Ecological Survey and Assessment for Hoath House Chiddingstone Hoath

On behalf of:

Mr Richard Streatfeild
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Hoath House
Chiddingstone Hoath
Edenbridge
Kent
TN8 7DB

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1) Summary

As part of a planning proposal (20/01304/FUL) involving the '*Temporary provision of 3 glamping pods and a semi-permanent marquee for weddings and events at Hoath House for 5 years'* at Hoath House, Chiddingstone Hoath, Edenbridge, Kent TN8 7DB, a site visit was conducted on 2nd July 2020 to determine whether the site had the potential to be occupied by protected species, which would be affected if any proposed development were to go ahead.

Photo 1: The marquee would be erected on the tennis court. Looking southwards

In March 2016, a survey supporting a planning application (16/00037/LBCALT and 16/00036/FUL) involving the construction of a new driveway, found no evidence of protected species at the site and concluded that: '*therefore it is considered that the proposal for this site will not have a detrimental effect on the local bat population, or on protected species*.'

There are no buildings or vegetation affected by the proposal that might offer potential roosting places for bats.

The site for the proposed marquee comprises a tennis court (hard, all weather surface) and those for the glamping pods are to be on levelled areas of short grass that are to be replanted with meadow grass. No trees or hedges are to be lost as a result of this proposal. Gravel drives to provide access to the marquee are already in place, and grass drives will lead to the

pods. If any hedge is to be trimmed, it is recommended that this takes place between November and the end of February to avoid the nesting season for birds.

Since there was no evidence of bats at the site, a European Protected Species Licence will **not** be required for this project.

There are no buildings or vegetation affected by the proposal that might offer potential roosting or nesting places for barn owls.

The site is bordered by grazed paddocks to the west and south; by the buildings of Hoath House to the east and by a road and woodland to the north. There is a short grass parking area to the south-east, and beyond the car park is a former orchard that is now maintained as a meadow. Hoath House has maintained lawns and gardens, with a network of gravel drives and hardstanding for parked cars. There are no features that might be attractive to basking by reptiles, and, with the site surrounded by grazed paddocks and maintained gardens, there is no suitable habitat nearby from which the site could be colonised by reptiles. Where potential habitat exists for reptiles as in the meadow, then the gardens, grass and gravel areas will act as a barrier to dispersal. A pond at the site had been dry since winter, and a second pond in dense woodland to the north was also dry. There was no suitable terrestrial dispersal habitat at the site for great crested newts.

There were no latrines or digging by badgers found at the site, or within 30m of its boundaries.

Although no evidence of bats was found, it is probable that bats from nearby roosts will forage over the site. This foraging behaviour would be expected to continue after the completion of the building work and therefore it is considered that the proposal for this site will not have a detrimental effect on the local bat population, or on protected species.

According to the latest guidance (December 2017) from CIEEM, the following is advised:

Very occasionally it might be possible to carry out a robust Preliminary Ecological Appraisal without obtaining LERC/NBDC/CEDaR data; this will usually only apply to low impact or small-scale projects (e.g. by virtue of size, extent, duration of works, magnitude and locality), and should be determined on a case-by-case basis. In all cases, the decision not to obtain these data should be justified in the report. The following is not intended to be an exhaustive list, but gives examples of the type of sites where such data might not be needed:

- **a field in active arable cultivation where there is no impact on any hedges, trees or waterbodies;**
- **small areas of cultivated garden/amenity grassland, as above; or**
- **small urban sites comprising mostly asphalt or compacted hardstanding.**

CIEEM (December 2017) Guidelines for Preliminary Ecological Appraisal, 2nd edition. Chartered Institute of Ecology and Environmental Management, Winchester.

The survey area just relates to the survey site. For the marquee, it is a tennis court bordered by maintained lawns, and glamping pods are to be sited on areas that are to be planted with

short grass. The pods will be on stilts of around 300m, with the area beneath offering potential denning areas for mammals. This is a low impact project that will have no impact on any designated sites.

It is understood that any safety lighting to enable access to the marquee will involve lighting pillars with illumination cowled downwards. There would be no lighting after midnight.

2) Introduction

Essex Mammal Surveys was requested to carry out a survey of a proposal site at Hoath House, Chiddingstone Hoath to investigate for signs indicating the presence of protected species. The identification of protected and priority species is vital in the proposed development of a site to comply with existing legislation and also allows any work that may otherwise be detrimental to these species to be appropriately scheduled.

