



ECOLOGICAL ADVICE SERVICE

TO: Amanda Grout
FROM: Emma England
DATE: 15 June 2023
SUBJECT: 20230537 / 1 Foxbury Manor, 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 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 submitted in support of this application in relation to Conditions 3, 9 and 10. And advise that to comply with wildlife legislation and biodiversity policy, several amendments to submitted documents should be requested/ conditions attached to any granted planning permission.

Condition 9

Prior to the commencement of any works a preliminary ecological appraisal (PEA) shall be carried out to enable consideration of the potential for protected/notable species to be present and the appraisal shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In order to ensure the survival and protection of important species and those protected by legislation that could be affected by the development, in accordance with Local Plan: Core Strategy Policy CS12 and paragraph 179 of the National Planning Policy Framework, which seeks the protection of priority species.

Comments:

We have reviewed the submitted PEA report. To comply with relevant legislation and policy, this document includes a number of recommendations. It is not clear how the

ecological recommendations with this report have been incorporated into submitted plans/documents. This includes recommendations in relation to:

- Mitigations during site clearance and construction;
- Lighting;
- Planting;
- Habitat features such as bat and bird boxes.

As a consequence, we suggest that the submitted documents in relation to Conditions 3 and 10 be amended to incorporate the recommendations with the submitted ecology report. We also suggest a condition relating to the application of wildlife sensitive methodologies during site clearance and construction. This will ensure that the development avoids breaches of wildlife legislation and complies with current biodiversity policies.

Further details regarding our suggestions are provided below.

Biodiversity Method Statement

The PEA report recommends mitigations during site clearance and construction. To avoid breaches of wildlife legislation and to minimise harm to biodiversity features during site clearance and construction in line with section 40 of the Natural Environment and Rural Communities (NERC) Act 2006 and paragraph 174 of the National Planning Policy Framework (NPPF) 2021, we recommend that the following condition be attached to any granted planning permission:

From commencement of works (including site clearance), methods for the protection of retained habitats and precautionary mitigation measures for protected species will be followed in accordance with the details contained in Section 4 of the Preliminary Ecological Appraisal report (KB Ecology, November 2022).

Condition 3

Details of the appearance and landscaping (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.

Reason: The application was made for outline planning permission and is granted to comply with the provisions of Section 92 (1) of the Town and Country Planning Act 1990 and Article 5 (1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

Comments:

Under section 40 of the Natural Environment and Rural Communities Act (NERC) Act 2006 and paragraph 174 of the National Planning Policy Framework (NPPF) 2021, biodiversity must be maintained and enhanced through the planning system. Additionally, in alignment with paragraph 180 of the NPPF 2021, the implementation of measurable net gains for biodiversity (integrated as part of design) should be encouraged.

The replacement of green space with hardstanding and buildings constitutes a loss of biodiversity in the absence of compensation. The proposed landscaping does not appear to maximise the use of species-rich native/wildlife-friendly planting to offset the loss of the

greenspace on the site (including a section of native hedgerow). The landscaping plans also do not show the inclusion of bat/bird boxes or hedgehog holes as recommended within the submitted ecology report.

We recommend that the landscaping plans are updated to show the following to make clear any biodiversity losses/gains on-site:

- Retained, created and removed vegetation (semi-mature/mature trees and native hedgerows should be prioritised for retention);
- Where hedgerows are proposed, replace single species and non-native hedgerows with species-rich native hedgerows along the boundaries. Species-rich means at least five native species per 30m of hedgerow;
- Basic management required to achieve biodiversity objectives/comply with legislation. For example, species-rich hedgerows should achieve a height of at least 1.8m high by 1.8m wide to provide a good habitat feature. Cutting of the hedgerow will also need to be considerate to nesting birds, flowering and fruiting times;
- Hedgehog holes in fencing;
- Integrated or woodcrete/woodstone bird boxes suitable for swift; and
- Integrated or woodcrete/woodstone bat boxes.

Appendix 1 provides some generic (non-exhaustive) information regarding these enhancements. To provide a view regarding the potential ecological benefits or risks of any project, in line with relevant legislation and planning policy, we require sufficient detail to be submitted. Without sufficient detail we are unable to provide an opinion regarding the suitability of any proposed measures. Suitable detail may include the provision of information such as:

- The proposed target species for boxes;
- Make and model of any boxes;
- Location information such as height, aspect, surrounding habitat;
- Detailed planting schedules; and
- Basic management necessary to ensure the habitat is suitable for the target species.

Condition 10

Prior to the first occupation of the development hereby approved, details of all proposed external lighting shall be submitted to and approved, in writing, by the Local Planning Authority. The development shall thereafter be carried out in accordance with these approved details and no additional external lighting shall be provided on the site.

Reason: In order to ensure the development does not cause harm to residential amenity by reason of the installation of intrusive lighting and in accordance Policy CS19 Gravesham Local Plan: Core Strategy (September 2014).

Comments:

the development is situated with green corridors to the north and south. The submitted ecology report recommends that the Institution of Lighting Professionals 'Guidance Note 8 Bats and Artificial Lighting' should be consulted when designing external lighting. This is to minimise impacts to foraging and commuting bats.

Lighting in the vicinity of a bat roost or along commuting / foraging routes could constitute an offence both to a population and to individuals. Artificial lighting has been shown to be particularly harmful to bats along river corridors, near woodland edges and near hedgerows¹. Local authorities have a duty to ensure impacts upon legally protected species are avoided and impacts upon bats are a material consideration in any planning permission under the Natural Environment and Rural Communities Act 2006 and through the National Planning Policy Framework 2021.

