800 Lizard Orchids to be dug up! Can you help prevent this?

Dear all,

This is to draw your attention to a proposed major development within Betteshanger Country Park (formerly Fowlmead Country Park) near Deal in East Kent. It is to be located on top of Britain’s second largest population of Lizard Orchids and will have many other adverse effects on the flora and other wildlife.

If you wish to object please write or email **NOW** to Dover District Council, or use their on-line facility for representations. Unfortunately, we are not being allowed a lot of time for this; the deadlines for the two planning applications involved are **28 and 31 October**. (As there are two applications, one will need to object to them separately.) While it looks as though late submissions can be accepted up to decision in December, these risk not being part of the formative stage of the Council’s preparation for that decision. See further below (‘How to object’).

Do not be complacent! The main application (‘Seahive’) has attracted many public representations of support already (often in similar language, e.g. ‘fantastic opportunity’, suggesting some prompting) and wildlife protection views are very much under-represented.

**The development**

A developer who bought the site in 2019 has recently put in an application to Dover District Council to build ‘Seahive’, which is in effect a giant swimming pool or lagoon with machinery which will generate waves for surfing. This with its associated buildings, including holiday accommodation, will occupy **10 hectares (24 acres)** of the park and will destroy valuable open mosaic habitat and part of the second largest *Himantoglossum hircinum* (Lizard Orchid) population in Britain. At the same time, the developer is applying to build a 120-bed hotel next to the existing car park.

**Site flora and wildlife**

Some KBRG members will have been present at our meeting in the Country Park in May 2013 when we recorded Rare Plant Register species such as *Lythrum hyssopifolia* (Grass-poly), *Galium parisiense* (Wall Bedstraw), *Logfia minima* (Small Cudweed), *Eleocharis acicularis* (Needle Spike-rush). For those who haven’t visited, the Country Park is on the site of a former spoil tip of the old colliery which closed in 1989. The substrate is shale which being nutrient-poor and light and heat-absorbent has in the absence of nitrogen-hungry species, developed a rich flora in conjunction with open mosaic habitat. This is a special habitat listed under Section 41 of the Natural Environment and Rural Communities Act 2006 which can support considerable biodiversity. Now, we have on the Kent database 400 plants from the Country Park, of which 332 are native species. Twenty are listed on the Kent Rare Plant Register, and 44 are Kent axiophytes, indicators of good habitat. This is exceptional for one site, and we hope you will want to join us in opposing the destruction of some of the best species-rich areas for plants in the Park. In 2021 there were 3,193 Lizard Orchids recorded at the Park, so this is now the second largest Lizard Orchid colony in Britain (the Sandwich Bay colony, at around 5,000, being the largest). The proposed Seahive development will involve digging up c.800 Lizard Orchids, with many more in the vicinity likely to be destroyed in the building process. As ever, the developer proposes to translocate plants by way of mitigation but this risks failure and is likely to cause damage to good habitat elsewhere in the Park.

The developer does not have a good record on translocation, having made what appears to be quite inadequate provision for moving a colony *of Lythrum hyssopifolia* (Grass-poly) affected by another development recently given planning permission on a separate nearby site. One might think that being a ‘Schedule 8’ plant under the Wildlife and Countryside Act 1981 (as are both Grass-poly and Lizard Orchid) would afford protection, but the developer has the view that this does not apply to a lawful act (implementation of planning permission).

**How to object**

We understand that BSBI, CPRE Kent, Buglife and KWT are likely to oppose both hotel and Seahive but we need more voices so please, if you can, join us and e-mail or write to Dover District council in opposition. You can view the applications on Dover District Council website at:

<https://publicaccess.dover.gov.uk/online-applications/search.do?action=simple&searchType=Application>

You enter the reference number at the bottom of the webpage: for Seahive it is 22/01158 and for the hotel, 22/01152. This takes you to the summary page, on which here is a link from which you can view and download documents. There are a lot of them, I’m afraid, although both applications have Ecology Appraisals for wildlife issues.

You can make your comments to Dover District Council by letter, email or on-line. In the case of a letter or email ([developmentmanagement@dover.gov.uk](mailto:developmentcontrol@dover.gov.uk)), you need to give your name, address and planning reference number (and in both cases, mark for the attention of Mr .Andrew Somerville, the case officer, and state that you are opposing). If you want to use the on-line comment facility, you will find a ‘make a comment’ link on the summary webpage. This link asks you to fill in your details, then give your comment. It is best to have drafted your comment beforehand, so you can just cut and paste into the comments box.

