

Land west of School Lane, Higham

Preliminary Ecological Appraisal

October 2025



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1 Introduction

- 1.1 Plumb Associates Ltd was commissioned by M Scott Properties Ltd to undertake a preliminary ecological appraisal for a site where outline planning permission is being sought for:

Outline Planning Application (with all matters reserved except for access) for the erection of up to 50 dwellings with associated infrastructure, landscaping and open space.

- 1.2 The purpose of this report is to ensure that the proposed scheme does not adversely affect any habitats, plants or animals that are legally protected. The report considers:
- The potential of the site and its environs to support important habitats, protected species or other notable species of wildlife;
 - The conservation value of habitats and species both on the site and its environs;
 - The likely ecological effects of the development;
 - Mitigation measures to be taken to avoid or minimise these effects and identify opportunities to provide enhancement measures to achieve biodiversity net gain.

Methodology

- 1.3 The assessment was carried out in accordance with the Chartered Institute of Ecology and Environmental Management's Guidelines for Preliminary Ecological Appraisal (CIEEM 2017).
- 1.4 A biological records data search with a study area of 1km from the application site was obtained from the Kent & Medway Biological Records Centre (KMBRC).
- 1.5 A site survey was undertaken on 18th June 2025 by Steve Plumb MCIEEM CEnv CMLI, an ecologist with nearly 40 years of professional experience. The purpose of the surveys was to establish the ecological value of the existing habitats on and adjacent to the site and to assess the site's suitability to support protected species and Species of Principal Conservation Interest.
- 1.6 The habitat features are recorded in accordance with the UK Habitats classification User's Manual Version 2 (Butcher et al 2023).
- 1.7 The results of the survey have also been used to inform the completion of the BNG metric.

Limitations

- 1.8 The survey was carried out in suitable weather conditions and there was access to the whole site. It is considered that there were no significant limitations to the survey.

2 Summary of relevant wildlife legislation

Wildlife and Countryside Act 1981 (as amended)

- 2.1 The Wildlife and Countryside Act 1981, as amended by the Countryside and Rights of Way Act 2000 and the Natural Environment and Rural Communities Act 2006, consolidates and amends existing national legislation to implement the Convention on the Conservation of European Wildlife and Natural Habitats (Bern Convention) and Council Directive 79/409/EEC on the Conservation of Wild Birds (Birds Directive). Under this legislation it is an offence to:

- Intentionally kill, injure or take any wild bird or their eggs or nests (with certain exceptions) and disturb any bird species listed under Schedule 1 of the Act or its dependent young while it is nesting;
- Intentionally kill, injure or take any wild animal listed under Schedule 5 of the Act; intentionally or recklessly damage, destroy or obstruct any place used for shelter or protection by any wild animal listed under Schedule 5 of the Act; intentionally or recklessly disturb certain Schedule 5 animal species while they occupy a place used for shelter or protection;
- Pick or uproot any wild plant listed under Schedule 8 of the Act.
- Carry out any works or management that might damage or destroy the 'interest' for which a Site of Scientific Interest has been designated.

The Conservation of Habitats and Species Regulations

- 2.2 These regulations transpose Council Directive 92/43/EEC into English law, making it an offence to deliberately capture, kill or disturb wild animals listed under Schedule 2 of the Regulations. It is an offence to damage or destroy a breeding site or resting place of such an animal, even if the animal is not present at the time. These Regulations were consolidated into the Conservation of habitats and Species (Amendment) (EU exit) Regulations 2019) and the Wildlife and Countryside Act 1981(as amended).

Natural Communities & Rural Communities (NERC) Act 2006

- 2.3 The NERC Act places a duty on public bodies to have due regard for biodiversity and nature conservation during the course of their operations.
- 2.4 Section 41 requires the Secretary of State to publish lists of habitats and species that are of principal importance for the conservation of biodiversity in England. Species and habitats on this list are material considerations in planning.

