



Mr Robert Allan
Planning
Shepway District Council
Civic Centre
Castle Hill Avenue
Folkestone
Kent CT20 2QY

Dear Mr. Allan

6th October 2017

Application: Y17/1042/SH: Princes Parade, Hythe

Hybrid application for subsequent consent accompanied by an Environmental Statement for the development of land at Princes Parade

CPRE Kent is the Kent Branch of the Campaign to Protect Rural England. It is our objective to retain and promote a beautiful and thriving countryside that is valued by everyone and we believe the planning system should protect and enhance the countryside in the public interest for the important contribution it makes to peoples' physical and mental wellbeing, as well as its vital role in feeding the nation. It is our position that local planning authorities should seek to ensure that the impact of development on the countryside, both directly and indirectly, is kept to a minimum and that development is sustainable in accordance with national planning policy.

We have looked very closely at this application and specifically the Environmental Statement Technical Annex 3 Ecology, dated August 2017.

CPRE Kent OBJECT to this development on the following ecological grounds:

Botany report

The total area of the application site is 10.7 ha (26.44 acres, 106,999 m). Lloyd Bore lay 5 quadrats of 10m x 10m for tall scrub areas, 6 quadrats of 4m x 4m for tall ruderal areas and 6 quadrats of 2m x 2m for grassland areas. This amounts to 616m of total area surveyed which calculates at only 0.58% of the whole application site. Surveying less than 1% of any given area is not likely to give a true or fair indication of flora present on site and is highly likely to miss key flora that may be present.

The NCV's own handbook: section 2.6 Systematic or random sample location states, *'they yield data dominated by the commoner vegetation types in an area and tend to under-represent or miss elements or small strands.'*

2.2 Page 3. Lloyd Bore carried out their botanical survey between the months of June and July 2016 with a preliminary habitat assessment's results undertaken in September 2015, taken into consideration. Any flora that flowers outside of these months but present on this site, are likely to have been overlooked. For example, the Early spider orchid, which is an SPI, flowers from April to May. This could be significant if it were to be present, so affecting the results of the botanical survey.

5.9 page 10. Lloyd Bore states: *Kent Wildlife Trust have previously stated that the site supports fixed sand dunes with herbaceous vegetation (KWT, 2013) and this is also shown on the ARCH website.'* And 5.13 page 11. *'The ground investigations demonstrate the former uses of the site, particularly with reference to landfilling...'*

5.14 page 11. *'Therefore, this brings into serious doubt the habitat classification of 'fixed sand dune' for on-site habitats. It is possible that the imported materials (made ground) replicated this habitat type. However, the ecological importance of any such habitats will be significantly less compared to a naturally created 'fixed sand dune' habitat.'*

5.15 Page 11. *'In addition, the vegetation present on-site is not indicative of any of the vegetation types included within the JNCC Priority Habitat Description for 'Coastal Sand Dunes' (JNCC 2008b).'*

I am presuming Lloyd Bore are referring to KWT's letter dated July 2013 addressed to Mr J Chambers, Head of Strategic Project, SDC. I'm not sure if Lloyd Bore is familiar with the word 'succession' but if these are 'fixed sand dunes', (and I'm pretty sure an organisation with the kudos of the KWT would recognise 'fixed sand dunes'), then in all probability the vegetation on these dunes would have evolved over time. The Macaulay Institute state *'The evolution of plant communities at a site over time—from pioneer species to climax vegetation. At each stage of the succession the plant community alters the soil and microclimate, allowing the establishment of another group of species. One community of plants is therefore replaced by another as the succession develops.'*

The UK Biodiversity Action Plan Priority Habitat Descriptions. BRIG (ed. Ant Maddock) 2008 states. *'Fixed dune grassland forms largely closed swards where accretion is no longer significant, the surface is stabilised and some soil development has taken place. Calcareous fixed dunes support a particularly wide range of plant species.'*

The report continues *'Fixed dunes and dune heath are particularly threatened habitats and are regarded as priorities under the EC Habitats Directive.'*

Lloyd Bore's statement that *'the ecological importance of any such habitats will be significantly less compared to a naturally created 'fixed sand dune' habitat.'* Is neither here nor there, the fact

remains that the 'fixed sand dunes' as described by the KWT on Princes Parade are a UK BAP Priority Habitat regardless and is recorded as such.

5.54 page 14. Lloyd Bore mentions: *'Bee orchid (Ophrys apifera) and pyramidal orchid (Anacamptis pyramidalis) were recorded within the MC9 grassland. These species are not SPIs, are not legally protected...'*

Bee orchids are particularly slow growing and may only flower once in their lifetime making them vulnerable to development. Furthermore, the destruction of grassland habitat through development can quickly restrict and isolate colonies. Therefore, if this development were to go ahead it is highly unlikely this orchid would continue to thrive as it is currently and may even disappear.

Invertebrate report

Lloyd Bore Ecology carried out this survey 17th and 26th May and 27th July 2016. Whilst these dates fall within the recommended survey calendar of April to September the optimal time for surveying invertebrates lies between June and August. This means only one of the survey dates occurred during optimal times. This is likely to have influenced the quantity and type of species around during these times increasing the risk of overlooking and missing key species.

