



# PRELIMINARY ECOLOGICAL APPRAISAL

Land south of The Den  
Richborough Road  
Sandwich  
Kent  
CT13 9JG

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# 1 EXECUTIVE SUMMARY

PJC Consultancy Ltd was commissioned by Lauren Terraforte to provide a Preliminary Ecological Appraisal for a parcel of land south of The Den, Richborough Road, Sandwich, Kent, CT13 9JG. 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 (2023) – more specifically Chapter 15 ‘Conserving and Enhancing the Natural Environment’ as well as the Dover District Local Plan to 2040 (Dover District Council, 2022).

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

Protected Species/Habitats	Suitable Habitat Present	Recommended Further Surveys	Ecological Avoidance and Mitigation
Bats (Foraging and Commuting)	The Site was identified as having habitat suitability to support commuting and foraging bats.	None required providing the mitigation measures are adhered to.	A sensitive lighting strategy should be implemented throughout the construction and operational phases of the development.
Reptiles	The Site was identified as having potential to support reptiles providing foraging, commuting, basking and hibernating opportunities.	None required providing the avoidance and mitigation measures are adhered to.	All works should be carried out under a Precautionary Method of Works.
Nesting Birds	The Site was identified as having potential to support nesting birds.	None.	Habitat clearance works should be undertaken outside the main nesting bird season (March-September inclusive). Should



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this not be possible, all trees and buildings must be inspected by an ecologist to determine the presence/absence of any nesting birds immediately prior to clearance.

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## 2 INTRODUCTION

### 2.1 Instruction

2.1.1 PJC Consultancy Ltd was commissioned by Lauren Terraforte 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 south of The Den, Richborough Road, Sandwich, Kent, CT13 9JG (hereafter referred to as the 'Site').

### 2.2 Survey Objectives

2.2.1 The aim of this PEA is to identify potential ecological constraints and opportunities associated with the Site by undertaking 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.

### 2.3 Documents and Information Provided

2.3.1 PJC Consultancy were provide with the Site and Location Plans drawing ref: 818/01 (Lauren Terraforte, 2023) to aid the preparation of this report.

### 2.4 Scope of Report

2.4.1 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.

### 2.5 Proposal

2.5.1 The current proposal is for the construction of eight holiday cabins with an associated access track and parking.

### 2.6 Site Description

2.6.1 The Site, approximately 0.8ha in size, lies within the rural outskirts of Sandwich, near the east Kent coast (centred on OS Grid Reference TR 32269 59025). The Site is surrounded by a trainline to the west, fields within the wider ownership to the north and south, and Richborough Road, a country lane, to the east, as well as a vehicle scrap yard east of the lane. The wider landscape predominantly comprises agricultural land, with sparse treelines and hedgerows lining these fields, and the River Stour is situated approximately 80m east of the Site, at its nearest point. The Site itself comprises predominantly grassland that it regularly grazed by horses. The location of the Site within its environs is presented in Appendix I.

### 2.7 Legislation and Planning Policy

2.7.1 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.

2.7.2 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) 2023 (Ministry of Housing, Communities and Local Government, 2021);  
The Protection of Badgers Act 1992;  
The UK Post-2010 Biodiversity Framework (2011-2020); and  
Dover District Local Plan to 2040 (Dover District Council, 2022).



### 3 METHODOLOGY

#### 3.1 Desk Study

- 3.1.1 A desk study was undertaken in August 2023 with the objective of collating and reviewing existing ecological information, and obtaining data and information held by relevant third parties.
- 3.1.2 Datasets from Natural England (MAGIC, 2023) 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 sites 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’.
- 3.1.3 Furthermore, Google Earth aerial imagery was reviewed to assess habitats within the Site and wider environment.
- 3.1.4 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.
- 3.1.5 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.

#### 3.2 Extended Phase 1 Habitat Survey

- 3.2.1 An extended phase 1 habitat survey was undertaken on the 30<sup>th</sup> August 2023 by Naomi Cornwell BSc(Hons) MSc 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.

#### 3.3 Preliminary Bat Roost Assessment

- 3.3.1 All trees within the Site were also subject to a preliminary bat roost assessment (PBRA). The ground inspection of trees was to assess potential roosting features (PRFs) such as those presented in Table 1. The PBRA was undertaken in accordance with best practice survey standards (BCT, 2023 and BTHK, 2018).

*Table 1: Features of trees commonly used by bats.*

Features of trees used as bat roosts	Signs indicating possible use by bats
Natural holes.	Tiny scratches around entry point.
Woodpecker holes.	Staining around entry point.
Cracks/splits in major limbs.	Bat droppings in, around or below entrance.
Loose bark.	Audible squeaking at dusk or in warm weather.