The Protection of Badgers Act 1992

- 2.5 The Protection of Badgers Act 1992 makes it is an offence to kill, injure, take, possess or cruelly mistreat a badger or to interfere with, or obstruct access to a sett.

Biodiversity Net Gain

- 2.6 In England, biodiversity net gain is required under a statutory framework introduced by [Schedule 7A of the Town and Country Planning Act 1990 \(inserted by the Environment Act 2021\)](#). This statutory framework is referred to as 'biodiversity net gain' in Planning Practice Guidance to distinguish it from other or more general biodiversity gains.
- 2.7 Under the statutory framework for biodiversity net gain, [subject to some exceptions](#), every grant of planning permission is deemed to have been granted subject to the condition that the biodiversity gain objective is met ("the biodiversity gain condition"). This objective is for development to deliver at least a 10% increase in biodiversity value relative to the pre-development biodiversity value of the onsite habitat. This increase can be achieved through onsite biodiversity gains, registered offsite biodiversity gains or statutory biodiversity credits.



Image 1 – The survey area in context

3 Site description and existing habitat features

- 3.1 The site is on the northern edge of the village of Higham. There are residential properties to the south and to the northeast. There is a small woodland, The Mount, beyond the northern boundary. Image 1 shows the site (outlined in red) in context.
- 3.2 The application site comprises a single field in arable production (Photo 1). There are narrow strips of ruderal vegetation and g4 modified grassland in poor condition on the site boundaries.
- 3.3 There is a section of native hedgerow on the northern boundary between The Mount and School Lane. There are no hedges on the other boundaries.

4.0 Protected species assessment

The site and adjacent areas were assessed for their suitability to support protected species.

Badgers

- 4.1 Badgers (*Meles meles*) are afforded protection under The Protection of Badgers Act 1992, under which it is an offence to kill, injure, take, possess or cruelly mistreat a badger or to interfere with, or obstruct access to a sett.
- 4.2 The KMBRC data search returned three records for badgers within a 1km radius of the site, the most recent from 2003.
- 4.3 There were no setts recorded within the application site. No field signs such as trails, latrines pits or foraging were recorded within the site.
- 4.4 The scheme would not result in any direct effects on badgers. Badgers are a highly mobile species and there is woodland in the vicinity including on the northern boundary. It is good practice therefore to ensure that an appropriate precautionary method statement be adopted to prevent accidental impacts on badgers during construction due to the potential for animals to pass through the site. This is set out in Section 6 below. No further surveys are required.

Bats

- 4.5 All bat species are afforded legal protection on a European and national basis, under the Conservation of Species and Habitat Regulations 2010 and the Wildlife and Countryside Act 1981(as amended). These Regulations were consolidated into the Conservation of habitats and Species (Amendment) (EU exit) Regulations 2019). In addition to it being an offence to kill or injure an animal it is a criminal offence to disturb or obstruct a bat roost.
- 4.6 The KMBRC data search returned a single record for a bat roost (unknown type) 1km north of the site. A single record of a flying bat was identified 85m northwest of the site. A total count of 738 bats has been recorded within a 5km radius of the site.
- 4.7 There are no buildings or other structures within the application site.
- 4.8 There are no mature trees within the application site.
- 4.9 The site has no features suitable for supporting roosting bats.
- 4.10 The site has limited value for supporting foraging bats. The hedge and woodland on the northern boundary have some potential value for commuting bats as it links to

the woodland. Any external lighting should be designed to minimise any light spill over this feature.

- 4.11 No further bat surveys are required.

Reptiles

- 4.12 Protection is afforded to the Slow-worm (*Anguis fragilis*), Common Lizard (*Zootoca vivipara*) Adder (*Vipera berus*) and Grass Snake (*Natrix natrix*) under Section 9 (1) and 9 (5) of the Wildlife & Countryside Act 1981 (as amended).
- 4.13 The site is a field in arable production with narrow strips of modified grassland on the boundaries which are adjacent to residential gardens and highways. The site is considered to be unsuitable for supporting reptiles. No further surveys are required.

