

**THE PROPOSED DEVELOPMENT OF  
A GARDEN VILLAGE  
ON LAND TO THE NORTH OF MARDEN**



**A STATEMENT OF OPPOSITION**

# OPPOSITION TO THE PROPOSED DEVELOPMENT OF A GARDEN VILLAGE ON LAND TO THE NORTH OF MARDEN

The proposed development, as it stands, will significantly damage vulnerable local farmland bird populations and mitigation of the damage is not a practical option. As such the development will be in direct conflict with national and local environmental and planning statements. Specifically:

- A Green Future: Our 25 Year Plan to Improve the Environment. *DEFRA*
- Biodiversity 2020: A strategy for England's wildlife and ecosystem services. *DEFRA*
- Maidstone's Biodiversity Strategy: A Local Biodiversity Action Plan 2009-2014. *MBC*
- Maidstone Landscape Character Assessment 2012 (2013). *MBC*
- Natural Environment and Rural Communities (NERC) Act (2006). *Natural England*
- Marden Neighbourhood Plan.

## Background

1. Following participation in an initiative between the Royal Society for the Protection of Birds (RSPB) and local farmers, I have been involved, along with others, in surveying and improving habitats for populations of (principally) farmland birds in Marden since 2006. The majority of this activity has centred on land owned by HE Hall and Son Ltd (HE Hall) which, while adjacent to some of it, is not included in the proposed development. However, the farmland bird populations are common to all the arable farmland in the district and, as such, data from work on HE Hall farms are relevant to, and influenced by, the adjoining area.
2. Data have been acquired from a continuous programme of bird ringing (licensed by the British Trust for Ornithology (BTO), regular observations by local naturalists and from the systematic annual Breeding Bird Survey<sup>1</sup> organised by the BTO on behalf of the Joint Nature Conservation Committee (JNCC) and DEFRA<sup>2</sup>.

## What the data show

1. We can demonstrate from ringing data and BTO surveys that the immediate Marden area supports at least fourteen species (designated S41 Species) requiring special priority action for conservation under the NERC Act (2006):

Lapwing	Cuckoo	House Sparrow
Herring Gull	Lesser Spotted Woodpecker	Bullfinch
Barn Owl	Spotted Flycatcher	Lesser Redpoll
Turtle Dove	Song Thrush	Linnet
Skylark	Starling	Yellowhammer

All but two breed in the area<sup>3</sup> and, with the exception of just four species, all are dependent on farmland which will be lost if the development proceeds. A further seven species, red listed as high conservation concern<sup>4</sup>, and fourteen amber-listed as moderate concern, are also

<sup>1</sup> <https://www.bto.org/our-science/projects/bbs>

<sup>2</sup> <http://jncc.defra.gov.uk/>

<sup>3</sup> Clements R, Orchard M, McCanch N, & Wood S. (2015). *Kent Breeding Bird Atlas 2008-2013*. Kent Ornithological Society.

<sup>4</sup> Hayhow DB, Ausden MA, Bradbury RB, Burnell D, Copeland AI, Crick HQP, Eaton MA, Frost T, Grice PV, Hall C, Harris SJ, Morecroft MD, Noble DG, Pearce-Higgins JW, Watts O, Williams JM. *The state of the UK's birds 2017*. The RSPB, BTO, WWT, DAERA, JNCC, NE and NRW, Sandy, Bedfordshire.

present. Furthermore, six species, including breeding barn owls, that breed or winter in the area are included on the list of specially protected Schedule 1 Species<sup>5</sup>.

2. Two species, Linnet and Yellowhammer, have declined by 71% and 62% respectively in England in the last 49 years and, in the South East the decline has accelerated – numbers fell by 31% and 42% between 1995 and 2017. Both species are present in significant numbers. As shown below,

- **the immediate Marden area supports not only a high proportion of Kent's linnet and yellowhammer populations, but also a *significant proportion of their national populations*.**

3. A third species, Turtle Dove, has declined by 94% since 1995 (the steepest decline of any UK species<sup>6</sup>), and Kent, Essex and Sussex now hold the major part of their UK population. Marden is now part of a *Turtle Dove Friendly Zone* established as part of Operation Turtle Dove – an initiative created *inter alia* by Natural England, the government's own body responsible for the protection and promotion of the natural environment. The impact of the proposed development on this species is detailed in a separate written response from the RSPB.

4. The Government's own 25 year white paper to improve the environment aims to '*restore losses suffered over the past 50 years*':

- **the proposed development will be in direct conflict with this, particularly in respect of these three species, whose decline it will actually *significantly accelerate*.**

### **The local Linnet and Yellowhammer populations**

1. As stated above, work on HE Hall farms to improve the breeding and wintering habitat for these species has been ongoing since 2006. Population numbers and breeding territories have been monitored through direct surveys and, since 2016, ringing.
2. Yellowhammers have been observed regularly at Poultry Farm (TQ744436) since c2005.
3. In winter 2017, 14 ringing sessions were carried out there (7 in Jan – March and 7 in Oct - Dec) at a site where supplementary feeding is carried out as part of a DEFRA Higher Level Stewardship agreement with HE Hall.
4. 190 individual yellowhammers and 163 linnets were ringed out of a total 800 birds of all species. The table below shows these totals as a percentage of those for Kent and England in the same year.

