



ECOLOGICAL ADVICE SERVICE

TO: *Claire Shearing*

FROM: *Luke Wallace*

DATE: *07 August 2020*

SUBJECT: *SE/19/05000/HYB / Fort Halstead, Halstead*

The following is provided by Kent County Council's Ecological Advice Service (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 whether sufficient and appropriate ecological information has been provided to assist in its determination. 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.

Our previous advice note (dated 28th November 2019) requested further information regarding the following:

- Badgers;
- Bats;
- Invasive Species;
- External Lighting;
- Ancient Woodland;
- Landscape and Ecological Management Plans (LEMP).

In response, an updated 'Framework Ecological Mitigation Strategy' (FEMS), along with a LEMP, have been provided which addresses our original concerns regarding ecology.

Detailed Phase and Outline Phase Mitigation Strategy

We are satisfied with the proposed mitigation measures (as discussed below), which have been proposed within the same document for both the detailed and outline application. However, for clarity and to allow appropriate conditions to be included with any decision notice, we advise that a separate detailed mitigation strategy is submitted for the full and outline planning application. We advise that the language within the detailed mitigation strategies must be absolute and commits to implementation of the mitigation measures, as

well as being reflected within the site plans. We are satisfied these measures can be secured via attached conditions if planning permission is granted.

Full application suggested condition wording:

Prior to commencement of works (including site clearance), a detailed mitigation strategy for the detailed phase of development will be submitted to, and approved by, the local planning authority. This will include the relevant proposals within the Framework Ecological Mitigation Strategy Rev A (Middlemarch Environmental May 2020).

For the remaining phases, we advise that the reserve matters applications should demonstrate adherence to the Outline FEMS, as agreed. However, to achieve this, we advise that along with the first reserve matters application, the Outline FEMS should be revised and submitted as a *detailed site-wide* mitigation strategy (i.e. contain more details than currently is within the outline FEMS). This site-wide mitigation strategy can then be updated with each subsequent reserve matters application.

Outline application suggested condition wording:

With the submission of the first reserve matters application, a detailed site-wide mitigation strategy will be submitted to, and approved by, the local planning authority. The strategy will incorporate the measures within the Framework Ecological Mitigation Strategy Rev A (Middlemarch Environmental May 2020).

Suggested condition wording for ensure subsequent applications accord with the agreed site-wide mitigation strategy:

With the submission of each reserve matters application, an updated detailed mitigation strategy will be provided. The strategy will accord with the details within the outline mitigation strategy, as agreed as part of condition X. The strategy will be adhered to thereafter.

Roosting Bats

As 13 buildings have been identified as having bat roosting potential, further surveys (and mitigation measures if necessary) must be undertaken prior to the commencement of any associated works. Any buildings which are being utilised by bats will need mitigation measures implemented under Natural England licence to facilitate development.

A European protected species mitigation (EPSM) licence will be required to carry out the proposed development due to the impacts upon roosting bats. The Conservation of Habitats and Species Regulations 2018 requires Sevenoaks District Council, the competent authority, to have regard to the requirements of the Habitats Directive in the exercise of their functions. As such, Sevenoaks District Council must consider whether it is likely that an EPSM Licence from Natural England will be granted, and in so doing must address the three tests when deciding whether to grant planning permission for the proposed development. The three tests can be found at the end of this advice note.

As tests 1 and 2 are planning considerations, we are only able to comment on test 3 (the favourable conservation status). As licences will not be issued prior to planning permission being granted, SDC must be satisfied that suitable mitigation can be achieved prior to determination.

Almost all bat species found in the previous surveys were 'crevice' dwelling species (Pipistrelles and Myotis sp.) and, therefore, providing replacement roost space is considered achievable at outline stage. We highlight that breeding Brown Long-eared bats (BLE) were found in building R64 during the 2018 survey and that a replacement roost would require a roof void of at least 2m in height by 5m in length.

Section 4.4.1 of the mitigation strategy states that:

- For roosts identified during further surveys that will subsequently be required to be destroyed, there is scope within the development to provide suitable replacement features;
- A purpose-built bat house (which could meet the area specification for a BLE bat roost) may be provisioned, and;
- Specific mitigation measures will be needed based on the results of updated bat surveys, details of which will be submitted to Natural England when applying for the licences.

