

Biodiversity argument against the plans of the proposed Merton Park Development

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All photography was taken by Bethany Cunnington except the photographs of the slow worms which were taken by Ian Burr

This submission addresses the Draft Canterbury District Local Plan: Regulation 19 consultation. Our objections are mainly concerned with the proposed Merton Park Development (C10).

NPPF 193a When determining planning applications, local planning authorities should apply the following principles: a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;

Planning permission for this site should be refused. The developer has made no attempt to prevent significant harm to the biodiversity that thrives on this site. Additionally, due to lack of historical data and the fact that no ecological surveys were conducted prior to the inclusion of this site in the local plan it was believed that biodiversity was low. However, as we will demonstrate, this is simply not the case.

This site supports endangered species including:

- At least 56 species of birds have been recorded by Bethany Cunnington (including those endangered, threatened, overwinter, breed, farmland, woodland, and water species)
- 14 bird species on the Red list of conservation concern (registered [at BirdTrack](#))
- 13 bird species on the Amber list of conservation concern (registered [at BirdTrack](#))

Here is the list of species categorised into conservation status:
(Red, Amber, Green)

Cuckoo	Meadow Pipit	Great spotted woodpecker
Eurasian Skylark	Redwing	Green woodpecker
Eurasian Starling	Song Thrush	Grey Heron
Yellowhammer	Common Whitethroat	Robin
Spotted flycatcher	Common Reed Bunting	Chaffinch
Fieldfare	Duncock	Chiffchaff
Common Linnet	Kestrel	Goldcrest
Cetti's warbler	Eurasian Wren	Firecrest
Herring gull	Black-headed gull	Bluetit
House Martin	Sparrowhawk	Great tit
House sparrows	Tawny Owl	Coal tit
Greenfinch	Rock	Eurasian Blackcap
Common redpoll	Grey Wagtail	Garden Warbler
Mistle Thrush		Lesser Whitethroat
		Blackbird
		Buzzard
		Red Kite
		Long-eared owl
		Goldfinch
		Long tailed tit
		Red wagtail
		Wood pigeon
		Collared dove
		Maggie
		Corvid crow
		Jackdaw
		Pheasant
		Feral pigeon

- Active badger setts (badgers are a protected species under the Wildlife and Countryside Act 1981)
- 4 species of bat including the rare Nathusius Pipistrelle
- Slow worms
- Amber zone for Great Crested Newt ([Strategic Land Availability Assessment – Site Assessment 2022](#)).

This complex ecosystem cannot be compensated for as it is a functionally linked landscape. Planning authorities are required to assess the importance of functionally linked habitats (Habitats Regulation Assessments (HRAs) when assessing new plans.

There is evidence of this site's connectivity to Regionally Significant areas and proof of it being a functionally linked landscape by the presence of water birds such as the Cetti's Warbler and Common Reed Bunting. The population of Cetti's Warblers in Kent is described in the River Stour (Kent) Internal Drainage Boards (RSIDB) Biodiversity Action Plan for 2021-2025 as "nationally significant".

The RSIDB outlines that while many nest in large reedbeds they also nest in scrubby areas and may nest and feed in heavily vegetated ditches. Currently (17/05/2026) there are at least two Cetti's Warblers present in Cooper's Pit (Regionally Important Geological Site) and it is peak nesting season.

Additionally, there are many farmland specialist birds such as the Eurasian Skylark, Yellowhammer, Common Linnet, Redwing and Fieldfare. These species unfortunately are all in decline due to the degradation and loss of farmland habitats. Stat on loss of farmland species.

Woodland birds such as the Firecrest, Great Spotted Woodpecker and Mistle Thrush to name a few are here on the site as well as scrub specialists like the Garden Warbler which are biodiversity indicator species.