Birds

- 4.14 All wild species of breeding birds and their nests are protected under Part 1 of the Wildlife and Countryside Act 1981, as amended by later legislation including the Countryside and Rights of Way (CROW) Act 2000. The species listed on Schedule 1 of the Wildlife and Countryside Act are given additional protection.
- 4.15 The site is unsuitable for ground-nesting birds.
- 4.16 There are a few trees and scrub on the boundaries of the application site which have some potential for nesting. It is intended that the trees and most of the scrub will be retained.
- 4.17 The removal of existing vegetation will not have adverse impacts on nesting birds so long as the works are undertaken in accordance with the method statement outlined in section 6. .
- 4.18 The proposed landscape scheme will provide opportunities to provide new tree and hedge planting that would result in an overall benefit for nesting birds as they develop.

Great Crested Newts

- 4.19 Great Crested Newts (*Triturus cristatus*) are afforded legal protection on a European and national basis, under the Conservation of Species and Habitat Regulations 2010 and the Wildlife and Countryside Act 1981(as amended). These Regulations were consolidated into the Conservation of habitats and Species (Amendment) (EU exit) Regulations 2019). In addition to it being an offence to kill or injure an animal it is a criminal offence to disturb or obstruct their breeding or resting places.
- 4.20 The KMBRC data search returned no records for great crested newts within a 1km radius of the site.

- 4.21 One pond was identified within 250m of the site using Magic Maps and Google Earth. It is approximately 100m north of the site within The Mount.
- 4.22 There are no ponds within the application site. The arable farmland is unsuitable as terrestrial habitat for amphibians.
- 4.23 The site has negligible potential for great crested newts. No further surveys are required for this species.

Hedgehogs

- 4.24 Hedgehogs have some legal protection through listing on Schedule 6 of the Wildlife and Countryside Act 1981. Section 11 of the Act includes legal measures to safeguard hedgehogs. These include (this is not an exhaustive list) prohibiting the use of traps, snares, nets as well as the use of artificial lights, mirrors, or other dazzling devices to kill or capture hedgehogs.
- 4.25 The KMBRC data search returned 20 records for hedgehog within the 1km study area.
- 4.26 The arable field does not provide good quality habitat for hedgehogs; however the surrounding woodland edges, hedgerow and gardens offer more suitable habitat. It is considered that the proposal would have no direct effects on hedgehogs; however there is potential for animals to be impacted during construction. The proposed precautionary method statement for badgers set out in 6.1 would be applicable for hedgehogs as well. The proposal would have no adverse effects on hedgehogs if this method statement were followed. No further surveys are required.

Other protected species

- 4.27 The site does not contain habitat suitable to support Otter, Dormice, Water Vole, or White-clawed Crayfish. No legally protected plant species were recorded.

Invasive species

- 4.28 No invasive species were recorded on site.

5 Discussion of Results

- 5.1 The biological records data search obtained from the Kent & Medway Biological Records Centre (KMBRC) was used to identify details of statutory and non-statutory designated sites and protected species within 1km of the application site.
- 5.2 There are no SSSIs within 1km of the site.
- 5.3 No European Protected Species licences have been issued within 2km of the site. The KMBRC data search did not return any significant records for protected species within the study area.
- 5.4 There are three Local Wildlife Sites within 1km of the site; GR16 Telegraph Hill, Higham, 480m southeast of the site; Gr01 Court Wood, Shorne, 700m southwest of the site and GR17 Canal and Grazing Marsh, Higham, 900m north of the site. Chilton Hills Wood, 170m west of the site, is an Ancient Replanted Woodland. The proposal would have no effects on these areas.
- 5.5 The application site is a single field in arable production with narrow strips of ruderal vegetation and modified grassland on the boundaries. The ruderal vegetation is dominated by nettles and brambles which are influenced by the high levels of nutrients in the adjacent field. The grassland is classified as g4 modified grassland in poor condition due to its lack of species diversity. There is a section of native hedgerow on part of the northern boundary linking to The Mount.
- 5.6 The site has low ecological value and negligible features suitable for supporting protected species. The Mount and hedgerow on the northern boundary have some potential value for foraging or commuting bats. While there would be no direct effects on these features, it will be important to ensure that external lighting is designed to minimise light spill over these areas.
- 5.7 No additional surveys are required. Precautionary method statements for badgers and nesting birds have been provided in Section 6.

