



## ECOLOGICAL ADVICE SERVICE

**TO:** *Alison Webster*

**FROM:** *Hannah Simmons*

**DATE:** *12 November 2024*

**SUBJECT:** *20240822 / Land to South of The Squirrels, Meopham, DA13 0TT*

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*The following is provided by Kent County Council's Ecological Advice Service (KCC 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 if sufficient/appropriate ecological information has been provided.*

*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.*

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We have reviewed the information submitted by the applicant and advise that sufficient ecological information has been provided.

We have taken this view due to the site consisting of mostly Other Broadleaved Woodland, which is in moderate condition according to the Biodiversity Net Gain condition assessment. We are satisfied that there is a lack of suitable features for most protected species, and for those potentially on site, appropriate precautionary approaches have been proposed. We recommend that the site be managed to remain in its current state to deter protected species from establishing on site

### **Bats**

We are satisfied from the Preliminary Ecological Appraisal (PEA) that included a Roost Assessment that no trees on site have any observed roosting value for roosting bats, and therefore no further surveys regarding bats are required.

### *Lighting*

Lighting can negatively impact nocturnal species, like bats, that are foraging and commuting on site and in the surrounding habitat. Currently there is no lighting plan or information submitted. Therefore, if bats are present foraging/commuting within the area, there is a risk that any lighting may have a negative impact.

To mitigate against potential adverse effects on bats, and in accordance with the National Planning Policy Framework 2023, we suggest that the Bat Conservation Trust's 'Guidance Note 08/23: Bats and Artificial Lighting at Night', is consulted in the lighting design of the development. We advise that the incorporation of sensitive lighting design for bats is submitted to the local planning authority and secured via an attached condition with any planning permission.

#### *Suggested condition wording*

*Prior to occupation, a lighting plan which has been designed to minimise impacts on biodiversity shall be submitted to and approved in writing by the local planning authority. The plan will show how and where external lighting will be installed and provide commentary regarding how the Bat Conservation Trust/Institute of Lighting Professional's 'Guidance Note 08/23: Bats and Artificial Lighting at Night' has been considered in the lighting design. It will be clearly demonstrated that areas to be lit will not impact protected species. All external lighting shall be installed in accordance with the specifications and locations set out in the plan and be maintained thereafter.*

#### **Precautionary Measures**

The PEA has recommended precautionary measures for the following species.

- Reptiles,
- Badgers (which will cover hedgehogs),
- and Breeding birds

We are satisfied that the mitigation measures set out in the PEA are suitable for the proposed works for all the species above.

We advise that the applicant follow the precautionary mitigations set out in the PEA, and advise that if planning permission is granted, these measures are secured by a condition and incorporated into a Construction and Environmental Management Plan (CEMP). See below for wording. As part of this, we highlight that the current management of the site must continue so as not to develop suitable habitat which may encourage the presence of protected species.

#### **Ancient Woodland and Priority Habitat**

The site is directly adjacent to Priority Habitat deciduous woodland to the east and Ancient Replanted Woodland of Ridge Wood/High Reed to the south east. It is also 70m from Round Wood Ancient Replanted Woodland to the west and 160m from Happy Valley, Meopham Local Wildlife Site (LWS) to the north east.

The Natural England/Forestry Commission standing advice states that there should be a minimum 15m buffer zone between development and ancient woodland. The guidance also requires consideration of the potential for additional impacts from proposals even when there is existing development within this minimum buffer.

As no landscape plans have been submitted at this time, it is unknown if a buffer between the site and the woodlands will be created. We highlight that the existing woodland (while not priority habitat or ancient woodland) will act as a buffer between the woods and the wider area. Also, the Biodiversity Net Gain requirement will ensure that for any woodland lost, additional woodland will be created/enhanced as part of this proposal which could be used in the creation/maintenance of a buffer zone. Therefore, we advise that with any

reserved matters application, a buffer zone between the site and adjacent woodlands needs to be considered and the location included on the proposed layout and landscaping plans.