Mosaic of habitat

This site contains a mosaic of habitats which considerably contributes to the species richness in the area

List of all habitat types

- Orchards
- Scrub
- Arable fields
- Woodland
- Hedgerows
- Chalk cliffs
- Allotments
- Grassland



Figure 1 These 100 year old apple trees support an abundant ecosystem

Orchards

One essential habitat present on the site are the orchards themselves. Orchards are priority habitats under the UK's Biodiversity Action Plan. Despite not being labelled as a "traditional orchard" the orchards at Wincheap have many of the characteristics of one. Across the orchard section of land there are fruit trees of differing ages. Some are 30 years old, others 50 and one area of apple trees are roughly 100 years old and would be classified as veteran trees. These trees are a key overwintering and breeding site for many bird species. For example, migratory, overwintering birds such as Fieldfares and Redwings (endangered and threatened) annually return to this site from Iceland and parts of Scandinavia and have been doing so for hundreds of years. If their food source (fallen apples, and berries and seeds that the existing hedgerows provide) disappear, starvation is a likely outcome and their already fragile populations will be impacted in this area as well as in the countries where they breed as they have difficulty adapting.

Fruit trees are "early senescent" meaning that they age faster thereby developing veteran features like rot holes, hollow trunks which provide roosts and nest cavities for birds and deadwood which is essential for invertebrates. It takes decades to recreate an orchard's ecological value. Replacing it via off-site "biodiversity units" is very expensive

and due to the high biodiversity value of these orchards its inclusion in the plan is not sound.

The orchards in Wincheap are historic orchards, are a part of the Kentish landscape heritage, and are on Grade 1 agricultural soil (the highest quality in the UK). Building houses permanently removes highly productive land from the food system. Kent once was covered in orchards and is an essential part of the ecology of the area but now only a few remain. According to the Peoples Trust For Endangered Species 90% of traditional orchards have been lost since the 1950s.



Figure 2 These pear trees are around 50 years old with many veteran features



Figure 3 Lowland dry scrub found in Coopers Pit (RIG)

Scrub

Scrub is a unique habitat in which over 450 rare and threatened species of plant, insect and bird are associated with (Kent Wildlife Trust). Coopers Pit (RIG) has lowland dry scrub on chalk soils which is a habitat restricted to Kent (Kent Wildlife Trust). It brings food and shelter for many of the species found in the area. This unique habitat is abundant in invertebrate life and therefore supports a large population of Slow Worms. During spring and autumn, Common and Lesser Whitethroats and Spotted Flycatchers rely heavily on this chalk scrub to refuel on berries and insects.

Arable fields

Despite claims that a large arable field may have low biodiversity these fields are important for the endangered Skylark as well as supporting many overwintering birds. The fields are periodically disturbed open habitats and are regularly rotated. This creates crucial nesting and feeding grounds for specialized plants, insects, and farmland birds. Also, the tree roundels which have been mapped since 1890 however at this point they were already mature which shows them to be older than this. They increase biodiversity due to their veteran features and are a key part of the landscape character of the views surrounding Canterbury.

Woodland

There are several wooded areas on the site. One of which is where the abandoned Elam Valley railway lies. Another is situated on the hill bordering the A2. Ancient trees are present here including an ancient Poplar tree which is rare in the UK. Ancient trees are extremely significant for wildlife as they are irreplaceable habitat.

Default Refusal Policy: Under Paragraph 180 (and associated clauses) of the [National Planning Policy Framework \(NPPF\)](#), local authorities across Kent must refuse any planning application that results in the loss or deterioration of irreplaceable habitats—specifically including ancient and veteran trees—unless there are "wholly exceptional reasons"

Wooded areas such as these is habitat used by woodland species such as the Tawny Owl. C10 is also in the close vicinity of Larkey Valley Woods and so supports wildlife migrating from that site.



Figure 4 Holloway following a Roman road on site

Hedgerows

There is a large network of hedgerows on this site. Many of which are ancient hedgerows dating back at least 150 years and have many native species which supports complex food webs. Valuable nesting sites for birds such as Yellowhammers and Wrens and an annual food source of nectar, nuts, and berries are all supplied by these hedges. There are hedgerows and windbreakers across the site. (see figure below) It will be very hard to achieve 20% Biodiversity Net Gain 20% on C10 ([Canterbury](#)) as destroying mature hedgerows incurs massive "biodiversity debts" that are highly expensive to offset.

