Great crested newt

6.37 According to MAGIC map application there have been no recent EPSM licences obtained for great crested newt within 1km of the Site.

6.38 Data obtained from KRAG include no records of great crested newt within 1km of the Site. However, amphibian survey effort within the local area is considered below average and therefore, results should be interpreted with caution.

6.39 There are no waterbodies present within the site. According to OS maps, MAGIC map and aerial images, there are three waterbodies present within 250m of the site boundary.

- WB1 - Directly adjacent to the north-western boundary is a small stream. At the time of the survey this stream bed was dry.
- WB2 - Approximately 0.02km south-west is a small stream; and
- WB3 - Located approximately 0.2km north is a medium sized pond.

Invertebrates

6.41 features within the Site, such as the mixed scrub, provide suitable habitat to support a range of common and widespread invertebrates. Protected or rare invertebrates are unlikely to be present due to the habitat types present.

6.42 No further survey work or mitigation is recommended for invertebrates.

flora

6.43 Due to the past and present management of the Site, the areas of habitat are unlikely to support protected plant species. No evidence of Schedule 9 plants was found during the Site survey.

6.44 No further survey work or mitigation is recommended for flora.

7. PHOTOGRAPHS

Photograph 1. North-eastern boundary of Site and areas of grassland.

Photograph 2. Access track into the Site off Padbrook Lane.

Photograph 3. Areas of mixed scrub located within majority of the Site.

Photograph 4. Internal view of Building B1.

Photograph 5. Internal view of Building B2.

Photograph 6. Mixed scrub, scattered trees and ruderal / ephemeral vegetation located in the southern area of the Site .

8. ECOLOGICAL CONSTRAINTS

8.1 The potential impacts of the proposed development on those Ecological features that have not been scoped out in Section 6 are considered below.

DESIGNATED SITES

Statutory Sites of International Importance

Stodmarsh

8.2 The habitats within the Site are not suitable for the species listed as qualifying features for Stodmarsh SPA and Ramsar site. Given the distance between the Site and Stodmarsh SPA / Ramsar and the unsuitable habitats within the Site, it is very unlikely that it comprises functionally connected habitat supporting the qualifying features of the designated sites.

8.3 The development Site falls within the Stodmarsh Nutrient Impact Area. The Stodmarsh water environment is internationally important for its wildlife and is protected under the Water Environment Regulations and the Conservation of Habitats and Species Regulations as well as national protection for many parts of the floodplain catchment. There are high levels of nitrogen and phosphorous input to this water environment with sound evidence that these nutrients are causing eutrophication at part of these designated sites. These nutrient inputs are currently thought to be caused mostly by wastewater from existing housing and agricultural sources, though recycling of nutrients within the lake habitats cannot be ruled out. The resulting nutrient enrichment is impacting on the Stodmarsh designated site's protected habitats and species (Natural England, 2020c).

8.4 The type of development may result in impacts to the Nutrient Impact Area. Mitigation measures are included within Section 10.

PROTECTED AND NOTABLE SPECIES

Roosting bats

8.5 The Buildings B1 and B2 are assessed as providing High suitability for roosting bats. Building B3 was assessed as providing negligible suitability for roosting bats.

8.6 Proposals include the demolition of all the existing buildings.

8.7 Therefore, further survey work is recommended to determine the presence or likely absence of roosting bats within the Buildings B1 and B2 (detailed within Section 9).

foraging and commuting bats

8.8 Proposals do not include the severance of any potential foraging or commuting corridors for bats.

8.9 Habitats within the Site, including grassland, scattered trees and mixed scrub are assessed overall as providing moderate suitability for foraging and commuting bats.

8.10 With the creation of new native species hedgerows around the Site boundary, any potential impacts to foraging and commuting bats can be minimised. Therefore, development proposals are unlikely to impact on foraging and commuting bats and no further survey work is recommended.

8.11 Bats are nocturnal and rely on dark habitat corridors for foraging and commuting, therefore indirect impacts could occur through spillage of artificial lighting associated with parking and buildings within the Site post-construction.

