

Detailed comments on calculations methodology

We note some key features which provide habitat in the development are not contained in the net gain calculations as they cannot be quantified at this stage, including gardens, SuDS, biodiversity roofs and street trees. These incidentally will be included in the new biodiversity metric. Nevertheless we are pleased to note the methodology includes biodiversity credits for the built areas including proportions of GI typologies such as gardens and green roofs.

However we advise other features such as bird boxes and permeable fences should not be included in the metric calculations as they are not habitat-based (ie cannot be used to offset habitat loss elsewhere), although they are excellent wildlife enhancement features which can easily be incorporated into building design as part of an overall biodiversity package.

It is disappointing that no biodiversity credits are planned for non-residential development, footpaths, business area and existing/ proposed roads. This is depicted as such in Figure 1 with low biodiversity values (0-4 credits/ ha), which amounts to significant areas including the proposed business area in the north-east. Enhancements for biodiversity in these areas are not only

achievable, but could provide a significant addition to the overall uplift, including edges of highways and footpaths. We would urge for this to be recognised and secured in a proportionate manner as has been done for other built areas.

We note the precautionary approach adopted to avoid overstating the valuation of biodiversity credits, including weighting depending on proportions of habitat types within GI typologies; for instance a lower valuation for the existing woodland typology to reflect the mix of semi-natural and plantation woodland. However, we would question a number of points around multipliers used, and target conditions applied, as follows:

- **Habitat typology – grasslands**
  We would question Typology J – Existing water buffer, Table 47, where grassland habitats are separated out into lowland meadow (BAP) and wildflower grassland (not BAP). We would encourage all of this area to be created and managed as lowland meadow or BAP habitat.

- **Target condition**
  Target condition for enhanced or created habitat, the calculations appear to aim for 'moderate' condition for several habitat types, including:
  - Proposed woodland burial area (trees, species rich grassland)
  - Existing water buffer (scrub, wildflower grassland non-BAP)
  - Hedge buffer (species rich grassland)
  - Wildlife margins (woodland and trees)
  - Proposed SuDS water management (woodland and trees)
  - SSSI grassland (woodland and trees, amenity grassland as poor)
  - Existing veg to be retained (existing scrub – moderate condition)
  - Grassland in Lympne resilience area (woodland and trees)

  Whilst we recognise the aim of targeting moderate condition is to instil a reality check into the calculations as to what might actually be achieved in practice, we are concerned this may in effect dampen the number of biodiversity credits which could otherwise be aimed for, and have the effect of lowering expectations and effort on the ground to achieve as good a habitat condition as possible.

  For a development of this scale, and status as a garden town, we would expect biodiversity enhancement to be maximised as far as possible. We consider ecological benefits could be maximised by targeting better condition for habitats post-construction, for retained, enhanced and created habitat, as far as possible within a reasonable timeframe. All of the above listed habitats are valuable to wildlife and should be managed as well as possible.

  As such we suggest this should be reflected in the calculations by applying a target condition of 'high' for the habitats listed above where this can be achieved over a reasonable timescale. This would help enable the maximum amount of net gain that can be achieved.

  Similarly for amenity grassland, which has a set target condition of poor, this habitat could be easily improved in terms of biodiversity value by aiming for a more species-rich grassland mix instead of *Lolium* monoculture for a higher distinctiveness score, even where it is mainly maintained as a short crop but margins could be mown less frequently to achieve a moderate condition.

- **Difficulty multipliers**
  When considering difficulty multipliers (Table 4, Appendix 7.21), 'low' is applied to creation of species-rich wildflower grassland. This compares to 'medium' for lowland meadow. We suggest medium is applied to wildflower grassland to reflect there is some complexity in achieving this habitat to good condition (Tables 43, 51, 52, 56, 57, 58, 62).

- **Time multipliers**
  The time multiplier for proposed woodland is currently included as 1.4 (<10 years) (Tables

44, 52 and 56), but we suggest this should be amended to 2 (<20 years, as set out for woodlands in Table 5, Appendix 7.21).

If the above points can be addressed this will likely see a further increase in net gain achievable as a result of the Otterpool Park scheme.

General observations on biodiversity uplift across the proposed site

The post-construction valuation of typologies, as depicted in Figure 4 of Appendix 7.21, clearly indicates the average uplift across the site, although there is a decline in 'hotspot' areas of highest value to biodiversity (13-18 credits/ ha bracket) when compared with the baseline. The remaining hotspots post-construction include the large pond in the proposed Westernhanger town park area and ponds in the north-central and eastern regions.

