

11.11.2022

For the Attention of Anna Horn

Case Officer, Sevenoaks Planning Department

Sevenoaks District Council

CC: [enquiries@environmental-agency.gov.uk](mailto:enquiries@environmental-agency.gov.uk)

**Re: 22/02645/OUT. Land South of Larches Ashgrove Road, Sevenoaks. Outline application for the development of fifty dwellings**

Dear Ms Horn

I refer to the above outline application of Sigma Strategic Land Ltd and specifically to the following ecological and arboricultural documents:

- Ashgrove Road Preliminary Ecological appraisal report prepared by Urban Edge Environmental ("UEE") Consulting dated May 2022.
- Ashgrove Road Protected Surveys prepared by UEE Consulting dated August 2022; and
- Ashgrove Road Arboricultural Integration report prepared by Quaife Woodlands dated September 2022.

I also refer specifically to a previous and relevant, historical note, entitled Ashgrove Road Ecological assessment prepared by UEE Consulting and dated September 2021.

In addition, it is also important to refer to the history of the field and illegal attempts to open an entrance. In 2005/6 an unlawfully installed gate entrance required enforcement proceedings by Sevenoaks District Council (SDC) compelling reinstatement of the damaged bank and hedgerow. A subsequent appeal by the owners to an Independent Planning Inspector failed and he upheld the enforcement notice. In 2021 the owners tried again but withdrew their application because of the same road safety and landscape appearance issues.

This review has been undertaken in my capacity as a Chartered Scientist and based on my experience with biodiversity surveys during my career, spanning some 40 years as a CEO of two mining companies and before that as a member of project development teams for various mineral and mining projects at feasibility levels. I highlight the following critical issues:

**The Pond mapped and outlined on Land Registry Title Plan (Figure 1: K418522), Google and Ordinance survey maps**

The pond outlined on the proposed housing development field is shown on various maps, including ordinance survey sheets and on the standard map format in google maps. This pond is also shown on all the maps in the various ecological studies referenced above and various other survey plans within multiple reports in the Sigma application submission. **Various residents note that the pond no longer exists.** A local resident with visibility of the said field, namely Dianne Atkinson from the Larches in Charlies Lane noted that there is no pond present now within the field. Furthermore Michael Whatford, residing at The Pines (located directly opposite of the pond), confirms that he could see, from his upstairs bedroom, that the pond was landfilled with a mechanical digger post the attempt to unlawfully open the field in 2006 and prior to 2021. **Reference to google earth satellite images (Figure 2) and a very recent drone survey confirm that no pond is in existence at this location at present.** Furthermore, it is noted that detailed maps (pages 53-61) within the protected species report relating to the pond have been redacted.

All the ecological and species surveys note that this region is habitat specific for the Great Crested Newt.

Was consent given by SDC for the landowner to fill in the pond? Was a survey undertaken by the landowner to determine if Great Crested Newts were present in the pond prior to the landfill?

What would be the impact of filling in the pond on the natural water table?