The objectives of the survey were to:

- assess the habitats on the site (noting any Priority habitats) including the potential of the site to support protected species (bats, reptiles, water voles, great crested newts and badgers) or any other species that may act as a constraint on development eg Priority species (s41 NERC Act 2006)
- determine any impact of development on any wildlife of conservation concern within the area
- produce a strategy for avoiding, mitigating and compensating for any potential impacts identified with reasonable enhancements for biodiversity.

John Dobson, a bat worker and trainer licensed by Natural England (Licence No. 2015-15258-CLS-CLS), and author of *Mammals of Essex* (Essex Field Club, 2014) carried out the survey on 2nd July 2020. John Dobson has been elected a Fellow of the British Naturalists' Association and received the David Bellamy Award for natural history in 2015. The site is located at Grid Reference: TL491426.

This report has been compiled in accordance with the Bat Conservation Trust's *Bat Survey Guidelines for Professional Ecologists: Good Practice Guidelines.*

Ref: Collins, J. (ed.) (2016) Bat Surveys for Professional Ecologists: Good Practice Guidelines (3rd edn). The Bat Conservation Trust, London.

However, the first page of all three editions includes the following: *The guidelines should be interpreted and adapted on a case-by-case basis according to site-specific factors and the professional judgement of an experienced ecologist. Where examples are used in the guidelines, they are descriptive rather than prescriptive.*

John Dobson has extensive experience of barn owl nest sites and pellets, having collected pellets from a site at Canewdon for 24 consecutive months during 1995-1997. The data from this study formed part of the total of 6,950 pellets analysed for prey items, the results of which were published in *The Mammals of Essex* (Lopinga Books, Wimbish, 1999). Most recently, in September 2011, in the company of a licensed bird ringer, five barn owl nest sites

were visited on Foulness and 277 pellets recovered for analysis. The results of this research were published in the *Essex Naturalist* 2015. Pellets collected ranged from recent, black, shiny examples, through shades of grey to crumbling, dusty examples of greater age.

3) Legislation and planning policy relating to bats, badgers, barn owls, reptiles and NERC 2006 and s41 Priority species and habitats

All bat species in Britain are protected under the Wildlife and Countryside Act 1981 through inclusion on Schedule 5. They are also protected under the Conservation (Natural Habitats &c.) Regulations 1994 (which were issued under the European Communities Act 1972), through inclusion on Schedule 2. From January 31st 2020 these Regulations were consolidated into the Conservation of Habitats and Species (Amendment) (EU exit) Regulations 2019.

European protected animal species and their breeding sites or resting places are protected under Regulation 39. It is an offence for anyone to deliberately capture, injure or kill any such animal or to deliberately take or destroy their eggs. It is an offence to damage or destroy a breeding or resting place of such an animal. It is also an offence to have in one's possession or control, any live or dead European protected species.

The threshold above which a person will commit the offence of deliberately disturbing a wild animal of a European protected species has been raised. Now, a person will commit an offence only if he deliberately disturbs such animals in a way as to be likely significantly to affect (a) the ability of any significant groups of animals of that species to survive, breed, or rear or nurture their young, or (b) the local distribution of abundance of that species. However, please note that the existing offences under the Wildlife and Countryside Act (1981) as amended which cover obstruction of places used for shelter or protection (for example, a bat roost), disturbance and sale still apply to European protected species.

This legislation provides defences so that necessary operations may be carried out in places used by bats, provided the appropriate Statutory Nature Conservation Organisation (in England this is Natural England) is notified and allowed a reasonable time to advise on whether the proposed operation should be carried out and, if so, the approach to be used. The UK is a signatory to the Agreement on the Conservation of Bats in Europe, set up under the Bonn Convention. The Fundamental Obligations of Article III of this Agreement require the protection of all bats and their habitats, including the identification and protection from damage or disturbance of important feeding areas for bats.

Paragraph 98 of Circular 06/2005 states that '*the presence of a protected species is a material consideration when a planning authority is considering a development proposal that, if carried out, would be likely to result in harm to the species or its habitat*'.

Section 15 of the National Planning Policy Framework 2018 (NPPF) states that '*the planning system should contribute to and enhance the natural and local environment by ….minimising impacts on and providing net gains for biodiversity….*'

Since August 2007, building development that affects bats or their roosts needs a Protected Species Licence under The Conservation (Natural Habitats &c.) (Amendment) Regulations 2007 administered in England by Natural England.

