Preliminary Ecological Appraisal

V1.1

Ref: 991	**Land to west of Heaselands Stable, South Barham Road, Barham, Canterbury, Kent CT4 6QA**
Client Name:	Mr & Mrs Wilkey
Date of Completion:	19/11/23
Principal Author:	Edward Clark

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This report considers the instructions and requirements of the client and is not intended for and should not be relied upon by any third party. The results contained within this report can be relied on for decision-making purposes without the need to be updated for twelve-to-eighteen months providing there is no significant change in land use or land management in that time. Interpretations and recommendations contained in this report represent the author's professional opinions. They are based on currently accepted industry practices and personal experience. This is a working document and must be updated if development proposals change, or new information become available.

Executive Summary

ECOassistance were commissioned to carry out a Preliminary Ecological at land to west of Heaselands Stable, South Barham Road, Barham, Canterbury, Kent CT4 6QA. This report has been produced to inform the project team of ecological considerations and where additional ecological survey work is required.

The main findings of this Preliminary Ecological Appraisal are:-

- The site has potential for nesting birds within the onsite hedgerows and scattered trees;
- The scattered trees have negligible potential to be used by roosting bats;
- There is negligible potential habitat for reptiles within the site;
- There is some very low but not negligible potential habitat for dormouse in the site away from the development area in the site margins;
- The existing hedgerows have potential to contain hedgehog and other small and large mammals may be present and may cross the site at night.

The key recommendations of this Preliminary Ecological Appraisal are:

- Works to impact potential nesting bird habitats to be undertaken outside of the nesting bird season or following nesting bird checks;
- A precautionary method for working should be followed when clearing any vegetated habitats in order to reduce any low potential for impacts to protected species to negligible;
- The site should be safeguarded overnight against potential harm to hedgehog and other mammals during construction.

Enhancements to increase biodiversity at the site in line with national planning policy include:

- New mixed species hedgerow planting to demarcate boundary features;
- Removal of non-native plant species and replacement with native species;
- Wildflower enhanced grass seed areas;
- A Bird box;
- A bat box;
- Log and brash habitat piles;
- A hedgehog house.

Introduction

ECOassistance were commissioned by Mr and Mrs Wilkey (Hereafter: the client) to undertake a Preliminary Ecological Appraisal (PEA) of land to west of Heaselands Stable, South Barham Road, Barham, Canterbury, Kent CT4 6QA (Hereafter: the site). The grid reference for the approximate centre of the site is: TR 20457 49419.

The site is located to the west of Heaselands Stable and is accessed via an existing lane leading from Railway Hill which also provides access to some of the neighbouring properties.

The site is located within Barham, Kent; within the South East Region of England. The site is under the jurisdiction of the Canterbury City Council Local Planning Authority (LPA).

An overhead satellite image showing an indicative red line boundary of the site and the surrounding habitat types is provided in Figure 1 below. The site is situated within residential settlement beyond which arable agricultural land dominates.

Figure 1: Indicative site boundary and the site habitats in the context of those in the wider area

A summary of the proposal taken from the Design and Access statement is provided below[1]:

Proposal for a 3-bedroom house for access and ease of use by older and restricted ability persons.

Survey Objectives and methodology

PEA Survey

The PEA survey and report details identified ecological constraints, opportunities and considerations associated with the impacts of the proposed scheme. The report details further ecological works that will need to be undertaken to inform potential ecological impacts.

[1] As provided by the client

This report is written largely in accordance with the report writing guidance produced by the Chartered Institute of Ecology and Environmental Management (CIEEM, 2017a).

The objectives of the PEA report are to:-

- Provide ecological baseline data for the application site including the likely presence of protected species and habitats;
- Assess the likely impacts of the proposed scheme on protected species and habitats within the application site and within the Zone of Influence (ZoI);
- Provide recommendations for ecological surveys that are required prior to submission of the planning application;
- Identify statutory and non-statutory sites located within the ZoI of the proposed scheme and compensation and/or enhancement measures that can be used to minimise impact.

PEA Desk Search

The Multi-Agency Geographic Information for the Countryside (MAGIC) governmental website which provides geographic information in map form was used to:

- Identify and locate waterbodies within 250m of the site boundaries.
- Search for records of protected species within 2km of the site including any granted European Protected Species Licenses (EPSL) for great crested newt *Triturus cristatus* and hazel dormouse *Muscardinus avellanrius*.
- Search for local statutory and non-statutory land-based designations within 2km of the site.