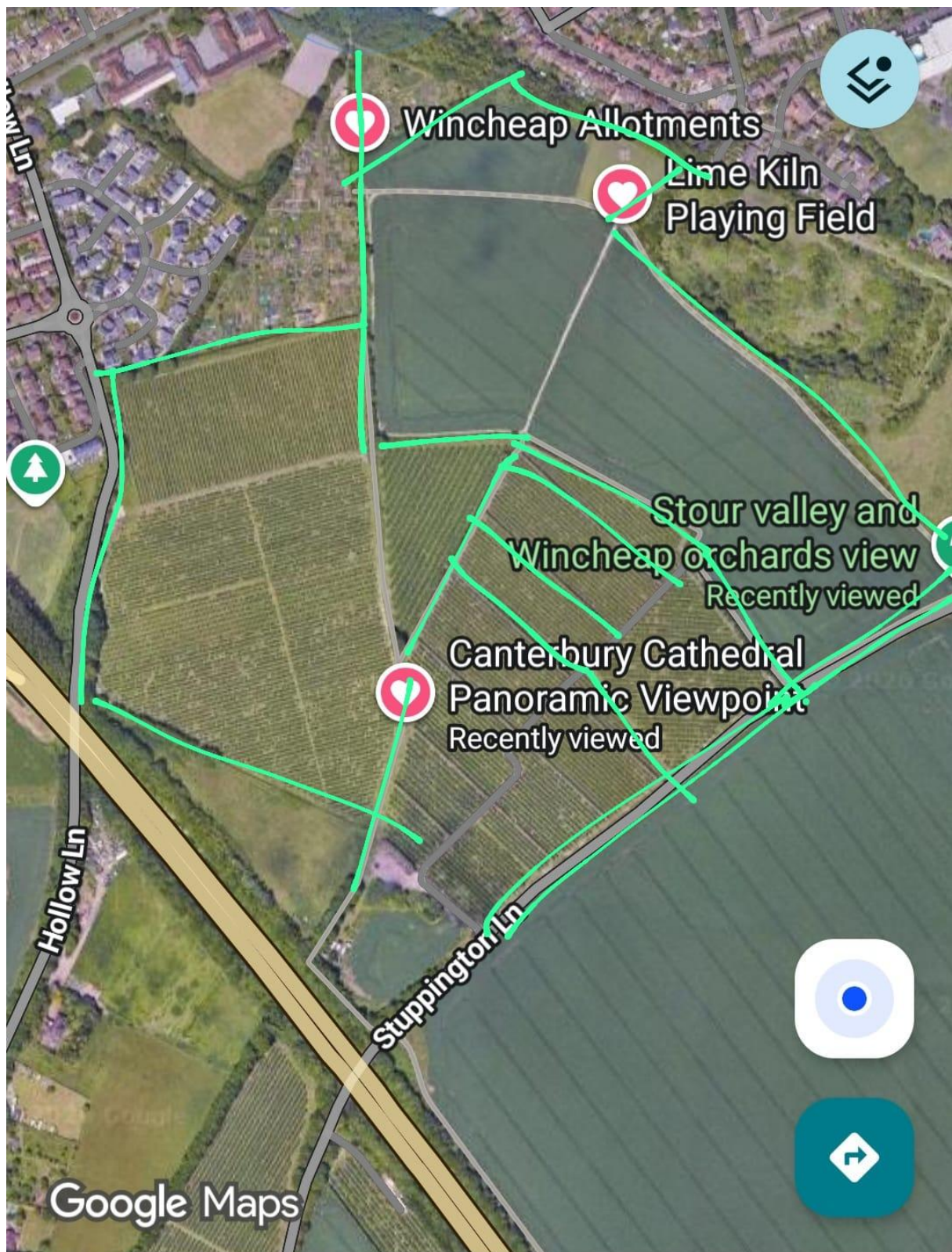


Figure 5 Hedgerows have been marked on a section of the site to show abundance



Figure 6 Tree growing out of chalk cliff face in Cooper's Pit

Chalk cliffs

Another unique feature of this site is that it is in the Chalk Stream and has a RIG (Cooper's Pit). It is unsound that this site is included in the plan as building right next to a chalk cliff face is highly dangerous as there will always be the danger of erosion on new housing. The physical weight of heavy brick-and-mortar homes, combined with the vibrations of construction machinery, can accelerate the failure of a marginally stable chalk slope.