Hollows/cavities.	Flies around entry point.
Dense epicormic growth (bats may roost within it).	Distinctive smell of bats.
Bird and bat boxes.	Smoothing of surfaces around cavity.

3.3.2 The trees were assessed in accordance with the criteria listed above and assigned to one of five categories as listed in Table 2 below.

*Table 2: Categorisation system for visual inspection of trees.*

Category	Description
Confirmed roost	Bats discovered roosting within tree or recorded emerging from/entering tree at dusk and/or dawn. 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 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 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 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 tree with no features capable of supporting roosting bats.

### 3.4 Limitations of Survey

- 3.4.1 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.
- 3.4.2 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.
- 3.4.3 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.
- 3.4.4 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.

- 3.4.5 This document has been prepared for the stated proposal (2.5.1) 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 other than the purposes for which it was commissioned. PJC Consultancy accepts no responsibility or liability for this document to any party other than the person by whom it was commissioned.



## 4 RESULTS

### 4.1 Desk Study

#### 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.

#### Protected and Notable Habitats

- 4.1.2 No parcels of ancient woodland listed on the ancient woodland inventory were identified within the zone of influence as part of the desk study.

- 4.1.3 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 broadly classified deciduous woodland, coastal and floodplain grazing marsh, coastal saltmarsh, and mudflats.

- 4.1.4 The closest parcel of HPI was an area of mudflats located approximately 25m east of the Site along the River Stour.

#### Protected and Notable Species

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

### 4.2 Extended Phase 1 Habitat Survey

- 4.2.1 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 IV.

#### *Scattered mixed trees (A3.3)*

- 4.2.2 A treeline was recorded along the eastern boundary of the Site lining a dry ditch, comprising predominantly of mature hawthorn *Crateagus monogyna* and semi-mature elder *Sambucus nigra*. There was a ground flora of nettle *Urtica dioica*, grasses of a longer sward, willowherb *Epilobium* sp., and ivy *Hedera helix*.

#### *Poor semi-improved grassland (B6)*

- 4.2.3 The majority of the Site comprised poor semi-improved grassland of a short sward (approximately <5-10cm) which was considered consistent with the fact that the Site was used for grazing horses. Species recorded here included perennial ryegrass *Lolium perenne*, red fescue *Festuca rubra*, cocksfoot *Dactylis glomerata*, common bent *Agrostis capillaris*, annual meadowgrass *Poa annua*, Yorkshire fog *Holcus lanatus*, bristly oxtongue *Helminthotheca echioides*, spear thistle *Cirsium vulgare*, meadow foxtail *Alopecurus pratensis*, mouse-ear chickweed *Cerastium* sp., ribwort plantain *Plantago lanceolata*, selfheal *Prunella vulgaris*, dock *Rumex* sp., meadow buttercup *Ranunculus acris*, creeping buttercup *Ranunculus repens*, dandelion *Taraxacum officinale*, daisy *Bellis perennis*, white clover *Trifolium repens*, silverweed *Potentilla anserina*, field speedwell *Veronica agrestis*, ragwort *Jacobea vulgaris*, yarrow *Achillea millefolium*, lesser burdock *Arctium minus*, red clover *Trifolium pratense*, wild mustard *Sinapis arvensis*, red bartsia *Odontites verna*, rough hawkbit *Leontodon hispidus*, and creeping cinquefoil *Potentilla reptans*.

#### *Tall ruderal (C3.1)*

- 4.2.4 Two small parcels of tall ruderal vegetation were recorded within the Site, one within the eastern aspect, and another along the western boundary, adjacent to the fence separating the Site and the trainline west of the Site. Species recorded within the eastern parcel comprised grasses of a tall sward (approximately >30cm), spear thistle, dock, nettle and lesser burdock. The western parcel comprised predominantly nettle approximately 30cm high.





*Dry ditch (J2.6)*

- 4.2.5 A dry ditch was recorded running along the eastern Site boundary. The ditch was considered to have been dry for a considerable time with nettle, ivy and grasses growing at the base.

*Target note 1 (TN1)*

- 4.2.6 The approximate location of an earth mound overgrown with saltbush *Atriplex* sp., spear thistle, ragwort and poppy *Papaver* sp. was recorded in the south-eastern corner of the Site, close to the access gate.

### 4.3 Preliminary Bat Roost Assessment

A description of the trees and any potential roosting features (PRF) are detailed in Tables 3 below:

*Table 3: PBRA results of trees within or immediately adjacent the Site.*

<b>All trees</b>
<b>Description</b>
All trees were considered to be structurally sound and free of defects suitable for roosting bats.
<b>Evidence of Bats</b>
None recorded at the time of the assessment.
<b>Potential Roost Features</b>
None recorded at the time of the assessment.
<b>Suitability to Support Roosting Bats</b>
Negligible.