An aerial map search using freely available resources was used to assess habitat connectivity of the site to the wider area and identify habitats of value near to the site.

PEA Site survey

The initial site visit was undertaken by ecologist Edward Clark. Edward has more than 23 years professional and voluntary ecological survey experience and holds Natural England (NE) protected species survey licenses, NPTC licenses and has held or been named on mitigation licenses for badger *Meles meles,* GCN and UK resident bat species.

The initial site visit took place on 29/09/23 and lasted approximately 1.5 hours. During the survey visit all on-site habitats were recorded and assessed for their potential to support protected species.

The need for further protected species surveys has been determined based on the suitability of the habitat identified within the application site and ZoI. The expected impacts of the proposed development have been taken into consideration throughout the assessment.

Descriptions are given of all potential habitats and species on the site only. Likely absent protected species such as water vole *Arvicola amphibius*, otter *Lutra lutra*, and white-clawed crayfish *Austropotamobius pallipes* have been scoped out and are not referred to in this report.

Constraints and Limitations

The desk study is not comprehensive because species and habitat types especially ephemeral or migratory species may be present but under recorded or have been missed entirely. A data search from the Local Ecological Records Centre (LERC) was not commissioned and is not likely to be required at this stage of the application; but will be required to support a EPSL application should one be needed at a later date.

Measurements taken from online mapping tools may not be exactly accurate, but this is the most proficient method available to the desktop surveyor. Measurements have been rounded up or down to the nearest whole number for reporting.

Records of protected species are often submitted with six figure grid reference co-ordinates which is only accurate to within 100m.

Due to the timing of the survey the trees were in full leaf and so the canopy of healthy trees is likely to have obscured the view of some PRF from the ground.

Results

Desk search

Waterbodies

The Nailbourne river runs c.245m south of the site and c.238m southeast of the site at its nearest points. There are no other ponds or waterbodies within 250m.

Statutory Designated Sites

There are no Sites of Special Scientific Interest (SSSI) within 2km of the site.

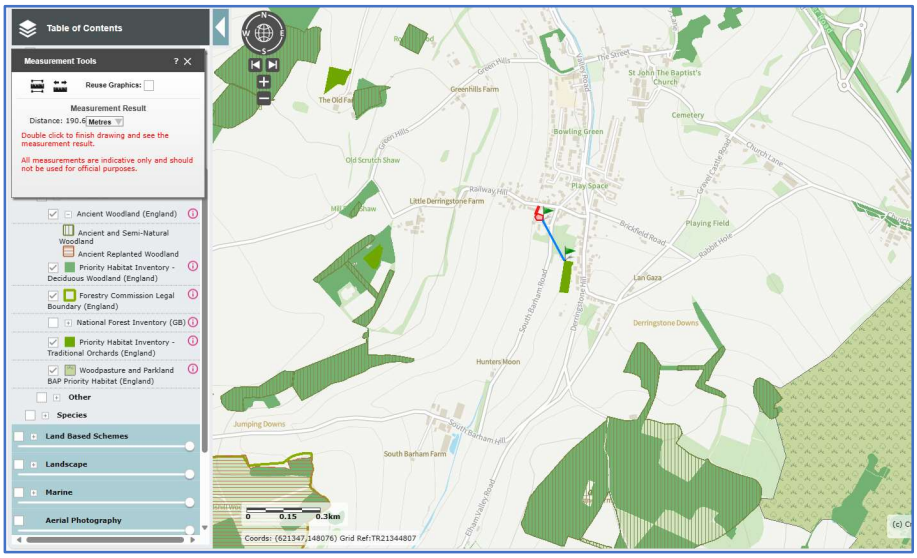
The site is on the outer edges of a SSSI impact risk zone but the proposed application type does not meet criteria requiring further consultation with NE.

The site is within the Kent Downs Area of Outstanding Natural Beauty (AONB). The Jumping Downs Local Nature Reserve (LNR) is located c1220m southwest of the site.