8.12 Precautionary mitigation to avoid impacts through the careful design of lighting is recommended within Section 10. Enhancement measures, outlined within Section 11, have the potential to improve the value of habitats within the Site for foraging and commuting bats.

Hazel dormouse

8.13 Due to the small area of suitable habitat of mixed scrub within the Site and the lack of connectivity to wider surrounding habitats, hazel dormice are unlikely to be present within the Site.

8.14 The loss of these small areas of mixed scrub will not sever any habitat corridors, or impact habitat connectivity for dormice, if present within the locality. The removal of a small area of sub-optimal dormouse habitat is very unlikely to impact the favourable Conservation Status of dormice within the locality.

8.15 No further survey work is required for dormice. However, mitigation to avoid impacts to retained habitats, minimise impacts during the removal of areas of vegetation and avoid post development impacts through the use of external lighting is detailed in Section 10.

Hedgehog

8.20 Development proposals are unlikely to impact on local hedgehog populations and therefore no further survey work is required. However, in the absence of suitable mitigation, individual hedgehogs may be harmed during works.

8.21 Precautionary mitigation to reduce the risk of killing or injuring individual hedgehog is detailed within Section 10.

Nesting birds

8.22 Given the relatively small areas of suitable bird nesting habitat within the site, it is unlikely that development proposals will impact bird populations within the locality. No further survey work for nesting birds is recommended.

8.23 The scattered trees, mixed scrub and buildings within the Site provide suitable nesting habitat for common and widespread bird species, as well as those listed as Red and Amber within the Birds of Conservation Concern.

8.24 The buildings will be demolished as part of development proposals and the trees and scrub will also be impacted. Therefore, mitigation measures to avoid impacts to nesting birds through the timing of works are outlined within Section 10.

Great crested newt

8.25 following the breeding season (March - June) when great crested newts congregate in ponds, they typically disperse throughout suitable habitat that is within 250m.

8.26 Due to the number of waterbodies within the surrounding landscape and the presence of suitable terrestrial habitat, the presence of great crested newt within the Site cannot be ruled out.

8.27 Conventionally, presence / likely absence surveys would be required to determine whether the proposed development would impact on great crested newts. However, in March 2019 Natural England introduced the District Level Licence scheme (DLL) in Kent for great crested newts. The DLL removes the responsibility of site-specific survey and mitigation for great crested newts and instead provides off-site compensation with the aim of maintaining the favourable Conservation Status of great crested newts on a District Scale.

8.28 To compensate for any potential impacts to great crested newt, a European Protected Species Mitigation (EPSM) Licence could be obtained through the use of the DLL. A 'Conservation Payment Certificate' (CPC) document would need to be obtained from Natural England and a countersigned agreement submitted with the Planning Application.

8.29 On approval of Planning Permission, and prior to the start of works, the 'Conservation Payment' will need to be made to Natural England and a District Level Licence obtained.

9. FURTHER SURVEY WORK

9.1 further survey work is recommended for roosting bats in buildings and reptiles to inform suitable avoidance, mitigation, compensation and enhancement measures for these species groups.

ROOSTING BATS

Presence / likely absence surveys

9.2 Bat emergence / re-entry surveys are recommended to determine the presence or likely absence of roosting bats. Bat surveys should be undertaken in accordance with Bat Conservation Trust Good Practice Guidelines (Collins, 2016).

9.3 As the buildings provides high suitability, the following survey effort is required:

Survey effort and timing

- Three dusk emergence surveys / dawn re-entry surveys between May and September, with at least two surveys between May and August.
- Surveys to be spaced at least 2 weeks apart.

REPTILES

Presence / likely absence survey

9.4 A reptile presence / likely absence survey is recommended.

9.5 Artificial cover objects (ACOs), comprising a mixture of bitumen felt and coruline, should be placed within areas of suitable reptile habitat within the Site. ACOs should be left for at least 10 days prior to the first survey visit

Survey effort and timing

- March - September (July and August sub-optimal)
- Seven visits to be undertaken in appropriate weather conditions on non-consecutive days.

GREAT CRESTED NEWT

Habitat Suitability Index (HSI) assessment

9.6 A HSI survey is recommended to determine the suitability of Waterbody WB3 (located within 250m of the Site) to support great crested newt.

