

Date: 23rd January 2025
Ref: 24/2014/FH
Site address: Six Mile Garage, Stone Street, Stelling Minnis, CT4 6DN

Robert Allan
Folkestone and Hythe District Council
By email only planning@folkestone-hythe.gov.uk



Kent
Wildlife Trust

Dear Robert Allan,

RE: Application Ref. 24/0929/FH – Demolition of existing buildings and erection of a detached office building with parking and 4 No. dwellings with associated parking, access and landscaping.

Summary:

The development site adjoins Lyminge Forest Local Wildlife Site (LWS) to the east and south. This adjoining area of LWS includes Lynbridge Green Wood which is designated as ancient woodland and consists of deciduous woodland, a Priority Habitat.

It is advised that a buffer zone is provided from the ancient woodland to the proposed buildings. This buffer zone should consist of suitable planting / natural habitat regeneration so that it provides protection to the ancient woodland and contributes to the wider ecological network. The buffer zone should be graduated from the trees with dense scrubby species which provide a solid barrier to the woodland.

It is also advised that, in the event planning permission is granted, a condition is included requiring the submission of a construction environmental management plan to ensure appropriate mitigation measures are put in place to reduce the risk of adverse impacts on the ancient woodland and LWS from construction.

Conditions should be included as part of any permission which require the submission and implementation of an external lighting strategy and an ecological enhancement and management plan which covers the application site and provides details on how the buffer zone will be managed.

Planning Framework

National and local policy require that development safeguards and enhances the environment.

National Planning Policy Framework

Section 15 of the National Planning Policy Framework (2024) (NPPF) sets out the Government's current planning policy in relation to conserving and enhancing the natural environment.

Paragraph 187 of the NPPF states:

'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); [...]*
- 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 and incorporating features which support priority or threatened species such as swifts, bats and hedgehogs;*
- 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'.*

Paragraph 193 of the NPPF states that:

'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.'

Part C of the paragraph is clear that development resulting in the loss or deterioration of ancient woodland should be refused *'unless there are wholly exceptional reasons, and a suitable compensation strategy exists'*.

In addition to the above, Part D of the paragraph sets out that *'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'*.

Paragraph 198 of the NPPF states that:

'Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should [...] limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.'

Relevant Development Plan Policies

It is considered that Policy CSD4 of the Core Strategy (2022) and Policies HB1 and NE2 of the Local Plan (2020) are relevant in this instance.

Policy CSD4 of the Core Strategy requires development proposals to provide net gains in biodiversity to comply with statutory and national policy requirements and to demonstrate that they protect and enhance valued landscapes, sites of biodiversity or geological value and soils, commensurate to their status and quality.

The policy goes on to state that Green Infrastructure (GI) will be protected and enhanced, and the loss of GI uses will not be allowed other than in specific circumstances. The policy also provides a high level of protection to nationally designated sites (Sites of Special Scientific Interest and Ancient Woodland) and appropriate and proportionate protection to habitats that support higher-level designations, such as Kent Biodiversity Action Plan habitats, as well as Local Wildlife Sites.

Policy HB1 of the Local Plan states that planning permission will be granted where, amongst other requirements, the development creates, enhances, and integrates areas of public open space, green infrastructure, biodiversity and other public realm assets.

Policy NE2 of the Local Plan sets out that local sites will be safeguarded from development, unless the benefits of the development outweigh the nature conservation or scientific interest of the site. Where development is considered necessary, adequate mitigation measures or, exceptionally, compensatory measures, will be required, with the aim of providing an overall improvement in local biodiversity. Development proposals that would adversely affect European Protected Species or Nationally Protected Species will not be supported, unless appropriate safeguarding measures can be provided (which may include brownfield or previously developed land that can support priority habitats and/or be of value to protected species).

Policy NE2 goes on to state that all new development will be required to conserve and enhance the natural environment, including all sites of biodiversity value (whether or not they have statutory protection) and all legally protected or priority habitats and species. The Council will support development that:

- Enhances, retains and protects existing sites and features of nature conservation value including wildlife corridors and ancient woodland that contribute to the priorities established through the Biodiversity Action Plan and the Green Infrastructure Plan; and
- Incorporates features that enhance biodiversity as part of good design and sustainable development, including the creation of new pollinator habitat suitable to the scale of development.

Key Considerations

The development site adjoins Lyminge Forest Local Wildlife Site (LWS) to the east and south. This adjoining area of LWS includes Lynbridge Green Wood which is designated as ancient woodland and consists of deciduous woodland, a Priority Habitat. Ancient woodland is an irreplaceable habitat and a [valuable natural asset](#) that is important for wildlife, soils, and carbon capture and storage. The adjoining ancient woodland and LWS play an important role in landscape scale nature conservation.

Natural England's standing advice requires the provision of a buffer zone that is at least 15 metres from the boundary of an ancient woodland to the development. Buffer zones to ancient woodland act as a means of protection for tree roots and as a tool for enhancing and protecting the biodiversity of the woodland itself. A buffer zone should be provided which consists of suitable planting / natural habitat regeneration to enhance connectivity to neighbouring habitats and contribute to the wider ecological network. The buffer zone should be graduated from the trees with dense scrubby species which provide a solid barrier to the woodland.

The Ecological Management Strategy and its supporting Landscape and Ecological Plan indicate that planting is proposed to the ancient woodland outside of the red line plan. While this is welcomed the planting would be an enhancement to the ancient woodland itself rather than the provision of a buffer zone.

It is recognised that there are existing buildings situated within 2 metres of the eastern boundary and that there are existing areas of hardstanding along both the eastern and southern boundaries. It is also noted that while there will continue to be areas of hardstanding along the boundaries with the ancient woodland the above ground structure of the proposed dwellings would be positioned at least 15-metres from the ancient woodland edge. It is likely that the foundations for some of the buildings will be situated less than 15 metres from the ancient woodland requiring excavation works which could impact on tree roots and result in soil disturbance/removal. It is recognised that consideration should be given to the positioning and depth of any existing structures.

An area of garden to one property will be created within the buffer zone thereby requiring the removal of a section of hardstanding. Natural England and the Forestry Commission state within their standing advice that residential gardens should be avoided within ancient woodland buffer zones.

In the event planning permission is granted it is recommended that a condition is included requiring the submission of a Construction Environmental Management Plan (CEMP) to ensure appropriate mitigation measures are put in place to reduce the risk of adverse impacts on the ancient woodland and LWS from construction. The CEMP should be secured via a suitably worded condition requiring specific mitigation measures for ancient woodland tree protection as well as noise, surface water run-off, dust, and light impacts during the construction phase.

Conditions should also be included as part of any permission which require the submission and implementation of an external lighting strategy and an ecological enhancement and management plan which covers the application site and provides details on how the buffer zone will be managed.

We hope that our comments and suggestions are useful. If you have any questions, please do not hesitate to contact me.

Yours sincerely,

Nicholas Trower

Planning and Policy Officer

Kent Wildlife Trust

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