



# Cliffe and Cliffe Woods Residents Development Group

Cliffe and Cliffe Woods Residents  
Development Group

Land to the East and West of Church  
Street, Cliffe, Rochester

## Proof of Evidence

Environmental Impact

CCWRDG/POE-01

Town and County Planning Act 1990 (As  
Amended) - Section 78

Planning Inspectorate Reference: APP/A2280/W/22/3313673  
Local Planning Authority Reference. MC/22/0254

04/04/23

Report By: E Harrison on behalf of the CCW RDG



# Cliffe and Cliffe Woods Residents Development Group

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# Cliffe and Cliffe Woods Residents Development Group

## 1. Introduction

- 1.1 In this proof of evidence ('proof') we present ecological evidence for the Cliffe and Cliffe Woods Residents Development Group ('CCW RDG') (rule 6 party), in response to an appeal submitted pursuant to section 78 of the Town and Country Planning Act 1990 by Trenport Investments Ltd ('Appellant').
- 1.2 The CCW RDG has been in constant communication with Medway Council ("LPA") throughout the process of application by the appellant and has extensive knowledge of the application. The CCW RDG is formed of local residents from the Cliffe area where the proposed development is situated, as such we have extensive knowledge of the local area and direct links with the affected community.
- 1.3 We have reviewed the application documents submitted to the LPA online portal, the officer's report ('OR') and decision notice and are satisfied that the LPA's decision was robust and justified and that we can provide evidence in support of it.
- 1.4 The Cliffe and Cliffe Woods Residents Development Group is made up of members of the Cliffe and Cliffe Woods community. The CCW RDG was formed as a response by the local residents to the appellants proposed development. In March of 2022 the CCW RDG became an unincorporated organisation and as of March 2023 the group has over 760 members. An asset of community value was issued on the APCM sports ground and is held by the CCW RDG.
- 1.5 Rule 6 status was granted to the CCW RDG and will be used to demonstrate the communities views and opinions regarding the appellants proposed development.



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Whilst none our members are from the world of planning we will draw upon the expertise and experiences of our community to present robust technical objections.

1.6 This CCW RDG evidence should be read in conjunction with other proofs prepared by the CCW RDG as follows:

- CCWRDG/POE-02 - Agricultural Land Assessment
- CCWRDG/POE-03 - Public Consultation
- CCWRDG/POE-04 - Health Impact
- CCWRDG/POE-05 - Transport
- CCWRDG/POE-06 - Relocated Sports Ground Access and Site Suitability



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### **2. Purpose of Evidence**

- 2.1 To highlight inaccuracies/omissions in the Appendix 9.1 - Baseline Ecological Studies, March 2022, Bioscan report ref: E1854r4 by Bioscan on behalf of the appellant (Trenport Investments Ltd).
- 2.2 The ecology report contains data regarding specific species, which we believe is inaccurate and misleading.
- 2.3 A new, independent ecology survey needs to be carried out to ascertain accurate measurements and ensure appropriate mitigation is in place if appropriate. In order for this to happen effectively, surveys would need to be carried out over the period of at least one year to ensure species (flora and fauna alike) are observed at all stages of growth, migration, breeding/nest building and feeding. Due to the time constraints upon us and the funding required, C&CW RDG have been unable to facilitate this.
- 2.4 Provide evidence in support of RfR 01 & 03.



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### **3. Evidence**

3.1 The Ecology Report produced by Bioscan Ltd on behalf of the appellant we believe is factually inaccurate and misleading. The following are examples of errors we have identified in the report and because of this, we are calling into question the validity of the report in its entirety.

#### **House Martins**

3.2 Within the document Appendix 9.1 - Baseline Ecological Studies, March 2022, Bioscan report ref: E1854r4 sections 3.3.7, 4.5.1 & 5.2.2 it states that throughout the three separate ecology surveys (2015, 2019, 2021) only 6 House Martins were sighted across the village, and these were only sighted in 2019.