As such, we advise that if the proposals are strictly implemented as required (subject to variation from Natural England), the favourable conservation status of bats can be maintained.

As bats are a primary concern regarding the buildings associated with the detailed application, we advise proposed mitigation measures for bats within this phase are incorporated into the detailed phase mitigation strategy (as above). This should include the results of any updated surveys.

For the outline application, we advise that updated detailed mitigation strategies should be submitted with each reserve matters application (as above).

Once operational, the impact of lighting on foraging and commuting bats must be considered. This is addressed in lighting section below.

Badgers

The survey work undertaken on site has identified one main sett (sett 1), one annex sett (sett 2), three subsidiary setts (setts 4, 5 and 6) and six outlier setts (setts 3, 7, 8, 9, 10 and 11), as labelled within the badger survey report. All setts are located within, or on, the main development site boundary, demonstrating the site's high value for badgers.

Sett monitoring in 2018 indicated that three setts (setts 1, 5 and 6) were in current use and 2020 updated surveys found there had been no significant change in the status of badgers on-site. As Badgers are a protected species, mitigation must be implemented in the construction phase of the development and consideration given to their foraging and commuting once operational.

Boundary vegetation, including the ancient woodland 15m buffer, will provide badgers with continued habitat connectivity around the site and operational phase measures, such as covering of/providing escape from excavations, have been proposed. Appropriate sett-specific (confidential) details have been provided, such as provision of access tunnels.

As such, we advise the proposed mitigation measures for badgers are appropriate and should be secured within the recommended site-wide and detailed mitigation strategies, as above.

Invasive Species

Both Rhododendron and Cotoneaster were identified on-site. These Schedule 9 species have the potential to be spread around during construction works and, therefore, contribute to a lowering of biodiversity if allowed to colonise new areas. Our previous advice note requested further information regarding locations and implementation of control.

The updated mitigation strategy has provided locations and confirmed that these measures will be implemented through the outline LEMP (and detailed LEMPs for subsequent phases of the development). As such, we advise no further information regarding invasive species is required.

The measures to control and monitor invasive species should be secured via the LEMP (discussed further on).

Lighting

There is a need to ensure that a sensitive external lighting plan is implemented within the development site (if granted). Lighting can be detrimental to biodiversity including commuting and foraging bats and badgers. Therefore, we advise that there is a need for the external lighting of the development to be designed in a way that negates a negative impact on biodiversity.

Our previous advice note advised that an outline lighting strategy is submitted prior to determination including outline principles and plan depicting the areas that are to be dark/have minimal lighting.

Further information has been provided regarding the development's external lighting impact. A map has been provided within the 'Summary Lighting Assessment', clearly showing expected positioning of external lighting, and associated light spill in lux levels. Efforts have been made to limit light spill and it is stated all lighting installation will comply with the respective Sevenoaks lighting policies. Additionally, as proposed within the bat mitigation details (and secured via Natural England licence), there will be no direct lighting on replacement bat roosts.

We are satisfied that the outline strategy for lighting is appropriate and can be secured via an attached condition.

Dormice

A 2018 survey found one dormouse in boundary vegetation to the south of the site, indicating the presence of an extant population of this protected species on-site. The site supports suitable nesting, hibernation, sheltering and foraging opportunities for dormouse and it is stated that the vast majority of suitable dormouse habitat on site is to be retained and/or enhanced as part of the development proposals. Areas of vegetation will be subject to reduction/removal so there is the potential for dormouse to be negatively impacted in the absence of mitigation measures.

The proposed mitigation measures for dormouse (for both the construction and operational phase) includes:

- Production of method statement agreed with Natural England when applying for the licence;
- Protective fencing around retained habitat (the majority of vegetation on-site);
- The provision of dormouse nest boxes in periphery vegetation (determined by a suitably qualified ecologist);
- A nest box monitoring scheme (monitored pre, during and post development);
- Habitat replacement, enhancement and retained/created habitat connectivity.
- Appropriate ongoing management of dormouse habitat (included with a Landscape and Ecological Management Plan (LEMP)).

