



ECOLOGICAL ADVICE SERVICE

TO: *Danielle Wilkins*

FROM: *Jonathan Lynch*

DATE: *12 March 2024*

SUBJECT: *23/2036/FH / 76-78 St Leonards Road, Hythe*

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 – NO FURTHER INFORMATION REQUIRED

We have reviewed the ecological information submitted by the applicant and advise that sufficient information has been provided. Sensitive working measures are recommended for reptiles.

We recommend that the requirement for an Ecological Enhancement Management Plan (EEMP) is attached as a condition to any notice of planning permission, to be submitted prior to commencement of construction works. Condition wording is provided below.

SENSITIVE WORKING MEASURES FOR REPTILES/BREEDING BIRDS

The site is due to be fully cleared of vegetation as part of this proposal. If site clearance has not been carried out by May 2024, reptile surveys have been recommended within the revised Preliminary Ecological Appraisal (PEA). We do not deem any additional reptile surveys to be necessary, as artificial cover object surveys were carried out between April and May 2022 which returned no observations of reptiles on site. The revised PEA states: "The habitats on site have not changed in suitability for reptiles and reptiles are likely still absent." On this basis, a sensitive approach to vegetation clearance is preferable, as April-May is the reptile breeding season and is therefore when reptiles are at their most active. Recommendations for sensitive working to avoid the killing and injury of reptiles:

- *Initial directional strim of all grass to 200mm*

- *Second strim to 50mm carried out 1-2 days later during dry, warm weather*
- *Removal of any suitable reptile refugia (e.g. log or rubble piles) to be conducted carefully under the supervision of an ecologist*
- *Construction materials tending to create suitable reptile refuge should be kept on pallets in areas of bare ground, under tarpaulin or away from the worksite to prevent these being utilised by reptiles during construction*
- *The applicant is reminded that all British reptiles are protected from harm by the Wildlife and Countryside Act 1981 (as amended) and are considered “Species of Principal Importance” for conservation under section 41 of the Natural Environment and Rural Communities Act 2006*

As long as these measures are adhered to throughout construction, we see no need for additional surveys.

Additionally, as the core bird breeding season has now commenced (March to August inclusive), an ecologist should be present on site for any clearance works to ensure no nests are disturbed or destroyed at any point. 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.

IMPACTS TO MOTHS

We note that the PEA has highlighted local Sussex emerald moth records within 150m of the site. Sussex emerald moths are protected from harm by the Wildlife and Countryside Act 1981 (as amended) and are a Species of Principal Importance under section 41 of the Natural Environment and Rural Communities Act 2006. No evidence of Sussex emerald moths has been found on site (as expected given surveys were not undertaken), however we are in agreement with the PEA that the moth’s larval foodplants should be incorporated into the proposed development. Of particular importance to this species is wild carrot (*Daucus carota*), as well as common ragwort (*Senecio jacobaea*) and hoary ragwort (*Senecio erucifolius*). Planting ragwort is not a common practice, as it is considered an “injurious weed” under the Weeds Act 1959. However, Defra’s published code of practice on the control of ragwort¹ states, “*it is necessary to prevent its spread where this presents a high risk of poisoning horses and livestock or spreading to fields used for the production of forage*” whilst recognising ragwort’s importance “*as a native plant [which] is very important for wildlife in the UK.*” It does not appear that the spread of ragwort within the site poses any risk to livestock, so we support this enhancement.

We advise that the applicant considers Butterfly Conservation’s recent, succinct advice note on moths and light pollution² which contains a simple guide to minimising light spill and light pollution for homeowners to minimise impacts to moths.

OTHER ENHANCEMENTS, NEED FOR AN EEMP

An EEMP is of particular importance for this proposal because, without enhancements for biodiversity, the development will certainly result in a net loss of biodiversity. The NPPF (2023) states in paragraph 180 (d): “*Planning policies and decisions should contribute to and enhance the natural and local environment by ... minimising impacts on and providing*

¹ <https://assets.publishing.service.gov.uk/media/5cd93824e5274a38bf503d1d/code-of-practice-on-how-to-prevent-the-spread-of-ragwort.pdf>

² <https://butterfly-conservation.org/free-light-pollution-guide>

net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.”

Planning decisions often present the opportunity to deliver benefits for biodiversity, which can also be explored alongside the above measures to resolve potential adverse effects. The following enhancement measures, largely adapted from the submitted PEA (section 5.3) are recommended for inclusion within the EEMP, as requested from the applicant prior to construction works commencing:

- *Fences that permit dispersal of hedgehogs (staggered 13×13cm gaps in close boarded fences are demonstrated to aid hedgehog dispersal);*
- *Incorporation of a green roof onto the proposed flat roof of the property;*
- *Planting of a native hedgerow (already proposed for inclusion around much of the eastern site boundary);*
- *Details of native wildflower planting for Sussex emerald moths and other insects;*
- *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).*

Suggested condition wording to secure the above enhancements:

No development shall commence until an Ecological Enhancement Management Plan (EEMP) has been submitted to and approved in writing by the Local Planning Authority. The statement shall be based on the recommendations provided on 12/03/2024 by the Kent County Council Ecological Advice Service and shall provide detailed mitigation measures and ecological enhancements to be carried on site, together with a timetable for implementation. The development shall be carried out in accordance with the approved details.

Reason: To protect habitats and species identified in the ecological surveys from adverse impacts during construction.

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 Ecology Appraisal (David Archer Associates, Dec 2023)
- Site Location Plan (Hollaway, Nov 2023)
- Existing & Proposed Site Plans (Hollaway, Nov 2023)
- Existing Site Plan (Hollaway, Nov 2023)
- Proposed Site Plan (Ground Floor and Roof Plan) (Hollaway, Nov 2023)