



ECOLOGICAL ADVICE SERVICE

TO: *Andrew Gambrill*

FROM: *Helen Forster*

DATE: *10 November 2023*

SUBJECT: *CA/23/00484 Land At The Hill, Bekesbourne Lane*

The following is provided by Kent County Council's Ecological Advice Service (EAS) for Local Planning Authorities. It is independent, professional advice and is not a comment/position on the application from the County Council. It is intended to advise the relevant planning officer(s) on the potential ecological impacts of the planning application; and whether sufficient and appropriate ecological information has been provided to assist in its determination.

Any additional information, queries or comments on this advice that the applicant or other interested parties may have must be directed in every instance to the Planning Officer, who will seek input from the EAS where appropriate and necessary.

We advise that additional information is required prior to determination regarding the water vole mitigation and habitat retention.

The ecological surveys have detailed the following:

Protected/notable species

- No evidence of dormouse
- Breeding populations of grass snake and common lizards
- Evidence of water vole within the stream
- At least 7 species of foraging/commuting bats.
- 26 species recorded during the breeding birds survey (18 species likely, probably or confirmed breeding).
- Evidence of foraging/commuting badgers

The site is two large arable fields and we agree that the majority of ecological interest within the site is associated with the field boundaries. However arable fields do regularly get used by farmland breeding birds but no ground nesting birds were recorded during the breeding bird survey and birds recorded are largely associated with the site boundaries.

Information provided by residents have detailed that skylarks (a ground nesting bird) have been recorded within the site – as the breeding bird survey did not cover April or the earlier parts of May it is possible that ground nesting birds could be present within the site. However we do acknowledge that at the time of the survey the habitats within the field were not considered to provide optimum ground nesting bird habitat and therefore it is unlikely that significant numbers of ground nesting birds are present in the site.

A badger survey has been carried out and recorded evidence of foraging/commuting badgers. The survey was carried out in 2023 and corresponds with the 2021 survey results. We are satisfied that currently there are no active badger setts within the site.

The submitted information previously detailed that to avoid an impact on water vole the development proposals include provision for a 20-30m greenspace buffer between this section of the stream and the residential development area. However the information has been updated to say that the buffer will only be 10-15m.

Additional information has been submitted to address our previous query on the reduction in the area and the applicant has detailed the following: *Subsequently any burrows in the ditch are unlikely to extend beyond the region of 3-5m from the bank of the ditch. Therefore the 10-15m protective buffer provides above and beyond the required distance of 5m from the bank top, to ensure no water vole habitat is damaged as a result of works.*

We understand the logic of the above however there will be high recreational pressure within the site and therefore the reduction in the green space buffer may mean that banks of the ditch do not provide optimum habitat to provide optimum habitat to support the water vole populations. If the intention is to reduce the buffer area there is a need to ensure that measures are implemented to ensure that residents can not access the habitat adjacent to the ditch to ensure that the habitat can be maintained as optimal. It would be preferable for the buffer to be retained as the size originally proposed.

The submitted information details indicates that the ecological interest of the site (with the exception of ground nesting birds) can be retained within the site and the indicative site plan does support this conclusion. A parameter plan has been submitted to confirm the area of open space and therefore we are satisfied that in theory the mitigation outlined within the submitted report can be implemented. However we highlight that the information is provided clarifying the size/appropriate management of the proposed buffer on the retained stream.

We are largely satisfied with the results of the ecological surveys and advise that if planning permission is granted a detailed mitigation strategy is required as a condition of planning permission.

Ecology can be impacted by lighting and therefore we advise that if planning permission is granted there will be a need for a detailed lighting plan to be produced to ensure that there is minimal light spill in the open space and any site boundaries.

Designated Sites

The submitted information has assessed the impact on the local, national and international designated sites. The main impacts on all the designated sites appear to be linked to issues associated with waste water treatment discharge and surface water run off. We

advise that we are not experts within this area and advise that CCC must be satisfied that the proposed mitigation for waste water and surface water run off is appropriate to ensure that any water leaving the site will not have a negative impact on the designated sites.

CCC must be satisfied that the proposed mitigation for Stodmarsh SPA, SAC, SSSI and Ramsar to achieve Nutrient Neutrality is appropriate and can be achieved.

We highlight that Littlebourne Stream LWS is within 300m of the proposed development site and there is a need to ensure that the mitigation to avoid an impact from surface water run off during the construction and operational phases are achievable.

Enhancing the site for biodiversity

Under section 40 of the NERC Act 2006 and paragraph 174 of the NPPF 2021, biodiversity should be maintained and enhanced through the planning system. Additionally, in alignment with paragraph 180 of the NPPF 2021, the implementation of measurable net gains for biodiversity (integrated as part of design) should be encouraged.

The ecological appraisal has set out what measures can be implemented to enhance the site through habitat creation and to support this assessment an updated BNG metric has been submitted and details that an anticipated BNG of 23% for habitats and 32% for hedgerows is proposed which is an increase of 20% for habitat and 32% for hedgerows. We have compared the submitted framework plans and there does not appear to be any significant differences in the plans that would justify the increase in the predicted BNG in habitats and hedgerows.

We advise that information must be provided clarifying what changes have been made that result in the increase. We suggest the proposed habitat plans for both versions of the BNG metric are submitted.

The report has made a number of recommendations of features that can be incorporated into the site to benefit biodiversity (such as bat/bird boxes). An updated plan has confirmed the minimum number of features to be incorporated in to the site and advise that due to the size of the proposal more than 10 bat boxes can be incorporated in to the site and boxes must be integrated in to the buildings.

If you have any queries regarding our comments, please do not hesitate to get in touch.

Helen Forster MCIEEM
Biodiversity Officer

This response was submitted following consideration of the following documents:

Ecological Appraisal; fpcr; September 2023

Badger Report; FPCR; March 2023

Shadow HRA; FPCR; October 2023