



ECOLOGICAL ADVICE SERVICE

TO: Robert Davis

FROM: Helen Forster

DATE: 29 April 2020

SUBJECT: 20/0115/FH 20 Encombe, Sandgate

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.

Condition 14 states: *No construction work above slab level shall take place until an ecological enhancement plan, taking into account the approved badger mitigation strategy, shall have been submitted to and approved in writing by the Local Planning Authority detailing what ecological enhancements will be incorporated in to the site; a timescale for their implementation; and a maintenance schedule. It must include a selection of the enhancements detailed within paragraph 4.6 of the Preliminary Ecological Appraisal (Corylus Ecology; February 2019). The measures must be implemented and maintained as approved.*

We advise that insufficient information has been provided to discharge this condition as no ecological enhancement plan has been submitted. Instead the Preliminary Ecological Appraisal referenced within the condition has been resubmitted.

Condition 15 states: *Prior to the development commencing a detailed badger mitigation strategy must be submitted for written approval by the Local Planning Authority. The strategy must include the following:*

- *Updated badger survey*
- *Details of any impacts from the works on the badger population*
- *Details of mitigation required to avoid an impact*
- *Detailed methodology to implement the mitigation*
- *Timings of the proposed works*

- *Details of who will be carrying out the works.*

The strategy must be implemented as approved.

We are satisfied that sufficient information has been provided to discharge the condition.

The submitted information has confirmed that the badger sett is still active and there are active holes within 20m of construction.

We are satisfied that the proposed measures are sufficient to minimise impacts on the badgers sett. The measures must be implemented during construction period as detailed within the submitted report.

It must be clearly marked on site (directly on the ground) and within the construction management plan the area where the different types of machinery can be used – to ensure the following:

- No machinery within 20m of the sett
- Only small light machinery within 20-30m of the sett.

The submitted information has detailed that the holes are moving north away from the construction area – further minimising the risk to the badgers during construction. However badgers are very active and we highlight that, in the unlikely event that construction works record an active badger sett within the construction footprint and will be directly lost/impacted by the construction works all work must cease and NE contacted prior to works commencing.

Condition 16 states: *Immediately prior to works (including demolition) commencing on site an updated badger survey and review of the badger mitigation strategy must be carried out by an experienced ecologist. If the badger mitigation strategy approved under condition 15 is no longer valid an updated strategy, must be produced in accordance with the requirements of condition 15 and submitted to the Local Planning Authority and approved before any works commence on site. That strategy will supersede any strategy submitted as part of condition 15. The strategy must be implemented as approved.*

We advise that this condition requires an updated badger survey to be carried out immediately prior to works commencing on site. We advise that we only expect information to be provided if the conclusions of the badger survey (carried out in December 2019) are no longer valid and the mitigation strategy requires updating.

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:
Information to inform Tool Box Talk; LaDellWood.