Non Statutory designated sites

There are numerous small and medium-sized parcels of woodland present in the wider area; the nearest is c.190m southwest of the site as shown in Figure 2 below. There is no apparent direct connectivity through linear habitat features such as unbroken hedgerows between the site and this or any other parcel of woodland in the wider area.

Figure 2: Parcels of woodland in the wider area



Site survey

Habitat types

Buildings

There are no buildings within the site. There is residential development surrounding the site with the Heaseland Stables building adjacent to the eastern boundary.

Hardstanding and bare ground

The site contains hardstanding comprising a mix of concrete paths and patio areas as well as a pea shingle parking area to the east of the existing access gate.

There are small patches of bare earth present at the site margins at the base of boundary features.

Grassland

The current use of the site is as a residential garden to the Heaselands Stable residence. The site is dominated by modified grassland which is regularly managed.

Trees and hedges

The northern boundary is demarcated by a length of established beech *Fagus sylvatica* hedging. The southern boundary is demarcated by mixed beech and laurel *Prunus sp.* Hedging.

Dotted sporadically throughout the site are a low number of ornamental and native shrubs and trees including a hawthorn *Cretaegus mongyna* bush and silver birch *Betula pendula* tree adjacent to the western boundary fence; a standard cherry laurel adjacent to the southern boundary and a mulberry *Morus sp.* near to the south east corner.

There are three hazel bushes *Corylus sp.* planted in a straight line but at a considerable distance from one another across the site from west to east in line with the concrete footpath which leads from the existing hardstanding car parking area to Heaselands Stable.

The application requires the cherry laurel to be removed due to its location to the proposed building.

Fauna

Invertebrates

The vegetated habitats on the site comprise some non-native shrubs, disparately planted shrubs and trees, well managed modified grassland and trees which are not veteran or particularly large and are healthy. Surrounding hedgerows also appear to be healthy and subject to a regular programme of management.

Whilst the native tree and shrub species within the site will provide limited foraging opportunities for invertebrates the limited species diversity of the grassland which dominates and the lack of rotting wood and vegetation and generally unremarkable habitats within the site have negligible potential to support important invertebrate assemblages.

- No further dedicated survey for invertebrates is required as the proposals are unlikely to negatively impact upon the local distribution of invertebrate species;

Amphibians

GCN are afforded legal protection by the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended). GCN and common toad *Bufo bufo* are listed as Species of Principal Importance under NERC Act 2006.

There are no records of GCN within 2km of the site.

There are no suitable breeding ponds located within 250m of the site boundary and the site is within a green GCN impact risk zone[2]. Green zones contain sparsely distributed GCN and are less likely to contain important pathways of connecting habitat for this species.

GCN require a network of ponds to survive and support a metapopulation. As there are no ponds located >250m in all directions and the surrounding area is residential it is highly unlikely that GCN would be present within the site.

- No further survey for GCN is required.

[2] Risk zones for District Licensing of great crested newts in Kent GCN Risk Zones (Kent) | GCN Risk Zones (Kent) | ArcGIS Hub

Hazel dormouse

Hazel dormouse are afforded legal protection by the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended).

There is one record of dormouse within 2km at c.1816m north of the site. There is no direct connectivity between the site and the record.

There is some low suitability habitat within the boundary hedgerow features and beyond this there is limited connectivity with further hedgerows in the wider area but no direct connectivity between the hedgerows on the site and woodland in the wider area identified during the desk search.

The potential for dormouse to be present within the site boundaries is very low. It is understood that the existing lengths of hedgerow demarcating the northern and southern boundaries are likely to be retained with further hedgerows added to the remaining site boundaries to enclose the space. Should impacts on existing hedgerows be unavoidable at any stage during works it is recommended that a precautionary working method statement (PWMS) be followed to reduce any low risk of harm to dormouse to negligible.

Reptiles

All native reptiles are afforded legal protection by the Wildlife and Countryside Act 1981 (as amended). In addition smooth snake *Coronella austriaca* and sand lizard *Lacerta agilis* are afforded legal protection by the Conservation of Habitats and Species Regulations 2017.

The regularly mowed grassland with some areas of bare earth in the margins are not suitable for reptiles as they provide no protection from predation or prevailing weather conditions.

