



ECOLOGICAL ADVICE SERVICE

TO: Robert Allan

FROM: Hannah Simmons

DATE: 14 February 2024

SUBJECT: 23/1957/FH / Land to rear of 27 & 21 Belcaire Close, Lympne, CT21 4JT

The following is provided by Kent County Council's Ecological Advice Service (KCC 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 if sufficient/appropriate ecological information has been provided.

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 ecological information has been submitted with this application. As a result of reviewing the data we have available to us, and the information submitted with the planning application, we advise that the proposed development has limited potential to result in significant ecological impacts.

We have taken this view due to majority of the site consisting of currently well managed garden lawn, which is likely to be of low biological value. with Garage to be demolished in good condition, we are satisfied that there no opportunities for roosting bats. As such, we are satisfied that there is no requirement for an ecological survey to be carried out at this time.

As the site backs onto a small area of woodland, we advise that good construction practices to reduce dust, light and noise pollution are implemented during construction to reduce impacts to the woodland.

Breeding birds

It is possible that breeding birds may be using the vegetation on site. We advise that an informative is included on how works are to be carried out with respect to breeding birds should planning permission be granted.

Breeding bird informative – suggested wording

The applicant is reminded that, under the Wildlife and Countryside Act 1981 (as amended), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this Act.

Habitats are present on and around the site that provide opportunities for breeding birds. Any work to vegetation/structures that may provide suitable nesting habitats should be carried out outside of the bird breeding season (1st March to 31st August inclusive) to avoid destroying or damaging bird nests in use or being built. If vegetation/structures need to be removed during the breeding season, mitigation measures need to be implemented. This includes examination by a suitably qualified and experienced ecologist immediately prior to starting work. If any nesting birds are found, works must cease until after the birds have finished nesting.

Lighting

Lighting can negatively impact nocturnal species, like bats, that are foraging and commuting on site and in the surrounding habitat. Currently there is no lighting plan or information submitted. Therefore, if bats are present foraging/commuting within the area, there is a risk that any lighting may have a negative impact.

To mitigate against potential adverse effects on bats, and in accordance with the National Planning Policy Framework 2023, we suggest that the Bat Conservation Trust's 'Guidance Note 08/23: Bats and Artificial Lighting at Night', is consulted in the lighting design of the development. We advise that the incorporation of sensitive lighting design for bats is submitted to the local planning authority and secured via an attached condition with any planning permission.

We advise that any lighting is pointed away from vegetation, has motion sensors to only come on when needed, and timers to go off after a set period from being activated.

Suggested condition wording

Prior to completion, a lighting plan which has been designed to minimise impacts on biodiversity shall be submitted to and approved in writing by the local planning authority. The plan will show how and where external lighting will be installed and provide commentary regarding how the Bat Conservation Trust/Institute of Lighting Professional's 'Guidance Note 08/23: Bats and Artificial Lighting at Night' has been considered in the lighting design. It will be clearly demonstrated that areas to be lit will not impact protected species. All external lighting shall be installed in accordance with the specifications and locations set out in the plan and be maintained thereafter.

Biodiversity Net Gain and Ecological Enhancement

Under section 40 of the NERC Act (2006) and paragraph 180 of the NPPF (2023), biodiversity must be maintained and enhanced through the planning system. Additionally, in alignment with paragraph 186 of the NPPF (2023), the implementation of measurable net gains for biodiversity (integrated as part of design) should be encouraged.

The proposal will result in a loss of the dividing hedge between the properties and garden lawn. The hedgerows around the perimeters of the gardens are to be retained. It has been proposed to plant additional trees on the two existing properties and in the gardens of the

two new dwellings, along with “*Additional areas of soft landscaping ... to the perimeter of the private drive.*” It is our view that a measurable net gain as per the NPPF can be achieved through the proposed measures. A landscaping plan showing the planting of native species, plus details of how the planting would be established and managed, should be submitted if planning permission is granted.

To ensure that the measurable net gain can be achieved, we advise that the landscaping, establishment, and management plan(s) are secured with a condition if planning permission is granted and that other enhancements are also incorporated into an enhancement plan within the red line boundary, including bat and bird boxes, and log piles, in addition to the native planting.

Suggested condition wording

Within three months of works commencing, detailed plans showing how the development will enhance and maintain biodiversity, plus an establishment and management plan for native planting, will be submitted to, and approved in writing by, the local planning authority. This will include details of native and wildlife-friendly planting, durable bat and bird boxes, and log piles. The approved measures will be implemented and retained thereafter.

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

Hannah Simmons
Biodiversity Officer

This response was submitted following consideration of the following documents:
Design and Access statement. Earnshaw Architects. January 2024