Amphibian Report

4.22. Page 6. Lloyd Bore carried out a transect search for the common toad along various routes and states at 4.37 page 8 *'It is likely that the peak count of breeding common toads was recorded for the surveyed population, demonstrating appropriate survey effort.'* And at 4.38 page 6. Claims *'There are no material limitations to the robustness of the survey or assessment.'*

However, the Survey protocols for the British herpetofauna Version1. (2013) Page 4. States. *'Peak counts are difficult to defend statistically as they do not take account of variations in detectability from site to site. They can therefore, be misleading but many prefer them to densities and population estimates for ease of data collection.'*

Furthermore, The Handbook of Biodiversity Methods Survey and Evaluation and Monitoring (2005) rates terrestrial transect searches as *'generally low for precision'* and with a bias to *'underestimate'* and goes on to state that the disadvantages of counting dispersed animals requiring a wide search area so the method is less efficient. It further says *'It should be remembered when interpreting transect data that amphibian densities in terrestrial habitats will be lower than when they are concentrated together in ponds. They are also much harder to find on land, which will tend to bias results downwards.'*

7.2 Page. 12. Lloyd Bore concludes a 'low' population for the common toad with 82 being the peak. (A low count being <100, a good count being 100 – 1000). Great caution must be taken when

interpreting these results due to the reasons listed above. If this survey has a bias to 'underestimate' then it may be highly likely that there is a 'good' population of common toad in existence on this site.

Common toads are recognised as being of principal importance for the conservation of biodiversity under section 41 of the NERC Act 2006. According to a recent Froglife study published in 2016, common toads have declined by 68% over the last 30 years in the UK and by even more in the South East. Reasons mentioned include urbanisation and deaths on roads. With an intensive development such as the proposed, predation by domestic cats is likely to add to the pressure for survival of this protected species.

Reptile report

Lloyd Bore placed 44 artificial cover Objects (ACSs) of varying types, 26 to the west and 18 to the east of the central hard standing footpath. They found slow worm, common lizard and grass snake. They found a 'good' population of 20 for slow worm, one slow worm short of 21 – which is defined as 'exceptional'. Neither the full application site or the RMC itself was surveyed, with this in mind, it is highly likely that there is in fact an 'exceptional' population of slow worms existing on this site.

Grass snakes enjoy both aquatic and terrestrial habitats, Froglife advice sheet 10, states grass snakes can be found swimming, Lloyd Bore only surveyed for basking reptiles.

Froglife also advise placing ACSs away from paths or even avoid using them altogether, according to 3.15 Page 5 and the map on App. B, all the ACSs appear to have been placed along the footpath on either side with none on the banks or further into the application site.

Froglife recommend 5 – 10 ACSs per hectare. However, just the application site itself is 10.7 Ha. Only 44 ACSs were used in total for both the application site and the RMC leaving a shortfall of at least 6 and at most 56 ACSs for just the application site.

Froglife also state that common lizards tend to use ACSs less frequently than other species which may explain the count of 7. Therefore, caution must be applied when analysing the data from this survey as the population is likely to be higher than recorded.

Breeding bird report

3.17 Page 5. Lloyd Bore conducted no surveys at night. So apart from the Short-eared owl flushed from the scrub and spotted by someone on another survey we have no data for owls in the area.

2.5 Page 3. Lloyd Bore state: *'The on-site habitats are not suitable for use by passage or wintering species associated with the Special Protection Areas (SPAs) at Dungeness and Sandwich.'*

Ian Roberts of Folkestone and Hythe Birds an acclaimed local Ornithologist, claims the site is in his opinion, *'an important staging post for migratory birds and over 130 species have been recorded at this site. Both spring and autumn see large numbers of migratory birds taking advantage of the insects along the canal and the cover which has grown up on Princes Parade.'*

Listed below are birds spotted but not included in Lloyd Bore's list in their bird report, some migratory. Any bird listed in their report has been removed of this list.

Swallows
Goldcrest
Lesser whitethroats
Spotted flycatcher
Redstart
Whinchat
Mandarin
Gadwall
Pochard
Scaup
Goldeneye
Red-breasted merganser
Goosander
Red throated diver
Great northern diver
Little grebe

Breeding

Grey wagtail
Firecrest

He goes on to say *'the site supports breeding Mute Swan, Mallard, Moorhen, Kingfisher, Grey Wagtail, Reed warbler, Cetti's warbler and Reed Bunting along the canal banks. In winter Water Rails, can be present in good numbers, with Firecrest, Chiffchaff and Blackcap also wintering. There are also strong populations of House sparrow, Starling and Song thrush which are in serious decline in the UK.'*

This throws into serious doubt Lloyd Bore's bold claim that the site is not suitable for use by passage or wintering species associated with the SPAs Dungeness and Sandwich. Clearly the site is highly likely to be.