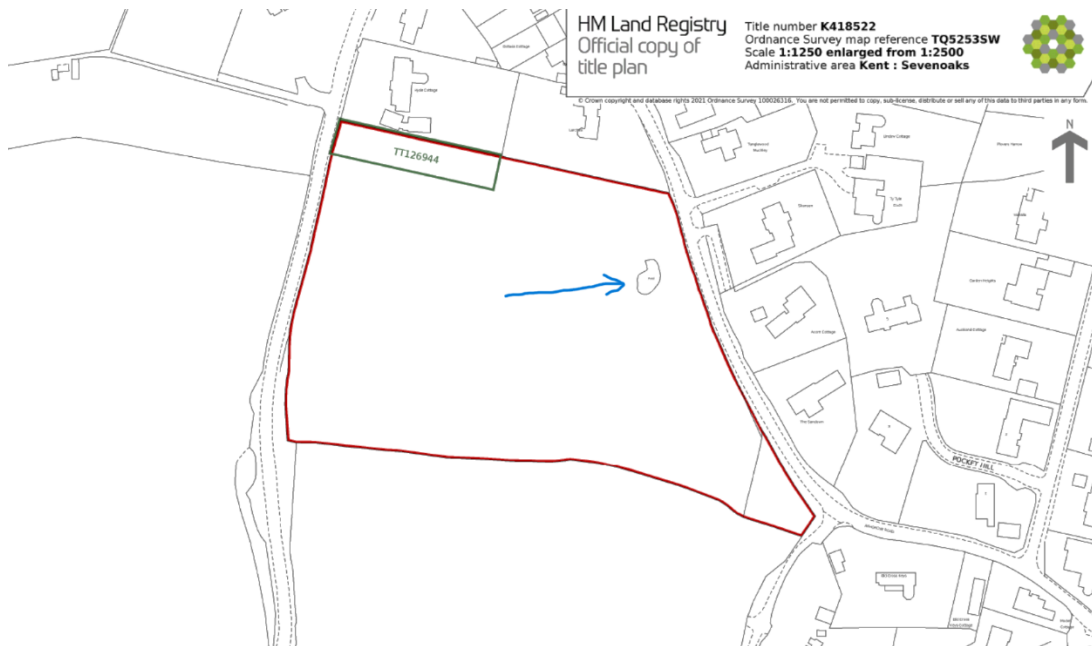


Figure 1: Land Registry Map of field proposed for development with pond highlighted

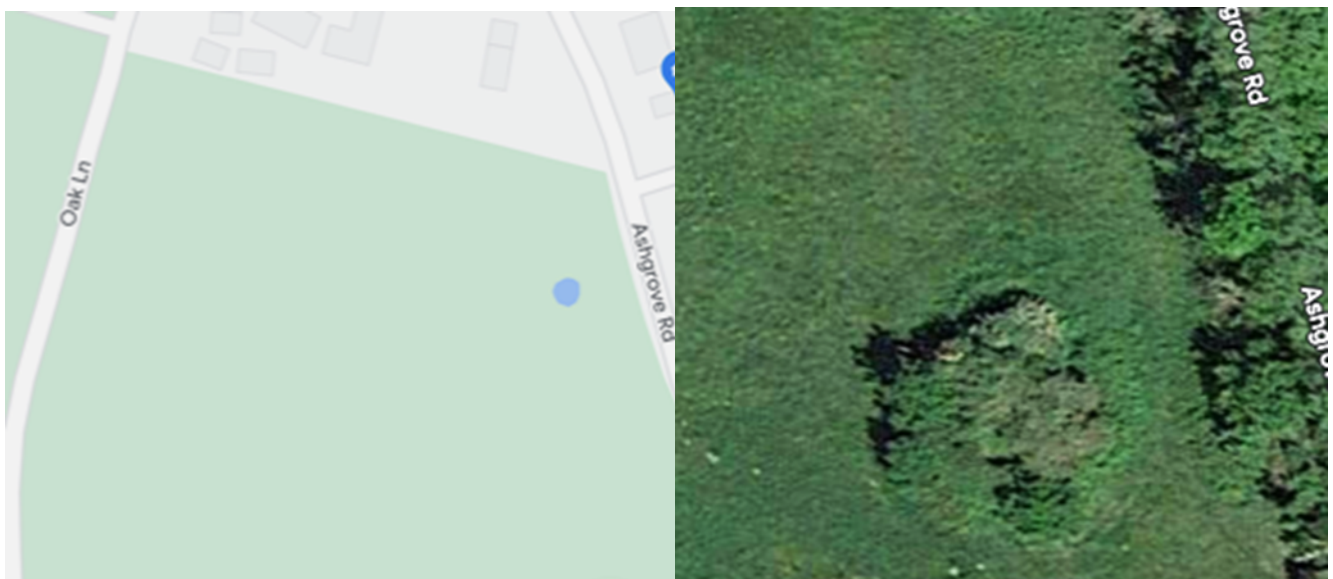


Figure 2: Google map images highlighting location of the pond (LHS) on topo image and a satellite view (RHS) highlighting that no body of water exists there - only trees and bushes.

### Protected Species

The protected species studies highlight **the habitat for Great Crested Newts ("GCN") and confirms actual sightings of Badger and Bats.** In the case of GCN the UEE consultant was unable to obtain permission to investigate and eDNA sample ponds at locations P2 and P3 (Figure 3: locating within a 250m radius of the field) and of course no sampling was done at the landfilled pond within the field. **In summary no sampling or investigations were undertaken for GCN either in the field or within the surrounding area.** It should be noted that residents have identified the presence of GCN within this area and the RA was given a video and photos of a sighting within a natural pond at the

Longspring property which locates about 500m to the south of the field and just off the ancient woodlands (reached via Charles Lane). Video link: <https://1drv.ms/v/s!AgG-GTk-qQ39g50ZNPcCF1TY6uQLQg?e=XGV6LG>



Figure 3: Photograph of a Great Crested Newt in a natural pond on the Longspring property (LHS) and location of previously mapped ponds (RHS -P1 to P3) within the field and within a 200m radius

**Badger Setts were located on the property at site S2 and adjacent to the property, and within the ancient woodland, at site S3.** The locations of S2 and S3 are not known as the document on the SDC portal has been redacted in this section. Subsequent camera trap monitoring over a 35-night period was undertaken in two positions at site S2 (on the property). **The camera's recorded badger entering and exiting holes, along with other behaviours, on 20 nights at camera location S2.1 and on 29 nights S2.2. The site development will encroach on and require removal of the badger Sett at S2.**

