



ECOLOGICAL ADVICE SERVICE

TO: Kelly Joyce

FROM: Clair Thackray

DATE: 04 November 2022

SUBJECT: 20221106/Luxon Farm, Luddesdown

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.

No Information – more information needed.

No ecological survey information has been submitted with this application. As a result of reviewing the data we have available to us (including aerial photos and biological records), and the information submitted with the planning application, we advise that further information is sought from the applicant with regards to the potential for ecological impacts to arise as a result of the proposed development.

Habitats and features (including buildings, woodland, rough grassland, and scrub) are present on and around the site, indicating ecological value and the potential for protected species presence that must be taken account of in the planning decision. There are local records of bats, badger, hazel dormouse, harvest mouse, hedgehog, common toad, common lizard, slow worm, grass snake and adder. Tom Lotts/Molehill/Bottomfield Ancient Semi-Natural Woodland (ASNW) lies 10m to the north of the existing property to be extended, and Luxon Wood, Great Buckland Local Wildlife Site (LWS) lies 40m to the east. Potential impacts of the proposed construction of a single storey extension on the south-west elevation include loss/damage of trees and other vegetation for machinery access, groundworks, and temporary materials storage. In addition, artificial lighting and hard and soft-landscaping proposals must also be taken account of in the planning decision. As such, an Ecological Impact Assessment (EcIA) (informed by a preliminary ecological appraisal (PEA)) should be undertaken by a suitably qualified ecologist, in accordance with good practice guidelines.

The EcIA should consider the potential of the site to support protected species, particularly regarding the following:

- Roosting bats within the existing building
- Reptiles and/or amphibians within the adjoining grassland, scrub, and woodland edge
- Badger and/or hazel dormouse within the adjoining woodland and scrub habitats.

To ensure that the planning determination is adequately informed in respect of all potential ecological impacts, we advise that the EcIA should be sought prior to determination of the planning application. This is in line with paragraph 99 of ODPM 06/2005 which states *"it is essential that the presence or otherwise of protected species and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision"*.

Ancient Woodland

The proposed development will be undertaken adjacent to an area of designated ancient woodland. As such, we highlight paragraph 180 of the NPPF which states that "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". As well as actual tree loss, this guidance relates to tree root protection areas (RPA's) and the disturbance or removal of ASNW soils. Natural England and the Forestry Commission's standing advice states that there should be a minimum 15m buffer-zone (residents' gardens and curtilage excluded) between a development and ancient woodland.

The submitted EcIA/plans need to demonstrate how the development will avoid impacts upon the nearby ancient woodland during construction and post-development.

Biodiversity Net Gain and Enhancements

Under section 40 of the NERC Act (2006), paragraph 174 of the NPPF (2021) and the Environment Act (2021), planning decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity. 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. As such, we advise that information is submitted with the EcIA and submitted plans to demonstrate that the development can achieve biodiversity net gain.

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

Clair Thackray
Biodiversity Officer

This response was submitted following consideration of the following documents:

Site Location Plan. Design Plans. February 2022.

Proposals Plan. Design Plans. February 2022.

Design and Access Statement. Design Plans. October 2022.