

Preliminary Ecological Appraisal

Marley Wood Yard
Marley Lane
Kingston
Kent
CT4 6JJ

20th May 2022



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This report has been prepared by

PJC Consultancy Ltd

on behalf of

Mr Steven Reeves

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EXECUTIVE SUMMARY

PJC Consultancy Ltd was commissioned by Mr Steven Reeves to provide a Preliminary Ecological Appraisal for a parcel of land at Marley Wood Yard, Marley Lane, Kingston, Kent. The purpose was to classify the habitats present, highlight the potential of the site to support protected species, and recommend suitable avoidance, mitigation, compensation and ecological enhancement measures where appropriate. When implemented successfully, these recommendations will ensure that the development proceeds in line with all relevant laws pertaining protected species and their habitats, as well as contributing to an increase in site biodiversity. This report has been produced in accordance with NPPF (2021) – more specifically *Chapter 15 'Conserving and Enhancing the Natural Environment'* as well as the Canterbury District Local Plan (Canterbury City Council, 2017).

Based on current proposals, the results of the Preliminary Ecological Appraisal can be summarised in the following table:

Protected Species/Habitats	Recommended Further Surveys	Avoidance and Mitigation
A parcel of ancient woodland and 'lowland mixed deciduous woodland' HPI (forming part of the Marley Wood complex) was located approximately 10m north of the Site.	None required.	In accordance with recognised government standing advice, it is recommended that no works associated with the proposed development be undertaken within a distance of no less than 15m from the ancient woodland edge and that works are undertaken in accordance with an arboricultural method statement. It is recommended that best practice methodologies in relation to noise and dust suppression and a strict pollution prevention protocol be adhered to during the construction phase of the proposed development to ensure that dust and particulate pollution and noise levels do not indirectly adversely impact the ancient woodland and the protected species it potentially supports.
The Site was identified as having some limited suitability to support commuting and foraging bats.	None required.	A sensitive lighting strategy for bats should be implemented during the construction and operational phase of the proposed development.
The Site was identified as having some limited potential to support nesting birds.	None required.	In the event that clearance works are undertaken within the nesting bird season (March to September inclusive), the cherry laurel stand must be inspected by an ecologist to determine the presence/absence of any nesting birds immediately prior to clearance.

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1 INTRODUCTION

1.1 INSTRUCTION

1.1.1 PJC Consultancy Ltd was commissioned by Mr Steven Reeves to provide a preliminary ecological appraisal (PEA) which includes an extended phase 1 habitat survey and a preliminary bat roost assessment (PBRA) of a parcel of land at Marley Wood Yard, Marley Lane, Kingston, Kent (hereafter referred to as the 'Site').

1.2 SURVEY OBJECTIVES

1.2.1 The aim of this PEA is to identify potential ecological constraints and opportunities associated with the Site by undertaking both an extended phase 1 habitat survey, ecological desk study and PBRA. The objectives were to:

- Identify the habitat types present on the Site;
- Identify the potential of the Site to support protected and notable habitats and/or species;
- Identify the potential of any trees and buildings within the Site to support roosting bats;
- Highlight known or potential legal or planning policy constraints in relation to ecology and recommend avoidance, mitigation and enhancement measures to satisfy legal and planning policy requirements where appropriate; and
- Identify, where necessary, the requirement for further survey.

1.3 SCOPE OF THIS REPORT

1.3.1 This PEA is only concerned with the habitats and features within the property boundaries of the Site, or in areas that have the potential to be affected by the proposed new development.

1.4 PROPOSAL

1.4.1 The current proposal is for the demolition of the existing living accommodation and construction of a larger detached single-storey residential dwelling with associated access, parking and gardens.

1.5 SITE DESCRIPTION

1.5.1 The Site is located immediately north of Marley Lane within the hamlet of Marley, approximately 8km south of the city of Canterbury, Kent (OS central grid reference: TR 1776 4979). The Site is bordered to the north, south and west by mature woodland and to the east by grassland. The Site is situated within a heavily rural landscape comprising a network of large woodland blocks, farmland and fields within the Kent Downs Area of Outstanding Natural Beauty. The location of the Site within its environs is presented in Appendix I.

1.6 LEGISLATION AND PLANNING POLICY

1.6.1 This PEA has been compiled with reference to relevant wildlife and countryside legislation, planning policy and the UK Biodiversity Framework. Their context and applicability is explained as appropriate in the relevant sections of the report and additional details are presented in Appendix II.

1.6.2 The key articles of relevance are:

- The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019;
- The Wildlife and Countryside Act 1981, as amended (WCA);
- The Countryside and Rights of Way (CRoW) Act 2000;
- The Natural Environment and Rural Communities (NERC) Act 2006;
- National Planning Policy Framework (NPPF) 2021 (Ministry of Housing, Communities and Local Government, 2021);
- The Protection of Badgers Act 1992;
- The UK Post-2010 Biodiversity Framework (2011–2020); and
- Canterbury District Local Plan (Canterbury City Council, 2017).

2 METHODOLOGY

2.1 DESK STUDY

2.1.1 Datasets from Natural England (MAGiC, 2022) were reviewed to identify the presence of UK statutory designated sites and notable habitats within the zone of influence, including woodlands listed on the ancient woodland inventory, habitats of principal importance (HPI) listed on the priority habitat inventory and statutory designated for their nature conservation value at the national scale such as sites of scientific interest (SSSI) and at the European and/or international scale namely: special areas of conservation (SACs), special protection areas (SPAs), and internationally designated wetland (Ramsar) sites. These sites collectively are hereafter referred to as 'European Sites'. Where measurements are included with the record, these provide the distance of the designated site from the closest point of the Site.

2.1.2 Data for sites within the zone of influence where European Protected Species Mitigation (EPSM) licences have been granted, were also reviewed. This information allows a greater understanding of the potential for European protected species to be present in the local area.

2.1.3 The zone of influence is the area over which ecological features, such as designated sites of nature conservation importance and protected and notable habitats and species, may be affected by the biophysical changes caused by the proposed development and associated activities. Due to the size of the Site and nature of the proposed development it is considered that a zone of 1km from the centre of the Site is appropriate for the gathering of information for the desk study.

2.2 EXTENDED PHASE 1 HABITAT SURVEY

2.2.1 An extended phase 1 habitat survey was undertaken on the 13th May 2022 by Thomas Knight BSc(Hons) MSc MCIEEM (Natural England class one bat and great crested newt licence holder) following the standard 'Phase 1 Habitat survey' auditing method developed by the Joint Nature Conservancy Council (JNCC, 2010) and extended to include consideration of protected species in accordance with good practice guidance for preliminary ecological appraisal (CIEEM, 2017). The Site was surveyed on foot and the existing habitats and land uses were recorded on an appropriately scaled map (Appendix III). In addition, the dominant plant species in each habitat were recorded, as were any evidence of protected and notable species. The potential for the Site to support protected and notable species was also assessed. Those ecological features not classified as a habitat are denoted using a target note.

2.3 PRELIMINARY BAT ROOST ASSESSMENT

2.3.1 All buildings and trees within and immediately adjacent the Site were also subject to a preliminary bat roost assessment (PBRA). The internal inspection of the buildings and ground inspection of trees was to assess potential roosting features (PRFs) such as those presented in Tables 1 and 2. The PBRA was undertaken in accordance with best practice survey standards (BCT, 2016).