Survey effort and timing

- An HSI assessment to be undertaken of Waterbody WB3 at anytime of year (optimum March - September).

9.7 The results of the HSI assessment will determine whether presence / likely absence survey work for great crested newt is required for Waterbodies 1 and 2.

Presence / likely absence surveys

9.8 Should the HSI assessment detemine that Waterbodies 1 or 2 provide suitable habitat to support great crested newt, then a presence / likely absence survey will be required. The survey should follow Natural England's Great Crested Newt Mitigation Guidelines (2001).

Survey effort and timing

- Water samples to be used for e-DNA analysis may be collected between 15th April and 30th June.

9.9 If great crested newts are found to be present within the ponds surveyed, a population assessment will be required in order to support sufficent data to support an EPSM Licence application for development proposals within the application site.

9.10 The EPSM Licence will detail the proposals for protection of individual great crested newts as well as measures to maintain the favourable conservation status of this species within the local area through appropriate mitigation and compensation measures.

District Level Licensing Scheme

9.11 The District Level Licensing scheme could be entered as an alternative to undertaking the HSI assessment and any presence / absence survey work that may be required. To compensate for any potential impacts to great crested newt, a European Protected Species Mitigation (EPSM) Licence could be obtained through the use of the DLL. A 'Conservation Payment Certificate' (CPC) document would need to be obtained from Natural England and a countersigned agreement would need to be submitted to the Local Planning Authority.

10. AVOIDANCE AND MITIGATION MEASURES

THE MITIGATION HIERARCHY

10.1 A process should be adopted within the design stage of the project to avoid, mitigate and compensate for potential negative ecological impacts, this process is known as the 'mitigation hierarchy'.

10.2 Negative ecological impacts should be avoided wherever possible, for example by making amendments to the proposed layout. Where avoidance is not possible, mitigation to reduce the impact should be considered, for example through the avoidance of sensitive seasons, such as the bird nesting season.

10.3 Avoidance and mitigation is most effective when considered as early as possible within a scheme, allowing for measures to be integrated into the design, an appropriate time line to be developed and for alternatives to be considered.

10.4 If all measures have been considered for avoidance and mitigation, as last resort compensation measures should be proposed to address unavoidable and residual impacts.

ECOLOGICAL IMPACT ASSESSMENT

10.5 following completion of the recommended further survey work, an Ecological Impact Assessment (EcIA) report should be produced to support the planning application. The EcIA report will detail the results of bat and reptile surveys and any required mitigation that will be implemented prior to and during the construction phase and post development to ensure that potential ecological impacts are avoided, minimised and compensated for.

10.6 The mitigation measures detailed below should also be included within an EcIA report and implemented as part of development proposals to minimise any potential impacts to Ecological features.

DESIGNATED SITES

10.7 The type of development may result in impacts to the Nutrient Impact Area. Therefore liaison with the Local Planning Authority and a Nitrate Neutrality Assessment is likely to be required. Possible mitigation measures may include package treatment plants or diverts to other treatment plants outside of the impact zone.

10.8 If this is not possible, the Local Authority will need to carry out an Appropriate Assessment to confirm appropriate mitigation measures, which may result in delays to the planning application.

10.9 More information is available through the following websites:

- https://www.canterbury.gov.uk/downloads/file/1352/stodmarsh_nutrient_neutral_methodology_july_2020
- https://plainview.co.uk/news/stour-catchment-and-stodmarsh-designated-sites-impact-on-planning-applications/

foraging and commuting bats

Habitat retention and enhancement

10.10 It is recommended that measures are designed into a Landscape Strategy to enhance boundary habitat for foraging and commuting bats and increase connectivity within the surrounding habitat. This could include scrub creation and planting of native species hedgerow, outlined in Section 12.

Careful lighting design

10.11 In order to reduce a low potential, indirect impact on foraging and commuting bats to negligible, mitigation to reduce any effects of artificial lighting should be implemented, as far as possible and where applicable, in accordance with guidance issued by the Bat Conservation Trust and Institute of Lighting Professionals (ILP, 2023).

