



MINUTES OF THE EXTRAORDINARY MEETING OF THE **PLANNING, TRANSPORT & ENVIRONMENT COMMITTEE** HELD ON **TUESDAY 4TH MAY 2021** AT 13:30. THIS MEETING WAS HELD VIA VIDEO CONFERENCE CALL DUE TO THE COVID:19.

Present: Cllr S Barker, Cllr M Colman, Cllr N Sherlaw

Apologies: Cllr S Falzon-Thomas

Absent: Cllr A Petty

Also in attendance: Mrs G Jackson (Deputy Clerk)

PTE20/555. To receive and accept Apologies for Absence
Apologies were received from Cllr Falzon-Thomas with reasons given for absence. It was **RESOLVED** that the apologies be accepted.

PTE20/556. No apologies for absence were received from Cllr Petty.

PTE20/557. To receive Declarations of Interest & Lobbying
None were received.

Planning applications – to consider applications and agree responses

PTE20/558. TM/21/00881/OA - MOD Land South Of Discovery Drive Kings Hill
Outline Application: Development of up to 65 dwellings (all matters reserved other than access).
Please see Appendix 1

The meeting was closed at 14.02

Signed.....

Date.....

Appendix 1

Kings Hill Parish Council would object to this planning application for the following reasons.

1. Kings Hill is increasing in size and is classed as higher up the settlement hierarchy and therefore in planning terms an area for development as it has the best sustainability credentials in terms of viability and accessibility to a range of services and public transport nodes including schools, healthcare, shops, buses and trains. This infrastructure is now becoming saturated due to the planning permissions already granted and the proposed Broadwater Farm development in the emerging local plan. This proposed development would cause unacceptable harm to the character and appearance of the surrounding area and have an unacceptable impact on the safety of the highway network, thereby adding to the factors weighing against this proposal.
2. The proposed development by virtue of its overall quantum, size and proposed means of access would cause increased levels of vehicular activity along Clearheart Lane giving rise to noise, environmental issues and disturbance which would be harmful to the residential amenities of the occupants of properties along Clearheart Lane. As such, the development is contrary to the requirements of requirements of policy CP24 of the Tonbridge and Malling Borough Core Strategy (2007), policy SQ1 of the Tonbridge and Malling Borough Managing Development and the Environment DPD (2010) and paragraphs 127(c) of the National Planning Policy Framework (2019).
3. The National Planning Policy Framework 2019 (NPPF) aims to protect species of significant conservation importance in England (in this case bats), as covered by wildlife legislation, NPPF, national and local Biodiversity Action Plans (BAP's) and Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006. Local planning authorities have an obligation to protect such species and are also required to seek opportunities to promote and enhance biodiversity in accordance with the above legislation, policies and plans. Please see Appendix A which shows a bat roost in a tree on the proposed site.
4. The protected species survey shows various bats reported on site and the proposed mitigation for destroying their places of rest and shelter. The protected species receive UK and European protection under regulations and the Wildlife and Countryside Act (WCA) 1981 (as amended). This protection means that bats and dormice; and their places of rest and shelter, are a material consideration in the planning process. This proposed development would cause unacceptable harm to the bat population. Furthermore, there are no acceptable measure proposed that would mitigate the harm that would arise.
5. Dormice are protected by EU and UK legislation; as well as UK planning policy and without mitigation, the removal of suitable dormouse habitat to facilitate the development would result in an offence. Kings Hill Parish Council strongly object to the proposed mitigation measures to be undertaken under licence due to there being no acceptable measures proposed that would mitigate the harm that would arise.

6. All of our native reptile species inclusive of adder *Vipera berus*, grass snake *Natrix helvetica*, slow-worm *Anguis fragilis* and common lizard *Zootoca vivipara* are protected under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended). This legislation makes it an offence to intentionally kill, injure or sell native reptile species (i.e. sale, barter, exchange, transporting for sale and advertising to sell or to buy). Kings Hill Parish Council strongly object to the proposed mitigation measures to be undertaken due to there being no acceptable measures proposed that would mitigate the harm that would arise.