Mammal report

4.46 Page 8. Claims *'...the proposed development will not impact upon the northern bank, and will only have limited impact upon the southern bank.'*

This is a profound statement to make considering the sensitivity of the local wildlife site and intensive nature of the development in such close proximity. The light pollution, domestic cats/dogs, activity, noise and pollution cannot but have an effect, and to come to such an assured assumption is both reckless and misleading.

4.50 Page 8. Lloyd Bore stated *'Due to the practical difficulties associated with surveying for hedgehog, no detailed species-specific survey was conducted'*

A quick google brings up various methods of successful surveying methods for hedgehogs including, but not limited to, the use of footprint tracking tunnels. A tried and tested method I have used with great success.

4.50 Page 8. Lloyd Bore continues *'...No hedgehogs were recorded on or near to the application site during the extensive nocturnal bat and toad survey work, or during the diurnal reptile and mammal site survey visits.'*

Hedgehogs were not the primary species being surveyed for, plus the fact that none were spotted does not mean that no hedgehogs are not in existence on site. Indeed, the likelihood of hedgehogs being present in this type of habitat is high. According to the NBN Atlas there is at least one live sighting on South Road and several around Hythe but often the public are unaware that they can and should record wildlife or the site is on private land and not accessible. Putting a 'negative spin' on the likely presence of a species of principal importance is not best practice or informative when no actual survey has taken place to establish their presence.

Hedgehogs are in serious decline and are currently afforded the following protection,

- they are listed on schedule 6 of the Wildlife and Countryside Act (1981)
- they are also listed under the Wild Mammals Protection Act (1996)
- they are a species of 'principal importance' under the NERC Act, which is meant to confer a 'duty of responsibility' to public bodies.

Bat report

Lloyd Bore's recordings and public historical recordings taken together show there to be a significant diverse and viable population of bat activity on site. Any development with its associated lighting, noise, domestic predators (cats) and pollution is highly likely to have a detrimental effect on the activities of this sensitive mammal. Bats echo locate and the intensive nature of the proposed development will affect the feeding corridors and the travel to and from roost sites. Currently this last area of open space in Hythe is unlit which is likely why there is a healthy population of bats in the area, plus the scrubland and open nature of Princes Parade will support an

abundance of prey food for bats encouraging them in and sustaining their continued activity, in and around this site, relatively undisturbed. *Maria Kravchenko & Igor Nosov 2011* state 'wild animals are very sensitive to noise because their survival totally depends on the ability to focus on the sounds.

Furthermore, It is estimated that 250,000 bats are killed annually by domestic cats (unverified) with 30% of all casualties having feline related injuries. (Bat Conservation Trust).

Summing up

Hythe Royal Military Canal is highly valued not only as a scheduled ancient monument but also as a local nature reserve. This heritage site boasts some of the best wildlife around. Not only does it tell a story of invasion, which will be hard to picturise and tell if the canal becomes sandwiched between development on both sides, but it offers a haven of peace and tranquillity to visitors and wildlife that frequent the site. The canal and Princes Parade together offer rich and diverse biodiversity. One depends on the other. Take one away and the other is immediately degraded. A development on this scale and of this intensity is highly likely to genetically isolate the canal and effect the high quality of biodiversity that currently exists.

It would be almost impossible not to adversely affect the common toad population, bat activity, badger and any other wildlife currently on site.

The KWT claim this area could be a Habitat of Principal Importance under the Natural Environment and Rural Communities Act 2006 and said in their letter dated 23rd July, should be surveyed thoroughly. Having read Lloyd Bores various surveys for Princes Parade and the Hythe Canal, thorough is not a term I would use, in my professional opinion, considering the sensitive nature of the site, to describe Lloyd Bores reports. Lloyd Bore call into dispute the value or even existence of the 'fixed sand dunes' for example, when the fact is they are recorded as such so their comment is immaterial.

Lloyd Bore also claim that the Hythe Canal is unlikely to be a SPA, however, looking at the range of bird species utilizing the site after further research, it clearly indicates that it is highly likely that it is.

The risk from contamination from the landfill remains a real and credible threat to the whole area and its valuable habitats, flora and fauna. This has been pointed out by the KWT, Historic England and CPRE Kent. Furthermore the KWT felt the proposed 8m buffer was inadequate to protect the flora and fauna that are within this site. I am inclined to agree with this view, and that a far larger buffer zone should be accommodated into any future design, were the proposed development to go ahead, to increase protection of this sensitive site.

In my view the ecological value of the HMC and Princes Parade is dependent on the open character of the land on the S side of the canal. The landscape, ecological and recreational value of this land is minimized and played down in both the application and Lloyd Bore's report.

Whilst the ecological surveys commissioned were comprehensive they were far from thorough and robust in my opinion, with corners cut such as not surveying for Hedgehogs, not surveying for birds at night and not laying down the recommended refugia or ACSs, therefore an important and significant decision of the potential development of Princes Parade, cannot be made based on the information supplied in Lloyd Bore's report.

Thank you for this opportunity to comment.

Yours sincerely

A solid black rectangular box redacting the signature of Vicky Ellis.

Vicky Ellis BSc (Hons) MRes MRSB