



ECOLOGICAL ADVICE SERVICE

TO: Alison Webster
FROM: Biodiversity Officer
DATE: 19 March 2025
SUBJECT: Golden Lion, Luddesdown 20250053

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

We have reviewed the information submitted by the applicant and advise that the submitted Preliminary Ecological Appraisal and Biodiversity Net Gain Plan (JW Biodiversity Management) have given a thorough evaluation of the sites baseline value for biodiversity. Habitats currently present onsite are considered to be of limited value for biodiversity, being dominated by areas of hardstanding, with areas of semi-natural vegetation (modified grassland), are which regularly managed through mowing.

Though the onsite building was determined to be of low suitability for bats, emergence surveys did not record any emergences. The site was determined to be of negligible potential for supporting dormice, badgers, reptiles and amphibians, though some opportunities for nesting birds may be present in buildings and vegetation.

NESTING BIRDS

Vegetation and buildings within the site has been identified as suitable breeding bird habitat and some will be impacted by clearance works, the following is advised, to be secured by condition:

From commencement of works (including site clearance), to avoid impacts to nesting birds, the following precautionary mitigation should be implemented:

- 1. Any hedgerow and trees to be retained, including its roots, will be protected from damage;*
- 2. Any work to vegetation/structures that may provide suitable bird nesting habitats should be carried out outside of the bird breeding season (1st March to 31st August inclusive) to avoid destroying or damaging bird nests in use or being built. If within the breeding bird season a survey by a suitably qualified person needs to be conducted to confirm absence, prior to commencing works*

We recommend that any works to vegetation are conducted outside the breeding bird season (1st March to 31st Aug) to avoid risk of impacts or if within the breeding bird season, a survey by a suitably qualified person needs to be conducted to confirm absence, prior to commencing works.

LIGHTING

Nocturnal animals (including bats) may use the site and the 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 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'

ECOLOGICAL ENHANCEMENTS

Paragraph 187(d) of the NPPF 2024 states: *"Planning policies and decisions should contribute to and enhance the natural and local environment by ... minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures and incorporating features which support priority or threatened species such as swifts, bats and hedgehogs."*

The PEA includes a number of biodiversity enhancement recommendations, including the provision of artificial bat boxes/tubes within new buildings and retained trees and the incorporation of bird nest boxes within retained trees and buildings (particularly for house sparrow and starling), in addition to the enhancement of grassland habitat.

All proposed enhancement measures should be clearly visible on elevations plans. A condition wording is suggested below.

Condition

Within three months of works commencement, a detailed plan(s) showing how the development will enhance biodiversity based on the recommendations with the Preliminary Ecological Appraisal (JW Biodiversity Management, Aug 24) will be submitted to, and

approved in writing by, the local planning authority. The plan must be implemented as approved.

BIODIVERSITY NET GAIN

The submitted BNG metric demonstrates that a net gain in excess of 10% can be achieved onsite, largely through new tree planting and the enhancement of grassland habitats. This net gain is not considered to be significant due to the limited scale of the creation of medium distinctiveness habitats.

If planning permission is granted, local planning authorities are encouraged to use suggested paragraphs for Biodiversity Gain Information on the written decision notice which are available to download here: https://assets.publishing.service.gov.uk/media/663251d969098ded31fca800/BNG_Decision_Notice_Text.odt. The applicant should submit a biodiversity gain plan form¹ along with supporting information once planning permission has been granted to demonstrate in more detail how the proposed biodiversity net gain will be delivered.

The creation and ongoing management of newly created habitats should therefore be secured through the production of a Landscape and Ecological Management Plan (LEMP).

No development will take place (including any ground works, site, or vegetation clearance), until the LEMP has been submitted to and approved in writing by the local planning authority addressing:

- 1. Creation and enhancement of habitats in accordance with the recommendations of the PEA/BNG report (JW Biodiversity Management Aug 24)*
- 2. Management of onsite habitats to achieve biodiversity net gain in accordance with the PEA/BNG report (JW Biodiversity Management Aug 24)*
- 3. Biodiversity enhancement measures, including [building-integrated bat boxes, bird nest boxes and native species planting].*

The LEMP will include the following:

- a) Purpose and conservation objectives for the proposed ecological design works.*
- b) Detailed design(s) to achieve stated objectives.*
- c) Extent and location/area of proposed works on appropriate scale maps and plans.*
- d) Type and source of materials to be used where appropriate, e.g. native species of local provenance.*
- e) Timetable for implementation, including the planting of any hedgerows prior to first use of the development.*
- f) Persons responsible for implementing the works.*
- g) Details of initial aftercare.*
- h) Aims and objectives of management.*
- i) Prescriptions for management actions.*
- j) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period)*
- k) Habitat monitoring provisions.*

¹ <https://www.gov.uk/government/publications/biodiversity-gain-plan>

- l) Details of the individual, body or organisation(s) responsible for implementation of the plan.*

The EDS will be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason: To ensure the development delivers the required biodiversity net gain on site

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

Nancy Inman
Biodiversity Officer

This response was submitted following consideration of the following documents:

- Preliminary Ecological Appraisal (JW Biodiversity Management, 24)
- Biodiversity Net Gain Plan (JW Biodiversity Management, 24)
- BNG Metric (JW Biodiversity Management, 24)
- Block Plan – Existing & Proposed (Clague Architects Jan 24)
- Bat emergence survey report (ECO assistance Oct 24)