



ECOLOGICAL ADVICE SERVICE

TO: *Andrew Gambrill*

FROM: *Helen Forster*

DATE: *05 September 2024*

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 have reviewed the submitted information and have the following comments to make:

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 in some areas.

Information has been provided and detailed that the buffer area will be greater than that which is currently present within the site as it currently being managed as an arable field and we do understand this logic 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 and adjacent habitat are negatively impacted.

However we do acknowledge that the buffer area is acceptable but there is a need to ensure that the proposed habitat creation/enhancements are actively managed to ensure that the habitat can be as good as possible and any damage to the ditch boundaries are addressed immediately. We continue to highlight that 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.

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. We would recommend that a detailed lighting plan is submitted to the LPA and it must demonstrate that it has been designed to minimise light spill in to the open spaces and site boundaries and that a dimming regime is being used.

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.

A HRA has been submitted and detailed that an adverse impact can be avoided through mitigation. 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 are satisfied that due to the distance from the Blean SAC we are satisfied with the conclusion that the proposal is unlikely to have a significant impact on the SAC and a full appropriate assessment is not required.

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 180 of the NPPF 2023, biodiversity should be maintained and enhanced through the planning system. Additionally, in alignment with paragraph 186 of the NPPF 2023, 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 11.5% for habitats and 30% for hedgerows is proposed. We have reviewed the updated Ecological impact assessment and we agree that if managed appropriately a positive BNG can be achieved within the site.

We previously raised concerns that the BNG may not be as high as detailed within the metric due to the recreation pressure within the site and the updated information has been provided detailing that through the implementation of appropriate management the ecologists are satisfied that the BNG can be achieved. We do agree management is vital in ensuring that the proposed BNG is achievable but in addition there is a need for the habitats to be regularly monitored to ensure that changes can be made to the management.

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 planning permission is granted we would advise the following conditions are required:

1. Detailed ecological mitigation strategy (informed by updated surveys)
2. Lighting Plan
3. Ecological enhancement plan demonstrating that integrated features will be incorporated in to the site
4. Management and monitoring plan.

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

Technical Note (BNG) from FPCR dated 23rd February 2024

Open Space Provision Plan; FPCR; March 2024

Development Framework Plan FPCR; March 2024