



ECOLOGICAL ADVICE SERVICE

TO: Amanda Cue
FROM: Elizabeth Fagg
DATE: 26 April 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 – ADDITIONAL INFORMATION REQUIRED

We have reviewed the ecological information (Preliminary Ecological Appraisal (PEA) Native Ecology Dec 23) submitted in support of this application and advise that additional information is sought from the applicant prior to determination of the planning application. This includes further surveys for bats and further details of the impact on reptiles.

The results of any necessary further surveys, and mitigation/compensation measures, will need to be submitted prior to determination of the planning application. This is in alignment with paragraph 99 of the Office of the Deputy Prime Minister (ODPM) Circular 06/2005¹, 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”.

¹ [odpm-circ-0605.qxd \(publishing.service.gov.uk\)](https://publishing.service.gov.uk/odpm-circ-0605.qxd)

Bats

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 could support protected species such as bats as noted in the PEA. The site is connected to woodlands which would provide foraging and commuting in the local area. The site visit was conducted 28th November 2023 and further emergence/re-entry surveys, as stated in PEA (Section 10), would need to be conducted in the active bat season in line with guidelines².

Lighting

Any lighting used would need to follow the Bat Conservation Trust/Institute of Lighting Professional's '*Guidance Note 08/23 Bats and Artificial Lighting at Night*'³ to ensure impacts upon legally protected species are avoided. Impacts upon bats are a material consideration in any planning permission under the Natural Environment and Rural Communities (NERC) Act 2006 and through the NPPF 2023. A suitable condition/informative can be provided after the further information is submitted.

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 breaches of legislation when the conversion to a dwelling and clearance works occurs, we would recommend that a breeding bird condition/informative be included with the planning permission, and this can be provided once the further information is submitted. 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 recommend 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 note that the applicant does not own the whole of the site included within the PEA and therefore we advise that landowner agreement is provided if the proposal is to *push* any reptile (if present) into the adjacent site.

Enhancements

The results of the further surveys and a conclusion as to whether the development will achieve a net gain for biodiversity/ecological enhancement, should be submitted within an

² <https://www.bats.org.uk/resources/guidance-for-professionals/bat-surveys-for-professional-ecologists-good-practice-guidelines-4th-edition>

³ ['Bats and Artificial Lighting at Night' ILP Guidance Note update released - News - Bat Conservation Trust](#)

Ecological Impact Assessment (EcIA), produced in accordance with the latest Chartered Institute of Ecology and Environmental Management (CIEEM) guidelines⁴.

Under section 40 of the Natural Environment and Rural Communities (NERC) Act 2006 and paragraphs 180 and 186 of the National Planning Policy Framework (NPPF) 2023, biodiversity should be maintained and enhanced through the planning system. The latest Defra biodiversity metric⁵ can be used to objectively assess the likely biodiversity net gain/loss entailed by the development.

Where the Defra biodiversity metric is used to demonstrate a biodiversity net gain in accordance with the National Planning Policy Framework 2023, a minimum of 1% net gain has previously been accepted under appeal ruling (where local policy does not stipulate a higher percentage of net gain). This is due to the current absence of secondary legislation for implementation of a minimum 10% biodiversity net gain under the Environment Act 2021.

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

⁴ CIEEM (2018) Guidelines for Ecological Impact Assessment in the UK and Ireland: Terrestrial, Freshwater, Coastal and Marine version 1.2. Chartered Institute of Ecology and Environmental Management, Winchester.

⁵ [Statutory biodiversity metric tools and guides - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/statutory-biodiversity-metric-tools-and-guides)