The make and model of the proposed lights were not clear on the submitted proposed location and block plan. As a result, it has not been possible to fully comment on the suitability of the lighting proposed in relation to biodiversity. However, the image of the rear wall lights in particular, suggests that the lighting may be upward facing which has the potential to be detrimental to biodiversity. We suggest that lighting for the site be reconsidered with the following recommendations in mind:

- LED luminaires should be used where possible due to their sharp cut-off, lower intensity, good colour rendition and dimming capability;
- A warm white spectrum (ideally <2700Kelvin) should be adopted to reduce blue light component;
- Luminaires should feature peak wavelengths higher than 550nm to avoid the component of light most disturbing to bats;
- Only luminaires with an upward light ratio of 0% and with good optical control should be used;
- Luminaires should always be mounted on the horizontal, i.e., no upward tilt; and
- Any external security lighting should be set on motion-sensors and short (1min) timers.

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:

Gravesham Borough Council (January 2022) Notification Of Grant Of Permission To Develop Land. Application: 20211448. 1 Foxbury Manor, Old Watling Street, Higham, Rochester, Kent ME2 3UG.

KB Ecology (November 2022) Preliminary Ecological Appraisal. 1 Foxbury Manor Old, Watling Street, Higham, Kent.

Synergy Planning & Property Consultants Ltd (February 2022) Proposed location and block plan. Land off Old Watling Street. 22/388/02.

¹ Bats and Artificial Lighting guidance. Available [here](#).

Appendix 1: Ecological Enhancement Measures

Biodiversity Enhancements	Details
Provision of ready-made bird boxes	Suitability: All development. Location: Semi-mature/mature trees, buildings To provide a long-term ecological benefit for the site, boxes will need to be correctly sited: be away from windows and doors, be at the appropriate height for the target species, be sheltered, and sited on a northern or eastern facing aspect. The boxes should be away from artificial light sources. Material: Wall or tree-mounted woodcrete or building integrated boxes are generally recommended for development projects over wooden boxes. Wooden boxes are only likely to last 5-10 years before needing to be replaced to continue to provide a wildlife benefit. A woodcrete box has a much longer lifespan of 20-25 years before needing to be replaced. We would always recommend durable materials be selected for installation to minimise maintenance in the long-term and to provide a longer-term assurance of biodiversity net gain in line with the NPPF 2021. Erection: Follow the manufacturer guidelines. Maintenance: Many bird boxes need clearing out at the end of the nesting season. The manufacturer can provide relevant information as well as the Royal Society for the Protection of Birds (RSPB)² and British Trust for Ornithology (BTO)³.
Provision of bat boxes/bricks/tubes/tiles or bat roosting spaces within the new buildings	Suitability: Most development. Location: Semi-mature/mature trees, buildings To provide a long-term ecological benefit for the site, boxes will need to be correctly sited: be away from windows and doors, be at the appropriate height

² [How To Clean a Bird Nesting Box - The RSPB](#)

³ [Putting up a nest box | BTO - British Trust for Ornithology](#)

	(ideally 4-5m high), be sheltered, and sited on a southerly facing aspect. The boxes and a flight path to the box should be unlit. A clear flight path to the box is needed, so vegetation should not clutter the space around the box. Material: Wall or tree-mounted woodcrete or building integrated boxes are generally recommended for development projects over wooden boxes. Wooden boxes are only likely to last 5-10 years before needing to be replaced to continue to provide a wildlife benefit. A woodcrete box has a much longer lifespan of 20-25 years before needing to be replaced. We would always recommend durable materials be selected for installation to minimise maintenance in the long-term and to provide a longer-term assurance of biodiversity net gain in line with the NPPF 2021. Erection: Follow the manufacturer guidelines. Maintenance: Bat boxes should only be checked by a suitably licensed individual to avoid breaches of legislation.
Provision of hedgehog holes in fencing	Suitability: Many developments. Location: Base of fencing Construction: 13cm x 13cm gaps at the base of fencing to allow hedgehog access to all garden areas. To reduce the risk of the holes being blocked by future residents, a sign above the hole is recommended as shown on the hedgehog street website⁴.
Provision of native/ wildlife-friendly planting	Suitability: Most development. Native Species: An RHS study found that the best way to support invertebrates in gardens and promote a healthy ecosystem, is to choose plantings biased towards British native plants, and encourage dense vegetation, although leaving some areas of bare soil⁵. https://www.rhs.org.uk/advice/profile?pid=848 or https://www.britishflora.co.uk Hedgerows: As far as possible, hedgerows should be connected to high-quality

⁴ [Link your garden with a hedgehog highway \(hedgehogstreet.org\)](https://www.hedgehogstreet.org)

⁵ [Plants for Bugs - RHS science projects / RHS Gardening](#)

	habitats to improve species movement. To maximise any potential wildlife benefit long-term, species-rich⁶ native hedgerows should be prioritised and be managed sympathetically for wildlife, with a target height and width of at least 1.8m by 1.8m. They should be managed sensitively on a three year rotation, with cutting avoiding the bird breeding season and retaining at least some winter fruit/berries (see here). Establish climbing plants on walls and other vertical structures: Where space is limited, climbing plants can provide increased wildlife benefit within the space available. Climbing Plants & Wall Shrubs - The RSPB
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⁶ Containing a minimum of five different native species.