Table 1: Features of trees commonly used by bats.

Features of trees used as bat roosts	Signs indicating possible use by bats
Natural holes. Woodpecker holes. Cracks/splits in major limbs. Loose bark. Hollows/cavities. Dense epicormic growth (bats may roost within it). Bird and bat boxes.	Tiny scratches around entry point. Staining around entry point. Bat droppings in, around or below entrance. Audible squeaking at dusk or in warm weather. Flies around entry point. Distinctive smell of bats. Smoothing of surfaces around cavity

Table 2: Features of buildings commonly used by bats.

Features of building or built structure	Signs indicating possible use by bats
Type of building. Age of building. Aspect of PRF. Wall construction – cavity walls or rubble-filled walls. Form of the roof – presence of gable ends, hipped roofs, nature and condition of the roof covering. Presence of hanging tiles, weather boarding or other forms of cladding. Nature of the eaves – sealed by a soffit or boxed eave and tightness of fit to exterior walls. Presence and condition of lead flashing. Gaps under eaves, around windows, under tiles, lead flashing. Presence and type of roof lining. Presence on roof insulation.	Tiny scratches around entry point. Staining around entry point. Bat droppings in, around or below entry point. Feeding remains below entry point. Cobweb free potential entry points. Audible squeaking at dusk or in warm weather. Flies around entry point. Distinctive smell of bats. Smoothing of surfaces around entry point.

2.3.2 The buildings and trees were assessed in accordance with the criteria listed above and assigned to one of five categories as listed in Table 3 below.

Table 3: Categorisation system for visual inspection of structures and trees.

Category	Description
Confirmed roost	Bats discovered roosting within structure or tree or recorded emerging from/entering structure or tree at dusk and/or dawn. Structure or tree found to contain conclusive evidence of occupation by bats, such as bat droppings. A confirmed record (as supplied by an established source such as the local bat group) would also apply to this category.
High potential	A structure or tree with one or more potential roost sites that are obviously suitable for use by larger numbers of bats on a more regular basis and potentially for longer periods of time due to their size, shelter, protection, conditions and

	surrounding habitat.
Moderate potential	A structure or tree with one or more potential roost sites that could be used by bats due to their size, shelter, protection, conditions and surrounding habitat but unlikely to support a roost of high conservation status.
Low potential	A structure with one or more potential roost sites that could be used by individual bats opportunistically. However, these potential roost sites do not provide enough space, shelter, protection, appropriate conditions and/or suitable surrounding habitat to be used on a regular basis or by larger numbers of bats. A tree of sufficient size and age to contain potential roost features but with none seen from the ground or features seen with only very limited roosting potential.
Negligible potential	A structure or tree with no features capable of supporting roosting bats.

2.4 SURVEY LIMITATIONS

- 2.4.1 The protected species assessment provides a preliminary view of the likelihood of protected species occurring on Site, based on the suitability of the habitat and any direct evidence on Site. It should not be taken as providing a full and definitive survey of any protected species group. Additional surveys may be recommended if, on the basis of this assessment it is considered reasonably likely that protected species may be present.
- 2.4.2 The habitats present, and their management are likely to change over time, thus the findings of the extended phase 1 habitat survey are only considered valid for a period of up to two years.
- 2.4.3 A full biological record centre desktop study was not undertaken as part of this assessment. This was not considered necessary given the limited scale of the proposed development, the nature of the on-site and surrounding habitats and limited potential for impacts to arise within or outside of the Site.
- 2.4.4 This report includes a preliminary assessment of likely impacts of a development project only. The primary audience for a PEA is the client or developer and relevant members of the project team, such as the architect, planning consultant, and landscape architect. It is normally produced to inform a developer (or other client), and their design team, about the key ecological constraints and opportunities associated with a project, possible mitigation requirements and any detailed further surveys required. Under normal circumstances, it is not considered appropriate to submit a PEA in support of a planning application because the scope of a PEA is unlikely to fully meet planning authority requirements in respect of biodiversity policy and implications for protected species. In most cases, particularly when further surveys have been recommended within the PEA, a more detailed and comprehensive Ecological Impact Assessment (EclA) should be submitted in support of a planning application instead.
- 2.4.5 This document has been prepared for the stated proposal (1.5.1) and should not be relied upon or used for any other project without an additional check being carried out by the author as to its suitability in relation to any updated proposals. PJC Consultancy accepts no responsibility or liability for the consequence of this document being used for a purpose

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3 RESULTS

3.1 DESK STUDY

Statutory Designated Sites

- 3.1.1 No statutory designated sites of nature conservation importance were identified within the zone of influence as part of the desk study.

Protected and Notable Habitats

- 3.1.2 Multiple parcels of ancient woodland listed on the ancient woodland inventory were identified within the zone of influence as part of the desk study, the nearest being Marley Wood situated approximately 10m north of the Site.

- 3.1.3 Multiple parcels of HPI listed on the priority habitat inventory were identified within the zone of influence as part of the desk study. These habitats included lowland calcareous grassland, broadly classified deciduous woodland and traditional orchard. The closest parcel of HPI was a parcel of broadly classified deciduous woodland (forming part of the Marley Wood complex) located approximately 10m north of the Site.

Protected and Notable Species

- 3.1.4 No EPSM licences granted in relation to protected species were identified within the zone of influence as part of the desk study.

3.2 EXTENDED PHASE 1 HABITAT SURVEY

- 3.2.1 Habitat descriptions are provided below in accordance with the relevant JNCC phase 1 habitat survey handbook code. The distribution of these are shown in Appendix III, together with Site photographs, which are presented in Appendix V.

Buildings (J3.6)

- 3.2.2 The Site comprised a single building. A full description of the building can be found in Table 4 below.

Bare ground (J4)

- 3.2.3 Narrow strips of bare ground were recorded across the Site. For the most part these areas of bare ground comprised bark mulch although a small number of common nettle *Urtica dioica* stands were beginning to establish.

Hardstanding (J5)

- 3.2.4 The majority of the Site forming the access and parking area was hardstanding comprised of compacted hardcore and gravel.

3.3 PRELIMINARY BAT ROOST ASSESSMENT

- 3.3.1 A description of the buildings and trees and any potential roosting features (PRF) are detailed in Tables 4 and 5 below:

Table 4: PBRA results of buildings within the Site.

B1
External Description
Large traditional summer house / shed style building which supported a slightly pitched felt-lined roof and wooden ship-lap cladded walls. Overall the building appeared to be well-sealed and in very good condition.
Evidence of Bats
None recorded at the time of the assessment.
Potential Roost Features
None recorded at the time of the assessment.
Potential to Support Roosting Bats
Negligible.

Table 5: PBRA results of trees within or immediately adjacent the Site.

T1
Description
Mature beech <i>Fagus sylvatica</i> located immediately north of the Site. The tree supported a large vertical cavity along the main trunk's western aspect. However, the cavity was very large, open and exposed to the elements, particularly water and wind ingress.
Evidence of Bats
None recorded at the time of the assessment.
Potential Roost Features
None recorded at the time of the assessment.
Potential to Support Roosting Bats
Negligible.