While natural chalk is highly permeable, constructing houses, driveways, and roads creates vast impermeable urban surfaces. Concentrated rainwater run-off from new housing will be channelled into the cliff face or its base, accelerating subterranean erosion, dissolving the chalk, and triggering sudden sinkholes.

The chalk cliffs provide habitat for many insects which provide food for bats. Chalk cliffs are known to be strongholds for bats including the rare Nathusius Pipistrelle which was identified in close proximity to the cliffs.



Figure 7 shows two slow worms on site



Figure 8 shows a slow worm on site

Allotments

The site has two allotments and the proposed development of C10 would be directly next to them. Allotments have been recognised as valuable mosaic habitats that are significant for biodiversity within the urban landscape in CCC's [Canterbury District Biodiversity Strategy](#). These allotments support high species richness and are important places in the local community. Building directly next to them would not only pollute produce but also significantly harm the biodiversity in the area because of what is known as the “edge effect” where the adjacent land next to a development is degraded. This can be in many ways but one of them in this situation would be strong, permanent security lighting and streetlights from the new development spilling directly into the allotments. This light pollution would disrupt the natural behaviours of nocturnal pollinators, foraging bats, and hedgehogs. Additionally, if high-density, multi-storey housing is built along the allotment borders it will cast prolonged, artificial shadows over the plots which will affect the productiveness of the whole area. This shading reduces soil temperatures and direct sunlight hours and would directly harm sun-loving flora, pollinating insects, and cold-blooded reptiles like slow worms and common lizards (which are abundant in this area) that rely on warm, open allotment soils to bask and hunt.

Developers are legally required to deliver a minimum 10% (and up to 20% locally in Canterbury) Biodiversity Net Gain. If a project indirectly degrades the baseline ecological value of an adjacent allotment, the developer can face steep financial liabilities to pay for off-site habitat compensation making this plan unsound.



Figure 9 Grassland in apple orchards on site

Grassland

There is permanent grassland over much of the proposed C10 development. There is therefore an abundance of field voles which are a keystone species. They are a foundational part of the food chain and are why there is a resident pair of Kestrels, several Tawny Owls and a Long-Eared Owl in the area. According to the Kent Downs National Landscape 97% of the species rich semi-natural grassland has been lost since the 1930s.

Permanent grasslands store most of their carbon securely **underground within their deep root networks and undisturbed soil profiles**. If these fields were turned over with heavy excavators and laying down concrete foundations exposes soil microbes to oxygen, rapidly decomposing organic matter. This transforms a stable carbon store into a massive source of atmospheric carbon dioxide, actively undermining Kent's local net-

zero targets. It is also especially contradictory as it has been established that Wincheap has the worst air pollution levels in Canterbury making the plan unsound.



Figure 10 Shows vole nest found while conducting a mammal survey on site

Bats

https://livekentac-my.sharepoint.com/personal/bhc_kent_ac_uk/Documents/Documents/wincheap-bat-spreadsheet-20260517-landscape.pdf

Surveys have been carried out by Bethany Cunnington and William Turrell (Kent Bat Group) and evidence has been gathered to shed some light on the bat population on land allocated for development in C10.

Methodology

Between 3-11 May 2026 we conducted four night-time bat walkover (NBW) surveys.

Additionally, we conducted daytime surveys (DBWs) to assess the scale of potential roost features (PRFs) in trees and buildings.

NBW surveys began 15 minutes before sunset until around 90 minutes afterwards – the survey routes were “reactive”, based on local knowledge to maximise observing opportunity, rather than following a transect as with typical long-term population-trend fieldwork, like the National Bat Monitoring Programme (NBMP). They included features such as hedges, trees and edge habitat likely to feature in flight lines.