## 5 DISCUSSION AND RECOMMENDATIONS

### 5.1 Statutory Designated Sites

- 5.1.1 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.
- 5.1.2 The Site is located within an impact risk zone for Sandwich Bay to Hacklinge Marshes SSSI which is located 1.5km east of the Site. However, the proposed development does not fall into the listed development categories.

### 5.2 Protected and Notable Habitats

- 5.2.1 No parcels of ancient woodland were identified within the zone of influence as part of the desk study.
- 5.2.2 Multiple parcels of HPI were identified within the mudflats approximately 25m east of the Site. Given the size of the Site and nature of the proposed development, direct adverse impacts to mudflat HPI such as habitat loss are considered unlikely.
- 5.2.3 However, given the proximity of the Site to mudflat HPI, the mitigation measures outline below should be adhered to throughout the proposed development, to avoid indirect adverse impacts from run-off pollution.
- 5.2.4 As a precaution, a strict pollution prevention protocol should be adhered to during all phases of the proposed development to ensure that run-off pollution does not indirectly adversely impact the habitats within the HPI. It is recommended that this refers to established good practice guidance. The Environment Agency no longer provides good practice guidance ([www.gov.uk](http://www.gov.uk)), however a range of documents are available via the national archives.
- 5.2.5 Avoidance and mitigation measures should ensure that construction works take place during periods of low rainfall and predicted dry weather, and works should include the use of water, to damp down material and prevent dust clouds.
- 5.2.6 Other best practice construction measures which must be adhered to during the construction and operational phases of the proposed development include:
- Appropriate storage of materials;
  - Avoidance of burning materials onsite; and
  - Ensuring the correct disposal of litter from all Site contractors.

### 5.3 Protected and Notable Species

- 5.3.1 The Site was considered to provide opportunities for protected and notable species. The suitability of habitat on Site to support species is considered below.
- Bats*
- 5.3.2 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.
- 5.3.3 As part of the PBRA, all trees within the Site were identified as having negligible suitability to support roosting bats and therefore roosting bats are highly likely absent from the trees. Roosting bats are therefore not considered an ecological constraint and are not considered further in this report.



5.3.4 The Site was considered to provide suitable commuting and foraging habitat for bats primarily the mature hawthorn treeline along the eastern Site boundary, which is anticipated to be retained and enhanced throughout the proposed development. 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. It is recommended that any new artificial lighting associated with the proposed development aims to:

Create and maintain dark corridors along all boundaries of the Site;

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 luminaries 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

5.3.5 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.

5.3.6 The Site supported some suitable semi-natural habitat for dormice comprising the hawthorn treeline along the eastern Site boundary. The treeline was considered to be partially arboreally connected to other treelines and hedgerows outside of the Site boundaries, although these were not considered to be well-connected to any other suitable dormouse habitat within the wider environment. The Site itself was also considered to provide very limited preferable food and nesting materials. Overall, the Site provided sub-optimal foraging, commuting, nest building and hibernating opportunities for dormice.

5.3.7 Given the nature of the proposed development (for the construction of several small holiday cabins) and given that the majority of the proposed development footprint lies approximately 30m from the suitable dormouse habitat, the proposed development is considered unlikely to result in the death or injury of dormice, or to result in the damage or destruction of a dormouse breeding site or resting place. On this basis, further surveys for dormice are not considered necessary.

5.3.8 However, the current proposals include the creation of several parking spaces close to the treeline, which could result in the disturbance to any dormice potentially using the treeline.

5.3.9 Therefore, in the first instance, and following the mitigation hierarchy (Avoidance, Mitigation, Compensation), the proposals should be updated to include a minimum 5m buffer between the suitable dormouse habitat and the parking spaces in order to avoid disturbance of any dormice potentially using the treeline.

5.3.10 Furthermore, it is recommended that the mitigation measures outlined in paragraphs 5.3.4 in relation to lighting are adhered to throughout all phases of the proposed development.

5.3.11 Providing the mitigation measures outlined are adhered to, no further dormice surveys are required. This is further supported by guidance detailed by Natural England. For European protected species (such as dormice) Natural England's stance is that: "If the consultant ecologist, on the basis of survey





information and specialist knowledge or the species concerned, considers that on balance the proposed activity is reasonably unlikely to result in an offence under Regulation 41 or 45 then no licence is required” (Natural England, 2013).

