



ECOLOGICAL ADVICE SERVICE

TO: *Mark Davies*

FROM: *Helen Forster*

DATE: *17 February 2020*

SUBJECT: *Land btw Woodchurch Road etc, Tenterden 19/01788/AS*

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 advise that insufficient information has been provided to determine the planning application.

The following surveys have been carried out and, while the survey data is from four years old, it's likely that they provide a good understanding of the ecological interest of the site:

- Preliminary Ecological Appraisal
- Bat
- Botanical
- Breeding birds
- Amphibians
- Reptiles
- Invertebrates
- Dormouse

However the most recent walk over survey was carried out in March 2018 and therefore the conclusions may no longer be valid. The report was written in December 2019 therefore we question why an updated survey was not carried out at the same time. We advise that an updated walk over survey is carried out an information provided demonstrating why the applicant is satisfied that the survey results are still valid.

The surveys have recorded the following:

- Neutral and Acid Grassland (11 species indicating unimproved grassland were recorded).
- Hedgerows recording Ancient woodland Indicators
- Trees with potential to be used by roosting bats
- At least 9 species of foraging/commuting bats within the site
- 34 species of birds
- Breeding population of GCN
- Smooth Newt, Palmate Newt and Common Frog.
- 3 species of reptiles
- 161 species of invertebrates (including species of principle importance)

This is a hybrid application which consists of a full application for the country park and sports pitches and outline for the residential aspect of the site. With outline applications we understand that the layout is not fixed therefore there may be some changes made to the finalised layout (if planning permission is granted) but in order for us to fully assess submitted information is fully assessing the impact on protected species we would expect a parameter plan to be provided to enable us to fully understand the areas of open space and areas of built development. We acknowledge a plan has been submitted demonstrating the area of retained hedgerow/waterbodies but highlight that this is insufficient as (if granted) if there is development directly up to the areas of retained habitat, they will not provide ecological functionality.

The submitted Ecological Impact Assessment has assessed the impacts of protected/notable species based on the submitted layout which is indicating that there will be good connectivity throughout the site. To ensure that the conclusion are correct we advise that there is a need for ABC to have confidence that the proposed habitat connectivity will be retained and created within the site and therefore advise that there is a need for a parameter plan to be submitted clearly setting out the footprint of the proposed housing and open spaces within the outline section of the proposed development.

Protected/notable species have been recorded within the site and the submitted information has detailed that the country park and open spaces area will mitigate for the loss of the habitat as a result of the proposed development. In theory we do not disagree with this conclusion however as detailed above there is a need to ensure that the habitats proposed within the outline application area will be retained.

We have the following comments to make on the submitted information:

Breeding birds

The surveys were only carried out in June and not throughout April, May and June therefore we highlight that there is a risk that some breeding birds may have been missed. The breeding bird surveys recorded 34 species and we highlight that if surveys had been carried out throughout the breeding bird season (rather than just June) additional information would have been provided about how birds are using the site – including numbers recorded, species

breeding and if ground nesting birds were present. We advise that there is a need for additional information to be submitted demonstrating why the ecologist is satisfied that the survey conclusions are valid.

Amphibians

Paragraph 5.33 details that smooth newt, palmate newt and common frog have been recorded within the site and will be translocated where feasible – this suggest that only GCN will be translocated. As they are present and (if planning permission granted) a translocation will be carried out there is a need for all species captured during the translocation to be translocated and the mitigation strategy demonstrate that there is sufficient capacity species recorded within the site.

Bats and invertebrates

At least 9 species of foraging/commuting bats have been recorded and 161 species of invertebrates have been recorded during the surveys. Bats and Invertebrates can be negatively impacted by artificial lighting and to enable ABC to fully consider the impact from lighting we advise that there is a need for a plan showing dark corridors demonstrating the maximum light spill from any proposed lighting on the proposed habitat corridors from the proposed development.

As water bodies will be created/retained throughout the site, we accept that there may be a need for some lighting due to health and safety but there is a need to ensure it is minimal to ensure that bats can continue to use the site.

Sports pitches are proposed for the development and they may include flood lighting. We require information to be submitted confirming if the sports pitches will have flood lighting and if so which ones. The submitted ecological information must assess the impact the proposed flood lighting will have on bats and invertebrates utilising the site.

We advise that due to the size of the proposed development and because there is currently minimal or no lighting within the site we advise that there is a need for the above information to be submitted prior to determination – it is not sufficient to make recommendations for the lighting scheme in the event planning permission is granted.

Habitat creation

The proposal will result in a loss of habitat – in particular grassland. A management plan has been submitted and it does demonstrate the intention is to manage habitats within the proposed country park for biodiversity.

A plan of the country park has been submitted and it does provide a brief overview of the habitats to be created on site but we have concerns about the proposed habitat creation. For example the management plan details that 12ha of Neutral Grassland will be enhanced and restored and 0.8ha of acid grassland will be created - however from looking at the submitted information it appears that neutral grassland will be lost to create acid grassland in the north of the site. As there are other areas of the site which has been recorded as semi improved grassland, we are concerned that areas of natural grassland is being lost to create acid grassland.

There is a need to ensure that where habitat creation/enhancement is proposed it is achievable and in the correct location to get the greatest benefit.

We advise that there is a need for a clear habitat creation plan is submitted which directly links to the habitats referred to in the outline management plan. The submitted plan will enable ABC to consider if the habitats detailed in the outline management plan can be created/retained.

Biodiversity Net Gain

The report has detailed that the proposal will result in biodiversity net gain but no net gain metric has been submitted to demonstrate this. We acknowledge that the outline management plan has detailed that the proposal is to actively manage and enhance the retained habitat therefore it is likely that the ecological interest of the retained habitat can be maintained.

However the biodiversity net gain metric is based on habitats and as the proposal will result in a loss of neutral grassland we question, regardless of the proposed management of the retained areas, if biodiversity net gain can be achieved as part of this development. We recommend that the current version of the Biodiversity Net Gain Metric to enable ABC to understand if the proposal will result in a biodiversity net gain.

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:
Ecological Management Plan; EPR; December 2019
Ecological Impact Assessment; EPR; December 2019