



ECOLOGICAL ADVICE SERVICE

TO: Peter Price

FROM: Luke Wallace

DATE: 04 July 2022

SUBJECT: 20220106 / Land Off Heron Hill Lane, Meopham

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.

The ecology document states that the site has been cleared of its trees, which was most likely a 'priority habitat' lowland mixed deciduous woodland (as listed under S41 of the NERC Act 2006).

It is possible that protected species legislation has been breached in the clearance of this site, however, this cannot be established now clearance has happened. Additionally, it is unclear if the surveyor/author is a qualified and experienced ecologist, but the ecology report appears to have not been produced in accordance with CIEEM guidance and does not address all ecological concerns. These are detailed below.

Biodiversity and Habitats

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. Additionally, in alignment with paragraph 180 of the NPPF 2021, the implementation of enhancements for biodiversity should be encouraged.

We also highlight paragraph 26 of the government's advice on the natural environment; *"It may also be relevant to consider whether any deliberate harm to this biodiversity value has taken place in the recent past, and if so whether there are grounds for this to be discounted in*

assessing the underlying value of the site (and so whether a proposal would achieve a genuine gain)”.

Additionally, within Schedule 14 of the Environment Act, which sets out the biodiversity gain condition for development, measures are included that allow planning authorities to recognise any habitat degradation since 30th January 2020 and to take the earlier habitat state as the baseline for the purposes of biodiversity net gain.

It is unclear how the development is achieving a net-gain and negating the putative net-loss from the clearance of woodland/installation of hardstanding and mobile homes. This information should be provided prior to determination of the application.

Ancient Woodland

Importantly, ancient woodland is situated directly opposite the entrance of the site and so we highlight paragraph 180 of the NPPF 2021, which states; *“development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists”*. To limit the impact, Natural England recommends that a 15m buffer between the development footprint and the ancient woodland should be enacted.

We also highlight that any lighting, domestic cats, invasive species and recreational pressure from the development could entail negative impacts to the ancient woodland.

As such, it should be made clear that there is a sufficiently-sized buffer-zone for the ancient woodland and information supplied as to how it will be safeguarded from the above impacts.

Both the biodiversity net-gains of the development, and how the ancient woodland will be adequately safeguarded, should be provided prior to determination of the application.

Luke Wallace
Biodiversity Officer

This response was submitted following consideration of the following documents:
Ecology Survey Report. R Webb. May 2022.