4 DISCUSSION AND RECOMMENDATIONS

4.1 STATUTORY DESIGNATED SITES

4.1.1 No statutory designated sites of nature conservation importance were identified within the zone of influence as part of the desk study. On this basis, no adverse impacts are anticipated on statutory designated sites and their qualifying criteria for designation as a result of the proposed development and are therefore not considered an ecological constraint and are not considered further in this report.

4.2 PROTECTED AND NOTABLE HABITATS

4.2.1 Multiple parcels of ancient woodland and HPI were identified within the zone of influence as part of the desk study, the nearest being Marley Wood, a parcel of ancient woodland and 'lowland mixed deciduous woodland' HPI, located approximately 10m north of the Site. The location of this parcel of ancient woodland and 'lowland mixed deciduous woodland' in respect to the Site is presented in Appendix IV.

4.2.2 The biodiversity value of ancient woodland and the importance in conserving it is outlined within the UK Government's vision that "*ancient woodlands, veteran trees and other native woodlands are adequately protected, sustainably managed in a wider landscape context, and are providing a wide range of social, environmental and economic benefits to society*". The presence of ancient woodland within the Site is a material consideration in the planning process. The National Planning Policy Framework states that "*planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss*".

4.2.3 The development proposals will be restricted to the existing building, hardstanding and bare ground footprint only. This report therefore assumes that no clearance of semi-natural habitat will be required, and that any areas within the Site required for material storage will be situated within areas of hardstanding and/or bare ground.

4.2.4 On this basis and given the existing use of the Site as an operational lumber yard and given the small-scale and low-impact nature of the development proposals, direct and indirect impacts resulting in the loss or deterioration of the ancient woodland are considered highly unlikely.

4.2.5 Despite the above, in accordance with recognised government standing advice, it is recommended that no works associated with the proposed development be undertaken within a distance of no less than 15m from the ancient woodland edge and that works are undertaken in accordance with an arboricultural method statement. This will likely include installing a temporary fenceline along the ancient woodland 15m buffer zone to protect the ancient woodland from disturbance and accidental encroachment. The supplementary planting of native trees and shrubs to encourage a more diverse and well-developed understorey within the ancient woodland buffer zone should also be incorporated into the design proposals as this will create an ecotone habitat that functions as a 'natural' buffer.

4.2.6 It is also recommended that best practice methodologies in relation to noise and dust suppression and a strict pollution prevention protocol be adhered to during the construction phase of the proposed development to ensure that dust and particulate pollution and noise levels do not indirectly adversely impact the ancient woodland and the protected species it potentially supports.

4.3 PROTECTED AND NOTABLE SPECIES

4.3.1 The Site was considered to provide some opportunity for protected and notable species. The suitability of habitat on Site to support species is considered below.

Bats

4.3.2 All bats are European protected species (EPS) and both individual animals and their roosts are afforded protection under the Conservation of Habitats and Species Regulations 2019 (as amended) and the Wildlife and Countryside Act, 1981 (as amended). Certain bat species are also listed as Species of Principal Importance (SPI) under the NERC Act 2006.

4.3.3 As part of the PBRA, building B1 within the Site and trees immediately adjacent the Site were identified as having negligible suitability to support roosting bats and therefore roosting bats are highly likely absent from the buildings and trees. Roosting bats are therefore not considered an ecological constraint and are not considered further in this report.

4.3.4 The Site was considered to provide limited suitable commuting and foraging habitat for bats given the absence of semi-natural habitat and given the large network of connected woodland adjacent the Site and within the wider landscape that also provides plentiful foraging and commuting opportunities for bats. On this basis, the proposed development is considered unlikely to result in the loss or degradation of bat foraging and commuting habitat or sever important commuting routes and obstruct access between potential bat roosts and important foraging habitats, providing the mitigation measures in relation to lighting described below are implemented during the construction and operational phase of the proposed development.

4.3.5 It is recommended that any new artificial lighting associated with the proposed development aims to:

- Use minimum light levels necessary. For example, there should be times throughout the evening (when bats are most active) when all outdoor security lights are unlit to avoid affecting bat activity. Lighting can also be installed using a timer or movement sensor to avoid long periods of an area being lit at night;
- Lighting should be a warm white spectrum and feature peak wavelengths higher than 550nm to lower the range of species affected by lighting. Using LED luminaires where possible and avoid luminaires with UV elements, specifically avoiding metal halide and fluorescent sources (Institute of Lighting Professionals, 2018); and
- Internal luminaires can be recessed where installed in proximity to windows to reduce glare (Institute of Lighting Professionals, 2018) and light spill and use hoods, louvres or other similar design features to avoid light spill and direct light away from areas of mature vegetation.

Hazel Dormice

- 4.3.6 Hazel dormice *Muscardinus avellanarius* are EPS and are afforded protection under the Conservation of Habitats and Species Regulations 2019 (as amended) and the Wildlife and Countryside Act, 1981 (as amended). Dormice are also listed as SPI under the NERC Act 2006.
- 4.3.7 Semi-natural habitat with potential to support dormice was largely absent from the Site.
- 4.3.8 On this basis, the Site was identified as having negligible potential to support dormice and are therefore not considered an ecological constraint and are not considered further in this report.

Great Crested Newts and other Amphibians

- 4.3.9 Great crested newts (GCN) *Triturus cristatus* are EPS and are afforded protection under the Conservation of Habitats and Species Regulations 2019 (as amended) and the Wildlife and Countryside Act, 1981 (as amended). GCN and common toad *Bufo bufo* are also listed as SPI under the NERC Act 2006.
- 4.3.10 No waterbodies were identified within the Site or within a 250m radius of the Site. In addition, suitable terrestrial habitat was largely absent from the Site.
- 4.3.11 Given the absence of suitable aquatic and terrestrial habitat, GCN are considered likely absent from the Site during both their aquatic and terrestrial lifecycle phases. The proposed development is therefore considered highly unlikely to result in the death or injury, or disturbance to GCN or result in the damage or destruction of a GCN breeding site or resting place. On this basis, GCN are not considered an ecological constraint and are not considered further in this report.

Reptiles

- 4.3.12 Native, widespread reptile species (common or viviparous lizard *Zootoca vivipara*, adder *Vipera berus*, grass snake *Natrix helvetica* and slow worm *Anguis fragilis*) are protected under Schedule 5 of The Wildlife and Countryside Act 1981 (as amended), making it an offence to kill or injure individual animals. All widespread reptile species are also listed as SPI under the NERC Act 2006.
- 4.3.13 Semi-natural habitat with potential to support reptiles was largely absent from the Site.
- 4.3.14 On this basis, reptiles are not considered an ecological constraint and are not considered further in this report.

Birds

- 4.3.15 All birds, their nests and eggs are protected from killing and injury of individuals, damage and destruction of nests and destruction of eggs under the Wildlife and Countryside Act 1981 (as amended). Species listed in Schedule 1 (Part 1) of the Act are also protected from disturbance whilst nesting or whilst with dependent young, by special penalties. Many bird species are also listed as SPI under the NERC Act 2006.