#### Great Crested Newts and other Amphibians

- 5.3.12 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.
- 5.3.13 No waterbodies were identified within the Site. On this basis, the Site was considered to provide negligible breeding opportunities for breeding GCN. A network of watercourses such as streams and were identified connected to the River Stour, and a lake was recorded north of the Site, all identified within a 250m radius of the Site as part of the desk study.
- 5.3.14 Waterbody WB1 was identified as a network of streams and ditches, located approximately 30m south of the Site at the nearest point. The stream network flowed directly into the River Stour, and was considered to provide a regular flow of water, with limited aquatic vegetation and was therefore considered unsuitable for breeding GCN.
- 5.3.15 Waterbody WB2 was identified as the River Stour approximately 25m east of the Site at the nearest point. Given that the River Stour is a large, fast-flowing river, it is considered to be unsuitable for supporting GCN and other amphibians.
- 5.3.16 Waterbody WB3 was identified as a fishing lake, approximately 125m north of the Site. Fishing lakes with large stocks of big fish generally preclude breeding opportunities for GCN given that the fish predate on eggs and juveniles, therefore waterbody WB2 was considered to provide negligible opportunities for breeding GCN.
- 5.3.17 Given the absence of suitable waterbodies for breeding GCN within the Site and immediate surroundings, 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 given the absence of both suitable aquatic and terrestrial habitat within the Site and GCN records identified as part of the desk study. On this basis, GCN are not considered an ecological constraint and are not considered further in this report.

#### Reptiles

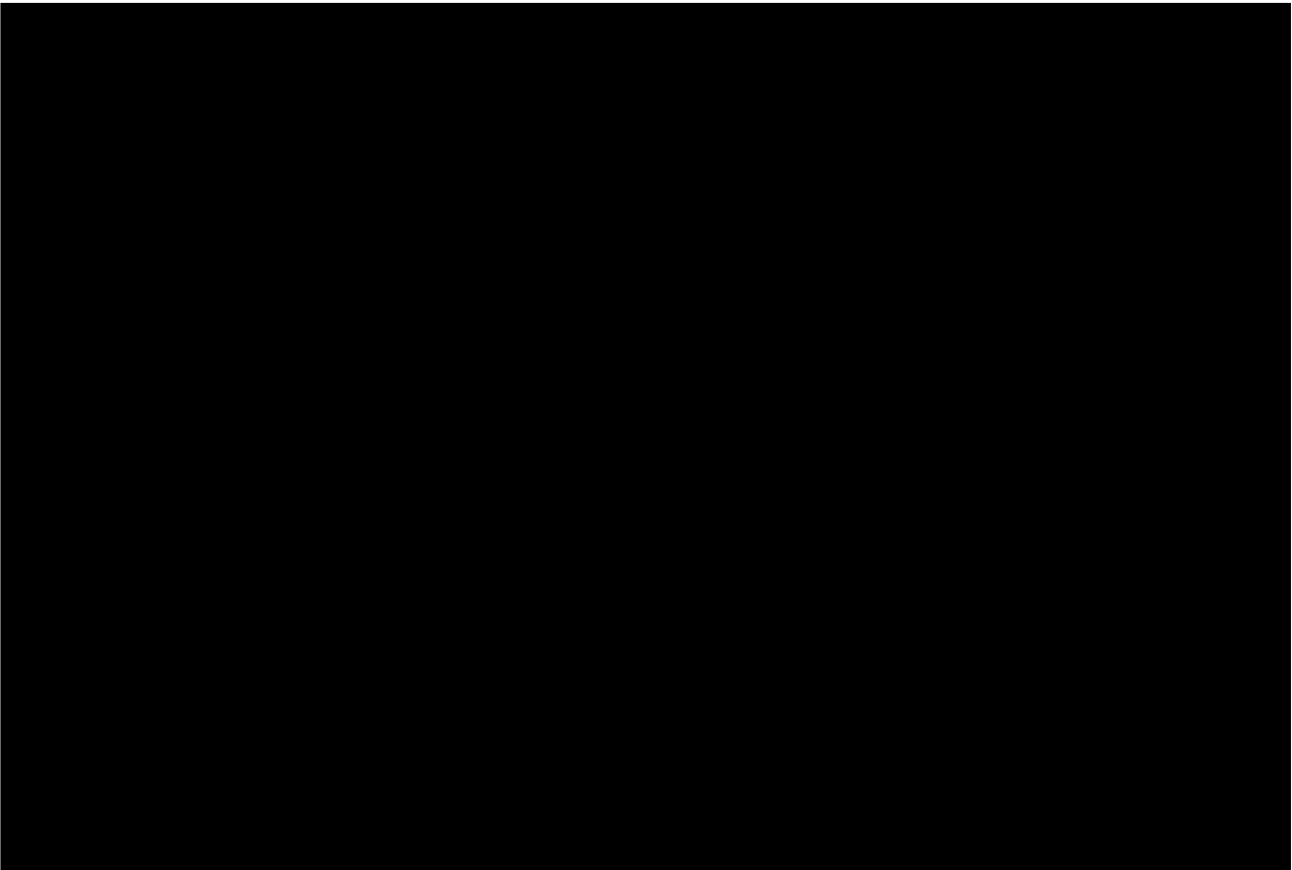
- 5.3.18 Native, widespread reptile species (common or viviparous lizard *Zootoca vivipara*, adder *Vipera berus*, grass snake *Natrix helvetica* and slow worm *Anguis fragilis*) are protected under Schedule 5 of The Wildlife and Countryside Act 1981 (as amended), making it an offence to kill or injure individual animals. All widespread reptile species are also listed as SPI under the NERC Act 2006.
- 5.3.19 Habitats recorded within the Site particularly grassland and tall ruderal vegetation and an earth bank within the south-eastern aspect of the Site were considered to provide foraging, commuting, basking and sheltering opportunities for reptiles. The earth mound within the south-eastern aspect of the Site (TN1) was also considered to provide a suitable hibernation feature for reptiles.
- 5.3.20 Given that the grassland was maintained at a short sward for the majority, particularly within the main development footprint, the only suitable reptile habitat anticipated to be cleared to facilitate the proposed development is the parcel of tall ruderal vegetation in the eastern aspect of the Site, and the earth mound within the south-eastern aspect of the Site.
- 5.3.21 Works associated with any proposed development of the Site, for example clearance of the tall ruderal vegetation, could therefore result in the death or injury of any reptiles present within the Site.
- 5.3.22 In order to comply with legislation protecting reptiles the mitigation measures detailed below should be adhered to.