3.3 Cliffe residents reported sightings of a much higher numbers from March to October as they come back each year to nest and breed. The objection submitted by C&CW RDG on 29th August contains multiple sources of photographic evidence of nesting and breeding house martins as well as a survey to show how many residents observe high numbers of these birds annually. Our evidence strongly indicates that there are far more than the sighted 6 house martins during the survey period, when, at certain times of day, there are so many of this breed flying above us that it would be impossible to count.

3.4 The 6 House Martins sighted were classed as non-breeders (Bioscan report ref: E1854r4 Page 21) this is not in accordance with the methodology outlined in said report in paragraph 2.2.5 and 2.2.6 as the breeding season runs from May to August, the date of the last survey being June 2019. Evidence of breeding status (Confirmed



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and Possible Breeder) in contradiction with data presented in Table 1 (Bioscan report ref: E1854r4, Page 21) is provided by residents' photographs (Appendix 1)

3.5 See Appendix 1 – Images of House Martins from residents

### Badgers

3.6 On page 3 (paragraph 2.1.9) of the Bioscan report ref: E1854r4, it states that evidence of badger activity was found on the site in the 2015 survey. It mentions that evidence for badgers was looked for in the 2019 and 2021 survey but no other information is given until page 20 (paragraph 4.5.1) where it says no badger setts were found in proximity to the site. This is confusing as a badger was killed on the road in Feb 2023 on the western edge of the development site. There is also video evidence of a badger at the top of Well Penn, on the bank of Cooling Road, collecting straw and grass to take back to its sett in October 2022. This is to the south of the development site. This directly contradicts the findings from Bioscan's report.

### Bats

3.7 The Bioscan report ref: E1854r4, includes a bat survey and it is noted that of the four buildings assessed for evidence for bats in the study area, three were unable to be accessed at the time of the survey.

3.8 Assessment for evidence of roosting was only carried out externally on these three buildings. This is not an acceptable level of assessment as they could have contained night time roosts or any number of potential roosting features (PRF) not visible from the outside. As they could not be accessed, the justification for rating them as



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negligible seems flimsy at best – especially as B2 (The white pavilion) was found to contain PRF. Further surveys should have been carried out and access obtained to the buildings to ensure thorough, reliable survey results.

- 3.9 The development proposal site will see the removal of key habitats for species, many of which are protected and/or in decline and are misrepresented in the given report. The loss of habitat may result in the loss/reduction of species which currently add to the long-established character of the village.
- 3.10 In accordance with Reason for Refusal 1, this contravenes NPPF Paragraphs 119 and 130 part a, in addition to contravening 174a and d, and 179a which deals with loss of ecology. This loss or reduction is recognised in the KCC Ecology Advice Service Report of 20/07/2022, where it is advised that steps must be taken to mitigate light pollution and it is acknowledged that there will be increased predation from domestic animals (Appendix 2).





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### **4. Summary and Conclusion**

- 4.1 The ecology report provided by Bioscan on behalf of the appellant must not be relied upon as an accurate representation of the ecology in Cliffe as it clearly contains many inaccuracies of the ecology of Cliffe village and surrounding areas. The later reports are not consistent with the 2015 survey and are contradicted by evidence gathered by residents.
  
- 4.2 An independent ecology survey is required to ensure impartial, accurate information can be obtained and appropriate mitigation provided if appropriate.