- 4.3.16 A small stand of cherry laurel *Prunus laurocerasus* recorded within the Site was considered to provide nesting and foraging opportunities to a wide range of common bird species.
- 4.3.17 Works associated with any proposed development of the Site, for example habitat clearance, could therefore result in direct adverse impacts on nesting birds. On this basis, nesting birds are therefore considered a potential ecological constraint. In order to comply with legislation protecting nesting birds the mitigation measures detailed below should be adhered to.
- 4.3.18 All suitable nesting habitat, notably the stand of cherry laurel, must be inspected by an ecologist to determine the presence/absence of any nesting birds prior to clearance. In the event of an active nest being identified, a temporary exclusion zone would need to be placed around the nest and development paused until the dependent young have fledged which may be several weeks. The ecologist will determine safe working distances and the distances will be dependent upon the bird species present.

Badgers

- 4.3.19 Badgers *Meles meles* and their setts are protected under The Badger Act (1992).
- 4.3.20 No evidence of badger field signs (for example hairs, latrines, dung pits, snuffle holes, mammal paths or scratching posts) or setts were recorded within the Site and within 30m of the Site boundaries during the survey.
- 4.3.21 On this basis, the proposed development is considered highly unlikely to result in the damage or destruction of a sett, or obstructing access to a sett, and disturbance to a badger whilst it is occupying a sett. Badgers are therefore not considered an ecological constraint and are not considered further in this report.

Other Mammal Species

- 4.3.22 Water voles *Arvicola amphibious* and their places of shelter are protected under the Wildlife and Countryside Act, 1981 (as amended) which makes it an offence to kill, injure or take any water vole, damage, destroy or obstruct access to any place of shelter or protection that the animals are using, or disturb voles while they are using such a place.
- 4.3.23 Otters *Lutra lutra* are protected under the Conservation of Habitats and Species Regulations (2019) as amended and under the Wildlife and Countryside Act, 1981 (as amended) which makes it an offence to kill, injure or capture an otter, intentionally or recklessly disturb otters; or to damage, destroy or intentionally or recklessly obstruct access to a holt or other resting places. Both water voles and otters are also listed as SPI under the NERC Act 2006.
- 4.3.24 No aquatic and very limited suitable terrestrial habitat was recorded within the Site and immediate surroundings.
- 4.3.25 On this basis the Site was identified as having negligible potential to support otter and water vole and are therefore not considered an ecological constraint and are not considered further in this report.

Invertebrates

- 4.3.26 A number of invertebrate species such as stag beetles *Lucanus cervus* are afforded protection under the Conservation of Habitats and Species Regulations 2019 (as amended) and under Schedule 5 of the Wildlife and Countryside Act, 1981 (as amended). Many invertebrate species including the stag beetle are also listed as SPI under the NERC Act 2006.
- 4.3.27 Overall the Site was considered to provide very limited opportunities for protected and notable invertebrate species given the absence of invertebrate microhabitats such as woodland, herb-rich grassland habitats and deadwood within the Site. Protected and notable invertebrate species are therefore not considered an ecological constraint and are not considered further in this report.

Plants

- 4.3.28 Wild plants are protected under the Wildlife and Countryside Act 1981 (as amended) which prohibits the unauthorised intentional uprooting of any wild plant species and forbids any picking, uprooting or destruction of plants listed on Schedule 8 of which there are over 150 species. In addition, nine plant species are afforded protection under the Conservation of Habitats and Species Regulations 2019 (as amended). Many plant species are also listed as SPI under the NERC Act 2006.
- 4.3.29 The habitats on Site were common and widespread and therefore provided limited potential to support protected and notable and rare plant species.
- 4.3.30 Section 14(1) of the Wildlife and Countryside Act 1981 (as amended) makes it illegal to plant or otherwise cause to grow in the wild any plant listed in Schedule 9 of the Act including Japanese knotweed *Fallopia japonica*.
- 4.3.31 No Schedule 9 non-native invasive plant species were recorded within the Site.
- 4.3.32 On this basis, protected and notable plants including non-native invasive plant species are not considered an ecological constraint and are not considered further in this report.

4.4 ECOLOGICAL ENHANCEMENTS

- 4.4.1 Under Section 40 of the NERC Act 2006 there is a duty to have regard to biodiversity conservation. In addition, the National Planning Policy Framework (2021) and the Canterbury District Local Plan (Canterbury City Council, 2017) encourages ecological enhancement to be integrated into development projects in order to achieve an overall net-gain in biodiversity. With this in mind the following ecological enhancement measures will be incorporated into the development proposals:
- Incorporation of at least one artificial bat bricks or bat tubes (i.e. Schwegler 1FR and 2FR bat tubes and Schwegler 1GS bat brick or similar) into the new building to increase the roosting opportunities for bats. Any artificial roosting features should be placed between 3m and 6m above ground in a variety of locations at slightly different heights and preferably positioned facing a southerly or southeasterly direction.
 - Incorporation of at least one bird nest box into the new building to increase nesting opportunities for many bird species. Given their designation as SPI, particular

consideration should be given to installing house sparrow (i.e. Schwegler 1SP or similar) and starling (i.e. Schwegler 3S or similar) nest boxes.

Biodiversity Net Gain

- 4.4.2 Biodiversity Net Gain is an approach to development that leaves biodiversity in a better state than before. The UK government's 25-year environment plan is focused on achieving Biodiversity Net Gain through development and the new Environment Bill will mandate a measurable 10% Biodiversity Net Gain for most new developments in England.
- 4.4.3 The enhancement recommendations detailed above provide a qualitative opinion-based assessment of how the development can achieve an overall net gain in biodiversity.
- 4.4.4 Biodiversity Net Gain is a move away from an opinion-based assessment to a more quantitative, measurable and transparent based assessment using the DEFRA biodiversity metric tool to quantify biodiversity losses and gains in terms of 'biodiversity units'. The DEFRA biodiversity metric tool can be used to calculate the ecological baseline value of a site pre-development and the predicted ecological value of a site post-development using detailed design proposals.
- 4.4.5 The NPPF (2021) sets out the Government's planning policies for England and places a responsibility on local planning authorities to identify and pursue opportunities for securing measurable gains for biodiversity when determining planning applications, likely through planning policies and decisions.
- 4.4.6 Please note that a detailed Biodiversity Net Gain assessment is not included as part of this PEA report, and that some local planning authorities have already adopted internal policies requiring new developments to deliver Biodiversity Net Gain as part of the planning process. It is likely that Biodiversity Net Gain will soon be adopted by all local planning authorities in England over the coming months.

5 REFERENCES

British Standards Institution (2013). Biodiversity. Code of practice for planning and development: 42020. BSI, London.

Canterbury City Council (2007). Canterbury District Local Plan [online] Available from: <https://drive.google.com/file/d/1y79dCYQJB3UOXJu0Db0qMvSuNPhvm-Hm/view> [Accessed 16.05.2022].

Chartered Institute for Ecology and Environmental Management (2017). Guidelines for Preliminary Ecological Appraisal. CIEEM.

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

Institute of Lighting Professionals (2018). Guidance Note 08/18. Bats and Artificial Lighting in the UK: Bats and the Built Environment Series [online] Available from: <https://www.theilp.org.uk/documents/guidance-note-8-bats-and-artificial-lighting/> [Accessed 16.05.2022].

JNCC (2010). Handbook for Phase 1 Habitat Survey – A Technique for Environmental Audit. England Field Unit, Nature Conservancy Council. Reprinted by Joint Nature Conservation Committee, Peterborough.

