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19th May 2019

Dear Sir,

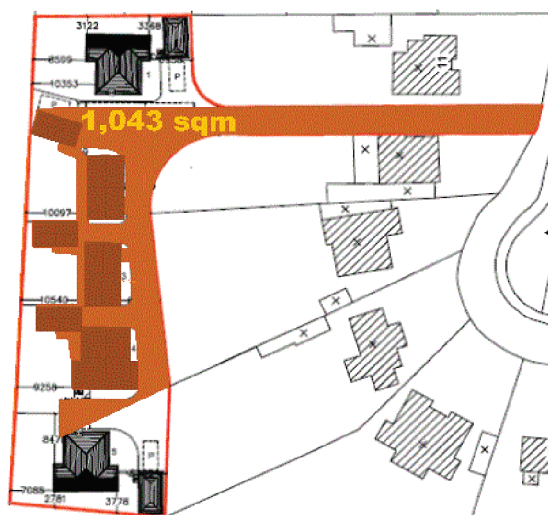
**Re: Application FP/30/19/PL No 10 South Road
Biodiversity concerns**

My wife and I have yesterday learnt that a Preliminary Ecological Appraisal and Internal/External Bat (PEAIEB) commissioned by the applicant, and on which the Biodiversity Checklist for the above application was based, has now become available. This turns out to be the same PEAIEB that was originally commissioned by the applicant for FP/186/16/PL. It would also seem to have been used to justify the applicant's Biodiversity Checklist for FP/234/17/PL, although it was never submitted for this. Now – in its last couple of months of validity – it is used rather belatedly for FP/30/19/PL.

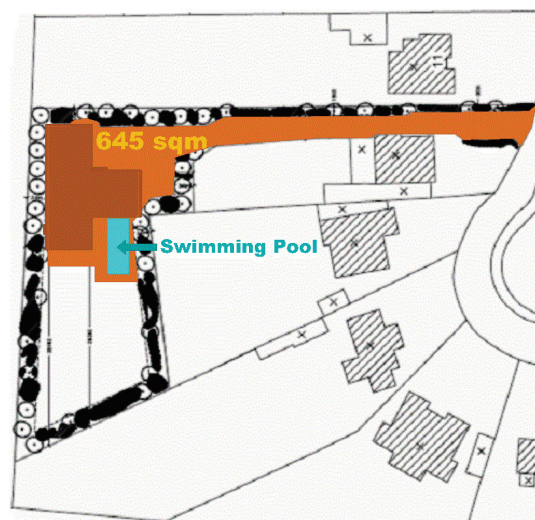
It might be thought that since FP/186/16/PL was for 5 dwellings, while the current application is for only one, our previous comments could be inappropriate. However, we do not believe this to be the case for a number of reasons:

Firstly, despite it referencing the red site-boundary-lines of FP/186/16/PL, it was conducted without access to two areas of neighbouring garden which, according to these red lines, should have been included within the appraisal. This meant that the land actually considered was much the same as for FP/234/17/PL, on which FP/30/19/PL is based.

Then, when taking the land actually considered, we previously found the building footprints with their associated hard surfaces -- on both of which habitat would inevitably have been lost – was for FP/234/17/PL 62% of the inevitable habitat loss from the same land as surveyed for FP/186/16/PL:



FP/186/16/PL



FP/234/17/PL

This included a modest patio area and the reinstatement of the swimming pool, for either swimming or ornamental purposes, which seems a very likely intention, in view of the building's shape and positioning. Who could resist such a feature?

Furthermore, it is widely believed, as well as commented on by Appeal Inspectors, that if development were once allowed on this backland, more can be expected to follow in due course. It is only right, therefore, that the potential impact wildlife would suffer -- which it is the purpose of this PEAIEB to investigate -- should be that which would result from an extensive development, such as was proposed by FP/186/16/PL. Indeed, thoughts should even extend to include at least as big a development of the backland between South Road and Downview Road, as this would undoubtedly be in developers' sights, if development once began on the present site.

We nevertheless believe that, even before such a wider impact, the insertion of a single dwelling into this tranquil haven would have a disproportionate effect on its wildlife.

We therefore feel that comments in line with those we originally made, and which can be seen under FP/234/17/PL, are still entirely relevant, just as the applicant clearly feels his commissioned survey is. However, there is one aspect in particular amongst many over which this PEAIEB has never been correct:

The Ecology Partnership, which was commissioned by the applicant to carry out this appraisal, saw fit to include on page 7 of its PEAIEB the following paragraphs from the NPPF:

1.11 In addition to this the following paragraphs are also considered to be relevant:

'In preparing plans to meet development needs, the aim should be to minimise pollution and other adverse effects on the local and natural environment. Plans should allocate land with the least environmental or amenity value, where consistent with other policies in this Framework.'