- 5.3.23 It is recommended that habitat clearance works be undertaken in accordance with a Precautionary Method of Works (see Appendix V).
- 5.3.24 Providing the avoidance and mitigation measures detailed within the Precautionary Method of Works are implemented in full, the proposed works are considered highly unlikely to result in the death or injury of any reptiles potentially present within the Site. On this basis, further reptile presence/likely absence surveys are not required prior to proposed works commencing.
- 5.3.25 It is also recommended that prior to the commencement of works, the grassland within the Site is maintained at a short sward to prevent the habitat becoming more suitable for reptiles.

Birds

- 5.3.26 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.
- 5.3.27 The Site supported a treeline which was considered to provide good nesting and foraging opportunities to a wide range of common bird species.
- 5.3.28 It is anticipated that the treeline is to be retained in full as part of the proposed development, therefore adverse impacts to nesting and foraging birds are not considered likely.



Other Mammal Species

- 5.3.37 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.



- 5.3.38 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.
- 5.3.39 Both water voles and otters are also listed as SPI under the NERC Act 2006.
- 5.3.40 Water vole burrows typically extend 4-5m from the waterbody, therefore given that the development footprint is approximately >30m from waterbody WB2 and WB3, direct adverse impacts, such as damage to water vole burrows or habitat fragmentation, are not considered likely.
- 5.3.41 The River Stour, waterbody WB2, is known to have a population of otter inhabiting aspects of the watercourse. No evidence of otter field signs, such as otter holts, were identified within the Site as part of the extended phase 1 habitat survey.
- 5.3.42 Furthermore, given the River Stour is located approximately 25m from the Site at the nearest point, and the development footprint did not support any habitats considered suitable for otters foraging and commuting. Therefore, direct adverse impacts to otters are considered unlikely.
- 5.3.43 However, water pollution from ground dust runoff and particulate pollution, could result in indirect adverse impacts on water vole and otter within the watercourse, unless the pollution prevention protocol outlined in paragraphs 5.2.4-5.2.6 is adhered to throughout the construction and operational phases of the development.
- 5.3.44 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.
- 5.3.45 The European hedgehog *Erinaceus europaeus* is classified as an SPI under the NERC Act 2006. Therefore, the presence of this species on site would be a material consideration in the planning process.
- 5.3.46 The Site supported some suitable semi-natural habitat for hedgehogs in the form of grassland and tall ruderal vegetation. However, the proposed development is considered unlikely to result in impacts on European hedgehogs given the size and nature of the Site and presence of other suitable habitat within the wider surroundings and providing mitigation measures detailed below are adhered to.
- 5.3.47 Hedgehogs should be specifically watched for during the removal of features considered to provide potential sheltering habitat (i.e. tall ruderal vegetation). If any hedgehogs are found, they should be carefully moved to retained areas of vegetation outside of the Site.
- 5.3.48 Furthermore, any new boundaries required as part of the proposed development should be permeable to hedgehogs in order to maintain habitat connectivity across the Site and wider surroundings. This can be achieved by creating ground-level boundary holes (approximately 13cm x 13cm) which should link as many neighbouring land parcels as possible.
- 5.3.49 In addition, parcels of dense scrub, shrubs and tussocky grassland and features such as deadwood and brush piles should be maintained and/or created across the Site in order to provide important foraging and nesting opportunities for hedgehogs.

