



## ECOLOGICAL ADVICE SERVICE

**TO:** *Mark Davies*

**FROM:** *Helen Forster*

**DATE:** *27 August 2020*

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

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We advise that we have the following comments to make on this application.

For the purposes of these comments we have presumed the *Proposed Habitats* plan is showing all habitats to be present within the proposed development.

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

We previously raised concerns that an updated walk over survey was not carried out prior to the submission of the planning application to demonstrate if the site had remained unchanged since the ecological surveys had been carried out or if updated surveys were required.

Additional information has been provided which has satisfied us that the site is largely unchanged since the submitted surveys were carried out therefore the conclusions are likely still to be valid to determine the planning application.

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)

Due to the areas of retained habitat and the design of the proposed development with suitable habitat features, as indicated within the illustrative master plan, we do accept that, if managed appropriately, it is likely that there is capacity within the site to implement suitable species mitigation. **However** the *proposed habitats* plan does not show all the habitats detailed within the illustrative master plan and therefore we raise concerns that the proposed species mitigation cannot be implemented as detailed within the submitted reports. Our detailed concerns on this point is detailed in the section below.

We highlight that ABC need to ensure that it clearly understood what habitats will be retained, enhanced and created within the site to be satisfied the proposed mitigation can be implemented. Based on the habitats detailed within the *proposed habitats* plan we highlight that all the species mitigation (such as retaining bird nesting habitat) cannot currently be implemented within the proposed development.

The proposal will result in an increase in lighting within the proposed residential area and the increase in lighting is likely to have a negative impact on species within the site including bats and invertebrates. The applicant has detailed the following to address our concerns: *The EclA sets out the requirements of a Lighting Strategy in paragraphs 4.40 and 4.41 to adhere to the lighting requirements for zone E2 of the Dark Sky Zone that the proposed development falls within to avoid obtrusive light. Having regard to the planning policy ENV4 of Ashford Borough Council's Local Plan (adopted February 2019), the LVIA also explains that the proposed development will have a Negligible night time effect, as whilst LED lighting designed to comply with KCC requirements for adopted roads is proposed in places, lighting in private roads will be switched off after 23:00, and no lighting is proposed for the sports pitches or within the Country Park so as to respect its proximity of the High Weald AONB and the proposed dark sky reserve to the east around Woodchurch. Furthermore, the development includes 'buffers' around habitats that could be used by nocturnal wildlife along the site boundaries of the development proposals, as well as through the central green corridor.*

We highlight that we are not experts in lighting and therefore ABC must be satisfied that the above can be implemented, as proposed, within the site to minimise light spill within the wider area.

## Habitats

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).

To try and address previous concerns that the built footprint of any reserve matters application will erode into the areas of habitat within the proposed residential footpath an updated *proposed habitats* plan, *illustrative ecological framework* plan and illustrative masterplan has been submitted.

The *proposed habitats* plan shows the areas of habitat which will be retained, enhanced and or created as a result of the proposed development. However, as detailed in previous submissions we highlight that there are some contradictions between the submitted plans as the illustrative framework plan and masterplan continue to indicate that shrubs /trees/hedgerows will be planted in the grassland areas. We do acknowledge that as the residential area is part of the outline application and therefore the submitted plans cannot provide exact details of the proposed layout but we would expect the submitted *proposed habitat* plan to at least acknowledge the areas that either currently have tree/hedgerow/shrub planting or where it is intended to be located – it's our opinion that any planting will reduce the area of grassland within the proposed development.

Information submitted as part of the lighting further indicates that scrub/trees will be planted as the lighting information (as detailed above) states that habitat buffers will be created and, while it does not state it, we presume that it will be hedges/trees, those are the most likely habitats to be planted to minimise disturbance from light spill.

An updated Net Gain metric has been submitted and it has highlighted that the condition of some areas of grassland have been downgraded but it's not clear within the proposed habitats plans where these areas of grassland will be located. While we do not disagree that large areas of grassland can be managed appropriately to improve the quality of the grassland we have concerns that the quality of small areas of grassland, particularly within high recreational areas, could degrade over time.

We advise that we have concerns that the following areas within the site may not be able to provide high quality grassland habitat as detailed within the proposed habitat plan:

- Areas throughout the site where hedgerows /planting are currently existing or proposed.
- Habitat fingers through the residential area due to the size and high recreational pressure
- Grassland surrounding the sports pitches – due to high footfall
- Grassland within the Country park play area – due to high footfall
- Vegetation around proposed SuDS features – in particular F13
- Reptile/GCN mitigation area where there will be a need for Tussocky Grassland and these areas may be managed in a way that will not result in the quality being improved.
- Grassland adjacent to access roads etc as there is a risk that cars may park along the edge.

Therefore while we agree that some areas of the site could be managed to improve the grassland quality there will be an overall decline in the quality of the retained neutral

grassland within the site as a result of the proposed development – as detailed above this would be due to the reduction in habitat, the recreational usage of the site and conflicts associated with species mitigation requirements.

Therefore it's our view that due to the lack of clarity with the plans it makes it very unclear if the proposed ecological mitigation can be implemented and therefore I'd suggest that there will be a loss of biodiversity as a result of the proposed development – particularly due the direct loss or impact on the existing grassland habitat.

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*