



ECOLOGICAL ADVICE SERVICE

TO: Peter Price

FROM: Emma England

DATE: 18 August 2022

SUBJECT: 20220795 – Mid Kent Golf Club, Gravesend

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.

The site itself appears to have limited biodiversity potential, although nesting birds and foraging/commuting bats could make use of trees/shrubs on and around the site.

A condition (ecological mitigation and enhancements) and an informative (nesting birds) are recommended where planning permission is granted. Reasoning and suggested wording is outlined below.

Comments and advice regarding lighting is provided below.

Appendix 1 provides a summary of relevant legislation.

Detailed Comments

Nesting Birds

An informative should be included where planning permission is granted to remind the applicant of legislation pertaining to nesting birds. Suggested wording is provided below.

Nesting birds – Suggested condition wording

The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this Act. Breeding bird habitat is present on the application site and between 1st March and 31st August (the main nesting bird season) could contain active nests, unless a survey carried out immediately prior to the clearance of suitable nesting habitat (trees, scrub, nest boxes) has been undertaken by a competent ecologist and has shown that nesting birds are not present.

Therefore, the clearance of suitable nesting habitat should take place outside the main nesting bird season, or only be carried out following a nesting bird check by a suitably competent individual, within 48 hours of the clearance, that shows that the nesting habitats are not in active use by nesting birds.

Commuting/Foraging Bats

There are trees, tree lines/hedgerows and tree/scrub groups within the wider golf course which provide suitable foraging and commuting habitat for bats. Although there are residential gardens, playing fields, parks and other pockets of green space around the site, with a green corridor either side of Watling Street to the south of the site, the golf course is relatively isolated from other good bat foraging and commuting habitat. Further, bat activity around the building for extension and refurbishment was found to be low during the emergence survey undertaken in June 2022. Nevertheless, lighting plans should not increase lighting levels to an extent that further significantly decreases the suitability of foraging and commuting bat habitat around the building.

Up lighting can produce light spill that decreases the suitability of nearby habitat for commuting and foraging bats. It is noted that ecological features were not considered within the lighting impact assessment. Bat sensitive lighting was recommended within the Preliminary Ecological Appraisal produced for the site (KB Ecology, 2022). In this instance, considering the available information, size, scale, and location of the development, a minor increase in light spill around the building is not considered likely to result in significant effects upon the local bat population.

Nevertheless, it is recommended, that steps be taken by the applicant to ensure that the decorative external lighting is not left on when the building is not in-use, and that any security lighting is set on motion-sensors and short (e.g., one minute) timers. This will minimise any potential impacts upon bats that may be using nearby vegetation for foraging and/or commuting.

The above recommendations are in line with the National Planning Policy Framework (NPPF) that sets out how planning policies and decisions should contribute to and enhance the natural and local environment by: '*minimising impacts on and providing net gains for biodiversity*'.

Ecological Mitigations and Enhancements

One of the principles of the NPPF 2021 is that '*opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity*'. We advise that Gravesham Borough Council should seek to ensure that ecological enhancement measures are delivered within the proposals. Any biodiversity losses should be mitigated/compensated for before seeking to provide enhancements. Therefore, any lost vegetation on-site/ lost bat roosting features should be compensated for in advance of providing enhancements.

If planning permission is granted, we advise that a condition securing the implementation of ecological mitigations and enhancements is attached.

When selecting ecological enhancements:

- Any bat or bird boxes included as ecological enhancements, should ideally be integrated into the fabric of the building as these provide the most permanent features for biodiversity. However, if wall/tree mounted boxes are selected, these should be made of woodcrete for longevity;
- Bird boxes should be chosen to target amber/red listed species;
- The height, aspect, location, make and model of box should be chosen as advised by an ecologist to increase the likelihood of the boxes being used;
- Native and wildlife friendly planting should be maximised as far as possible.

Ecological Mitigation and Enhancements – Suggested condition wording:

Within 3 months of commencement of the development hereby approved, details of how the development will mitigate for lost habitat/habitat features and enhance biodiversity will be submitted to, and approved in writing by, the Local Planning Authority. These shall include the installation of bat and bird nesting boxes along with provision of native species planting. The approved details will be implemented and thereafter retained.

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

Emma England
Biodiversity Officer

This response was submitted following consideration of the following documents:

BSG (July, 2022) Mid Kent Golf Club, Lighting Impact Assessment and External Lighting Design.

KB Ecology (April, 2022) Preliminary Ecological Appraisal - Mid Kent Golf Club, Singlewell Road, Gravesend, Kent.

KB Ecology (July, 2022) Bat Letter Report - Mid Kent Golf Club, Singlewell Road, Gravesend, DA11 7RB, Kent.

MKA Architects (July 2022) Existing and Proposed Block Plans. Mid Kent Golf Club. 2353-12-.

Appendix 1 – Summary of Relevant Wildlife Legislation

Bats

Bats are European Protected Species, listed under Schedule 2 of the Conservation of Habitats and Species Regulations 2017 (as amended) and are afforded the highest level of protection. These species are also protected under the Wildlife and Countryside Act 1981 (as amended).

Taken together this level of protection makes it an offence to:

- deliberately capture, injure or kill any wild animal of a European protected species;
- deliberately disturb wild animals of any such species;
- deliberately take or destroy the eggs of such an animal;
- damage or destroy a breeding site or resting place of such an animal.

Disturbance of animals includes in particular any disturbance which is likely:

- to impair their ability to survive, to breed or reproduce, or to rear or nurture their young;
- or in the case of animals of a hibernating or migratory species, impair their ability to hibernate or migrate;
- to affect significantly the local distribution or abundance of the species to which they belong.

The legislation requires that any derogation be dealt with by licensing through an appropriate licencing body (Natural England in England).

Birds

Under Section 1(1) of the Wildlife and Countryside Act (as amended), all wild birds are protected such that it is an offence to intentionally:

- Kill, injure or take any wild bird;
- Take, damage or destroy the nest of any wild bird whilst in use* or being built;
- Take or destroy an egg of any wild bird.

Offences in respect of Schedule 1 birds are subject to special, i.e., higher, penalties. Schedule 1 birds also receive greater protection such that it is an offence to intentionally or recklessly:

- disturb any wild bird included in Schedule 1 while it is building a nest or while it is in, on or near a nest containing eggs or young;
- disturb dependent young of such a bird.