**Species diversity recordings undertaken during the bat activity surveys identified at least seven species of roosting, foraging, and commuting bats.** Roosting was taking place in the Southern portion of the hedgerow and within the trees forming part of the adjacent woodland enveloping the southern and western side of the field. **This extensive housing development, designed to encompass over two hectares of ground covering the whole field, will have a significant impact on the bat habitat for all roosting, foraging and commuting activities.**

**The protected species surveys were undertaken over a brief period covering 35 days and not a full season as normally specified.** Further studies would be required as the survey period was not long enough to provide a sufficient level of confidence that hazel dormouse is likely to be absent from the site. Nevertheless, the surveys did indicate that the field is site important for Badgers and Bats. The classification of the survey area as a site of only local importance with respect to Great Crested Newts is unfounded as no surveys were conducted and no samples were taken. The landfilling of the pond within the field ensured that no GCN could be observed on site.

### The Hedgerow

**The proposed development will result in a permanent loss of c.2.18ha of grazed pasture, as well as losses of scrub and standing water. A section of Hedgerow will also be lost for access and the cluster of very old trees (possibly Ancient Woodland) locating in the SE portion of the field will be lost and /or damaged during the erection of a pedestrian footpath.**

In 2005 the owner of the field illegally created an entrance, destroyed a portion of the Hedgerow, and was enforced by SDC to replant Hedgerow and close the entrance. During 2021 the owner made a new application to open an entrance to the field at the same location as in 2005/6. The application was withdrawn as it faced the same issues as those indicated previously in 2006, namely traffic and landscape. During the 2021 attempt the owner commissioned a preliminary ecological assessment (PEA) by UEE which identified and classified the **Hedgerow as a HPI (Habitat of**

**Principal Importance)** as it contained trees of over 30 years in age (Figure 4). **Hedgerow HPI are of high intrinsic ecological value** and provide habitats suitable for a range of protected species, including amphibians and reptiles (shelter and dispersal), nesting birds, invertebrates, foraging / commuting bats and hazel dormouse. **If a hedgerow is classified as important under the Hedgerow Regulations 1997, local planning authorities can prevent its removal.** This was clearly ignored in 2005 when the owner destroyed a portion of this HPI Hedgerow to make an entrance which subsequently had to be closed by enforcement.

The latest documents submitted by Sigma, curiously, did not utilise the arboriculture work undertaken by UEE in 2021 and another company, Quaife Woodlands, was commissioned to review trees and associated vegetation. The latter report does not mention the HPI Hedgerow classification and Quaife were not supplied with, according to the documents listed, the UEE work undertaken in 2021. The Quaife report simply lists and classifies all the trees and itemizes those that will be removed or partially removed or damaged during the proposed construction and development work. This of course includes the new trees that are only some 10-12 years old and were replanted after the destruction of a portion of the HPI hedgerow in 2006.



Figure 4: Photo of the old HPI Hedgerow in the SE corner (LHS) of the field (area where pedestrian pavement to be installed) and the Hedgerow replanted in 2006 (RHS) following enforced closure of an entrance and destruction of the old Hedgerow.

### **Biodiversity Net Gain**

There is no mention or any reporting of the quantum of biodiversity destruction related to this 50-house development project. They will be a requirement to implement a Net Biodiversity Gain (BNG) as legislation is currently being adopted and enforced for all development projects in the UK. The legislation will require a net gain of at least +10% (110% in total) over and above the area required for development. Since the Sigma development will occupy the whole field this 110% will need to be found elsewhere in a similar habitat to this one, namely within Kent Downs AONB and Green Belt in an area enveloped by ancient woodland (Figures 5a and 5b). I would suggest that this will be a challenging task.





Figure 5a: Drone view looking SW illustrating the envelopment of the field by ancient woodland



Figure 5b: Drone View looking North highlighting the proposed field for development and the Surrounding Hedgerow of Principal importance.

**In summary**, the key biodiversity issues with respect to this proposed development project are as follows:

- The destruction of natural habitats for the sighted and potentially existing, protected species prevalent (Badger, Bats and Great Crested Newts)
- The impact damage this large project will have on the ecosystems prevalent in the surrounding ancient woodlands and the damage that will specifically occur in the HPI Hedgerow

The resident's association would also like me to highlight the damage that has historically taken place with the eradication of the pond and the destruction of a portion of the HPI Hedgerow.

***D J Reading. Fellow IOM3, Fellow SEG. CGeol. CSci.***