Points you could consider making in relation to each application include:

(*as regards Seahive, ref. 22/01158*)

* The folly of placing the development directly on the **site of the Lizard Orchid population** which, being the second largest in Britain, should be regarded by Dover District Council as a jewel in the crown of its wildlife assets. Digging up c.800 plants, as proposed for translocation, carries considerable uncertainties for their survival (orchids are choosy where they grow); it ignores that there must be many more uncounted developing young plants underground which have not yet reached rosette stage to be identifiable; and translocation will cause damage to valuable habitat elsewhere in the Park.
* **The value of the flora of the park generally.** [See comments above on species and habitat, under the heading ‘Site flora and wildlife’; I can supply flora lists with designations for anyone who wants, but note that the Endangered species, which is Grass-poly, is said by the developer to be outside the area of development; however its location could well be affected by overspill of works or pollution or changes to the car park drainage.]
* **The value of the insects of the park.** Amongst the park rarities are:
  + *Idaea ochrata* (Bright Wave moth).Nationally rare, Near Threatened, a priority species listed under section 41 of the Natural Environment and Rural Communities Act 2006. This is a threatened species of moth currently with a very restricted breeding range in Britain, largely confined to localised areas along an 18km stretch of coastline in East Kent between Ramsgate and Kingsdown. Recorded at the park in 2014, over 64 individuals were noted in a 30-minute count in an area of early succession grassland 400 x 60m within the proposed development area.
  + *Pyropteron chrysidiformis* (Fiery Clearwing moth). Nationally rare and listed under both Section 41 NERC 2006 and Schedule 5 Wildlife and Countryside Act 1981. This moth is currently restricted to a very few coastal sites in East Kent, of which the park is one. Recorded there in 2011, 2015 and with eggs seen in 2016; a site in the park was set up in 2015 with agreement of the former park owners to protect and encourage the moth, with food-plants provided. This site is threatened with ‘enhancement’ under the development.
* **The value of the park birdlife.** Turtle Dove is recorded at the park. It is the UK’s fastest declining bird species and is threatened with global extinction (IUCN Red List of Endangered Species). Breeding populations, both in England and in Europe, have collapsed in recent decades and the decline is continuing. The latest UK Breeding Bird Survey data shows a 93% fall in breeding abundance of turtle dove between 1995 and 2014.
* The developer proposes to solve all ecological issues by mitigatory or compensatory work. But there is a case for saying that this is site is so uniquely valuable that **mitigation or compensation** simply cannot do justice to the losses which development will inflict. Additionally, the mitigation proposed is flawed:
  + as regards Lizard Orchid translocation, see above.
  + as regards compensating for loss of open mosaic habitat by creating more, this does not recognise how the existing habitat and its biodiversity has developed over the years.
  + as regards turtle dove mitigation, this is a confused story. The locations proposed for their encouragement are, despite claim to the contrary, too close to the proposed development (and the hotel) to be free enough from disturbance to these shy birds. And where they are designated as both a turtle dove feeding station (so requiring provision of seed which they like) and an area of open mosaic habitat creation; these functions are in conflict. Also, the areas of mitigation are largely the same as specified for turtle dove mitigation in relation to the developer’s neighbouring Betteshanger Grove development for which planning permission was granted in 2021 under reference 20/00419, so this mitigation, inadequate as it is, is being double-counted.

(*as regards the hotel, ref. 2/01152*)

* the **Ecology Appraisal for this application is incomplete** as it refers to survey work still being undertaken which appears to be intended for a Phase 2 addendum. The application appears to be premature in view of the incomplete survey and documentation, and the timetable for representations should be suspended and the application re-consulted when the full survey results are available, to enable proper consideration to be given.
* **Bats.** This last point is particularly important as, despite the absence of mention yet by the developer, it is understood that bats, all of which are protected species, are present in extraordinary abundance by the trees alongside the hotel site. While the trees may be retained, the hotel will be lit at night, and this, coupled with general disturbance and pond removal, is likely to be deleterious to the bats. As this calls in question the appropriateness of the site for a hotel at all, it should not be assumed that it can be dealt with by granting a consent subject to conditions. Because of the bats’ potential relationship with neighbouring Special Protection and Ramsar Areas/Sites it looks as though the Council needs to carry out an assessment in accordance with the Conservation of Habitats & Species Regulations 2017 (as amended).
* Betteshanger Country Park as a whole has considerable wildlife value, as may be seen from appraisals and comments regarding the related Seahive proposals. To start carving off property at the margin for commercial development can be seen as the thin end of the wedge for **reducing the value of the park as a whole**.
* The site includes two ponds to be infilled which may be providing benefits for **the park’s turtle dove population.** While the Ecology Appraisal purports to identify turtle dove mitigation afforded in relation to the developer’s neighbouring Betteshanger Grove development (for which planning permission was granted in 2021 under reference 20/00419), this is inadequate to mitigate for the increased disturbance and recreational pressure which will result from the hotel construction and use. It is simply unrealistic to suppose that, as claimed, the provision of bunds, signage and a visitor management plan is going to achieve the level of freedom from disturbance that these notoriously shy birds require. Turtle dove is the UK’s fastest declining bird species and is threatened with global extinction, with the continuing collapse of breeding populations, both in England and in Europe. Its needs should be taken seriously.

I’m sorry to have to pass on so much detail to you, but I hope it will be helpful for you in considering making any planning representations. There is also some general guidance from KWT about going about commenting (e.g. keep it courteous, brief, perhaps use sub-headings to highlight points, etc.):

<https://www.kentwildlifetrust.org.uk/sites/default/files/2019-12/How%20to%20comment%20on%20a%20planning%20application.pdf>

Apologies if you are a member of the surfing community in priority to being a botanist, and might have differing views!

Best wishes,

Geoffrey