



ECOLOGICAL ADVICE SERVICE

TO: Katherine Parkin
FROM: Helen Forster
DATE: 03 January 2023
SUBJECT: 20221239 Long Acre, Shorne

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.

We have reviewed the ecological information submitted and we advise that the ecological surveys are sufficient but prior to determine an updated landscaping plan and information must be provided demonstrating that the proposed bat mitigation can be implemented.

The submitted information has detailed the following:

- Brown Long eared bat droppings recorded in the pump house (B3)
- At least 4 species of foraging bats
- Suitable habitat for breeding birds
- Suitable habitat for hedgehogs
- The site is within 100m of an area of Ancient Woodland and Local Wildlife Site

Bats

Brown long eared bats droppings were recorded within the pump house but no bats were recorded emerging during the emergence/re-entry surveys. We are satisfied with the conclusions that the building is likely to be an occasional day or transitional roost.

All bat roosts are protected and therefore there is a need for an EPS licence to be granted prior to the demolition of the pump house and as such GBC must consider the Three Tests* and assess if NE are likely to grant an EPS licence.

We can only consider the third test and we advise that we are satisfied that if it can be implemented the mitigation proposed is sufficient to maintain the favourable conservation status. The ecological report has recommended creating a roof void similar to the size currently found within the pump house (approx. 2mx2mx2m) however it is not clear within the building plans that this will and can be implemented.

Prior to determination we require information from the applicant confirming that the proposed mitigation can be implemented. If it cannot be implemented within the current designs we advise that there is a need for either revised plans or an updated bat mitigation strategy to be submitted.

**full details of the Three Tests can be found at the end of the report.*

Lighting

At least 4 species of bats have been recorded within the site and therefore we advise that any lighting proposed must be designed to minimise impacts on bats. Designing the lighting to minimise impacts from lightning will also benefit other nocturnal species and the adjacent woodland. Additional wording for the lighting condition will be provided once the additional information has been provided.

Great Crested Newts

There is potential for GCN to be present within the site and a signed GCN DLL Impact Assessment and Conservation Payment Certificate has been submitted as part of the application.

This has confirmed that the proposed development will be using the strategic mitigation approach to mitigate impacts on GCN. As such no surveys or details of site specific mitigation are required to be submitted as part of the application.

Other species

The report has detailed that there is suitable habitat for breeding birds and hedgehogs. The report has made recommendations for appropriate precautionary mitigation to avoid impacting these species during the construction period and if planning permission is granted we recommend that these measures are included within the construction management plan.

Designated Sites

The proposed development is 50 metres from Court Wood which is a Local Wildlife Site and Ancient Woodland.

The proposal is for a replacement dwelling and therefore we are satisfied that the operational impact on the designated sites is unlikely to increase from any existing use of the site. However the construction period may have a negative impact on the designated sites and therefore if planning permission is granted we recommend that measures are included within the construction management plan to minimise impacts to the designated sites and surrounding habitats during construction.

Enhancements

The landscaping plan details that a wildflower meadow and wildlife pond will be created within the north of the site and we are supportive of this. However it appears that non native trees will be planted along the border. We recommend that the landscaping plan is updated to demonstrate that native species are only planted within the north of the site to provide the greatest benefit to biodiversity.

The landscaping plan has confirmed that hedgehog boxes and log piles will be created within the site to benefit biodiversity.

Invasive Species

The ecology report identified **Japanese Knotweed** an invasive species listed under Schedule 9 of the Wildlife and Countryside Act 1981 (as amended). This legislation makes it an offence to plan, grow and knowingly allow the spread of a Schedule 9 species. Therefore, we advise that full eradication is carried out prior to any development works. If this is not possible (due to seasonal constraints), areas with this species will need to be fenced off to prevent spread and then removed at an appropriate time. We advise that an invasive species removal plan is secured as a condition of any planning application. We draw the applicants attention towards The Invasive Alien Species (Enforcement and Permitting) Order 2019 - The Compliance People <https://thecompliancepeople.co.uk/updates/legal/the-invasive-alien-species-enforcement-and-permitting-order-2019/>

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

Helen Forster MCIEEM
Biodiversity Officer

This response was submitted following consideration of the following documents:
Bat and Reptile Survey; Calumma Ecological Services; September 2022
Preliminary Ecological Appraisal; Calumma Ecological Services; February 2022
GCN DLL Impact Assessment and Conservation Payment Certificate;

A European protected species mitigation (EPSM) licence will be required to carry out the proposed development due to the impacts upon roosting bats. The Conservation of Habitats and Species Regulations 2017 requires Gravesham Borough Council, the competent authority, to have regard to the requirements of the Habitats Directive in the exercise of their functions. As such, Choose an item. must consider whether it is likely that an EPSM Licence from Natural England will be granted, and in so doing must address the three tests when deciding whether to grant planning permission for the proposed development. The three tests are that:

1. Regulation 55(2)(e) states: a licence can be granted for the purposes of *“preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment”*.
2. Regulation 55(9)(a) states: the appropriate authority shall not grant a licence unless they are satisfied *“that there is no satisfactory alternative”*.
3. Regulation 55(9)(b) states: the appropriate authority shall not grant a licence unless they are satisfied *“that the action authorised will not be detrimental to the*

maintenance of the population of the species concerned at a favourable conservation status in their natural range.”

Gravesham Borough Council