Trees and hedges by themselves, without a strip of suitable grassland/ruderal habitat at the base are generally poor for commuting reptiles which require vegetation long enough to offer some protective cover but short enough to allow sunlight to reach and warm them so that they remain active.

The location of these habitats within a densely residential area surrounded by well-managed, unsuitable habitats of the surrounding gardens and surrounding hardstanding to the west and east habitats mean that the site is isolated.

The likelihood for reptiles to be present and impacted by the development is negligible.

- No further survey for reptiles is required.

Birds

All nesting birds are afforded legal protection by the Wildlife and Countryside Act 1981 (as amended). In addition, species listed on Schedule 1 of the Act are afforded protection from disturbance whilst nesting. Some species are listed as Species of Principal Importance under NERC Act 2006 and may be on the RSPB's Bird of Conservation Concern list.

The hedges, trees and established shrubs have potential to be used by birds for nesting, with the established hedgerows being the most likely of these due to the protection they offer.

It is understood that the existing hedgerows are to be retained and therefore impacts to nesting birds within these habitats will be avoided.

The trees and shrubs on site are not large or veteran and any potential nesting habitat within them is somewhat exposed. Where these habitats are to be impacted during works, they should be removed outside of the nesting bird season or otherwise checked for nesting birds prior to removal by a suitably experienced ecologist.

Bats

All UK bat species are afforded legal protection by the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended). Some species are listed as Species of Principal Importance under the NERC Act 2006.

Desk Search

There are no records of European Protected Species Licence (EPSL) applications for bats within 2km of the site.

Trees

The scattered trees located within the site were inspected from the ground for PRF for bats. All of the trees were healthy and no large or old enough to contain suitable PRF such as rot holes, fissures, cracked limbs or loose bark. Due to the time of year the view of the trees was not obscured by leaves and there was no ivy *Hedera helix* coverage.

All of the trees within the site are deemed to have negligible BRP.

Other mammals

All wild mammals are afforded legal protection under the Wild Mammal (Protection) Act 1996 (as amended).

Hedgehog *Erinaceus europaeus* are protected in the UK under the Wildlife and Countryside Act, 1981. They are a Priority Species under the UK Post-2010 Biodiversity Framework and are on the IUCN Red List for British Mammals which means they are vulnerable to extinction.

Badger *Meles meles* are protected in the UK under the Wildlife and Countryside Act, 1981 and receive additional protection under the Protection of Badgers Act 1992.

The centre of the site predominantly comprises short, modified grassland. Beyond this there is hardstanding and regularly managed hedgerows. These habitats within residential development are unlikely to contain protected species such as badger or hedgehog and there are no field signs to suggest that these or any other burrowing animals such as fox *Vulpes vulpes* or rabbit *Orinunculs cuniculus* are present.

The site is enclosed to the north and south by vegetated habitat including trees and hedgerows. There is some potential for these habitats to be used by foraging and commuting hedgehog.

Badger field signs are conspicuous as the heavy-set mammal creates characteristic well-worn paths whilst commuting and snuffle holes when foraging; as well as other characteristic signs which were found to be absent from the site.

There were no mammal paths found leading into or out of dense scrub to suggest badger or fox are using these areas for rest or shelter.

The potential for hedgehog to use the existing hedgerows is low but not negligible. As the hedgerows are to be retained potential for direct risk to hedgehog will be avoided.

There is some low potential for mammals such as hedgehog and perhaps fox to cross the site at night and so some simple mitigation measures to ensure animals do not become trapped in open excavations during the construction phase are recommended.

Conclusion and recommendations

Habitats
The site comprises mostly modified grassland with some scattered trees, short lengths of hedgerow and areas of hardstanding. The site therefore has low ecological value. Potential for protected species is limited to the scattered trees and hedgerow habitats, most of which are retained.

The site falls just outside of 2km from two SSSI designated sites, but there are no likely risks to the SSSI from a development of this size and at this distance and no further action or consultation with NE is required.

Habitat creation should be incorporated into the design of the proposed scheme to encourage biodiversity on site post development to be in line with National Planning Policy. Biodiversity Net Gain (BNG) can be easily achieved through development of this site by removing non-native and introduced species (such as the cherry laurel tree) and replacing with locally sourced, native species. The ecologically poor grassland habitat within the site where retained can be improved by sowing wildflower grass seed mixes. Further embellishments to encourage biodiversity such as, bat and bird boxes and a hedgehog house can be added to enhance the site for local wildlife species.

