



ECOLOGICAL ADVICE SERVICE

TO: Katherine Parkin
FROM: Clair Thackray
DATE: 06 January 2023
SUBJECT: 20220473/Stables Cottage, Higham

The following is provided by Kent County Council's Ecological Advice Service (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 whether sufficient and appropriate ecological information has been provided to assist in its determination. 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 have reviewed the ecological information submitted by the applicant and advise that sufficient ecological information has been provided. We have taken this view due to a Preliminary Ecological Appraisal report (KB Ecology, September 2022) having been submitted which describes the site as comprising "an access drive (with pea shingle then concrete grass slabs) with an area of short-mowed grass to its west, leading to a large sand school with timber stable blocks to the west. A very large muck heap is present along to the east of the access track."

It is understood from the Design and Access Statement (Rural Planning Practice, March 2022), and applicant's letter dated 12th April 2022, that the removal of the existing structure, clearance for access and parking areas and construction of the new stables has already been undertaken. Remaining works include the installation of hard surface over the access and parking areas, and alongside the sand school. It is understood that existing access points will be used, with no hedgerow being removed under the proposals.

The site has already undergone substantial pre-application clearance and groundworks, as indicated by aerial photographs within the Preliminary Ecological Appraisal report (KB Ecology, 2022) and more recent aerial photographs (see Google Earth images appended to this letter). As a result of reviewing the data we have available to us, and the information submitted with the planning application, we advise that If planning permission is granted, the conditions below are included.

Biodiversity Method Statement

There are local records of protected/priority species including slow worm, grass snake, badger and hedgehog. In 2008, a grounded Leisler's bat was recorded within the immediate vicinity of the site. However, we agree with the conclusions of the ecological report that the habitats/opportunities for protected species within the demolition/construction area at the time of the previous development works mean that the likelihood of a breach of wildlife legislation having occurred is low.

Regarding the remaining works, due to the existing habitats we advise that there are limited opportunities for protected species to occur within or immediately adjacent to the works area. However, due to the presence of a small area of rough grassland in the south-east corner of the site, the roadside hedgerow, stored materials and less managed land with large manure pile to the east, we advise that if planning permission is approved a condition for a short Biodiversity Method Statement (BMS) is attached. As construction works can provide opportunities for short-term shelter within spoil and stored materials, the BMS should include details of precautionary working methods to be followed during construction, and we advise that it form part of the site Construction Management Plan. Suggested condition wording is provided below:

Biodiversity Method Statement – suggested wording

Prior to commencement of works (including site clearance), a Biodiversity Method Statement will be submitted to, and approved by, the local planning authority. The Method Statement will be part of the Construction Management Plan and will include the following:

- *Risk assessment of potentially damaging construction activities;*
- *Identification of 'biodiversity protection zones' shown on appropriate scale plans;*
- *Location, timing, and details of the practical measures (both physical measures and sensitive working practises) to avoid or reduce impacts on habitats and species during construction. These will include precautionary working methods for protected and priority species including reptiles, badger, hedgehog and breeding birds;*
- *Contingency plans should a protected species be encountered during works;*
- *Details of those responsible for implementing the biodiversity method statement and lines of communication;*
- *Any times during construction when specialist ecologists need to be present on site to oversee works or undertake monitoring;*
- *Use of protective fences, exclusion barriers and warning signs, where required.*

The approved BMS will be included as part of the Construction Management plan and adhered to and implemented throughout the construction period in accordance with the approved details.

Reason: To protect habitats and species from adverse impacts during construction.

Biodiversity Net Gain (BNG) and Enhancements

In the absence of compensation, the replacement of green space with hardstanding constitutes a loss of biodiversity (soil organisms, ground flora, feeding and sheltering resources). Under section 40 of the NERC Act (2006), paragraph 174 of the NPPF (2021) and the Environment Act (2021), biodiversity must be maintained and enhanced through the planning system. Paragraph 180 of the NPPF (2021) also states that "the

implementation of measurable net gains for biodiversity (integrated as part of design) should be encouraged”.

If planning permission is approved, we advise that a condition is attached securing a Biodiversity Enhancement Plan. Given the existing habitats there is potential to achieve net gain in biodiversity through appropriate native species landscaping and management; this can be demonstrated through a Biodiversity Net Gain calculation using the latest version of the Defra metric. Additional enhancements for protected and priority species should also be included. The plan should include timescales for implementation and a habitat management schedule. Suitable landscaping and enhancement features include the following:

- New native species-rich hedgerow (protected from horse-grazing until established and with connectivity to existing hedgerow)
- Enhancement of existing hedgerow
- Wildflower grassland and scrub planting in non/lightly grazed areas
- Nest boxes for priority / declining bird species on stables
- Bat boxes on suitably high buildings within the wider land ownership
- Insect and hedgehog boxes within new hedgerow / landscaped areas
- Planting of native climbers along walls and fences
- A new pond.

Suggested condition wording is provided below:

Biodiversity and Enhancements – suggested wording

Within three months of works commencement, details of how the development will offset biodiversity loss/enhance biodiversity will be submitted to, and approved by, the local planning authority. This will include a native species-only landscaping scheme and habitat boxes for insects, hedgehog, bats and breeding birds including S41 priority species. The approved measures will be implemented and retained thereafter.

Lighting and Biodiversity Plan

New artificial lighting is included within the proposals (Drawing No. S04/P2) and paragraph 4.8 of the PEA report includes a recommendation for sensitive lighting. The behaviour of species including insects, bats, badger and birds has been shown to be sensitive to increased levels of artificial lighting. If planning permission is granted, we advise that a condition is attached for a Lighting Plan, incorporating guidance provided by the Bat Conservation Trust and the Institution of Lighting Professionals. Suggested condition wording is provided below:

Lighting and Biodiversity Plan – suggested wording

Within three months of works commencement, a lighting design plan for biodiversity will be submitted to, and approved in writing by, the local planning authority. The plan will be designed in accordance with the Bats and artificial lighting guidance note (2018 or as amended) produced by the Bat Conservation Trust and the Institution of Lighting Professionals. Details should include the type and locations of external lighting, as well as the expected light spill in lux levels to demonstrate that areas to be lit will not adversely impact biodiversity. All external lighting will be installed in accordance with the specifications and locations set out in the plan and will be maintained thereafter.

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 No. S04/P2. Designer Plans Ltd. January 2021.
Preliminary Ecological Appraisal. KB Ecology. September 2022.

Site Photographs January 2022