<b>Yellowhammers &amp; linnets ringed in Marden in 2017 as a percentage of Kent and England totals</b>			
Species	Total ringed in Marden	% of Kent total	% of England total
Yellowhammer	190	79.5	4.2
Linnet	163	72.8	3.3

<sup>5</sup> <http://www.legislation.gov.uk/ukpga/1981/69/schedule/1>

<sup>6</sup> Harris, S.J., Massimino, D., Eaton, M.A., Gillings, S., Noble, D.G., Balmer, D.E., Pearce-Higgins, J.W. & Woodcock, P. 2019. *The Breeding Bird Survey 2018*. BTO Research Report 717. British Trust for Ornithology, Thetford.

5. In order to investigate these data on yellowhammers further, two survey<sup>7</sup> visits were carried out in April 2017: 18 sightings of yellowhammers were made within 300m of the ringing site at Poultry Farm, including 3 singing males within 200m. So the species is clearly breeding<sup>8</sup>, as well as wintering, in the km square. (NB. many hedgerows and margins on the farm are specifically managed for yellowhammers.)

As natal dispersal is <20km (median 2km) and 95% ringing recoveries are < 25km (median <1km)<sup>9</sup>

- **this suggests a significant population of yellowhammers exist in the surrounding hectad or just beyond.**

6. As a result of these data, in 2018 we carried out a structured survey<sup>10</sup> of the four tetrads centred on Marden to establish the number of breeding yellowhammer territories on HE Hall land in 2018 breeding season. Only 5 breeding territories were identified on HE Hall land. Our conclusion, therefore, is that

- **the local breeding population of yellowhammers exists on surrounding farmland, much of which will be destroyed by the proposed development.**

7. Data from national surveys, in particular the recent English Winter Bird Survey<sup>11</sup> commissioned by DEFRA and Natural England, also demonstrate the richness of farmland birdlife in the area. The survey is carried out on randomly-selected 1 km farmland squares across the UK. A square within the proposed development (TQ7445) was surveyed in winter 2019 – three visits approximately one month apart.

- **The average number of linnets counted per visit was 374 – with a peak total of 900+ on a particularly cold morning.**
- **This is an unusually high number for this species; it indicates the conservation value of the farmland in the area and complements the data from ringing studies quoted above.**

## **Mitigating action and ‘net biodiversity gain’**

1. The government rightly seeks to ‘embed an ‘environmental net gain’ principle for development’<sup>12</sup> by using biodiversity offsetting. It provides guidance to developers in using a metric<sup>13</sup> that is intended to evaluate the biodiversity ‘value’ of a habitat on the basis of its area and the relative ‘quality’ of that habitat. The assessment of quality comprises four components: distinctiveness, condition, strategic significance and habitat connectivity. It is difficult to see how the metric suggested, indeed any metric, can lead to the creation of the farmland habitat that these increasingly scarce birds require. It is also hard to see how any green space allocated by the developer will recreate or improve upon the existing habitat – it certainly cannot replace the species discussed above. Furthermore, the creation of two thousand homes will increase pressure on remaining wildlife in the adjoining area (and on any land the developer claims to be mitigating action for existing habitat) by the introduction of

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<sup>7</sup> Territory mapping surveys as specified in: Bibby, C.J., Burgess, N.D., Hill, D.A. & Mustoe, S.H. (2000) *Bird Census Techniques*, Academic Press, London.

<sup>8</sup> *Ibid.*

<sup>9</sup> Wernham, C., Siriwardena, G.M., Toms, M. et al.. (2002) *The Migration Atlas: Movements of the Birds of Britain and Ireland*. BTO, Thetford.

<sup>10</sup> Line transect surveys *ibid.*

<sup>11</sup> <https://www.bto.org/our-science/projects/english-winter-bird-survey>

