

Hearing Statement: Matter 9; Issue 1 (Other Matters and Main Modification Necessary for Soundness; Material Changes in Circumstances since Stage 2 Hearings)

Q1. Has there been any material changes in circumstances since the Stage 2 hearings, either at a site-specific level, where the supporting evidence is concerned or in relation to national planning policy and guidance which is relevant to the examination? If so, do any changes make the Plan unsound and/or require modification?

As previously commented for for Matter 1; Issue 2 (Sustainability Appraisal Addendum) and Matter 5; Issue 1 (Land North of Birchfield Grove; Policy AL/HA5), there has been a significant material change in circumstances since the Stage 2 Hearings for the Land North of Birchfield Grove site allocation.

The site allocation AL/HA5 has been confirmed by specialists at Natural England (NE) to be wood pasture and parkland (a priority habitat under Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006). Wood pasture and parkland habitat was not identified as part of the 22/02664/HYBRID planning application and instead the habitats on site significantly undervalued. NE stated they will be including the Land North of Birchfield Grove site on their priority habitat inventory and this information was presented to TWBC ahead of the planning committee.

Within Biodiversity Net Gain (BNG), wood pasture and parkland is classified as a Very High Distinctiveness Habitat (VHDH). As per the Statutory Biodiversity Metric User Guide (Defra, 2024) VHDH 'are highly threatened, internationally scarce habitats which require conservation action, and impacts to these habitats should be avoided in line with planning policy'.

The proposed development at Land North of Birchfield Grove will lead to the unmitigated loss of wood pasture and parkland habitat. This defies TWBC's own BNG policy (EN 9, which was in place when the application was submitted). Further the allocation has failed to consider the following requirements under National Planning Policy Framework (NPPF):

Para 180; part a – the proposal has failed to protect/enhance the site's biodiversity.

Para 180, part b – the proposal has failed to recognise the intrinsic character and environmental benefits of the wood pasture and parkland habitat.

Para 180, part d – the proposal has failed to minimise impacts on and provided net gains for biodiversity.

Para 181 – the Plan did not effectively allocate land with the least environmental value.

Para 183; part c – there has been no assessment on the detrimental effect of the proposal on wood pasture and parkland habitat and the extent to which it could be moderated.

Para 186; part a – there will be significant harm to biodiversity (wood pasture and parkland habitat) resulting from development, and this has not be adequately mitigated or compensated for. As such planning permission should be refused.

The lack of consideration for this highly threatened, internationally scarce priority habitat together with the absence of any mitigation to mitigate its loss make the Plan unsound.

Modifications are required, including a reassessment of the BNG metric based on the actual wood pasture and parkland habitat and revisions to the masterplan to avoid impacts on wood pasture and parkland. Where retention/protection of this priority habitat is not possible, bespoke compensation for its loss should be appropriately designed into the scheme (supported by landscape plans and management plans, which target enhancement of wood pasture and parkland priority habitat).

Q2. Does the evidence-base supporting the Plan remain up-to-date?

The TWBC Biodiversity Evidence Base

(https://tunbridgewells.gov.uk/_data/assets/pdf_file/0010/384742/Biodiversity-Evidence-Base_accessible_reduced.pdf) on which the Plan bases its site allocation suitability is out of date.

This has been demonstrated at the Land North of Birchfield Grove site allocation where the wood pasture and parkland priority habitat was not identified at an earlier stage of the site allocation review. If the site's priority habitat status had been recognised earlier, the AL/HA5 allocation should not have come forward.

Priority habitats in Kent were previously reviewed as part of the Kent Habitat Survey in 2012. This survey focused on identifying the extent of priority habitats in the county. Important to note that the main focus of the survey was on grasslands, presumably hence why wood pasture and parkland habitat in the county was not appropriately recognised, mapped and subsequently protected.

The applicant's ecologists for the 22/02664/HYBRID planning application claimed that the Land North of Birchfield Grove site was not priority habitat as it did not appear on the Natural England's (NE) wood pasture and parkland priority habitat dataset. As a result of querying the dataset, NE were able to confirm that the Land North of Birchfield Grove was considered wood pasture and parkland and would be adding it to their priority habitat dataset. NE continue to update their priority habitat inventory, but it should be noted this process is not immediate.

Critically, if Kent Habitat Survey 2012 and NE's priority habitat dataset is not regularly reviewed/updated, priority habitats may be overlooked, and as in the case for the Land North of Birchfield Grove site allocation, permission is granted that fails to consider impacts on the habitat, protect it or mitigate its loss. At a time when the UK is one of the most nature depleted counties in the world ([State of Nature 2023 - report on the UK's current biodiversity](#)), this is surely not good enough?