6 Precautionary mitigation measures

Badgers and other animals

- 6.1 There is a possibility that badgers, hedgehogs and other small mammals could access the site, although were no evidence of badger activity was recorded during the survey. The following measures however should be fully implemented to reduce the impact on wildlife using the site and also to avoid contravention of current legislation:
- All site personnel will be given a toolbox talk to inform them about the potential presence of badgers and other protected species and the legal protection they are afforded;
 - Any deep excavations that are to be left open overnight should include a means of escape for any animals that may fall in, using planks of wood to act as ramps;
 - No pipework should remain open with any exposed ends capped off at the end of the working day to prevent any animals entering the pipework;
 - Any fresh animal excavations recorded on the site should immediately reported and fully investigated;
 - The creation of large stock piles of earth should be avoided as these may prove attractive for badgers to excavate new setts.
- 6.2 In the unlikely event that any active holes are recorded during the construction phase, works within the immediate area will cease and the area made safe with a suitable protective buffer provided. A suitably qualified ecologist should then be contacted so that the hole can be investigated and appropriate controls applied.

Nesting birds

- 6.3 Nesting birds are legally protected under the Wildlife and Countryside Act 1981 (as amended). While there is no fixed period defined in law the 'bird nesting season' is normally 1st March- mid-August. Works should be carried out outside this period if possible. As some birds sometimes breed outside this period, if an active nest is found all works in the vicinity must cease immediately.
- 6.4 If essential it is possible to remove trees or shrubs during the nesting season so long as it can be demonstrated that no active nests are present. If this option is to required it is essential for a survey of the vegetation to be carried out by a suitably qualified ecologist immediately prior to any works to ensure that there are no nesting birds present.
- 6.5 The scrub on this site has moderate potential for nesting.

External lighting

- 6.6 The site is adjacent to woodland and a hedge which are suitable for commuting and foraging bats. External lighting should be designed in accordance with Bats and Artificial Lighting at Night Guidance Note 08/23 prepared by the Institute of Lighting Professionals and Bat Conservation Trust. The details can be secured by condition.

7 Biodiversity net gain and enhancements

- 7.1 The application is subject to mandatory biodiversity net gain. The results of the PEA have been used to inform the BNG baseline.
- 7.2 The landscape scheme will provide opportunities for habitat creation that should enable the 10% mandatory net gain target to be achieved on site.
- 7.3 The NPPF 2024 187(d) requires that all development incorporate features which support priority or threatened species such as swifts, bats and hedgehogs. It is recommended that bird boxes be provided on the northern or eastern elevations of the new dwellings. Bat boxes could also be provided on dwellings close to the northern boundary adjacent to the woodland, hedge and main landscape areas. It is recommended that if close-boarded fencing is provided, that hedgehog gates be incorporated into each fence run to allow the animals to be able to move through the site.
- 7.4 The details for the biodiversity measures can be secured by condition.

8 Conclusions

- 8.1 The application seeks outline planning permission (with all matters reserved except for access) for the erection of up to 50 dwellings with associated infrastructure, landscaping and open space
- 8.2 The site currently has a low ecological value and the proposed development would not impact any habitat of importance and have no adverse effects on protected species so long as the proposed precautionary mitigation measures are followed. No further surveys are necessary.
- 8.3 The scheme is subject to mandatory biodiversity net gain. There is scope to achieve the necessary biodiversity net gain and other biodiversity enhancements onsite.