A European protected species mitigation (EPSM) licence will be required to carry out the proposed development due to the impacts upon dormice. The Conservation of Habitats and Species Regulations 2018 requires Sevenoaks District Council, the competent authority, to have regard to the requirements of the Habitats Directive in the exercise of their functions. As such, Sevenoaks District Council must consider whether it is likely that an EPSM Licence from Natural England will be granted, and in so doing must address the three tests when deciding whether to grant planning permission for the proposed development. The three tests can be found at the end of this advice note.

As tests 1 and 2 are planning considerations, we are only able to comment on test 3 (the favourable conservation status).

We advise that the measures detailed in the mitigation strategy are appropriate to maintain the favourable conservation status of dormice on-site. Therefore, we advise that these measures are secured through the site-wide mitigation strategy condition (as above).

Habitats

Following the botanical surveys at Fort Halstead, the grassland and woodland on site appears in a similar condition as when previously surveyed by Waterman Group between 2006 and 2013. Deterioration in the condition of the habitats on-site was recorded during the previous surveys, and this trend has continued with further deterioration particularly noted within the unimproved calcareous grassland in the south of the site, through lack of suitable management. However, overall the site continues to support unimproved and semi-improved calcareous grassland, and ancient broad-leaved semi-natural woodland considered of district value. No protected plant species were observed during the suite of survey work but numerous indicator species for calcareous grassland and ancient woodland were observed, contributing to the overall diversity and value of the habitats on site.

We highlight that, under the NERC Act 2006, the local planning authority has a duty to maintain and enhance biodiversity.

Some grassland will be lost/impacted from this development but the FEMS states that the unimproved calcareous grassland will not be impact, as reflected in the submitted parameter plans. However, the FEMS states that other areas, such as the south-west of the development site, will become “...a species-rich wildflower grassland...” and existing calcareous grassland will be improved. The ongoing management of retained/created habitats will be implemented via a LEMP (discussed below).

As such, we are satisfied with these proposals and advise measures for grassland are secured through the LEMP (discussed below).

Invertebrates

A significant habitat for invertebrates is the short sward calcareous grassland (where several notable invertebrates were found). This habitat is being retained as part of the development and, as such, the most notable invertebrate species should not be displaced from the site as a result of development. Furthermore, as there are proposals to enhance habitats elsewhere on-site (grassland and woodland), it is considered that a separate invertebrate mitigation strategy is not required. We concur with this conclusion and advise the specific habitat enhancement proposals are stated within a LEMP (discussed below).

Amphibians

The nearest waterbodies are located c.470m away from the proposed works area and, therefore, it was considered unlikely that any amphibians will be encountered during the development works. As such, we are satisfied that specific mitigation measures for amphibians (most notably great crested newts) are not needed.

Management/Enhancements

The updated FEMS cites the use of the Defra Metric 2.0 to achieve biodiversity net-gain. Whilst we are supportive of the use of this metric, only a table of the results has been used within the strategy to demonstrate net-gain. The actual metric has not been included so we cannot confirm these calculations are correct.

The submitted information has detailed that the on-going management/enhancement of the retained/created habitats (and their associated monitoring) will be implemented via a Landscape Ecological Management Plan (LEMP). This includes control and monitoring of invasive species (as mentioned above) and management of the retained/created habitats.

We have reviewed the submitted outline LEMP which includes suitable enhancement proposals, management prescriptions and associated monitoring. We would add that, regarding tree safety work, all deadwood and reduced/felled trees should be retained on-site as deadwood habitat and control of 'weeds' should not be achieved via herbicide application.

To secure these measures, as proposed within the outline LEMP, for each reserve matter application, we advise that a condition is attached requiring the submission of a detailed LEMP for each stage (as proposed within the submitted documents). Suggested wording:

With the submission of each reserve matters application, a detailed Landscape and Ecological Management Plan will be provided to demonstrate accordance with the agreed Outline Landscape and Ecological Management Plan (Middlemarch Environmental June 2020).

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

Luke Wallace
Biodiversity Officer

This response was submitted following consideration of the following documents:

- *Framework Ecological Mitigation Strategy (Rev A). Middlemarch Environmental. May 2020.*
- *Outline Landscape and Ecological Management Plan. Middlemarch Environmental. June 2020.*
- *Summary Lighting Assessment. RoyalHaskoningDHV. May 2020.*