



ECOLOGICAL ADVICE SERVICE

TO: Gary Edwards

FROM: Elizabeth Fagg

DATE: 18 November 2024

SUBJECT: 20240283 / Plot 19, Rhododendron Avenue, 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.

SUMMARY – SUFFICIENT INFORMATION PROVIDED

We previously requested additional information is sought from the applicant prior to determination of the planning application. This included further surveys for bats and further details of the impact on reptiles.

We are satisfied with the bat survey information provided and highlight that two day roosts were reported present within the building and a protected species licence will be required from Natural England for the works.

A mitigation strategy for reptiles has been provide but has omitted to provide information regarding permission from the adjacent landowner, if reptiles are to be pushed onto the adjacent land. Further information can be provided under condition.

Bats

Bats are fully protected through the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017 (as amended). Some species of bat (e.g., Bechstein's, noctule, soprano pipistrelle, brown long-eared) are also listed under Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006 as Species of Principal Importance (aka. Priority Species) for conservation. Section 40 of the NERC Act 2006 places a general duty on all public authorities, including the local planning

authorities, to conserve and enhance biodiversity. Government standing advice indicates that local planning authorities must have regard for the conservation of Section 41 species as part of their planning decisions.

The application is a conversion of a former stables, in close proximity and connected to deciduous and ancient woodland. The building structure has wooden cladding and a tiled roof and as such was noted in the PEA, that it could support protected species such as bats. Further bat emergence surveys were conducted 14/5 to 17/7/24 and the building was found to support 2 common pipistrelle summer day roosts, under the timber cladding and tiled roof. A European protected species mitigation licence will be required for the proposed mitigation in the EclA appendix 1, Native Ecology.

If the loss of roosting space for bats is unavoidable, the applicant must demonstrate that there will be no net loss of roosting sites, roost types are compensated for in line with current guidance¹, and the affected bat population can continue to function as before. The mitigation strategy proposes one bat box to be installed prior to works. As there should be no net loss to roosting spaces we would expect 2 boxes to be placed for mitigation within the site. The mitigation strategy should be included within a Construction Ecological Management Plan (CEcMP), detailed further below.

Government standing advice indicates, that the local planning authority must have enough information prior to determination to be confident² that a Natural England mitigation licence will be issued. And any proposed mitigation and compensation measures must not conflict with the requirements of a Natural England mitigation licence.

A sensitive lighting strategy will be required for this site, detailed below.

Lighting

Nocturnal animals (including bats) are likely to be using the site and surrounding area for foraging and commuting and any lighting associated with the proposal may have a negative impact, especially any light spill to hedgerow boundaries and trees on the site. We advise that a **condition** will be required for the external lighting and will require the following requirements:

- *Plan showing location of lighting, light fittings and light spill*
- *Downward facing*
- *On a motion sensor (where possible)*
- *Follow the recommendations within Bat Conservation Trust/Institute of Lighting Professional's 'Guidance Note 08/23 Bats and Artificial Lighting at Night'*

<https://www.bats.org.uk/news/2023/08/bats-and-artificial-lighting-at-night-ilp-guidance-note-update-released>

Breeding Birds

We note from the PEA an existing bird nest within the building and so there is potential for breeding birds to make use of the buildings. Scrub removal will also take place and the timing will need to avoid or be mitigated against during the breeding bird season. To avoid

¹ [UK Bat Mitigation Guidelines 2023 | CIEEM](#)

² [Bats: advice for making planning decisions - GOV.UK \(www.gov.uk\)](#)

breaches of legislation when the conversion to a dwelling and clearance works occurs, we would recommend that a breeding bird precautionary mitigation is included in the CEcMP. Suggested enhancement measures in the PEA have included bird box provision.

Reptiles

The grassland and scrub have been noted in the PEA as suitable habitat for reptiles and the historic aerial imagery show visible grassland for a number of years. The PEA has covered a larger area than the development footprint and the majority of the area to be impacted is unvegetated. The PEA has made recommendations for a reptile survey, but it may not be required for this application.

We recommended in our previous comments, Apr 24, that information is provided clarifying if a reptile survey is required for this application or if a precautionary mitigation approach to *push* the reptiles in to the adjacent sites can be implemented within the site. We noted that the applicant does not own the whole of the site included within the PEA and therefore we advised that a mitigation strategy is provided with landowner agreement, if required, prior to works commencing. We suggest the condition wording below

Prior to works commencing, a reptile mitigation strategy must be submitted to and approved in writing by the Local Planning Authority which details all pre-works mitigation for reptiles, including any permission required from adjacent landowners. Any measures that are identified are in place and will be maintained, throughout the construction period in accordance with the approved details.

We have received an updated EclA which does give greater detail on the reptile mitigation, but we assume that as this has been amended, and no further surveys are detailed, that no further surveys are required. Unfortunately, the information we requested regarding permission to encourage the reptiles into the adjacent site, if proposed, has not been received. Therefore, we will require further information for reptiles which can be provided within a revised mitigation strategy for reptiles, to be included as part of the CEcMP, detailed below.

Construction Ecological Management Plan

We suggest that the below wording is included as a condition for a Construction Ecological Management Plan (CEcMP – biodiversity) if planning permission is granted. This will mitigate for impacts to biodiversity and help ensure compliance with relevant legislation. The plan will include mitigation strategies, as outlined in the EclA and bat mitigation strategy, and will include revisions noted above to clarify actions planned for reptiles.

Prior to commencement of works (including site clearance), a construction environmental management plan (CEcMP) will be submitted to and approved in writing by the local planning authority. The CEcMP will be based on the recommendations in Appendix 1 of the EclA, Native ecology, 17/11/24 report and include the following:

- Risk assessment of potentially damaging construction activities;*
- Identification of 'biodiversity protection zones';*
- Extent and location of proposed works (including receptor areas(s) in case animals are encountered during development) shown on appropriate scale maps and plans for all relevant species and habitats;*

- *Reference to the relevant, granted, protected species licences (e.g., bats) obtained in advance of site clearance/construction and any relevant mitigation measures required;*
- *Practical measures (both physical measures and sensitive working practises) to avoid or reduce impacts during construction (may be provided as a set of species or habitat-specific method statements);*
- *The location and timing of sensitive works to avoid harm to biodiversity features;*
- *The times during construction when specialist ecologists need to be present on site to oversee works;*
- *Responsible persons and lines of communication;*
- *The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person, and;*
- *Use of protective fences, exclusion barriers and warning signs.*

The approved CEcMP will be adhered to and implemented throughout the construction period in accordance with the approved details.

Enhancements

Under section 40 of the Natural Environment and Rural Communities (NERC) Act 2006 and paragraphs 174 and 180 of the National Planning Policy Framework (NPPF) 2023, biodiversity should be maintained and enhanced through the planning system. As such, if planning permission is granted, we advise that a condition is included requiring an ecological enhancement plan to be submitted. We note that some enhancements have been outlined in the EcIA and condition wording is suggested below.

Within three months of works commencement, a detailed plan(s) showing how the development will enhance biodiversity, will be submitted to, and approved in writing by, the local planning authority. This will include a detailed landscaping plan, with native and wildlife-friendly planting, integrated wildlife features and durable bat and bird boxes aimed at species of conservation concern. 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.

Elizabeth Fagg
Biodiversity Officer

This response was submitted following consideration of the following documents:

- Preliminary Ecological Appraisal, Native Ecology, 18/12/23
- Planning, Design and Access Statement, GSP, Mar 24
- Ecological Impact Assessment, Native Ecology, 17/10/24