#### Invertebrates

- 5.3.50 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.
- 5.3.51 The white-clawed crayfish *Austropotamobius pallipes*, a freshwater invertebrate species, is also listed on Schedule 5 of the Wildlife and Countryside Act, 1981 (as amended).
- 5.3.52 WB1 recorded south of the Site was considered to be unlikely to support a viable population of white-clawed crayfish due to the lack of overhanging banks, rocks and boulders for refuge. However,



presence cannot be completely ruled out, therefore the pollution prevention protocol outlined in paragraphs 5.2.4-5.2.6 should be implemented throughout the construction phases of the development to ensure no negative adverse impacts on this protected and notable species.

- 5.3.53 Waterbodies WB2 and WB3 were located 25m east and 125m north of the Site respectively. Given the proximity of the development footprint, and the size and nature of the proposed development, any white-clawed crayfish present within these waterbodies are considered highly unlikely to be impacted negatively by the proposed development.
- 5.3.54 All other protected invertebrate species listed on Schedule 5 of the Wildlife and Countryside Act, 1981 (as amended) are considered likely absent from the Site as their preferred food plants were considered to be either likely absent or not recorded in sufficient quantity to otherwise support a viable population.
- 5.3.55 In addition, the Site was considered to provide very limited opportunities for protected and notable invertebrate species given the absence of invertebrate microhabitats such as woodland edge, herb-rich grassland habitats and deadwood. Protected and notable invertebrate species are therefore not considered an ecological constraint and are not considered further in this report.

#### Plants

- 5.3.56 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.
- 5.3.57 The habitats on Site were common and widespread and therefore provided limited potential to support protected and notable and rare plant species.
- 5.3.58 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*.
- 5.3.59 No Schedule 9 non-native invasive plant species were recorded within the Site.
- 5.3.60 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.

## **5.4 Ecological Enhancements**

- 5.4.1 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 (2023) and the Dover District Local Plan to 2040 (Dover District Council, 2022) encourages ecological enhancement to be integrated into development projects in order to achieve an overall net-gain in biodiversity. Given the above, the following enhancement recommendations should be considered and incorporated into the final design proposals:

Installation of bat boxes (i.e. Schwegler 2FN or similar) on to suitable retained trees to increase the roosting opportunities for bats within the Site. 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 south-easterly direction.

Installation and maintenance of artificial bird nest boxes onto any retained trees and new buildings on Site to increase nesting opportunities for many bird species. Given their designation as SPI, particular consideration should be given to installing house sparrow *Passer domesticus* (i.e. Schwegler 1SP or similar) and starling *Sturnus vulgaris* (i.e. Schwegler 3S or similar) nest boxes onto any retained trees and any new buildings within the Site.



Planting of native species rich hedgerows and/or 'natural buffer strips' along the access roads and plot boundaries. Approximately five woody plants should be planted per metre of hedgerow, in double staggered rows. The hedgerow should be managed on an annual rotation, whereby half of each hedgerow is cut in any one year. This will encourage a diverse structure to produce both a wide and dense hedgerow. Woody species planted could include the following species:

- o Oak *Quercus* sp;
- o Hazel *Corylus avellana*;
- o Hawthorn *Crataegus monogyna*;
- o Blackthorn *Prunus spinosa*;
- o Field maple *Acer campestre*;
- o Holly *Ilex aquifolium*;
- o Elder *Sambucus nigra*; and
- o Crab apple *Malus sylvestris*.

Creation of areas of species-rich meadow grassland within the Site, ideally within wide 'natural buffer strips' along the Site boundaries. These areas could provide additional foraging and shelter opportunities for a wide variety of invertebrates, reptiles, amphibians and bird and bat species. Plant species to be included within the wildflower seed mix should be appropriate for the Site and wider area. A wildflower seed mixture should be sown on the site in March, April or September. Once established, the grassland should be maintained via annual seed cutting in the autumn, following seed setting and use of pesticides, fertilizers or other chemicals, avoided.

Incorporation of dead wood habitat piles within areas of retained suitable habitat for example underneath tree canopies and along pond margins. These are used by both invertebrates such as the stag beetle which is a SPI and by reptiles and widespread amphibians as refugia.

Creation of a pond designed and managed for wildlife. Ponds provide valuable foraging opportunities for a wide variety of protected and notable species including amphibians and reptiles, particularly grass snakes. As general guidance, any newly created pond(s) should exhibit shallow pond margins (less than 5°) to allow marginal vegetation to grow and should contain deeper open areas (at least 60 cm) within the centre of the pond. In addition, consideration should be given to the planting of additional marginal plant species including:

- o Branched bur reed *Sparganium erectum*;
- o Broad-leaved pondweed *Potamogeton natans*;
- o Yellow iris *Iris pseudocorus*;
- o Floating sweet-grass *Glyceria fluitans*;
- o Greater pond sedge *Carex riparia*;
- o Marsh marigold *Caltha palustris*;
- o Meadowsweet *Filipendula ulmaria*;
- o Water forget-me-not *Myosotis scorpioides*;
- o Water mint *Mentha aquatic*; and
- o Water plantain *Alisma plantago aquatic*.