7. The recommended habitat layout, results in a net loss of 10.54 (-40.63%) habitat units and net gain of 0.58 (+ 100.00%) hedgerow units. This 100% increase in hedgerow equates to 4 hedgerows which does not "maximise opportunities for achieving net biodiversity gains" so therefore is not in line with Policy LP14 (c).

8. The loss of biodiversity units is set to be offset by off-Site enhancements under a Section 106 agreement, with the details to be provided prior to the commencement of works. This is wholly unacceptable. NE3(2) states proposals for development must make provision for the retention of the habitat and protection of its wildlife links. Opportunities to maximise the creation of new corridors and improve permeability and ecological conservation value will be sought. This must be within the development and not off site enhancements.

9. The proposed development will have a negative effect on the tranquil area. The result of the development will mean a loss of visual amenity, the veteran trees contribute to this amenity and local landscape character. The woodland forms an important backdrop to the current development at Kings Hill and it is an important area for wildlife and biodiversity. This area has been 'taken back' by mother nature and has remained undisturbed for 50 plus years since it was last occupied by the Ministry of Defence. The cumulative effects of pollution on health, living conditions and the natural environment will be too high for this area which is a valuable local amenity. As such, the development is contrary to the requirements of paragraph 180 (b) of the National Planning Policy Framework (2019).

10. The Paris Agreement is a legally binding international treaty on climate change. It was adopted by 196 Parties at COP 21 in Paris, on 12 December 2015 and entered into force on 4 November 2016. Its goal is to limit global warming to well below 2, preferably to 1.5 degrees Celsius, compared to pre-industrial levels.

Local Planning Authorities should be focusing on long-term planning and development priorities, providing a vision and direction for future developments. This planning application is in contrast to the Paris Agreement priorities.

11. Kings Hill Parish Council are aware of the Tonbridge & Malling Borough Council recently adopted climate change strategy and action plan and would request that this application follows the requirements of these documents.

TMBC Managing Development and the Environment DPD

12. The proposed development is not exceptionally justified, and the compensation/mitigation measures cannot re-establish or enhance the nature features that will be lost. As such the development is contrary to the requirements of Policy NE2.
13. Kings Hill Parish Council would refer you to the England Tree Strategy which focuses on expanding, protecting and improving woodlands, the woodlands help combat climate change and recover biodiversity. This planning application is not in agreement with the tree strategy as it eradicates woodland and contrasts with what the England Tree Strategy is trying to achieve. If the threats facing our woods and trees are not tackled it will severely damage the UK's ability to address the climate and nature crisis. Wildlife havens are suffering and problems are being stored for future generations.

<https://www.theplanner.co.uk/news/uk%E2%80%99s-native-woodlands-in-%E2%80%98poor%E2%80%99-ecological-condition>

<https://www.bbc.co.uk/news/science-environment-56738428>

TMBC Core Policy

14. The proposed development by virtue of the form and design of the vehicular and emergency accesses would significantly erode the prevailing character of the site and its immediate surroundings and introduce urbanising features which would cause visual harm to the appearance of the site and locality. The development proposed is therefore contrary to the requirements of policy CP24 of the Tonbridge and Malling Borough Core Strategy (2007), policy SQ1 of the Tonbridge and Malling Borough Managing Development and the Environment DPD (2010) and paragraphs 127(c) of the National Planning Policy Framework (2019).
15. It is felt that the proposed development will act as a conduit development to allow developers to continue building East with future applications. This must not be allowed as it would cause visual harm to the appearance of Kings Hill. There are concerns that developers are leaving a gap to the South East of the pathway for a future road. If houses are developed in this area residents are greatly concerned that the facilities paid for by Kings Hill residents will become over used by residents in neighbouring parishes who do not pay any management fees. This would be wholly unacceptable.

16. The proposed development would mean the felling of many established older trees. Long-term survival is key for trees because for them to be able to offset the greenhouse gas emissions humans generate, they need to live for at least 100 years. Replacing these trees with saplings is no compensation as the preservation of existing trees will have a more profound effect on slowing global warming in the coming decades, since immature trees sequester far less CO₂ than older ones. Further removing these trees is likely to cause an element of flooding in this area.