'Planning policies and decisions should encourage the effective use of land by re-using land that has been previously developed (brownfield land), provided that it is not of high environmental value. Local planning authorities may continue to consider the case for setting a locally appropriate target for the use of brownfield land.'

The second of these was most certainly not relevant at the time of the survey or indeed since, but its inclusion has the effect of bolstering the applicant's false claim that his site is "previously used", "previously developed" or "brownfield" land.

We are able to say this because seven months prior to the date of this PEAIEB, Judge Charles George QC ruled at the High Court on 21st Jan. 2016 that garden land in built up areas can no longer be classified as "brownfield land":

QUEEN ON THE APPLICATION OF DARTFORD BOROUGH COUNCIL

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SECRETARY OF STATE FOR COMMUNITIES AND LOCAL GOVERNMENT

The applicant's site is therefore clearly not "brownfield", but the reason we believe the applicant would nevertheless welcome such a designation is because the Felpham Neighbourhood Plan states under its Section 8 that:

*"it recognises that small scale development on **previously used land** to meet specific local needs may come forward in future,"*

He quotes this under 5.14 of his Statement of Case when at Appeal over FP/234/17/PL, on which the current application is based.

Short's Farm

Another most curious entry is the naming of the applicant's site as "*Short's Farm*" (3.4 page 12, PEAIEB). The only farmland that has ever been nearby belonged to Drygrounds Farm and nobody we know has ever heard of a Short's Farm. It cannot escape notice that, on the page at least and when prompted by 1.11 (page 7 PEAIEB copied above), one is in danger of mistakenly believing the site might fall on the wrong side of Judge George QC's ruling as a rural garden and thereby pick up the erroneous designation of "brownfield land".

Habitat loss

Although not specifically calculated by us, it is immediately obvious from the illustrations above that more than half the green habitat of any backland developed would be lost under buildings and hard surfaces. When we know so well how important garden land is for the conservation of wildlife in general, this fact gives the lie to the PEAIEB's concluding words that:

"5.2 *The development is not considered to cause adverse effects to the surrounding landscape and will not fragment green habitats, green corridors and **redevelopment** is not considered to impact upon the ecological functionality of the local landscape.*"

We have emboldened "**redevelopment**" in the above because its use betrays, yet again, how this appraisal seeks to imply the site is "previously developed land".

"Ecological enhancements"

On its page 20 the PEAIEB introduces a concept of "*ecological enhancements*". This is spin; if development threatens "*potential ecological impacts*", any steps taken to reduce these would be mitigation measures and not "*enhancements*".

We're told these "*enhancements*" could have been achieved through the installation of bat boxes, nesting boxes, retention of trees, further planting with native species, log piles, under-planting for insects, rubble piles and green walls. These are all great things and feel like a sunrise on everyone's futures as we read them, but what do they actually mean in practice?

This was a proposal to build 5 dwellings at 26 dph, the likes of which still threaten. There would have been families of people whooping and screaming

about their properties with vehicles coming and going, close cut lawns and cats. They would have tended and trimmed their gardens as they please, leaving little space for piles of rock or logs, billowing hedges, replanted trees trying to grow to maturity and all the other hopeful suggestions.

We would be lucky to have had even one committed environmentalist in residence and few if any of the recommended measures would have remained in place for long after hand-over. This would not have mattered to the applicant though, who would have presented it as a job well done and moved on to his next effort.

While it may generate a warm glow to recommend these ingredients for Utopia, it is fatuous to believe that much of it would have happened meaningfully, or that any of it could have brought much mitigation over such a large degree of habitat loss and other degradation. The tune here is not the piper's call and we can have no faith in such an appraisal or its recommendations.

Yours sincerely

Jean and Bernard Shattock

Appendix

The following pages have photos showing the current state of the site, as it begins to recover from the applicant's earlier clearing, carried out soon after it was purchase by him. They depict a valuable resource for wildlife which is recovering from a period of forced preparation for development and which in few ways matches the Ecology Partnership's description.



Looking north from southern boundary



Looking north from SE corner



Pool, looking NW from eastern boundary





Looking SW from eastern boundary



Looking NE from south western corner