- All luminaires should lack UV elements when manufactured. Metal halide, compact fluorescent sources should not be used
- LED luminaires should be used where possible due to their sharp cut-off, lower intensity, good colour rendition and dimming capability.
- A warm white light source (2700Kelvin or lower) should be adopted to reduce blue light component.
- Light sources should feature peak wavelengths higher than 550nm to avoid the component of light most disturbing to bats.
- Internal luminaires should be recessed (as opposed to using a pendant fitting) where installed in proximity to windows to reduce glare and light spill.
- Waymarking inground markers (with low output with cowls or similar to minimise upward light spill) should be used to delineate path edges.
- Column heights should be carefully considered to minimise light spill and glare visibility. This should be balanced with the potential for increased numbers of columns and upward light reflectance as with bollards.
- Only luminaires with a negligible or zero Upward Light Ratio, and with good optical control, should be considered.
- Luminaires should always be mounted horizontally, with no light output above 90° and/or no upward tilt.
- Where appropriate, external security lighting should be set on motion-sensors and set to as short a possible a timer as the risk assessment will allow. for most general residential purposes, a 1 or 2 minute timer is likely to be appropriate.

Hazel dormouse

10.12 In order to reduce any potential impacts to dormice from low to negligible, the following mitigation measures should be implemented:

- A toolbox talk should be given to site contractors by a suitably experienced ecologist at the start of works within the Site.
- The areas of mixed scrub to be cleared on the Site should be cut back to a height of 30cm from ground level during the hibernation period (November - March).

- The remaining vegetation should then be cleared to ground level between Late May and September.
- Vegetation clearance should be carried out by hand and in a sensitive manner to minimise the potential harm to individual dormice and under supervision of a licenced dormouse ecologist (or their accredited agent).
- Vegetation clearance should be undertaken from south to north through the Site.

10.13 If the above timetable of works is not possible then, as an alternative, works could be carried out during either May or late September (outside of peak breeding season) as follows:

- The removal of the vegetation will be carried out on successive days when dormice are active and able to respond immediately.
- The clearance works should be carried out by hand and will be combined with a search for nests.
- Vegetation clearance should be undertaken from south to north within the Site.
- In the unlikely event that a dormouse nest is found, all works that may impact dormice should cease and an EPSM Licence from Natural England sought prior to the re-commencement of works.

10.14 To avoid potential post development impacts cause by lighting, the following mitigation should be implemented:

- Any external artificial lighting should be directed away from the retained boundary vegetation and new boundary hedgerows that are to be created.

Hedgehog

10.16 The following mitigation should be implemented for hedgehog during the clearance of any vegetation within the Site in order to avoid harm to individual animals:

- A toolbox talk to contractors prior to the start of works should be undertaken to inform site workers of the potential presence of hedgehog within the Site.
- Care should be taken when clearing vegetation to avoid harming hedgehog that may be sheltering within the site.
- If a hedgehog is found (without young) within the site between April and October inclusive then it should be carefully relocated to an area outside the development site that offers immediate shelter.

- If a nesting hedgehog with young is found between May and October inclusive (breeding season) then an ecologist should be contacted immediately for advice.
- If a hibernating hedgehog is found between November and March inclusive (hibernation season) then an ecologist should be contacted immediately for advice.

10.17 The following mitigation should be implemented for hedgehog during the construction phase:

- All holes and excavations should be covered over each night to prevent animals from being trapped or injured.
- If this is not possible, a structure/plank should be placed into the hole to enable animals to escape.
- Any removal of building materials or other debris, should be undertaken with care to prevent harm to hedgehog.
- If any hedgehogs are found during the construction phase they should be carefully relocated to an area outside the development site that offers immediate shelter.

10.18 The following mitigation will be implemented for hedgehog post-development:

- Any close board fencing to be used will be fitted with small openings within gravel boards to allow hedgehogs access throughout the site. At least one entrance hole will be fitted into each boundary.

Nesting Birds

Habitat retention and enhancement

10.19 It is recommended that measures, such as native tree and shrub planting and grassland management regime, are designed into the Landscape Strategy to enhance habitat for nesting birds.

Avoid impact to nesting birds

10.20 The following mitigation should be implemented to avoid impact to nesting birds:

- Works to any vegetation should be undertaken outside of the bird nesting season.

