

NE/4

TOWN AND COUNTRY PLANNING ACT 1990
Town and Country Planning (Inquiries Procedure) (England) Rules 2000

**APPEAL BY
KENT INTERNATIONAL GATEWAY LTD**

**AGAINST MAIDSTONE BOROUGH COUNCIL'S FAILURE TO DETERMINE A
PLANNING APPLICATION RELATING TO**

THE KENT INTERNATIONAL GATEWAY

RAIL / FREIGHT INTERCHANGE, WAREHOUSING AND OTHER WORKS

**LAND TO THE NORTH AND SOUTH OF THE ASHFORD TO MAIDSTONE EAST
RAILWAY LINE, AND BETWEEN THE M20 AND A20, BEARSTED, MAIDSTONE,
KENT**

PROOF OF EVIDENCE OF

DAVID TYLDESLEY DipTP (Dist), DipLD, MIEEM, FRTPI, FRSA

FOR



ECOLOGY

PINS reference APP/U2235/A/09/2096565/NWF
Maidstone BC reference MA/07/2092
DTA ref: 1727 Ecology Final Draft Proof 14 09 09

1. I am David Tyldesley, my qualifications and experience are presented in my proof of evidence in respect of the Kent Downs AONB and North Downs Way.
2. Natural England's representations about the ecological effects of the appeal proposals, at application stage, were set out in its letter dated 27th November 2007 (**NE/2 Appendix A** pages 1 - 8). It will be seen that this expressed an objection on the grounds that further information was required about the impacts of the development on bats, great crested newts, breeding birds, reptiles and invertebrates; and that more information was required in respect of mitigation and an overall habitat mitigation and compensation package.
3. In its letter dated 6th February 2009 (**NE/2 Appendix A** pages 9 - 14), Natural England sustained its objection on the grounds of insufficient information, despite additional information having been submitted by the applicants.
4. Further representations were made in respect of the revised scheme and the further environmental information by letter dated 24th July 2009 (**NE/2 Appendix A** pages 15 - 17). Natural England reiterated its objection on the grounds of insufficient information and mitigation / compensation measures, in respect of impacts on biodiversity.
5. Natural England has sought to resolve these issues, it has arranged and facilitated meetings with the appellants' ecological consultants – both WSP the previous consultants and Ecology Solutions, the recently appointed consultants - (and those acting for Maidstone BC), it has contributed to the Statement of Common Ground and contacted the appellants by e mail and telephone.
6. At a meeting on 3rd September, both Maidstone BC and Natural England advised the appellants that there was still insufficient information, mitigation and enhancement. The appellants reported that updating surveys were being undertaken and that the results would be available by 10th September at the latest and further mitigation would also be provided.
7. A revised report and further proposals were received late in the day on Friday 11th September. An immediate review of this document, over the weekend, indicates that some of Natural England's concerns have been addressed, but the report lacks detail

and some key issues remain outstanding. Proper consideration needs to be given to this additional information and this cannot reasonably be done today (14th September). The status of the proposals is uncertain as they appear to be in draft form, involve changes to the appeal proposals and affect land outside the application / appeal site. Consequently, until this new information and proposals have been assimilated, and their status clarified, Natural England's position remains as set out in the letters in Appendix A of NE/2.

8. Given the lateness of the most recent submissions from the appellants, outstanding ecological matters will have to be dealt with by way of a supplementary proof of evidence, submitted on 6th October 2009, in accordance with the Inquiry programme. Given that Natural England was anticipating more information sooner than has materialised, we have not made as much progress on a Statement of Common Ground as might have been hoped, but I am expecting at least a brief statement to be submitted on the 15th September.

9. In the meantime, Natural England advises that the effects on locally important wildlife resources and protected species are negative, rather than positive, and do not indicate that the development should be permitted. Owing to late submission of information, Natural England cannot yet advise the Inquiry whether impacts on European protected species can be satisfactorily addressed and whether there is a reasonable prospect of any necessary licences being granted. This situation is deeply regrettable given that the appellants have been aware of Natural England's concerns for over 20 months.