We are yet to conduct any static (passive acoustic) monitoring or emergence surveys.

Full results are presented as a spreadsheet form using the standard Kent Bat Group (KBG) template. This format splits observations by species, but note it was common to see multiple bats and more than one species flying together.

Species were identified using audio (heterodyne detector) and visual observation in the field combined with post-survey analysis of full spectrum recordings: the latter by both manual inspection of spectrograms (with reference to *Bat Calls of Britain and Europe*, Jon Russ) and using the BTO Acoustic Pipeline – a machine learning classifier of bat ultrasound calls.

Results and Discussion

Four species of bat have been identified so far (this figure would be expected to rise with further walked and automated/static bat activity surveys).

Foraging and feeding common pipistrelle (*Pipistrellus pipistrellus*) and soprano pipistrelle (*Pipistrellus pygmaeus*) were widespread across the site, including hedge and tree lines, the orchards, and much of the red line boundary (see map).

For context, there are known common pipistrelle day and hibernation roosts at Canterbury Castle (700m north of the red-line boundary of the C10 site), whilst common pipistrelle, soprano pipistrelle and Daubenton's bats (*Myotis daubentonii*)

have been observed in 2024-25 during bat walks in the Westgate Gardens and annual NBMP Waterway Survey of the River Stour between Hambrook Marshes and Toddlers Cove (all sites ~1km NW-NNW of red-line boundary).

The distances from C10 to these roosts fall comfortably within each species Core Sustenance Zones (CSZs), of 2-3km. The CSZ is defined as:

- The area surrounding a communal roost within which development work may impact the flight paths and foraging habitat of bats using that roost.
- The area within which it may be necessary to ensure no net reduction in the quality and availability of foraging habitat for the colony.

BCT Bat Survey Good Practice Guidelines (4th edition), 3.7 and table 3.5

Significantly, policy C10 does not exist in isolation: it is surrounded by multiple “carried-forward” developments from the previous plan (sites 1,10,11) as well as policies C11 and C12. In combination, these (most not yet under construction) will have a cumulative negative impact on bats, through restriction or removal of wildlife corridors, reduction of habitat and increased levels of disturbance, including artificial lighting at night.

The NPPF states that development should:

c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation

This land is an intrinsically dark landscape. The light pollution that would be produced particularly by floodlights from the outdoor sports facilities would be damaging as it leads to [habitat fragmentation and reduced foraging](#). Moreover, the topography of the site makes this area particularly vulnerable to light pollution; this currently rural landscape can be seen from views across the city from the top of St Stephen’s Hill and is a key part of the Cathedrals rural setting. It appears that CCC i have not assessed the impact of light pollution.

Local disturbance to bats will far exceed the ability for adequate mitigation or compensations to be made. Therefore, the impacts of C10 will cause significant harm to bats and their roosts and is not sound.

During one survey, a Nathusius' pipistrelle (*Pipistrellus nathusii*) was observed within 225m of the Regionally Important Geological Site (RIGS).

It should be emphasised one observation is insufficient evidence of presence/absence – more data are needed, also the circumstances of the recording make it unclear if the bat was foraging or commuting.

However, this species is of particular interest in the UK; it is classed as “rarer or restricted distribution” in all regions, and very-rare (Annex II) in north/mid Wales (CIEEM Bat Mitigation Guidelines 2023, table 3.1).

It is a migratory bat known to make journeys of thousands of miles between the UK and continental Europe. In 2016, Nathusius’ pipistrelles trapped by KBG at Stodmarsh NNR and Oare Marshes near Faversham were subsequently identified as having been ringed in Lithuania. Migrating Nathusius’ have been found in other south-eastern counties subsequently.

An annual licensed radio tagging project is ongoing to identify migratory behaviour of the species, and BCT ran a national Nathusius’ Pipistrelle project from 2014-2023.

The Cooper’s Pit RIGS contains chalk cliffs - a known hibernation roost habitat for Nathusius’ pipistrelle (Bat Survey Good Practice Guidelines 4th ed., BCT, table 3.2).