10.21 If impacts to small areas of vegetation are unavoidable between March and September, then the following mitigation will be undertaken:

- A nesting bird survey will be undertaken by a suitably experienced ecologist within at least 48hours prior to any impacts.
- A watching brief will be carried out by a suitably experienced ecologist during any works that impact suitable vegetation within the site.
- If nesting/nest-building birds are found, no works will commence/continue that are likely to damage or significantly disturb a nest until the young have fully fledged.

10.22 Works undertaken during the bird nesting season may result in significant delays to the development programme if activities need to cease due the presence of an active nest. It is important to note that many bird species, such as blackbirds and robins are multiple brooders and may therefore nest within the Site for a number of months.

11. SUGGESTED ENHANCEMENT MEASURES

11.1 It is recommended that ecological enhancement measures are included as part of development proposals. Possible habitat enhancement measures are outlined below.

HEDGEROW CREATION

11.2 Native species-rich hedgerows could be created along Site boundaries and around boundaries of properties. Species could include hazel, hawthorn, spindle, holly, yew, privet, field rose, dog rose and guelder rose.

11.3 flowering species, such hawthorn, privet and rose would provide opportunities for nectar feeding invertebrates, such as bumblebees, hover flies and butterflies. Creation of these habitat feature would also benefit bats by providing additional foraging habitat and birds through additional nesting habitat.

SCRUB RETENTION AND ENHANCEMENT

11.4 It is recommended that the scrub around the boundaries is retained and managed appropriately. Supplementary planting could include species such as blackthorn, hawthorn and hazel. This will ensure that habitat connectivity around the Site boundaries is retained and long-term nesting and foraging habitat is available for species groups such as birds and invertebrates.

NATIVE AND NECTAR RICH PLANTING PLAN

11.5 It is recommended that any planting plans around new buildings include native, flower rich species, including those that flower in the late and early seasons to enhance the biodiversity value of the site.

11.6 The inclusion of climbing plants would add sheltering opportunities for invertebrates and birds. They can also produce nectar rich flowers for butterflies, bees and hover flies and fruit for birds and small mammals.

11.7 The inclusion of herbs, such as lavender and sage, would provide nectar for an array of invertebrate species, including bees, butterflies and moths. Providing a range of herb plants would ensure flowering throughout the seasons. The inclusion of plants that produce scent at night would attract night flying invertebrates and as such would also provide foraging opportunities for bats.

BAT BOXES

11.8 Development provides an opportunity to enhance the site for bats via provision of roosting opportunities.

11.9 Integrated bat boxes, such as a 1f R Schwegler Bat Tube, or similar, could be installed on new buildings within the Site. Integrated bat boxes should be primarily located on the south and west facing aspects located at least 3m above the ground, but can also be installed on different elevations to provide a variety of different environmental roost conditions. Alternatively, bat access tiles can be incorporated into roof elevations of the new building.

11.10 Bat boxes, such as 2f Schwegler Bat Box (General Purpose) or similar, could be installed on mature trees within the Site. Boxes will be located at least 3m above ground level and preferably over 4m and in a variety of aspects.

BIRD BOXES

11.11 Bird boxes, including for house sparrow and starlings, could be integrated into new houses. Woodcrete exterior or integrated terrace boxes for house sparrows could be incorporated into the new building. Boxes should be located 2-4m in height and arranged so that loose colonies of house sparrows are encouraged. Bird boxes should be located close to eaves and on the north or east elevations to avoid direct sunlight.

11.12 Bird boxes suitable for house martins, such as Schwegler House Martin nest No. 13 or similar, could be integrated into the external fabric of the new building at ridge height, where possible.

11.13 Bird boxes suitable for hole nesting species, such as Schwegler 1B or similar, could be installed on mature trees within the Site. Bird boxes should be located on north or east elevations to avoid direct sunlight.

LOG PILES

11.14 Log piles could be created around the boundaries of the Site. These habitat features would provide hibernating and sheltering opportunities for amphibians and small mammals, as well as habitat for saproxylic invertebrates, such as stag beetles.