Emergency Access.

17. Kings Hill Parish Council note in Schedule 1, Section 2.7 of the Deed of Planning Obligation dated 2nd February 2004 where it states that there will be no direct motorised vehicular access between Wateringbury Road and Kings Hill and Teston Road and Kings Hill. Kings Hill Parish Council would ask the Local Planning Authority to ensure the enforcement of this restriction on access with regard to the proposed access to construction vehicles via Ketrige Lane.

18. The proposed application includes an emergency access via Ketrige Lane and Teston Road Wateringbury, Kings Hill Parish Council would draw your attention to the key outline planning permission granted in June 1990 by KCC, reference 90/1128/OUT includes two conditions governing access as follows:

Condition 33: No vehicular access to Kings Hill shall be made other than at the two access points on the A 228 West Malling Bypass and at the existing point on the A 228 except with prior approval in writing of the Highway Authority and the Local Planning Authority.

Condition 34: No vehicular access points shall be reopened without the prior approval in writing of the Local Planning Authority. Those provisions are also reflected in a Planning Agreement dated 12th June 1990 between KCC, the Borough Council and Rouse Kent (Planning Obligation).

In addition there is a Planning Agreement prohibiting access to and from Canon Lane attached to planning permission TM/10/02234/FL granted on 19 May 2011.

Kings Hill Parish Council ask and expect the Local Planning Authority to ensure the enforcement of the restrictions on access recited in the foregoing itemised planning permissions. The reasons for the considered restrictions adopted by the LPA in the original planning permissions and Agreement have, since their adoption, only increased the necessity for their continuation and enforcement, and we ask for and expect the support of the LPA in considering the above application.

Wildlife Habitat Corridors.

19. The Woodland Trust talks of "Shelter belts" which they say provide food and habitat for pollinating insects, and are used as "highways" for bees, hoverflies, and other pollinators

<http://woodlandtru.st/5MICJ> to roam between different regions. Others talk of wildlife corridors, habitat corridors, or green corridors and how these are equally vital for other species such as rodents and mammals (e.g. mice and deer).

Urbanization causes the loss of these natural habitats curtailing the ability of wildlife to roam freely between regions which prevents access to all of the resources needed to survive and isolates populations leading to inbreeding and reduced genetic diversity.

It is vital to retain all green corridors as they can mitigate some of the worst effects of habitat fragmentation however this proposed development will result in the destruction of a vital natural green corridor without any attempt to mitigate the damage it will cause to wildlife.

Please see Appendices B to F showing various aspects of the site.

Protected Species

20. On 30th July 2020 the first official Red list for British mammals highlighted species most at risk of national extinction in the near future – please see Appendix G.

The report was produced by the mammal society for Natural England and the joint Nature Conservation Committee.

It Confirms 11 of the 47 mammals native to Britain are classified as being in imminent risk of extinction.

A further five spaces are classified as 'near threatened' meaning there is a realistic possibility of them becoming threatened with extinction in the near future.

The Hazel Dormouse and Serotine Bat are among the species listed as being at risk of extinction in Britain, placing them on the yellow risk level. Again both species are present within the proposed site as per the ecology report produced by Tregothnan Estates.

The main reason for decline is loss of habitat, therefore the conservation of the rich bio-diverse proposed site is Imperative and should remain undisturbed for the survival of these all important listed native mammals.

Crucially the red list of Great Britain has received authorisation on behalf of the International Union for the Conservation of Nature (IUCN) at regional level.

Meaning the threatened British species have been identified using the same robust, internationally agreed system that is applied to classify threats to spaces such as elephants and tigers.

21. Bluebells have been identified on the proposed site, please see Appendix H and Appendix I. The bluebell is protected by law under the Wildlife and Countryside Act 1981 and the parish council do not wish to see this protected species removed.

Yours sincerely

Georgina Jackson

Georgina Jackson
Deputy Clerk
On behalf of Kings Hill Parish Council