Schedule 12, paragraph 13 of the CROW Act (2000) makes an offence under Section 9 of the Wildlife & Countryside Act (1981) an arrestable offence. As a result, the police gain additional power to aid the investigation and enforcement of the legislation protecting bats.

In relation to the badger, the Wildlife and Countryside Act (1981) and its subsequent amendment (1985) made it an offence to take, kill, injure or ill-treat a badger. The badger gained further protection under the auspices of The Protection of Badgers Act (1992) which consolidates all former protective legislation in relation to badgers, except their inclusion on Schedule 6 of the Wildlife and Countryside Act 1981.

Under the 1992 Act, the badger sett is protected against obstruction, destruction, and damage; furthermore the animal's access to and from the sett must not be impeded. It should be noted that the concept/definition of the sett extends beyond the main sett to include annexe, subsidiary and outlying setts. However, it must be noted that although the badger and its sett are protected (including access to the sett), the wider habitat and foraging ground is not.

With legal responsibilities and planning implications, it is essential that any ecological assessment of a potential development site, including the area of this report, must determine the possible presence or absence of any protected species as part of any planning development consideration.

Without this assessment the potential developer would be unable to demonstrate due diligence in his responsibilities. Furthermore the local planning authority would not have been provided with sufficient information for a planning decision to be made. This could result in the application being designated incomplete and not determined, or simply refused.

The barn owl is protected under Schedule 1 and Schedule 9 of the Wildlife and Countryside Act 1981. It is therefore an offence to injure, kill or capture the bird, to disturb nesting birds, to take eggs, and to release captive owls into the wild without a licence. The barn owl is also recognised by the UK Biodiversity Group as a "Species of Conservation Concern".

Reptiles such as common lizard, slowworm, grass snake or adder (the species recorded in Kent), are protected under Section 9 of the Wildlife & Countryside Act (1981) as amended. The legislation makes it illegal to deliberately or recklessly kill or injure any native reptile. This protection therefore requires that reasonable effort be made to avoid harm to reptiles during developments on land occupied by reptiles.

Priority species likely to be present and affected by this development and therefore require consideration are Common Toad and Hedgehog.

The site has no suitable habitat to support Harvest Mouse, Otter, Water Vole, Hazel Dormouse or White-clawed Crayfish.

4) Methods

4.1 Bats
There are no buildings or vegetation affected by the proposal that might offer potential roosting places for bats.

4.2 Badgers
The survey area (extending 30m beyond the site boundary) was investigated for evidence of badgers such as setts, well-worn paths, footprints, guard hairs caught on wire or vegetation and latrines.

4.3 Reptiles
The site was inspected for any feature that might support reptiles such as sheltered refuge features (e.g. logs, compost heaps) open sunny areas for basking and varied habitats such as rockeries and grassy areas for feeding.

4.4 Barn owls
There are no buildings or vegetation affected by the proposal that might offer potential roosting places for barn owls.

4.5 Priority species
Hedgehog and Common Toad are likely to be present as the adjacent garden habitat is compatible.

5) Results

5.1 Bats
There are no buildings or vegetation affected by the proposal that might offer potential roosting places for bats.

5.2 Badgers
There were no latrines or digging by badgers found at the site, or within 30m of its boundaries in those visible areas of neighbouring gardens.

5.3 Reptiles
The site is bordered by grazed paddocks to the west and south; by the buildings of Hoath House to the east and by a road and woodland to the north. There is a short grass parking area to the south-east, and beyond the car park is a former orchard that is now maintained as a meadow. Hoath House has maintained lawns and gardens, with a network of gravel drives and hardstanding for parked cars. There are no features that might be attractive to basking by reptiles, and, with the site surrounded by grazed paddocks and maintained gardens, there is no suitable habitat nearby from which the site could be colonised by reptiles. Where potential habitat exists for reptiles as in the meadow, then the gardens, grass and gravel areas will act as a barrier to dispersal. A pond at the site had been dry since winter, and a second pond in dense woodland to the north was also dry. There was no suitable terrestrial dispersal habitat at the site for great crested newts.