BEE BRICKS

11.15 To increase the nesting opportunities for pollinating solitary bees such as red mason bee Osmia bicornis and leaf-cutting bees Megachile sp., bee bricks (Green&Blue, or similar) could be incorporated into the fabric of new buildings.

11.16 The bricks should be positioned on a southern elevation at a minimum height of 1m from ground level. Cavities with failed nests shall be cleared out annually (if required) in October after the egg laying season has finished.

12. REFERENCES

- CIEEM (2016) Guidelines for Ecological Impact Assessment in the UK and Ireland: Terrestrial, freshwater and Coastal, 2nd edition. Chartered Institute of Ecology and Environmental Management, Winchester.
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- UK Habitat Classification Working Group (2018). UK Habitats Classification - Habitat Definitions V1.0 at http://ecountability.co.uk/ukhabitatworkinggroup-ukhab.
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13. APPENDIX 1: SUMMARY OF PLANNING POLICY AND LEGISLATION

13.1 Species afforded protection under the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 are also known as European Protected Species. European Protected Species include all species of bats, beaver, otter, hazel dormice, great crested newt.

13.2 European Protected Species relate to those listed within the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 and are afforded the highest level of protection. These species are also protected under the Wildlife and Countryside Act 1981. Taken together this level of protection makes it an offence to:

- deliberately capture, injure or kill any wild animal of a European protected species,
- deliberately disturb wild animals of any such species
- deliberately take or destroy the eggs of such an animal
- damage or destroy a breeding site or resting place of such an animal

13.3 Disturbance of animals includes in particular any disturbance which is likely:

- to impair their ability to survive, to breed or reproduce, or to rear or nurture their young, or
- in the case of animals of a hibernating or migratory species, impair their ability to hibernate or migrate
- to affect significantly the local distribution or abundance of the species to which they belong

13.4 The legislation requires that any derogation be dealt with by licencing through an appropriate licencing body (Natural England in England). In determining whether a licence can be granted the licencing body must apply the requirements of Regulation 53, and in particular, the three tests:

1. Regulation 55(2)(e) states: a licence can be granted for the purposes of "preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment".

2. Regulation 55(9) states: The relevant licensing body must not grant a licence under this regulation unless it is satisfied—

(a) that there is no satisfactory alternative; and

(b) that the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.

PLANTS

13.5 A number of plant species are protected under Schedule 8 of the Wildlife and Countryside Act 1981. This Schedule lists plant species that are protected under Section 13, which protects from picking and sale of plants or parts of plants listed in Schedule 8.

BIRDS

13.6 All nesting birds are protected under the Wildlife and Countryside Act 1981. With certain exceptions, it is an offence to:

- Kill, injure or take wild birds;
- Take, damage or destroy the nest of wild birds while in use or being built;
- Take or destroy the eggs of wild birds;
- 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.

Birds of Conservation Concern

13.7 After reviewing the status of all bird species in the UK, the leading non-governmental bird conservation organisations agreed priorities for bird conservation. This lead to the publication of a list of Birds of Conservation Concern. Bird species are either listed as red, amber or green, depending on their status and conservation objectives. Birds listed as red require urgent, effective conservation action.

COMMON REPTILES

13.9 All common and widespread reptiles, which include viviparous lizard, slow worm, grass snake and adder are protected under the Wildlife and Countryside Act 1981. This makes it an offence to:

- Intentionally or recklessly kill or injure reptiles
- Sell, offer for sale, possess or transport for the purpose of sale or publish advertisement to buy or sell any reptile.

INVERTEBRATES

13.10 A small number of invertebrates are protected under the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019, relating to the designation of SACs, including white-clawed crayfish and Desmoulin's whorl snail.

13.11 A number of invertebrate species also protected under the Wildlife and Countryside Act, such as the heath fritillary and fairy shrimp. Species listed under Schedule 5 are protected from one, some or all of the following:

- Intentional killing, injuring, taking
- Possession or control (live or dead animal, part or derivative)
- Damage to, destruction of, obstruction of access to any structure or place used by a scheduled animal for shelter or protection
- Disturbance of animal occupying such a structure or place
- Offering for sale, possessing or transporting for the purpose of sale (live or dead animal, part or derivative)
- Advertising for buying or selling live or dead animal, part or derivative

STATUTORY PROTECTED SITES

13.12 Special Protection Areas and Special Areas of Conservation are protected under the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019.