Ministry of Housing, Communities and Local Government (2021) National Planning Policy Framework (NPPF) [online] Available from: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF_July_2021.pdf [Accessed 16.05.2022].

Multi-Agency Geographic Information for the Countryside (MAGIC) (2022). MAGIC. Natural England, Leeds. [online]. Available from: <http://magic.defra.gov.uk/home.html> [Accessed 16.05.2022].

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Date: 20/05/2022

6 APPENDICES

APPENDIX I: SITE LOCATION PLAN



LEGEND:

— Site Boundary

STATUS: FOR INFORMATION ONLY



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W: <https://www.pjcconsultancy.com>

CLIENT: Mr Steven Reeves

PROJECT: Marley Wood Yard
Marley Lane
Kingston

TITLE:

Site Location Plan

SCALE AT A4:	DRAWN:	APPROVED:
1:1000	TK	TK

PROJECTION:	DATE:	DATE:
EPSG:3857	18/05/22	18/05/22

DRAWING No.: P/JC/4861E/22/A/IV/1

APPENDIX II: LEGISLATION AND PLANNING POLICY

Legislation

The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019

The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 is the UK transposition of the European Council Directive on the Conservation of Natural Habitats and of Wild Flora and Fauna, 1992, or the 'Habitats Directive'. The directive provides protection of key habitats and species of European importance. Those key habitats and species are listed in Annexes II and IV of the directive.

Those species protected under the regulations and most likely encountered during development include:

- All bat species
- Hazel dormouse
- Great crested newt
- Common otter

The Wildlife and Countryside Act 1981 (as amended)

The Wildlife and Countryside Act 1981 (as amended) is the primary legislation for the protection of wildlife in Great Britain. This legislation is the means by which the Convention on the Conservation of European Wildlife and Natural Habitats (the 'Bern Convention') and the European Union Directives on the Conservation of Wild Birds (79/409/EEC) and Natural Habitats and Wild Fauna and Flora (92/43/FFC) are implemented in Great Britain. All breeding birds, their nests, eggs and young are protected under the Act, which makes it illegal to knowingly destroy or disturb the nest site during nesting season. Schedules 1, 5 and 8 afford protection to individual birds, other animals and plants respectively. The Countryside and Rights of Way (CRoW) Act 2000 makes it an offence to 'recklessly' disturb a protected animal whilst it is using a place of rest or shelter or breeding/nest site

Those species protected under the act and most likely encountered during development include:

- All bat species
- All nesting birds
- Hazel dormouse
- Great crested newt
- Common otter
- Water vole
- All native reptile species
- White-clawed crayfish

The Protection of Badgers Act 1992

The Protection of Badgers Act 1992 consolidates and strengthens previous legislation (including the Badgers (Further Protection) Act 1991). Under the act, it is an offence to:

- Wilfully kill, injure or take a badger (or attempt to do so).
- Cruelly ill-treat a badger.
- Dig for a badger.
- Intentionally or recklessly damage or destroy a badger sett, or obstruct access to it.
- Cause a dog to enter a badger sett.

- Disturb a badger when it is occupying a sett.

The Natural Environment and Rural Communities Act (NERC) 2006

Section 40 of the Act requires all public bodies to have regard to biodiversity conservation when carrying out their functions. This is commonly referred to as the 'biodiversity duty'. Section 41 of the Act provides a list of habitats and species, which are of 'principal importance for the conservation of biodiversity.' This list aids decision makers such as public bodies in implementing their duty under Section 40 of the Act. Under the Act these habitats and species are regarded as a material consideration in determining planning applications.

Hedgerows Regulations 1997

These regulations were produced to protect important countryside hedges from removal. The regulations only cover hedgerows that are at least 20m long or, if shorter, connected to other hedgerows at both ends or part of a longer hedgerow. They must be in or adjacent to common land, village greens, site of special scientific interest, local nature reserves, or land used for agriculture, forestry or breeding or keeping of horses, ponies or donkeys.

Wild Mammals (Protection) Act 1996

All wild mammals are protected against intentional acts of cruelty under the above legislation. This makes it an offence to mutilate, kick, beat, nail or otherwise impale, stab, burn, stone, crush, drown, drag or asphyxiate any wild mammal with intent to inflict unnecessary suffering.

This legislation is of relevance when undertaking works with potential to affect wild mammals e.g. works near burrows, warrens or dens, regardless of other legislative protection.

Species and Habitat Specific Legislation

Plants

Wild plants are protected under Section 13 of the Wildlife and Countryside Act 1981 (as amended). It prohibits the unauthorised intentional uprooting of any wild plant species and forbids any picking, uprooting or destruction of plants listed on Schedule 8 of which there are over 150.

The Conservation of Habitats and Species Regulations 2019 (as amended) have nine plants listed within Annex IV these are; creeping marshwort *Apium repens*, early gentian *Gentianella anglica*, fen orchid *Liparis loeselii*, floating-leaved water plantain *Luronium natans*, killamey fern *Trichomanes speciosum*, lady's slipper *Cypripedium calceolus*, shore dock *Rumex rupestris*, slender naiad *Najas flexilis*, and yellow marsh saxifrage *Saxifraga hirculus*. It is an offence to deliberately pick, collect cut, uproot or destroy any protected plant, or keep, transport, sell, or exchange, any live or dead such plant species, this applies to all stages of its life cycle.

Invasive Species

Schedule 9, Section 14 of the Wildlife and Countryside Act (1981, as amended) prohibits the introduction into the wild of any species that is not ordinarily resident in and is not a

regular visitor to Great Britain in a wild state, or any species of the 69 plants listed on Schedule 9.

The frequently encountered invasive species within proposed development sites include floating pennywort *Hydrocotyle ranunculoides*, giant hogweed *Heracleum mantegazzianum*, Himalayan balsam *Impatiens glandulifera*, Japanese knotweed *Fallopia japonica*, New Zealand pygmyweed *Crassula helmsii*, rhododendron *Rhododendron ponticum* and certain hybrids of the above, some species may be native yet are listed for conservation purposes.

Plant or soil material contaminated by Japanese knotweed that is to be discarded is considered to be a 'controlled waste' under the Environmental Protection Act 1990 (EPA 1990). It is an offence to deposit, treat, keep, or dispose of controlled waste without a licence. Furthermore, knotweed that has been cut down and removed must be received by an authorised person to be disposed of correctly. A licence can be obtained from the Environment Agency (EA). The release or planting of a listed species in the wild can be permitted under a licence granted by the relevant statutory body.

Invertebrates

A number of invertebrates such as silver studded blue butterfly *Plebejus argus*, stag beetles *Lucanus cervus* and white letter hairstreak *Stymondia w-album* are fully protected under Schedule 5 of the Wildlife and Countryside Act (1981, as amended). This legislation makes it illegal to intentionally kill, injure, or take a protected invertebrate, or to damage, destroy, or obstruct access to any structure or place used for shelter or protection by such a species; and disturb any protected species occupying such a structure or place.

Three invertebrates are listed under Schedule 2 of the Conservation of Habitats and Species Regulations 2019, fisher's estuarine moth *Gortyna borellii lunata*, the large blue butterfly *Maculinea arion* and lesser whirlpool ram's-horn snail *Anisus vorticulus*. It is an offence deliberately to kill, capture, or disturb a listed species, or to damage or destroy the breeding site or resting place of such an animal.