Photo 2: Looking northwards along the tennis court

Photo 3: Looking westwards. The trees are to be retained

Photo 4: The Yew and Box hedging screening the court are to be retained

Photo 5: Note extent of short grass to east of the tennis court

Photo 6: Area of short grass and drive at Hoath House

Photo 7: Note extent of short grass to the south of the court

Photo 8: The short grass car park to the south-east

Photo 9: Close-up of the grass car parking area

Photo 10: One of the pods will be amongst this group of trees

Photo 11: A second area for a pod is next to the western boundary

Photo 12: The third area for a pod is also next to the western boundary

Photo 13: The trees along the western boundary are to be retained

Photo 14: A pond at Hoath House has been dry since March

Photo 15: A shaded pond in woodland to the north was also dry

Photo 16: This area to the south-east is managed as a meadow

5.4 Barn owls
There are no buildings or vegetation affected by the proposal that might offer potential roosting places for barn owls.

5.5 Priority species
Both Hedgehog and Common Toad are likely to be present in the area.

6) Discussion

Bats are inquisitive, highly mobile animals, which constantly investigate their surroundings, evaluating good feeding areas and potential roosting opportunities. Where suitable habitat such as woodland, woodland edge or sheltered pasture occurs, bats will travel up to several kilometres to take advantage of this resource. To reach favoured sites, small bats will follow linear landscape features such as hedgerows, streams and lanes etc. The absence of such features can make an otherwise suitable site inaccessible to bats. In addition, new roosts will become established in such areas - examples being the rapid colonisation of artificial roost boxes placed in conifer forests or the occupation of new houses by nursery colonies of pipistrelle bats within a year or two of their completion.

Although no evidence of bats was found, it is probable that bats from nearby roosts will forage over the site and in the gardens of adjacent properties. This foraging behaviour would be expected to continue after the completion of the building work and therefore it is considered that the proposal for this site will not have a detrimental effect on the local bat population, or on protected species.

7) Review of existing records of bats in the area

The pipistrelle has recently been separated by DNA and sound analysis into two distinct species – the common and soprano pipistrelle.

TL491426	23 May 2011	Common pipistrelle recorded foraging
TL491426	23 May 2011	Soprano pipistrelle recorded foraging
TL491426	16 May 2012	Soprano pipistrelle recorded foraging
TL491426	16 May 2012	Common pipistrelle recorded foraging

8) Assessment of impacts

The site is covered by maintained lawns, gardens and a tennis court and has no Priority habitats. Given the garden habitat, it is possible that Hedgehog and Common Toad are present. It is therefore recommended that any trenches that may be dug are covered at night, or, if open, that sloping planks are left in the trench such that any mammals and amphibians are able to escape. All open trenches should be checked for mammals and amphibians each morning.

The site has no suitable habitat to support Harvest Mouse, Otter, Water Vole, Hazel Dormouse or White-clawed Crayfish.

9) Recommendations for reasonable biodiversity enhancements

1: It is recommended that the existing gaps along the site boundaries are retained to allow hedgehogs and common toads to forage across the site as, potentially, at present. However, if boundary fences are introduced, see below:

Photo 15: Hedgehog pathway at base of fence

Hedgehogs travel around **one mile** every night through our parks and gardens in their quest to find enough food and a mate. If you have an enclosed garden this can prevent hedgehogs from dispersing throughout their territory. It is now known that one of the main reasons why hedgehogs are declining in Britain is because our fences and walls are becoming more and more secure, reducing the amount of land available to them. Developers can make their life a little easier by removing the barriers within their control – for example, by making holes in or under our garden fences and walls for them to pass through.

A gap 13cm by 13cm is sufficient for any hedgehog to pass through. This will be too small for nearly all pets.

Alternatively:

- Remove a brick from the bottom of the wall
- Cut a small hole in your fence if there are no gaps
- Dig a channel underneath your wall, fence or gate

2: Four bird nesting boxes to be sited on trees at Hoath House.

3: A Hedgehog nesting box to be located along western boundary.

4: Two solitary bee hives to be sited at Hoath House.

A solitary beehive may be manufactured from durable FSC timber and provides valuable habitat for bees in modern gardens. It is designed specifically to attract non-swarming bees like the Red Mason Bee, Leafcutter Bee and other solitary bees which are naturally attracted to holes in wood. Attracting solitary bees to the garden is not only safe, but beneficial to pollination of flowers, fruit and vegetables.

Siting: Site in a visible warm place ideally oriented to face between southeast and south and to catch some sun. It is helpful to have soil nearby, and food sources such as flowers, orchards and fruit