



ECOLOGICAL ADVICE SERVICE

TO: Danielle Wilkins

FROM: Elizabeth Fagg Biodiversity Officer

DATE: 16 February 2024

SUBJECT: 23/2082/FH - Plot B, Land Rear of Plot 15, New Romney

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.

SUMMARY – ADDITIONAL INFORMATION REQUIRED

We have reviewed the ecological information submitted in support of this application which has considered the ecology present on this site. Noting this information and other studies within the locality, it is advised that a reptile survey and the recommended GCN survey is submitted, by the applicant prior to determination of the planning application.

REPTILES

Reptiles – Surveys Needed

We disagree with the conclusion that reptile surveys are not required and therefore recommend that a reptile survey is required. We have taken this view due to information within the submitted PEA that KRAG have noted there is a HIGH likelihood of reptiles present at this site. This is in line with surveys submitted with adjacent planning application (including Y19/0302/FH and 22/0543/FH) In addition the satellite photos demonstrate that there is suitable habitat on the site boundaries and good connectivity to the applications referenced above. We acknowledge that the PEA states no suitable habitat is present but recent photographic evidence shows vegetation starting to recolonise the area, since the agricultural use ceased.

Reptiles are protected through the Wildlife and Countryside Act 1981 (as amended). All British reptiles are also [listed as rare and most threatened species](#) under Section 41 of the Natural Environment and Rural Communities Act (2006) and local planning authorities are required to have regard for the conservation of Section 41 species as part of planning decisions under their [biodiversity duty](#).

To assess the potential impacts to any reptile populations, we advise that a reptile survey will need to be undertaken by a suitably qualified ecologist¹ and in accordance with good practice guidelines². The reptile survey, along with any necessary mitigation/compensation, will need to be submitted prior to determination of any planning application. This is in alignment with paragraph 99 of the 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”*.

Great Crested Newt

The submitted ecological report has outlined that the proposed development has the potential to have detrimental effects on great crested newts (GCN). GCN are fully protected through the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017 (as amended). Therefore, to adequately address the potential effects on GCN, we advise that one of two approaches will need to be taken. Either surveys will need to be undertaken (or reference made to available current data³) on the nearby ponds to ascertain the presence/likely absence of great crested newt, or district level licensing is available (and avoids the requirement for further survey/data).

If undertaking further survey, these will need to be undertaken in accordance with best practice⁴ and by a suitably qualified and experienced ecologist⁵. Following further survey, the survey results, along with any necessary mitigation/compensation, will need to be submitted prior to determination of any planning application.

District Level Licensing (DLL) is a strategic mitigation scheme which requires a conservation payment to remove the need for on-site survey, mitigation and compensation. The use of DLL is restricted to areas defined as green or amber risk zones for GCN presence. DLL is not possible within red risk zones⁶.

If DLL is chosen by the applicant, a countersigned DLL impact assessment and conservation payment certificate (IACPC) will need to be submitted to local planning authority prior to determination of the application⁷. Evidence of the full conservation payment can then be conditioned if planning permission is granted.

¹ [Reptiles: advice for making planning decisions - GOV.UK \(www.gov.uk\)](#)

² [Good-Practice-Guide-July-2021-Update.pdf \(cieem.net\)](#)

³ [European protected species policies for mitigation licences - GOV.UK \(www.gov.uk\)](#)

⁴ [Great crested newts: advice for making planning decisions - GOV.UK \(www.gov.uk\)](#)

⁵ Suitably qualified ecologists can be found using either the: [CIEEM Registered Practice Directory](#) or the [Environmental Data Services Directory](#)

⁶ [GCN Risk Zones \(Kent\)](#)

⁷ [Great crested newts: district level licensing for local planning authorities - GOV.UK \(www.gov.uk\)](#)

Breeding Birds

The site has some potential to be used by ground nesting birds we agree that there is no requirement for a breeding bird survey but advise that any site clearance works are carried out outside of the breeding bird season. We can provide suggested wording for a breeding bird informative following the additional information being submitted.

Enhancements

Under section 40 of the Natural Environment and Rural Communities (NERC) Act 2006 and paragraphs 180 and 186 of the National Planning Policy Framework (NPPF) 2023, biodiversity should be maintained and enhanced through the planning system. The latest Defra biodiversity metric can be used to objectively assess the likely biodiversity net gain/loss entailed by the development.

The PEA suggests an option to enhance biodiversity by installing 'swift bricks'. Due to there being limited suitable habitat it is suggested this measure would benefit by being considered in combination with a native hedgerow to provide forage for the bird species.

We advise that it is unlikely that the proposal would result in a measurable net gain as per the NPPF but there are opportunities within the landscaping scheme to incorporate species which would benefit biodiversity.

We recommend that an enhancement plan is submitted as part of this application demonstrating how the site can benefit biodiversity.

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

Elizabeth Fagg
Biodiversity Officer

This response was submitted following consideration of the following documents:

Preliminary Ecological Appraisal. KB Ecology 13/12/2023.

Phase 1 Ecological Survey of land for access road off of Mountfield Road, New Romney, Kent. Bramley Associates, February 2019

New Romney Enabling Scheme, Josephs Way, New Romney, Kent Greenspace Ecological Solutions, June 2019