Amphibians

There are four widespread amphibian species, common frog *Rana temporaria*, common toad *Bufo bufo*, palmate newt *Lissotriton helveticus* and smooth newt *Lissotriton vulgaris*. All of the four widespread species receive partial protection under Schedule 5 of the Wildlife and Countryside Act (1981, as amended) making it an offence to offer them for sale or trade.

Great crested newts *Triturus cristatus* and natterjack toads *Epidalea calamita* are fully protected under Schedule 5 (in respect of section 9(4)(b) and (c) and (5) only) of the Wildlife and Countryside Act (1981, as amended) and the Conservation of Habitats and Species Regulations 2019. Reintroduced populations of 'native' pool frogs *Pelophylax lessonae* also receive the same protection. It is illegal to possess a protected species (alive or dead), deliberately capture, injure or kill, to intentionally or recklessly disturb, or to deliberately take or destroy the eggs of these protected species. It is also illegal to damage, destroy or intentionally or recklessly obstruct access to breeding or resting place used by these protected species'. All life stages of each species' are afforded the same level of protection.

In order to undertake any activity, which would, otherwise result in any of the above offences being committed, it may be necessary to obtain a European Protected Species (EPS) licence from the relevant statutory body (Natural England (NE), Countryside Council for Wales (CCW) or Scottish Natural Heritage (SNH)). It is possible to undertake surveys which would otherwise involve unlawful acts, such as disturbance, by obtaining a survey licence which provides authorisation for scientific and educational purposes

Reptiles

The four common reptile species, adder *Vipera berus*, grass snake *Natrix helvetica*, common lizard *Zootoca vivipara* and slow worm *Anguis fragilis* are protected under Schedule 5 of the Wildlife and Countryside Act (1981, as amended) against deliberate and/or intentional killing, injuring and trade.

If common reptile species are found to be present or considered potentially present within a proposed development site. To ensure that no subsequent offence will be committed a precautionary method of working (written by a suitably qualified ecologist) and submitted to the relevant authority may be required to enable works to proceed with limited risks of offences being caused.

Birds

All birds, their nests and eggs are protected by the Wildlife and Countryside Act (1981, as amended). It is an offence to intentionally kill, injure, or take any wild bird, or take or destroy an egg of any wild bird. It is also an offence to damage or destroy the nest of any wild bird (whilst being built, or in use). Therefore, clearance of vegetation within the site boundary, or immediately adjacent to the site during the nesting season could result in an offence occurring under the Act. The bird breeding season can be taken to run between the 1 February and 31 August and is subject to geographical and seasonal factors. There are 79 species of birds listed under Schedule 1 of the Wildlife and Countryside Act 1981 (as amended). It is an offence to intentionally or recklessly disturb any wild bird listed on Schedule 1 while it is nest building, or at a nest containing eggs or young, or disturb the dependent young of such a bird.

Barn owls *Tyto alba* are given the highest level of legal protection possible under Schedule 1 of the Wildlife and Countryside Act 1981. It is therefore illegal to kill, injure or take a barn owl, or to take or destroy its eggs. It is also illegal to intentionally or recklessly take, damage, or destroy the nest of any wild bird while it is in use or being built, release or allow the escape of a barn owl into the wild or possess any bird (dead or alive) or part of bird without a licence which is obtainable through the country agencies (EN, SNH, and CCW).

Badgers

Badgers *Meles meles* are protected under the Protection of Badgers Act (1992) and the Wildlife and Countryside Act (1981, as amended). As such it is an offence to wilfully take, kill, injure or ill-treat a badger, or possess a dead badger or any part of a badger. Under the Act their setts are also protected against obstruction, destruction, or damage in any part.

Sett interference includes damaging or destroying a sett, obstructing access to a sett, and disturbing a badger whilst it is occupying a sett. The Act defines a badger sett as 'any

structure or place, which displays signs indicating the current use by a badger' and Natural England takes this definition to include seasonally used setts.

Work that may disturb badgers or their setts is illegal without a development licence from the relevant statutory body (NE, CCW, SNH). As a precautionary principle, a buffer distance between a badger sett and the works will be determined, based upon guidance from an appropriately experienced ecologist. This buffer distance should be based upon the size and activity levels at the sett, the topography between the sett and the works and the nature of the works.

Bats

All native UK bat species are fully protected by UK law under Schedule 5 (in respect of section 9(4)(b) and (c) and (5) only) and Schedule 6 of the Wildlife and Countryside Act (1981, as amended), and under Schedule 2 of the Conservation of Habitats and Species Regulations 2019. It is illegal to deliberately capture, injure or kill a bat or to intentionally or recklessly disturb bats. It is also illegal to damage, destroy or intentionally or recklessly obstruct access to a breeding or resting place used by a bat.

Any activity that would result in a contravention of the above legislation would likely require an EPS licence from the relevant statutory body (NE, CCW or SNH). Works or mitigation activities involving interference with bats or bat shelters must be carried out by a licensed bat worker.

Dormice

Dormice *Muscardinus avellanarius* are protected under Schedule 5 (in respect of section 9(4)(b) and (c) and (5) only) of the Wildlife and Countryside Act (1981, as amended) and are listed in Schedule 2 of the Conservation of Habitats and Species Regulations 2019. Under the current legislation it is illegal to intentionally or deliberately kill, injure or capture dormice, deliberately disturb dormice (whether in a nest or not); or to damage, or destroy dormouse breeding sites or resting places.

Any activity that would result in a contravention of the above legislation would likely require an EPS licence from the relevant statutory body (NE, CCW or SNH).

Otters

The otter *Lutra lutra* is fully protected under Schedule 5 (in respect of section 9(4)(b) and (c) and (5) only) of the Wildlife and Countryside Act (1981, as amended) and are listed under Schedule 2 of the Conservation of Habitats and Species Regulations 2019. It is therefore illegal to deliberately capture, injure or kill an otter, possess an otter (dead or alive), or any other part of an otter, or intentionally or recklessly disturb otters. It is also illegal to damage, destroy or intentionally or recklessly obstruct access to a holt or other resting place used by an otter.

Any activity that would result in a contravention of the above legislation would likely require an EPS licence from the relevant statutory body (NE, CCW or SNH).

Water voles

Water voles *Arvicola amphibious* are protected under Schedule 5 of the Wildlife and Countryside Act (1981, as amended). It is an offence to possess, control or sell water

voles or to intentionally kill, injure or take water voles. It is also an offence to intentionally or recklessly damage, destroy or obstruct access to a place that water voles use for shelter or protection or disturb water voles whilst using such a place.

A licence is required for catching/handling water voles, or for field surveys that are intrusive or disturbing where the surveyor suspects water voles are present. A licence can be obtained by applying to the relevant statutory body (NE, SNH, and CCW,). Please note that the legislation does not permit licences to be issued in relation to development of land.