Incorporation of a 'Bee Brick' into the new buildings. The Bee Brick should be positioned facing a southerly direction, in an area that receives a lot of light and warmth throughout the day and without vegetational obstruction to the entrances. It is recommended that for every Bee Brick



installed, a minimum of 1m<sup>2</sup> of 'bee friendly' plant species be planted to support any solitary bees that would likely utilise the feature. The plant species could include:

- o Common yarrow *Achillea millefolium*;
- o Greater knapweed *Centaurea scabiosa*;
- o Common foxglove *Digitalis purpurea*;
- o Hemp agrimony *Eupatorium cannabinum*;
- o Common honeysuckle *Lonicera periclymenum*;
- o Wild marjoram *Origanum vulgare*; and
- o Guelder rose *Viburnum opulus*.

## 5.5 Biodiversity Net Gain

- 5.5.1 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.
- 5.5.2 The enhancement recommendations detailed above provide a qualitative opinion-based assessment of how the development can achieve an overall net gain in biodiversity.
- 5.5.3 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.
- 5.5.4 The NPPF (2023) 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.
- 5.5.5 It should be noted that the Site currently supports habitats of medium distinctiveness in the form of scattered trees. Therefore, following the mitigation hierarchy, these habitats should be retained and enhanced where possible. Any loss of these habitats will require compensation on a like-for-like or like-for-better basis and will likely require the creation of habitat parcels on a larger scale than the ones to be lost.
- 5.5.6 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.





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## 7 APPENDICES

### Appendix I: Site Location Plan



**LEGEND:**

- Anticipated development footprint
- Site boundary

STATUS: FOR INFORMATION ONLY



Sussex Office: Rocks Yard, Victoria Rd, Herstonmoreux, Hailsham, BN27 4TQ.  
T: 01323 832120.

Kent Office: Unit 1, Hanover Mill, Marsham, Nr Ashford, Kent, TN25 6NU.  
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E: [contact@pjconsultancy.com](mailto:contact@pjconsultancy.com)  
W: <https://www.pjconsultancy.com>

CLIENT: Lauren Terraforte

PROJECT:  
Land south of The Den  
Richborough  
CT13 9JG

TITLE:  
Appendix I: Site Location Plan

SCALE AT A4: 1:1,604	DRAWN: NC	APPROVED: TK
PROJECTION: EPSG:27700	DATE: 15/09/23	DATE: 25/09/23

DRAWING No:  
PJC/5361E/23/A1/V1



## 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 borelii 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) 2023

Published in 2023 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:

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);

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;

maintaining the character of the undeveloped coast, while improving public access to it where





appropriate;

minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;

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

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:

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

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:

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;

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;

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

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:

potential Special Protection Areas and possible Special Areas of Conservation;

listed or proposed Ramsar sites; and

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.

#### Dover District Local Plan to 2040

The Dover District Local Plan to 2040 (Dover District Council, 2022) sets out the relevant policies for the control of development with regards to the natural environment and biodiversity.

#### *NE1 - Biodiversity Net Gain*

1. *Development proposals must provide a minimum of 10% biodiversity net gain above the ecological baseline and in accordance with the Biodiversity Net Gain SPD. Proposals for biodiversity net gain must:*
  - be provided as part of the development, within the development site boundary. Only if it can be demonstrated that ecologically meaningful biodiversity net gain cannot be achieved within the site boundary will the Council consider off-site alternatives in line with the mitigation hierarchy approach;*
  - be provided above the agreed pre-development ecological baseline of the site, for both area and linear habitats, and in addition to any loss;*
  - focus on local priorities and be informed by the Kent Local Nature Recovery Strategy, the Dover District Green Infrastructure Strategy and the Kent Biodiversity Strategy;*
  - be secured for a minimum of 30 years after completion;*
  - be informed by a comprehensive understanding of habitats and species associated with the site, to include survey and assessment work carried out by suitably qualified professionals and relevant information from the Kent and Medway Biological Records Centre; and*
  - follow the mitigation hierarchy and demonstrate by appropriate project design, evidence of adequate avoidance, minimisation and mitigation measures. Where harm to wildlife habitats cannot be avoided or adequately mitigated, appropriate compensation measures will be sought as a last resort.*
2. *Biodiversity net gain must be in addition to any form of compensation.*
3. *All planning applications must be supported by a Biodiversity Net Gain Plan and supporting reports with information to demonstrate how at least 10% biodiversity net gain will be achieved, including:*