Nathusius’ pipistrelle are present (if not abundant) in the district; one was recorded by KBG during an emergence survey at Westbere church (6.6km NE) in June 2025.

They have an estimated CSZ radius of 3km, however the confidence in this zone size is considered "poor" (Bat Survey Good Practice Guidelines 4th ed., BCT, table 3.5) due to the low number of bats studied ($n=9$).

A brown long-eared bat (*Plecotus Auritus*) that had been captured (and likely killed) by a domestic cat was photographed by a resident.

Large housing developments typically increase pressure on wildlife, especially birds and bats, due to high levels of pet ownership. Cats in particular can hear echolocating bats, swipe at them when they fly low to the ground (a trait of brown long-eared when catching insects) and may locate and repeatedly stalk out bat roosts. An estimated 30% of bats received by bat carers have been attacked by cats: 56% do not survive, 30% cannot be returned to the wild and only 14% are released (BCT “Bats and Cats” leaflet).

Also in May, we conducted a brief and highly simplified Ground Level Tree Assessment (GLTA) to gauge the extend of bat potential roost features (PRFs). Trees accumulate such features with age, increasing the likelihood a bat will choose to roost.

This was entirely non-invasive and involved no licensed work (e.g. sample collection, using an endoscope or work at height), nor did we formally record or map the individual trees, or attempt to categorise them as suitable for individual or multiple bats (PRF-I and PRF-M).

We observed many trees bordering the site with PRFs such as dense ivy or thick ivy stems, vertical and horizontal cracks, woodpecker holes and lifting bark, and some standing deadwood.

Many of the smaller fruit trees in the orchards also contained PRFs. Bats can roost at any height and can easily negotiate tiny entrances (a common pipistrelle can fit inside a matchbox). Some of the larger trees in the windbreaks had significant damage, creating further potential access points for bats.

The roundels in the south-east corner of the site merit detailed study.

Foliage means spring is a suboptimal time of year for a GLTA – additional PRFs are likely to be visible when surveying between December and March (BCT Bat Survey Good Practice Guidelines 4th ed., 2.4).

The walls of a derelict building at the southern end of the site (TR14485611, 40m NW of Stuppington Lane) contained ivy, cracked brickwork and an occupied great tit nest (*Parus major*).

We found regular bat activity around the western orchard close to the proposed vehicle access off Hollow Lane. We also suspect bats may use the underpass beneath the A2 here as a ‘dark corridor’ for commuting safely towards Thanington and beyond, given the line of mature trees on both sides of the road and a lack of artificial lighting.

Bats are extremely light (a common pipistrelle weighs 3-8g, a brown long-eared bat 6-12g) and are vulnerable to developments which force them closer to roads, due to the slipstreams created by fast moving vehicles (*Bats – from Evolution to Conservation*, J.D. Altringham, 2011). Additionally, traffic is noisy: bats expend greater energy echolocating in loud environments.

Three of the four species identified on the site so far are widespread in all UK geographies (CIEEM Bat Mitigation Guidelines 2023, table 3.1).

However, regardless of rarity, or how the bat assemblage is scored (CIEEM Bat Mitigation Guidelines 2023, 3.4) it should be remembered that *all* UK species of bats have legal protection against intentional or reckless disturbance, also damage or destruction of their roosts – even if accidental (Habitats Regulations and Wildlife and Countryside Act, as summarised in 1.2 of BCT’s Bat Survey Good Practice Guidelines, 4th ed).

They are considered an indicator species; presence of bats demonstrates healthy lower trophic layers in an ecosystem and the likely presence of other species (e.g. green woodpecker) that create roost features.

There are seven types of bat roosts – these can range from large maternity roosts to a small day roost occupied by a single individual, and either natural roosts in trees, cliffs

or caves, or in buildings and structures – again *all* are protected (described in law as any place used by a bat for shelter or protection).

One reason bats and their roosts have this protection is their vulnerability; females usually only give birth to a single pup a year – it may take a local population a significant time to recover following the destruction or abandonment of a roost.