Biodiversity Policies

National Planning Policy Framework (NPPF) 2021

Published in 2021 the NPPF sets out the Government's planning policies for England and how these are expected to be applied by local authorities. It replaces all the Planning Policy Statements and Guidance (PPSs and PPGs). The NPPF emphasises the need for sustainable development, whilst specifying the need for protection of designated sites and priority habitats and priority species (as listed in section 41 of the Natural Environment and Rural Communities (NERC) Act 2006). Paragraph 174 of The National Planning Policy Framework (NPPF) states:

“Planning policies and decisions should contribute to and enhance the natural and local environment by:

- a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
- b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;
- c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;
- d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;
- e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and
- f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.”

Paragraph 179 states that “to protect and enhance biodiversity and geodiversity, plans should:

- a) Identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity; wildlife corridors and stepping

- stones that connect them; and areas identified by national and local partnerships for habitat management, enhancement, restoration or creation; and
- b) promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.”

Furthermore, paragraph 185 states that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:

- a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
- b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;
- c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and
- d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

Paragraph 181 states:

“The following should be given the same protection as habitats sites:

- a) potential Special Protection Areas and possible Special Areas of Conservation;
- b) listed or proposed Ramsar sites; and
- c) sites identified, or required, as compensatory measures for adverse effects on habitats sites, potential Special Protection Areas, possible Special Areas of Conservation, and listed or proposed Ramsar sites.”

Paragraph 182 states:

“The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.”

The UK Biodiversity Framework (2011–2020).

The UK Biodiversity Framework is an important framework that is owned, governed and implemented by the four UK countries, assisted by Defra and JNCC in their UK co-ordination capacities. Although differing in details and approach, the four UK countries have published strategies which promote the same principles and address the same global targets: joining-up our approach to biodiversity across sectors; and identifying, valuing and protecting our ‘Natural Capital’ to protect national well-being now and in the future. This

new framework has been developed to enhance the recovery of priority habitats and species in England (published under section 41 of the NERC Act 2006), thereby contributing to the delivery of the England Biodiversity Strategy. The framework has been developed and endorsed by the England Biodiversity Group and wider partnership. It is the starting point for a more integrated approach to biodiversity conservation in England, building on the strengths of the former UK Biodiversity Action Plan (BAP) process and improving those areas where insufficient progress was being made.

Canterbury District Local Plan

The Canterbury District Local Plan (Canterbury City Council, 2017) sets out the relevant policies for the control of development with regards to the natural environment and biodiversity.

Policy LB5 Sites of International Conservation Importance

Sites of international nature conservation importance must receive the highest levels of protection. No development will be permitted which may have an adverse effect on the integrity of an SAC, SPA or Ramsar site, alone or in combination with other plans or projects, as it would not be in accordance with the Habitat Regulations 2010 (as amended) and the aims and objectives of this Local Plan. Where a plan or project's effects on a SAC, SPA or Ramsar site, alone or in combination, cannot be screened out during Habitat Regulations Assessment as not likely to be significant, an Appropriate Assessment in line with the Habitats Regulations 2010 (as amended) will be required.

Any development (plan or project) considered likely to have a significant effect on a SAC, SPA or Ramsar site will need early consultation with Canterbury City Council and any other appropriate Statutory Consultee or authority as to the likely impacts and to identify appropriate mitigation as necessary. Where mitigation measures are agreed by the City Council, the development will be required to fund and/or implement such mitigation measures. Any residual impacts may still require in-combination assessment.

In the event that the City Council is unable to conclude that there will be no adverse effect on the integrity of any internationally designated site, the plan, or project will be refused unless the tests of no alternative sites and the imperative reasons of overriding public interest in accordance with Regulation 62 of the Habitats Regulations 2010 (as amended) are proven.

Policy LB6 Sites of Special Scientific Interest

Planning permission will not normally be granted for development which would materially harm the scientific or nature conservation interest, either directly, indirectly or cumulatively, of sites designated as a Site of Special Scientific Interest (SSSI), National Nature Reserve (NNR) and Marine Conservation Zones (MCZ) for their nature conservation, geological, or geomorphological value. Support will be given for enhancement.

Development that affects a Site of Special Scientific Interest or associated National Nature Reserve will only be permitted where an appraisal prepared by an appropriate specialist has demonstrated that:

- a) The objectives and features of the designated area and overall integrity of the area would not be compromised, or
- b) Any adverse effects on the qualities for which the area has been designated which cannot be avoided (through locating on an alternative site with less harmful impacts) or adequately mitigated, are clearly outweighed by social or economic benefits of national importance and a compensatory site of at least equal value is proposed.

Enhancement measures are required to accompany any development proposal in order to ensure ongoing benefits for biodiversity.

Policy LB7 Locally Designated Sites

Development or land-use changes likely to have an adverse effect, either directly or indirectly, on:

- a) Local Wildlife Sites;
- b) Local Nature Reserves; or
- c) Regionally Important Geological / Geomorphological Sites

will be permitted if the justification for the proposals clearly outweighs any harm to the intrinsic nature conservation and/or scientific value of the site. Where development is permitted on such sites, careful site design should be used to avoid any negative impact. Where negative impact is unavoidable, measures should be taken to ensure that the impacts of the development on valued natural features and wildlife have been mitigated to their fullest practical extent. Where mitigation alone is not sufficient, adequate compensatory habitat enhancement or creation schemes will be required. Any application affecting locally important sites will be expected to demonstrate enhancement measures to benefit biodiversity.

Policy LB9 Protection, Mitigation, Enhancement and Increased Connectivity for Species and Habitats of Principal Importance

All development should avoid a net loss of biodiversity/nature conservation value and actively pursue opportunities to achieve a net gain, particularly where:

1. There are wildlife habitats/species identified as Species or Habitats of Principal Importance;
2. There are habitats/species that are protected under wildlife legislation;
3. The site forms a link between or buffer to designated wildlife sites.

This will be secured by:

- a) Ensuring that a development site evaluation is undertaken to establish the nature conservation value of the proposed development site. Developers will be expected to carry out appropriate ecological survey/s and present outline proposals for mitigation and enhancement prior to the determination of a planning application. Planning permission will be granted where the City Council is satisfied that the avoidance and mitigation measures proposed can give an effective means to conserve, enhance the habitat or species and represent an appropriate response to the habitat or species

interest of the site. Where on-site mitigation is not possible, as a last resort, compensatory habitat enhancement, creation schemes or other measures will be required to ensure that the impacts of the development on valued natural features and wildlife have been offset to their fullest practical extent. In some cases, where wildlife impacts are significant, it may be necessary to find an alternative location for the development. If a suitable location cannot be found the application may be refused. For European protected species, planning permission will only be granted where the three tests set out in the Habitats Regulations 2010 (as amended) are satisfied.

- b) Delivering positive opportunities for habitat restoration and creation through the development process: identifying, safeguarding and managing existing and potential land (or landscape features of major importance for wild flora and fauna) for nature conservation as part of development proposals, particularly where a connected series of sites can be achieved.

Development which may harm (either directly or indirectly) Habitats or Species of Principal Importance will be permitted if:

- There are no reasonable alternatives and there are clear demonstrable social or economic benefits of the development which clearly outweigh the need to safeguard the site or species; and
- Adequate mitigation, compensation and enhancement measures are scheduled in advance of development, when damage to biodiversity interests are unavoidable.
- Over the long term the mitigation area is secured, to ensure that the site is protected against future development.
- The management of the habitats and funding for its implementation are provided by the applicant to ensure the habitats or populations of species are conserved and enhanced in the long term.