- use of the applicable and most up-to-date DEFRA metric calculation, including breakdown of stages;*
- an assessment of the likely effects of the development and changes to the ecological baseline; iii details of the ecological assessments to include both qualitative and quantitative evidence;*
- details of the design and location of the proposals; and*
- details of how the net gain proposals will be implemented, managed and maintained.*
4. *Biodiversity net gain proposals will be secured by condition and/or legal agreement. This will include a requirement to cover the Council's costs associated with the long-term monitoring of the biodiversity net gain proposals.*
  5. *Applications for change of use in order to create biodiversity sites in appropriate locations, including biodiversity enhancement sites and sites associated with the Strategic Priorities of the Dover Green Infrastructure Strategy, and the Local Nature Recovery Strategy when adopted, will be supported.*



## Appendix III: Phase 1 Habitat Map



**LEGEND:**

-  A3.1 - Broadleaved scattered trees
-  B6 - Poor semi-improved grassland
-  C3.1 - Other tall herb and fern - ruderal
-  J5 - Other habitat
-  J2.6 - Dry ditch
-  Site boundary

STATUS: FOR INFORMATION ONLY



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CLIENT: Lauren Terraforte

PROJECT: Land south of The Den  
Richborough  
CT13 9JG

TITLE:  
Appendix III: Phase 1 Habitat Map

SCALE AT A4: 1:593.2	DRAWN: NC	APPROVED: TK
PROJECTION: EPSG:27700	DATE: 11/09/23	DATE: 11/10/23

DRAWING No:  
PJC/5361E/23/A3/V1





## Appendix IV: Site Photographs

All Site photographs were taken by Naomi Cornwell BSc(Hons) MSc on 30<sup>th</sup> August 2023.



Photograph 1: Looking eastwards towards treeline and dry ditch.



Photograph 2: Looking northwards towards horse stables within wider ownership. Showing grassland of a short sward within development footprint.



Photograph 3: Dry ditch along eastern Site boundary.



Photograph 4: Looking northwards. Parcel of tall ruderal and grass of taller sward along eastern aspect of Site.



Photograph 5: Looking southwards. Parcel of tall ruderal and grass of taller sward along eastern aspect of Site.



Photograph 6: Earth mound close to access gate in the south-eastern aspect of Site.



## Appendix V: Precautionary Method of Works

### MITIGATION MEASURES

The mitigation measures detailed below are provided to ensure that in the unlikely event of reptiles being present within the Site, they are protected from death, injury or disturbance, and that their resting places are also protected from damage, destruction, or obstruction of access.

### PRIOR TO CONSTRUCTION WORKS

All site workers undertaking any habitat clearance works will receive an ecological Tool Box Talk (TBT) with a focus on reptiles from a suitably qualified ecologist prior to undertaking habitat clearance works on Site.

### DURING CONSTRUCTION WORKS

Access and egress routes for people and plant must be kept to existing areas of hardstanding, bare earth and grassland (providing the grassland sward has been maintained below 100mm in height).

Habitat clearance must be conducted using a two-stage directional approach, first reducing the vegetation to approximately 100mm above ground, then the second cut reducing it to ground level. This technique will allow any protected species potentially present within the Site to naturally disperse to other areas of suitable semi-natural habitat within the surroundings.

An ecologist must hand search the cleared areas either before the first cut, or immediately after, depending on the height of the vegetation and visibility.

Potential refuge features, such as exposed tree roots and mammal burrows potentially used by hibernating reptiles must not be moved or affected during the hibernation season (November to March). All features must be deconstructed sensitively, whereby removing half of the feature (top-down) and removing the second half after 24 hours.

All suitable reptile habitat removal must be supervised at all times by a suitably qualified ecologist.

All arisings generated from habitat clearance works must be removed from Site and should not be stored on Site for any longer than a 24-hour period. In the event that this is not possible, all arisings must be stored within a skip or a minimum of 10m away from retained suitable reptile and GCN habitat, and only on existing hardstanding or bare earth.

All excavations should be excavated individually and back filled immediately where possible. Where this is not possible, excavations must be covered to prevent reptiles (and other animals) becoming trapped within the excavation. If this is also not possible, one or both sides of the excavation must be sloped in order to allow egress from the excavation.

All machinery, equipment and materials must be stored on areas identified by an ecologist as being unsuitable for reptiles, for example, grassland of a short sward.

All site workers, particularly those involved in habitat clearance works, must remain vigilant at all times during construction works if at any point during construction works any protected species or signs of protected species, including reptiles are identified, the following instructions must be adhered to:

Stop works immediately and leave the area;





Inform an ecologist immediately who will then provide further guidance/instructions;

Do not try to handle a reptile; and

Do not resume construction works until advised it is safe to do so by a suitably qualified ecologist.



## CONTACT DETAILS

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