



ECOLOGICAL ADVICE SERVICE

TO: Kelly Joyce
FROM: Clair Thackray
DATE: 03 January 2024
SUBJECT: 20231150 Copperfield, Meopham

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.

No ecological information has been submitted with this application. As a result of reviewing the data we have available to us (including aerial photos and biological records) and the information submitted with the planning application, we advise that further information is sought from the applicant with regards to the potential for ecological impacts.

While we acknowledge that the proposed works are of limited scale, habitats and features are present on and around the site indicating ecological value and the potential for protected species presence that must be taken account of in the planning decision.

The proposals include structural changes to the tiled roof and given the proximity to broadleaved woodland we advise that an assessment of potential impacts on roosting bats is required.

The proposed development lies c. 7m east of the edge of Ridge Wood/High Reed ancient replanted woodland (PAWS). As such, we highlight paragraph 186 of the NPPF which states that “development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists”.

When making its decision, the local planning authority should take into consideration standing advice on *Ancient woodland, ancient trees and veteran trees: advice for making planning decisions* of Natural England and the Forestry Commission¹.

The Natural England/Forestry Commission standing advice states that there should be a minimum 15m buffer zone between development and ancient woodland, including gardens. This requires consideration of the potential for additional impacts from proposals even when there is existing development within the 15m buffer. Whilst it will be the decision of the local planning authority as to whether the development is '*wholly exceptional*', we are able to comment on any compensation plans which may be submitted. We point out that proposed compensation measures should not be considered as part of the assessment of the merits of the development proposal.

The site also lies within 15m of the boundary of Happy Valley, Meopham Local Wildlife Site (LWS), and areas of deciduous woodland designated as habitat of principal importance as listed under section 41 of the NERC Act (2006) border the site to the south and west. Impacts to habitats of principal importance, or 'priority habitats', are capable of being a "...material consideration in the... ..making of planning decisions" (Paragraph 84, Government Circular (ODPM 06/2005)).

Currently, there is insufficient information submitted to enable the local planning authority to fully consider the impact on protected species, ancient woodland and habitats of principal importance. As such, an ecological impact assessment (EcIA) must be undertaken by a suitably qualified, CIEEM-registered ecologist, in accordance with good practice guidelines (Appendix A). The EcIA will assess the habitats and features within and around the site and identify if there is a need for further ecological surveys to assess ecological value and/or confirm protected species presence/likely absence. Where required, full survey results together with details of any mitigation required should be provided within the EcIA. The EcIA should also consider any precautionary approaches required during construction and potential impacts of artificial lighting on the adjacent woodland habitats.

To ensure that the planning determination is adequately informed in respect of all potential ecological impacts, we advise that the EcIA report, detailing all surveys and outcomes, must be sought prior to determination of the planning application. The submission must provide appropriate and achievable mitigation measures for any identified ecological impacts. This is in accordance with paragraph 99 of ODPM 06/2005, which states "*it is essential that the presence or otherwise of protected species and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision*".

Impacts on trees and woodland should also be assessed by an arboricultural survey and impact assessment submitted prior to determination.

Under section 40 of the NERC Act (2006), NPPF (2023) and the Environment Act (2021), biodiversity must be maintained and enhanced through the planning system. As such, we

¹ [Ancient woodland, ancient trees and veteran trees: advice for making planning decisions - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/ancient-woodland-ancient-trees-and-veteran-trees-advice-for-making-planning-decisions)

advise that it is demonstrated that the development can achieve measurable net gain/enhancement for biodiversity.

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

Clair Thackray
Biodiversity Officer

This response was submitted following consideration of the following documents:

Drawing COP/01 Garage Conversion. November 2023

Drawing COP/02 Existing and Proposed. November 2023

Drawing COP/03 OS map. DAC. June 2016

APPENDIX 1 – ECOLOGICAL IMPACT ASSESSMENT (EcIA) GUIDELINES

Under CIEEM guidelines, an EcIA should include the following:

- Details of the impacts of development proposals on the ecological baseline established via a Preliminary Ecological Appraisal (PEA) and any additional surveys undertaken;
- Details of any necessary and achievable ecological mitigation and/or compensation measures;
- Details of ecological enhancement measures, and;
- Provision of sufficient information to determine whether the project accords with relevant nature conservation policies and legislation.

The EcIA should also ensure alignment with the National Planning Policy Framework (NPPF) 2023 and the Natural Environment and Rural Communities Act (NERC) Act 2006. Under section 40 of the NERC Act 2006 and the NPPF 2023, biodiversity should be maintained and enhanced through the planning system. Additionally, the implementation of measurable net gains for biodiversity (integrated as part of design) should be encouraged.