Invertebrates
The proposals are not likely to result in any significant loss of invertebrate habitat due to the small size of the development area which comprises low species diversity.

Habitat enhancement measures should be implemented to improve the habitat for invertebrates within the site.

- All grassland areas post development should be enhanced with a wildflower seed mix of native varieties suitable for neutral grassland.
- Log and brash habitat piles can also be created in the habitats in the site margins to increase foraging and sheltering opportunities for invertebrates.
- Additional mixed native species hedgerow planting along the eastern and western boundaries will increase foraging and shelter opportunities for a wide range of species including invertebrates.

Amphibians
The desk search shows no potential breeding ponds for GCN within 250m of the site and no records of GCN within 2km. The nearest potential breeding pond is >500m from the site boundary.

GCN require a network of ponds to support a viable metapopulation in order to survive. As there are no ponds within 500m the potential for great crested newt to be present or using the site for sheltering or commuting purposes is negligible and no further action is recommended.

If widespread amphibian species are found during works they should be carefully moved and placed near to the site margins away from the works area and beneath vegetation for protection.

Dormouse
There is no connecting habitat between the site and the nearest woodland parcel identified in the wider area. The likelihood of dormouse being present within the site is very low.

The majority of the habitats within the site are unsuitable for hazel dormouse. Potential habitats within the site are limited to hedgerows along the boundaries. These habitats are unlikely to be directly impacted by the construction works proposed.

If at any time hedgerows are to be cut back or reduced the following precautionary approach to ensure there is no inadvertent harm to dormouse during removal of vegetation is recommended:

- Works should be carried out under the supervision of a suitably experienced Ecological Clerk of Works (EcoW);
- A toolbox talk will be given by the on site EcoW detailing the protection afforded to dormouse under current legislation and a brief overview of the ecology and habits of the species;
- The vegetation to be removed will be checked for dormouse field signs including nests, chewed nuts and dormice;
- Where field signs are absent the vegetation will be removed using hand tools;
- If field signs for dormouse are encountered work will stop;
- In the very unlikely event that dormouse field signs are encountered dormouse surveys will be required to inform a derogation licence application before works to remove vegetation can continue.

All works to remove or reduce hedgerow habitats will be supervised by the EcoW. After the supervised works are completed a summary report of works undertaken will be issued to the client to be produced to the Local Planning Authority on request.

Reptiles
The site contains negligible potential reptile habitat and no further survey effort is recommended.

Birds
There is potential for nesting birds to use the site hedgerows and scattered trees within the site. It is recommended that where these potential habitats are impacted or removed this should be undertaken outside of the nesting bird season (which runs from the end of February through to the end of August) to ensure there is no potential for harm to nesting birds during works.

Alternatively works which will impact these habitats must be preceded by a nesting bird survey; or carried out under ecological supervision.

If nesting birds are found, nests must remain in-situ until the birds have fledged. This can take up to six weeks.

Enhancements
1 x multi-purpose bird box of the woodcrete type or similar to be affixed to a retained tree after works are completed.

Bats
The scattered trees within the site do not contain PRF for bats and so there will be no direct impact on roosting habitats through development of the site.

It is recommended that any adverse effects from additional artificial lighting either on surrounding buildings which may contain roosts or foraging or commuting corridors be mitigated in accordance with guidance issued by the Bat Conservation Trust and Institute of Lighting Professionals (ILP, 2018). These are as follows:

1. Boundary vegetation should not be illuminated so that dark flight corridors for bats are retained;
2. Directional lighting should be used to avoid unwanted spill into surrounding habitats;
3. Any external lighting should be operated with motion sensors where possible;
4. Metal halide and fluorescent sources should not be used;
5. A warm white spectrum of lamp should be used. Blue light should not be used;

Enhancements
A single multi purpose bat box of the woodcrete type should be installed upon a retained tree in the grounds of the site post construction at between 3-4m height. Care must be taken to provide an unobstructed flight path to the entrances of bat boxes.

Examples of suitable bat boxes are provided in the appendix.