<sup>12</sup> A Green Future: Our 25 Year Plan to Improve the Environment. DEFRA

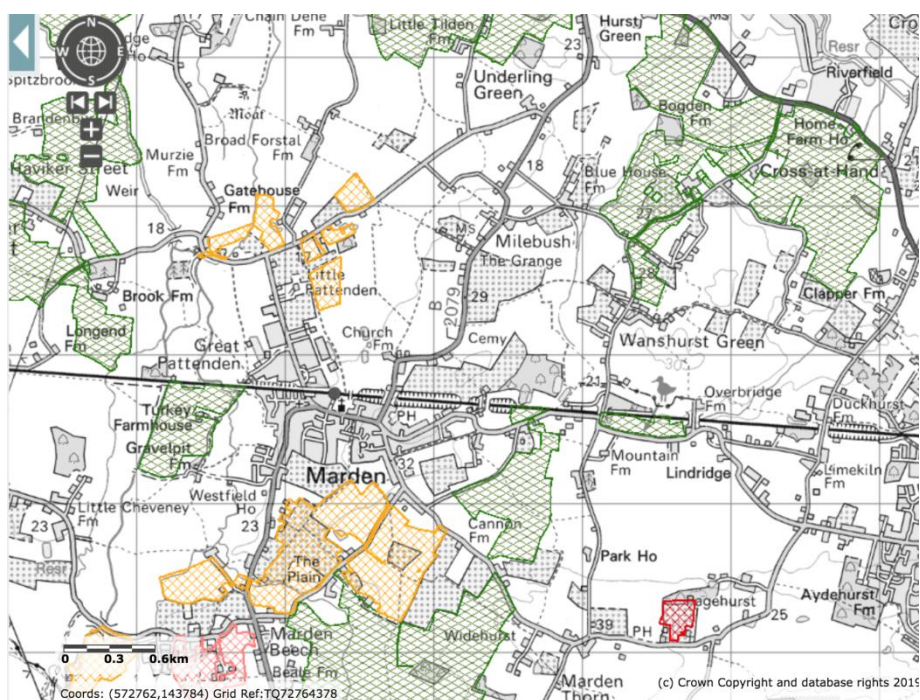
<sup>13</sup> Updating the Defra Biodiversity Metric. *Natural England*

cats and yet more dogs. What is loosely defined 'amenity land' cannot provide an answer. It is clear, then, that:

- **permitting development on the proposed scale will not meet the principles and aims of the policies and statements, set out by national and local government, for conservation of the environment and biodiversity. Given the current UN forecasts (amongst others) of the implications for further biodiversity loss and climate change, it could be argued that MBC would be negligent in permitting the scheme to go forward.**

## Other opportunities

1. However, the four measures of quality assessment used in the metric are certainly worth considering in the context of local wildlife, the environment and improvement of local biodiversity. Both 'A Green Future: Our 25 Year Plan to Improve the Environment' and 'Biodiversity 2020: A strategy for England's wildlife and ecosystem services' are strongly influenced by the Lawton Report<sup>14</sup> and its emphasis on landscape scale conservation. The map below<sup>15</sup> shows the land around Marden, including the proposed development site. The green and yellow hatched areas are farms involved in the creation of wildlife and environmental improvements through Agri-environment Schemes (AES).



2. Significantly, farmland earmarked for the proposed development has no investment in the environment through an AES, whereas much of the surrounding land is already in a scheme or its owners are actively planning to join one. Many are already involved in the Operation Turtle Dove with Natural England and the RSPB. This says much for the quality of land management in the area around the proposed development. It also explains why such large numbers of scarce farmland birds are to be found, even on the proposed development site where, evidently, it has not been encouraged by the current landowners.

<sup>14</sup> Lawton, J.H., Brotherton, P.N.M., Brown, V.K., Elphick, C., Fitter, A.H., Forshaw, J., Haddow, R.W., Hilborne, S., Leafe, R.N., Mace, G.M., Southgate, M.P., Sutherland, W.J., Tew, T.E., Varley, J., & Wynne, G.R. (2010) *Making Space for Nature: a review of England's wildlife sites and ecological network. Report to Defra.* DEFRA

<sup>15</sup> <https://magic.defra.gov.uk/MagicMap.aspx> (accessed 09/05/19)

3. Given the current emphasis placed on landscape scale conservation by the policies of DEFRA, Maidstone Borough Council, Kent Wildlife Trust, who already manage the Marden Meadows Site of Special Scientific Interest (SSSI) adjacent to the proposed development, and the RSPB, this provides an excellent opportunity.
4. Maidstone BC is rightly proud of creating small areas to encourage biodiversity in its town centre, and of *“launching a brand new, exciting initiative to Go Green Go Wild!”*<sup>16</sup> - something that is already well-established on a large scale in Marden. It would be perverse, therefore, for the Council to permit destruction of a large area of farmland - traditional low weald, with hedgerows, standing trees and ditches, and identified in the Borough's own biodiversity assessments and planning as distinctive and important. Alternatively it can choose to encourage the development of
  - **a significant stretch of countryside that is already rich in biodiversity, links two important SSSIs and provides a potential lifeline to an iconic bird facing extinction as a native species. All of this will meet the four components of biodiversity 'value' specified in Natural England's metric: distinctiveness, condition, strategic significance and habitat connectivity.**
5. Being within easy reach of existing centres of population, it will provide opportunities for recreation and, especially, the promotion of both physical and mental health for local residents and those from the larger Kent conurbations. Creating another large conurbation in Marden, will have entirely the opposite effect, will clearly result in a net loss in biodiversity and will highly likely have a negative impact on existing residents' quality of life.

R A Morris, MA MSc (Ornithology)

Shepherds Mead  
Vicarage Lane  
East Farleigh  
Maidstone ME15 0LX

07967 118831  
lepiat@hotmail.co.uk

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<sup>16</sup> <https://www.scribd.com/document/403303181/Borough-Insight-Spring-2019> (p19)