



ECOLOGICAL ADVICE SERVICE

TO: *Danielle Wilkins*

FROM: *Jonathan Lynch*

DATE: *14 March 2024*

SUBJECT: *24/0198/FH/TDC / Middle House Nursery, Romney Marsh*

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 – FURTHER INFORMATION REQUIRED

We have reviewed the ecological information submitted in support of this application and we advise that additional information is sought from the applicant prior to determination of the planning application.

- Further surveys along with any necessary mitigation measures for great crested newts;
- Further surveys along with any necessary mitigation measures for reptiles;
- Review of the conclusions within the PEA as the survey data is 18+ months old.

SURVEY REQUIREMENTS

The Preliminary Ecological Appraisal submitted as part of this application (provided by KB Ecology, October 2022) has outlined that the proposed development has potential to have detrimental impacts on great crested newts (GCN) and reptiles. GCN are fully protected from disturbance and harm through the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017. Reptiles are protected from harm by the Wildlife and Countryside Act 1981 are considered "Species of Principal Importance" for conservation under Section 41 of the Natural Environment and Rural Communities Act (2006).

Surveys for both GCN and reptiles were recommended in 2022, but do not appear to have been carried out. These surveys, along with any necessary mitigation, will need to be submitted prior to determination of any planning application. This is in accordance with paragraph 99 of 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”*.

As an alternative to conducting GCN surveys, the applicant may wish to join a local District Level Licencing (DLL) scheme for great crested newts. To join a DLL scheme, the applicant is required to apply to Natural England to purchase a Great Crested Newt District Level Licensing Impact Assessment & Conservation Payment Certificate (IACPC) and contribute to local great crested newt conservation efforts, bypassing the need for surveys and mitigation measures.

DUNGENESS, ROMNEY MARSH AND RYE BAY SSSI

The proposed development falls within the Impact Risk Zone (IRZ) of Dungeness, Romney Marsh and Rye Bay SSSI (located <2km from the site). Natural England have been consulted regarding any potential impacts to the statutory designated site and have raised no objections. No impacts to the SSSI are anticipated as a result of this development.

ENHANCEMENT MEASURES

Paragraph 180 (d) of the NPPF 2023 states: *“Planning policies and decisions should contribute to and enhance the natural and local environment by ... minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures”*. We advise that the proposed development has the potential to deliver a measurable net gain for biodiversity, in line with the requirements of the NPPF.

Additionally, the site of the proposed development falls within the Romney Marshes Biodiversity Opportunity Area (BOA). BOAs are identified in the Folkestone & Hythe District Council Core Strategy as *“[areas] where conservation action such as habitat creation, restoration or expansion is likely to have the greatest benefit for biodiversity.”* *They can contribute to delivering biodiversity action plan targets.”*

Biodiversity enhancements have been suggested in the ecological report submitted as part of this application (see section 4.10). In consideration of these recommendations, we suggest the following enhancements for biodiversity are incorporated into the design of the site:

- Provision of hedgehog nesting boxes;
- Fences that permit dispersal of hedgehogs (staggered 13×13cm gaps in close boarded fences are demonstrated to aid hedgehog dispersal);
- Installation of bird boxes on site (1× Vivara Pro Barcelona WoodStone Open Nest Box and 1× Vivara Pro Seville 28mm WoodStone Nest Box);
- Incorporation of built-in bat tubes into the development (2× Vivara Pro Build-In Woodstone Bat Tubes);
- Provision of integrated swift bricks in new buildings. A ratio of at least two per residential dwelling, or one per 50m² of commercial floor space is generally accepted now as good practice (see BS 42021:2022). Swift bricks should be

installed in small groups of 2/6 approx. 1+ metres apart in suitable locations at a minimum height of 4 metres (5 metres is better).

These measures may need to be reviewed depending on the results of GCN and reptile surveys. Details of how these measures will be incorporated into the development and maintained long-term should be detailed within an “Ecological Enhancement Management Plan” (EEMP) which we recommend is submitted as part of the current application.

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

Jonathan Lynch
Biodiversity Officer

This response was submitted following consideration of the following documents:

- Preliminary Ecological Appraisal (KB Ecology, Oct 2022)
- Proposed Site Layout (Kent Design Studio, Dec 2023)
- Site Location and Existing Site Plan (Kent Design Studio, Sep 2022)
- Demolition Plan (Kent Design Studio, Dec 2023)