Site Photographs

Photo 1 – View north across site towards The Mount (outside application boundary)



Photo 2 – Boundary with Taylors Lane



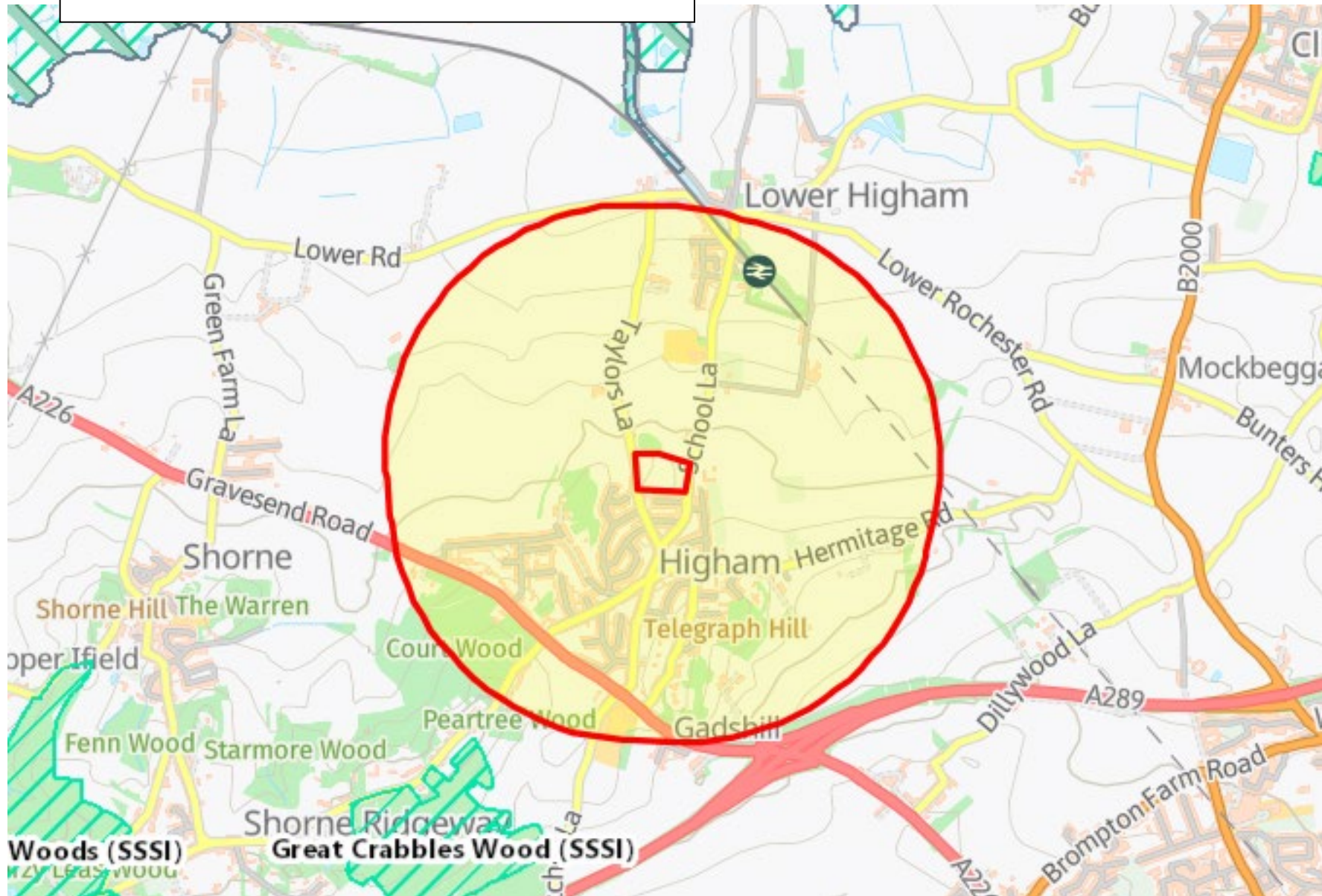
Photo 3 – Northern boundary with section of hedge and The Mount



Photo 4 – vegetation on southern boundary



Appendix 1 - Magic Map – Statutory sites within 1km buffer



Appendix 2 - Magic Map – Priority habitats within 1km buffer