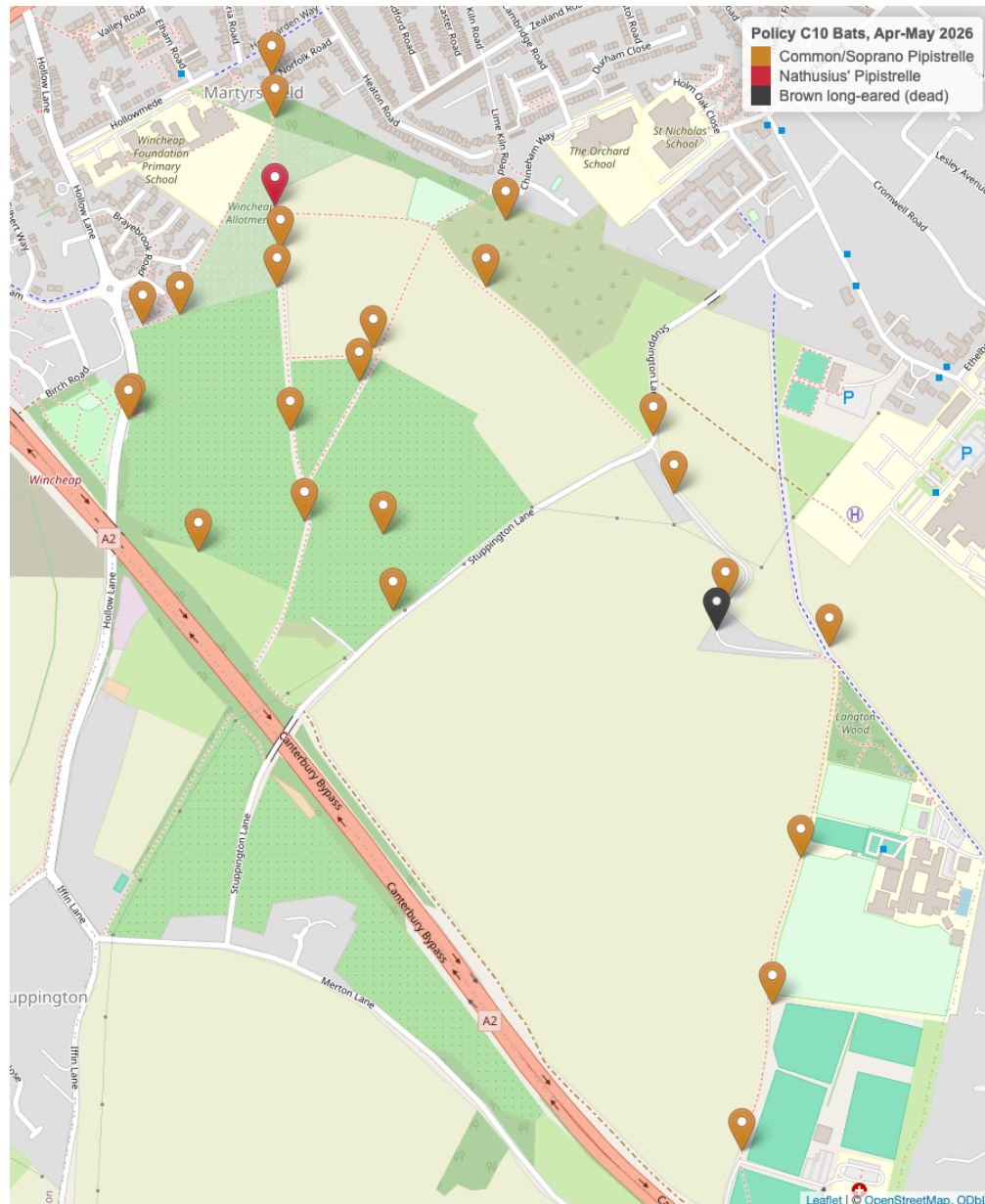


Figure 11 Map of area with recorded species

For these reasons the plan is unsound and C10 should be removed from the Local Plan.