As there are very few physical barriers between the site and the Priority Habitat deciduous woodland and Ridge Wood Ancient Replanted Woodland, we highlight that the proposed development entails some potential adverse impacts on the woodlands, namely from light pollution and potentially dust pollution from the demolition and construction on site.

The applicant should submit how they plan to reduce dust, noise and light pollution during and after construction so as not to impact the priority habitat, ancient woodlands, LWS and any species living there. This should be included in a CEMP and secured by a condition if planning permission is granted.

*Construction and Environmental Management Plan (CEMP) – suggested wording:*  
*Prior to works commencing, a Construction and Environmental Management Plan (CEMP) will be submitted to and approved in writing by the Local Planning Authority. The plan must include details on:*

- how the development will protect the adjacent Priority Habitat deciduous woodland and Ridge Wood Ancient Replanted Woodland during the construction of the dwellings, as well as during the operational phase. This shall include how the development plans to reduce dust, noise and light pollution.*
- Inclusion of precautionary measures set out for Reptiles, Breeding Birds, Badgers and Other species, including hedgehogs in the Preliminary Ecological Appraisal (Arbtech, 29 July 2024).*

### **Biodiversity Net Gain**

Under section 40 of the NERC Act (2006) and paragraph 180 of the NPPF (2023), biodiversity must 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.

Under the Environment Act 2021, all planning applications for major development (unless exempt) submitted on or after 12 February 2024 in England, will have to deliver at least a 10% biodiversity net gain. It is a requirement for minor applications submitted on or after the 2 April 2024. This application was received on 11 September 2024 according to the information available on the planning portal.

Having reviewed the proposal and submitted documents, we consider this application to fall under mandatory biodiversity net gain. A statutory BNG metric has been submitted. As it is for an outline application with limited information on the proposed layout of the dwellings, only the baseline has been submitted at this point. The whole site was recorded as Other Broadleaved Woodland which we are satisfied is correct for the species on site. It has been presumed that the whole site (0.13888 hectares) will be cleared of the woodland on site until further plans show the exact habitat area to be lost. Therefore, the proposals will result in the presumed loss of 1.11 units.

If planning permission is granted, local planning authorities are encouraged to use suggested paragraphs for Biodiversity Gain Information on the written decision notice which are available to download here:

[https://assets.publishing.service.gov.uk/media/663251d969098ded31fca800/BNG\\_Decision\\_Notice\\_Text.odt](https://assets.publishing.service.gov.uk/media/663251d969098ded31fca800/BNG_Decision_Notice_Text.odt).

Other Broadleaved Woodland is of medium distinctiveness. As it is proposed to be lost from site, we note that this habitat must be replaced with the Same broad habitat or a higher distinctiveness habitat. Therefore, it is likely that any habitat created on site will be of medium distinctiveness or higher and plans of the proposed management and monitoring of the site will be required. This can be dealt with at the Reserved matters application stage.

As details of habitat creation and/or enhancement cannot be submitted at this time, it is unknown if off-site works will be required in order for the site to achieve a 10% net gain. If off-site habitat works are required, a legal agreement will be required to secure the significant offsite habitat enhancements and gains for the development. This can be dealt with at the Reserved matters application stage.

### **Ecological Enhancements**

Enhancement features are not considered as part of a measurable net gain; however, in addition to the measurable net gains we expect enhancement features to also be incorporated into an enhancement plan within the red line boundary. These can include integrated bat and bird bricks and/or durable boxes, log piles, hibernacula, and hedgehog homes and holes in close board fencing. We advise that the ecological enhancements are secured with a condition if planning permission is granted.

#### *Suggested condition wording*

*Within three months of works commencing, detailed plans showing how the development will enhance and maintain biodiversity, will be submitted to, and approved in writing by, the local planning authority. This will include details of integrated bat and bird bricks and/or durable boxes, log piles, hibernacula, and hedgehog homes and holes in close board fencing. The approved measures will be implemented and retained thereafter.*

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

**Hannah Simmons**  
**Biodiversity Officer**

This response was submitted following consideration of the following documents:

- Preliminary Ecological Appraisal and Roost Assessment. Arbtech. 29 July 2024
- Biodiversity Net Gain Metric. 1 August 2024