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## Appendix 1 - House Martins



# Cliffe and Cliffe Woods Residents Development Group

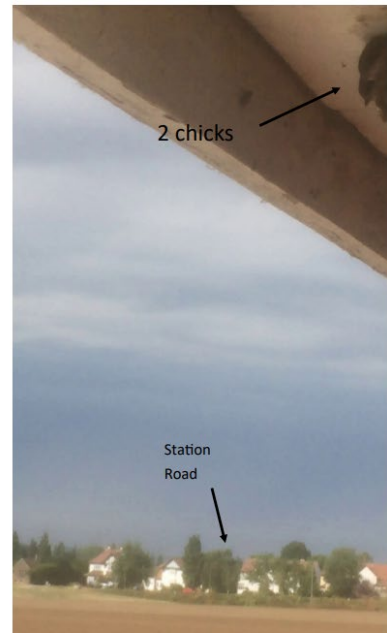
## House Martin photographs from August 2022

Chancery Road, Cliffe



## House Martin photographs from August 2022

Cooling Road, Cliffe

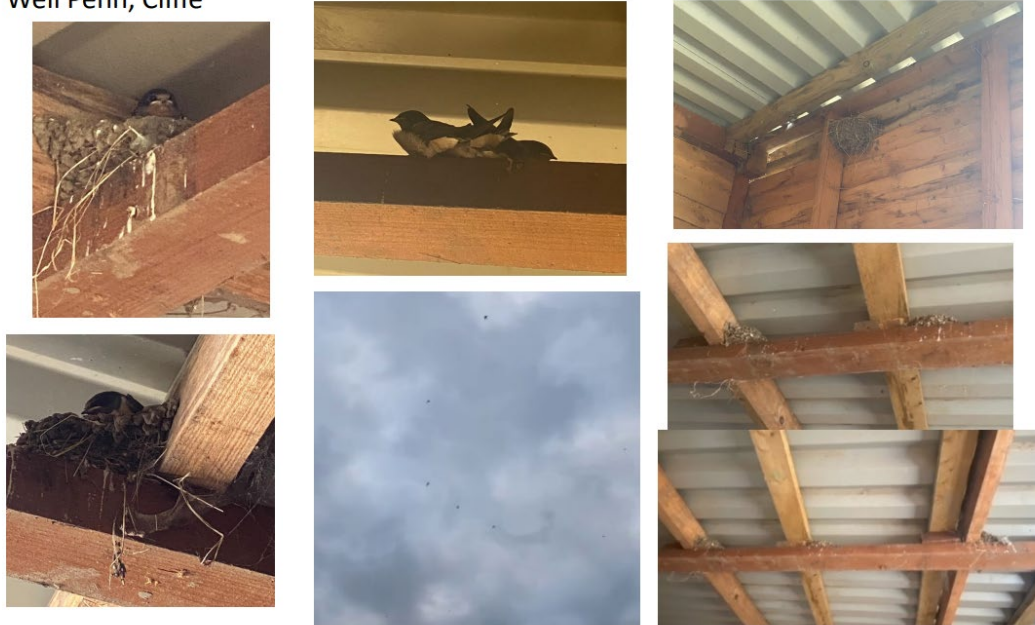




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## House Martin photographs from August 2022

Well Penn, Cliffe



## House Martin photographs from August 2022

Google maps views of New Road, Cliffe in relation to the development site





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## House Martin photographs from August 2022

New Road, Cliffe





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## Appendix 2 - KCC Ecology Advice Service Report Extracts





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## **Page 1**

Breeding birds (no Schedule 1 species) and foraging/commuting bats have been cited as potentially being impacted, with the former being impacted during construction. Therefore, as stated in the Environmental Statement (ES), mitigation for breeding birds will be enacted.

Of note, cat predation of birds (and other wildlife) is likely to increase once the development is operational. Unfortunately, there is little that can be done to limit this impact and, therefore, the local planning authority will have to accept a likely decrease in bird diversity and abundance if the development is approved.

## **Page 2**

### *Lighting and Biodiversity*

To mitigate against potential adverse effects on bats, and in accordance with the National Planning Policy Framework 2021, we suggest that the Bat Conservation Trust's 'Guidance Note 8 Bats and Artificial Lighting' is consulted in the lighting design of the development. We advise that the incorporation of sensitive lighting design for bats is submitted to the local planning authority and secured via an attached condition with any planning permission.