A number of the existing hotspots for biodiversity on the site are areas of broadleaved woodland on the south-east site boundary, adjacent to Lympne village, and on the boundary with the Link Park business estate. It is not clear what is happening to these areas, which are not marked for development on the Masterplan, however they are identified on the GI Strategy overview (Figure 2) as being 'Otterpool margins', and in Figure 4 have markedly decreased biodiversity value (at 3-4 biodiversity credits/ ha post development, compared to the existing 13-18/ha). Clarification should be provided for likely impacts on these particular hotspots.

It is of interest that the north-central region of the development is clearly indicated as supporting an equivalent or increase in biodiversity value in Figure 4, despite this area being planned to be occupied by dense buildings, which is presumably down to the expectation of a proportion of green roofs/ walls being installed.

Conversely much of the Westernhanger town park, sports pitches and parks in the west, Barrow Hill and central areas, are indicated as having low biodiversity value (0-2 units/ ha) due to incorporation of amenity grassland. As mentioned above, we would strongly encourage the incorporation of more species-rich grasslands in parks and other public open spaces, which is easily achieved and would be of much more benefit to wildlife if managed appropriately.

The Lympne resilience area is currently allocated for development in the Council's emerging Places and Policies Local Plan (PPLP). Confirmation will be needed by the Council to confirm if this allocation will be deleted in the event of the Otterpool Park scheme gaining planning permission.

Summary on net gain

Given the outline status of the application, and the extent of the site, we note the net gain methodology has been based on broad GI typologies and that it is not possible to specify which habitats will be located where.

Nevertheless habitat design has been outlined in several places in the application including the Biodiversity Action Plan (ES Appendix 7.20), GI Framework, Species Mitigation Strategies (ES Appendix 7.18) and Design and Access Statement. But it appears only a few select priority habitats (hedges, neutral grassland, ponds and ditches) will be specifically managed as part of the Otterpool BAP, via an Ecological Management Plan (EMP) with annual monitoring, with the EMP to be provided at later detailed design.

It is not clear in the application how proposed net gain in general will be secured. High level targets and principles should be adhered to and improved on where possible, at the detailed design stage. Net gain should then be secured via a management plan for at least 25-30 years from the start of operation of the scheme.

We therefore advise the principles and parameters for net gain, including target uplifts for habitats, are secured through the Ecological Management Plan, along with their long term management for at least 25-30 years of operation. This should also include suitable

reporting and monitoring, and provision of the data to the Local Biological Records Centre.

This should act as a key driver for the later, detailed designs throughout the planning process. This should provide information which gives certainty that meaningful net gain, for biodiversity and other ecosystem benefits, can be achieved across the whole development during operation.

It is crucial biodiversity uplift should not be diminished in overall terms through the planning process, and indeed opportunities should be sought to further improve net gain where possible. This should be particularly possible for the parts of the development which have currently been scoped out, including commercial areas, highways and footpaths.

Indeed roadside verges can easily be managed for species-rich grassland and orchids, which provide a key refuge for wildflower communities which have otherwise been lost through the eradication of 97% of the UK's wildflower meadows over the last 50 years. These habitats are extremely valuable, ecologically, as well as impactful for the local community. We would encourage discussions to be held with Kent County Council highways services to secure this as part of the overall biodiversity net gain package for the Otterpool development.

Other 'quick win' enhancements can be relatively easily incorporated such as creating species-rich grassland in place of standard amenity grassland (which tends to be a *Lolium* grass monoculture), amounting to approximately 11ha. Although much of this would be managed as short cropped grass, margins can be maintained around the edges of parks and recreational grounds with less intensive mowing regimes, to encourage species-rich mix by allowing grasses and herbs to set seed and provide additional habitat for mammals and invertebrates.

Another crucial means of achieving biodiversity enhancement is through incorporating simple features into construction and building design, such as bird/ bat boxes and permeable fences, which should also be secured through the EMP.

If the above points can be addressed, including those relating to the calculations and how net gain can be meaningfully secured throughout the planning process, we consider the proposals could achieve a higher net gain for biodiversity, which will in turn provide crucial ecosystem services and general sustainability of the new town.

Protected species

Natural England has produced standing advice[5] to help planning authorities understand the impact of particular developments on protected species. We advise you to refer to this advice. Natural England will only provide bespoke advice on protected species where they form part of a SSSI or in exceptional circumstances.

[5] https://www.gov.uk/protected-species-and-sites-how-to-review-planning-proposals