13.13 Sites of special scientific interest (SSSIs) are protected under the Wildlife and Countryside Act 1981. Natural England is responsible for notifying SSSIs, ensuring they are managed appropriately and assessing and monitoring their condition.

13.14 National Nature reserves are created to protect important wildlife habitats, while also providing a resource for scientific research and recreation. Declared under the National Parks and Access to the Countryside and the Wildlife and Countryside Act 1981.

NON-STATUTORY PROTECTED SITES

Ancient Woodland

13.15 Land with continuous woodland cover since at least 1600AD. Ancient woods are recognised in UK planning policy, but do not have statutory protection.

NATURAL ENVIRONMENT AND RURAL COMMUNITIES (NERC) ACT 2006

13.16 following consultation with Natural England, the Secretary of State identified species and habitats considered to be of principal importance for the conservation of biological diversity in England. These species and habitats are listed under Section 41 of the Act . The list is to be kept under review and revisions are made as necessary as part of the progress reports on the Biodiversity Strategy for England.

13.17 following the Biological Diversity in Japan, 2012, a new initiative in England, 'Biodiversity 2020', replaced the former UK Biodiversity Action Plan Species aiming to reinforce the protection of Section 41 habitats and species.

THE NATIONAL PLANNING POLICY FRAMEWORK

13.18 The National Planning Policy framework was revised in July 2021 and sets out the Government's planning policies for England and how these are expected to be applied. Within this document, Chapter 15 is titled Conserving and Enhancing the Natural Environment.

13.19 Of particular relevance within this chapter are the following statements:

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

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

To protect and enhance biodiversity and geodiversity, plans should:

- 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.

When determining planning applications, local planning authorities should apply 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 improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.

14. APPENDIX 2: SUITABILITY ASSESSMENT OF ROOSTING HABITAT

Table 6. Assessing potential suitability of roosting habitat (structures and trees) for bats and survey effort required. Adapted from Bat Surveys for Professional Ecologists, Good Practice Guidelines 3rd Edition (Collins, 2016).

Suitability	Description of roosting habitat	Survey effort* and timing
Negligible	Negligible habitat features on site likely to be used by roosting bats.	None required.
Low	A structure or tree 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 (i.e. unlikely to be suitable for maternity or hibernation).	Buildings/structures: One survey visit. One dusk emergence or dawn re-entry survey. Timing: May to August. Trees: None required.
Moderate	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 (with respect to roost type only – the assessments in this table are made irrespective of species conservation status, which is established after presence is confirmed).	Two separate survey visits. One dusk emergence and a separate dawn re-entry survey. Surveys should be spaced a minimum of two weeks apart. Timing: May to September with at least one survey undertaken between May - August.
High	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.	Three separate survey visits. At least one dusk emergence and a separate dawn re-entry survey. The third visit could be either dusk or dawn. Surveys should be spaced a minimum of two weeks apart. Timing: May to September with at least two surveys undertaken between May - August.

* Recommended minimum number of survey visits for presence/absence surveys to give confidence in a negative result for structures and trees.

Legend

- Site boundary
- Target notes

Habitats

- Other neutral grassland - Ruderal / ephemeral vegetation
- Mixed scrub
- Buildings
- Artificial unvegetated, unsealed surace

Note:

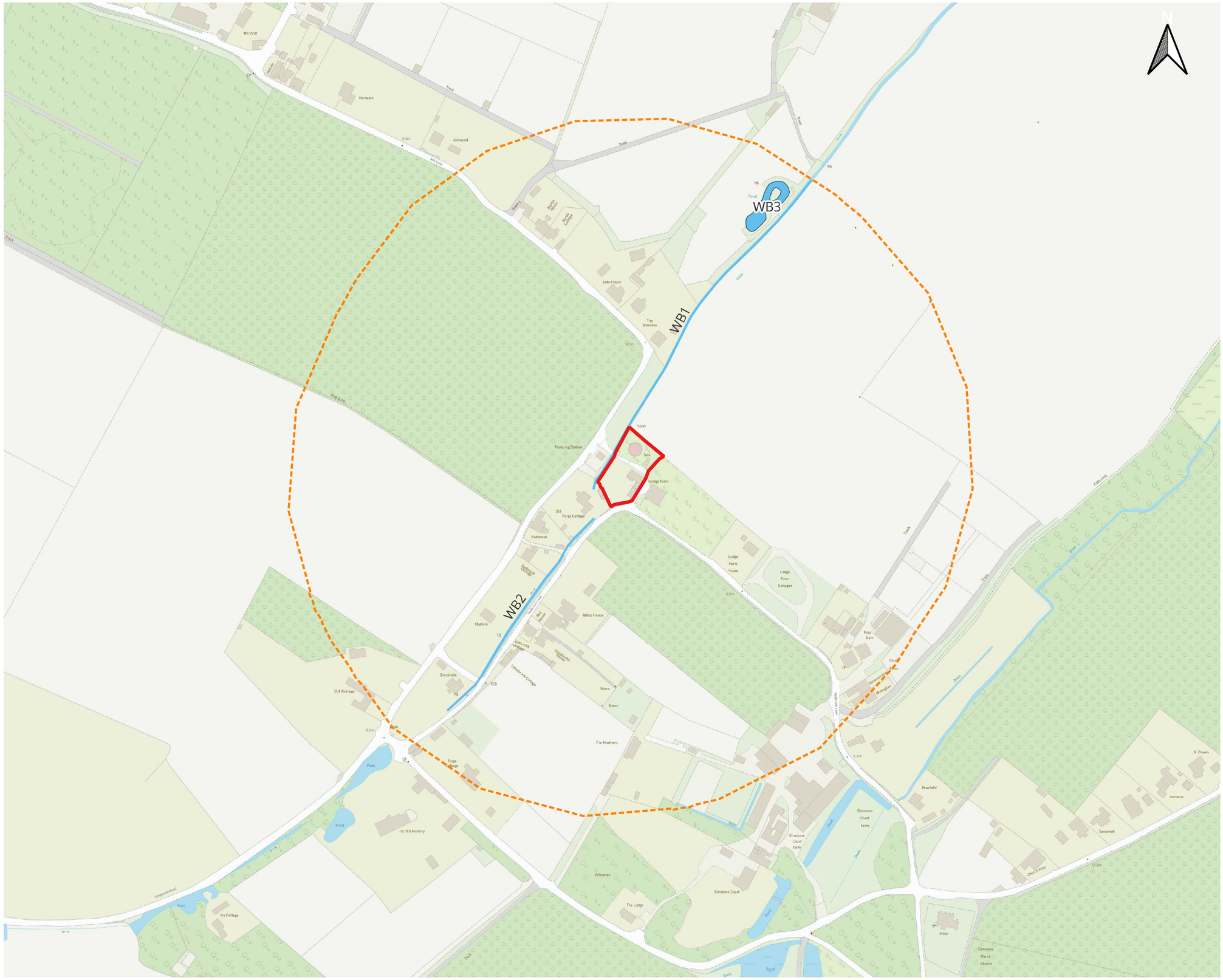
Habitats mapped based on UK Habitat Classification following Preliminary Ecological Appraisal site visit undertaken on 19/07/2023.

Target notes:

1. Water tank
2. Shipping container
3. Metal trailer
4. Rubble pile
5. Log pile

native ecology
PROMOTING BIODIVERSITY INTEGRATION

Habitat Plan	
The stock Yard, Padbrook Lane Elmstone, Kent CT3 1HF	
Drawing ref:	1276_DR02
Revision:	-
Date:	24/08/2023
Scale:	1:500
Paper size:	A3



0 100 200 300 400 500 m

Legend

- Site boundary
- 250m buffer
- Waterbody - stream
- Waterbody - pond

native ecology
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Waterbody location plan

The Stock Yard, Padbrook Lane
Elmstone, Kent
CT3 1HF

Drawing ref:	1276_DR03
Revision:	-
Date:	24/08/2023
Scale:	1:3000
Paper size:	A3