The full implementation of the mitigation measures must be secured as part of any planning permission.

Policy LB10 Trees, Hedgerows and Woodland

Development should be designed to retain trees, hedgerows and woodland that make an important contribution to the amenity of the site and the surrounding area and which are important to wild flora and fauna. New development should incorporate trees in areas of appropriate landscape character, to help restore and enhance degraded landscapes, screen noise and pollution, provide recreational opportunities, help mitigate climate change and contribute to floodplain management. The value and character of woodland and hedgerow networks should be maintained and enhanced, particularly where this would improve the landscape, biodiversity or link existing woodland habitats. This will be achieved by:

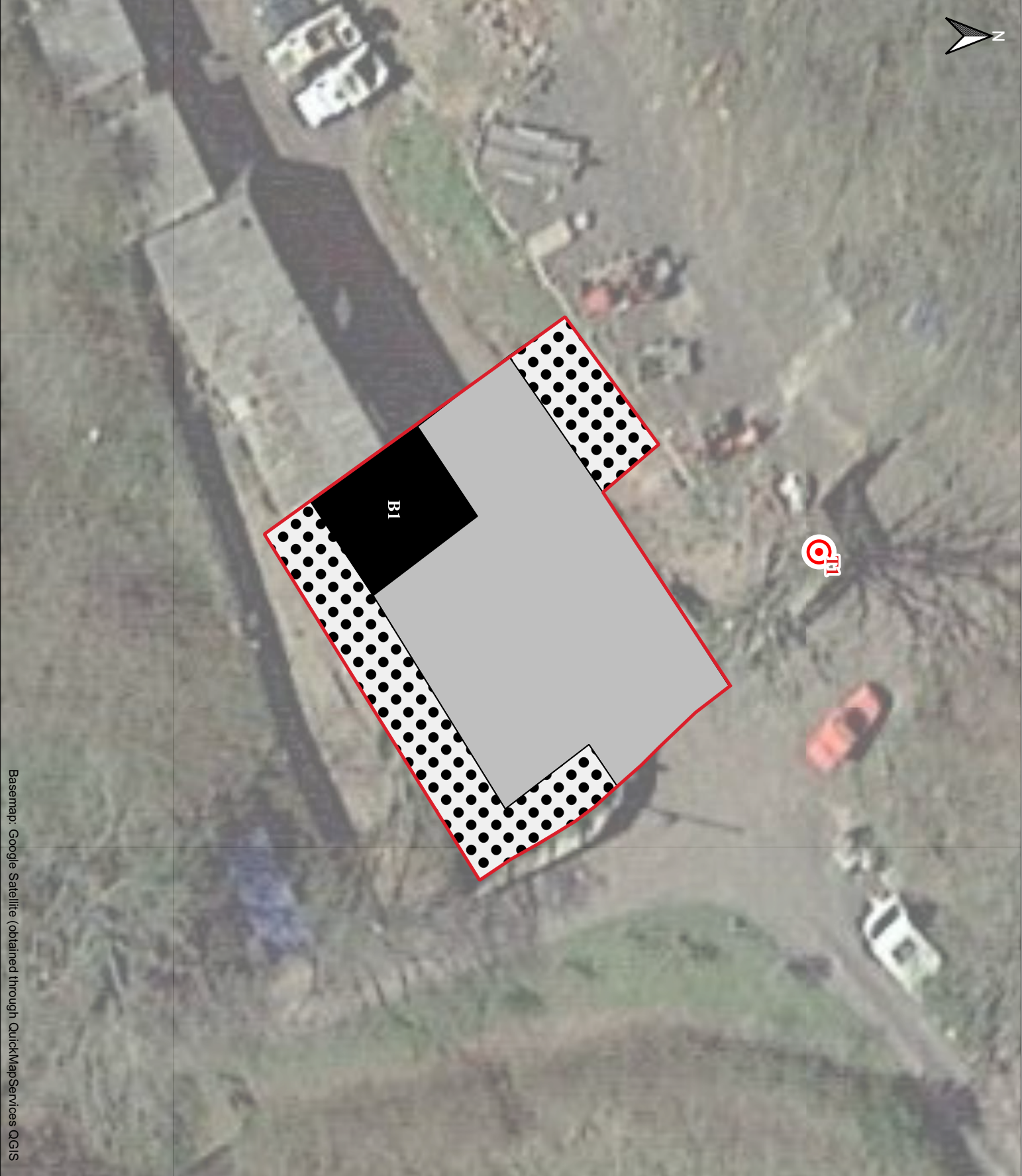
- a) Incorporating tree planting as an integral element of landscaping schemes where this is in keeping with the landscape character of the area;
- b) Protecting ancient woodland, ancient trees and 'important' hedgerows from damaging development and land uses;
- c) Promoting the retention and effective management, and where appropriate, extension and creation of new woodland areas and hedgerows;

- d) Promoting and encouraging the economic use of woodlands and wood resources, including wood fuel as a renewable energy source;
- e) Promoting the growth and procurement of sustainable timber products; and
- f) Promoting the retention, enhancement and extension of existing hedges.






The City Council will refuse planning permission for proposals that would threaten the future retention of trees, hedgerows, woodland or other landscape features of importance to the site's character, an area's amenity or the movement of wildlife, unless:

- The need for, and benefits of, the development in that location clearly out-weigh the loss; and,
- Adequate mitigation and compensation measures can be agreed with the City Council and are fully implemented by the developer.


APPENDIX III: PHASE 1 HABITAT MAP



LEGEND:

-  Site Boundary
-  Tree T1
-  J3.6 - Buildings
-  J4 - Bare ground
-  J5 - Handstanding

STATUS: FOR INFORMATION ONLY



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CLIENT: Mr Steven Reeves

PROJECT: Marley Wood Yard
Marley Lane
Kingston

TITLE: Phase 1 Habitat Map

SCALE AT A4:	DRAWN:	APPROVED:
1:400	TK	TK




PROJECTION:	DATE:	DATE:
EPSC:3857	18/05/22	18/05/22

DRAWING No: PJ/C/4861E/22/A3/V1

APPENDIX IV: PROTECTED AND NOTABLE HABITAT MAP



LEGEND:

-  Ancient Woodland
-  Broadly Classified Deciduous Woodland HPI
-  Site Boundary

STATUS: FOR INFORMATION ONLY



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CLIENT: Mr Steven Reeves

PROJECT: Marley Wood Yard
 Marley Lane
 Kingstone

TITLE: Protected and Notable Habitats Map

SCALE AT A4:	DRAWN:	APPROVED:
1:1,135	NS	TK

PROJECTION:	DATE:	DATE:
EPSG:3857	20/05/22	20/05/22

DRAWING No: PJC/4861E/22/A4/V1

APPENDIX V: SITE PHOTOS



Photograph 1: Looking west from eastern Site boundary (Photograph taken by Thomas Knight on 13th May 2022).



Photograph 2: Building B1 (Photograph taken by Thomas Knight on 13th May 2022).



Photograph 3: Looking towards eastern Site boundary. Note the linear belt of bare ground comprising bark mulch and occasional stand of common nettle (Photograph taken by Thomas Knight on 13th May 2022).



Photograph 4: Tree T1 located immediately north of the Site (Photograph taken by Thomas Knight on 13th May 2022).