Other mammals

There is low potential for hedgehog and other mammals to be present within hedgerows in the margins of the site. Reasonable avoidance measures in line with those already provided for dormouse to include ecological supervision by a suitably experienced Ecological Clerk of Works (EcoW) will be sufficient to mitigate and reduce any potential risk of direct harm to hedgehog and other mammals if vegetation clearance in these areas is required.

Development proposals are unlikely to impact on local hedgehog populations or badgers due to the very low amount of suitable habitat within the site and an absence of field signs for either species within the disturbed grassland areas.

No further survey work is recommended but simple mitigation measures to avoid risk of harm to hedgehog and other mammals including fox which might cross the site at night include:

- During construction all excavations for foundations or services including trenches, holes and open pipes to be covered at the end of each night. If excavations cannot be covered, wooden planks (a scaffold board for example) must be left within the excavation (at a maximum angle of 45^{o}) to allow for mammals to climb out if they become trapped;
- Excavations and open pipes must be checked at the beginning and end of each working day by the site manager or equivalent to check for mammals. Any trapped mammals should be allowed to escape, or carefully moved into suitable boundary habitat away from construction works.

References

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https://magic.defra.gov.uk/MagicMap.aspx

https://records.nbnatlas.org/

Appendix 1

Review of Protected Species UK Legislation and Policy

The level of protection afforded to protected species varies dependent on the associated legislation. A full list of protected species and their specific legal protection is provided within the Schedules and/or Sections of the associated legislation. Case law may further clarify the nature of the legal protection afforded to species.

The legal protection afforded to protected species overrides all planning decisions. European Protected Species (EPS) - and the Conservation of Habitats and Species Regulations 2010 (as amended)

European Protected Species (EPS) are afforded the highest level of protection through the Conservation of Habitats and Species Regulations 2017. EPS are also afforded legal protection by parts of the Wildlife and Countryside Act 1981 (as amended).

In general, any person and/or activity that:

- Damages or destroys a breeding or resting place of an EPS. (This is sometimes referred to as the strict liability or absolute offence);

Deliberately captures, injures or kills an EPS (including their eggs);

Deliberately disturbs an EPS, and in particular disturbance likely to impair animals' ability to survive, breed or nurture young, their ability to hibernate and migrate and disturbance likely to have a significant effect on local distribution and abundance;

intentionally or recklessly disturbs an EPS while occupying a structure or place used for shelter and/or protection (Wildlife and Countryside Act 198)1 (as amended); and

Intentionally or recklessly obstructs access to any structure or place that an EPS uses for shelter or protection (Wildlife and Countryside Act 1981) (as amended). may be guilty of an offence.

The legislation applies to bat roosts even when they are not occupied.

Actions affecting multiple animals can be construed as separate offences and therefore penalties can be applied per animal impacted.

Under certain circumstances licences can be granted by the Statutory Nature Conservation Organisation (Natural England in England) to permit actions that would otherwise be unlawful.

There are some very specific defences associated with the Conservation of Habitats and Species Regulations 2017. However, these are unlikely to apply to construction related projects. The Sections of the Regulations provide further details of these defences.

The Wildlife and Countryside Act (1981) includes defence for those aspects of the legislation that apply to an EPS. These defences are unlikely to apply to construction related projects and do not apply to those acts included in the Conservation of Habitats and Species Regulations 2017 (as amended). The Schedules of the Act provide further details of defences.

Local authorities have obligations under sections 40 and 41 of the Natural Environment and Rural Communities Act (NERC) 2006 to have regard to the purpose of conserving biodiversity in carrying out their duties. The majority of EPS are listed on Section 41 the NERC Act.

The Natural Environment and Rural Communities Act 2006 (as amended)

Section 41 (S41) of the Natural Environment and Rural Communities (NERC) Act (2006) requires the Secretary of State to publish a list of habitats and species which are of principal importance for the conservation of biodiversity in England. The S41 list is used to guide decision-makers, including local and regional authorities, in implementing their duty under Section 40 of the act to have regard to the conservation of biodiversity in England when carrying out their normal functions. S41 lists 56 habitats and 943 species of principal importance. Section 42 of the NERC Act relates to Wales.

Wildlife and Countryside Act 1981 (as amended)

The level of protection afforded to species listed on the Wildlife and Countryside Act 1981 (as amended) varies considerably.

'Fully protected species', such as bats, are afforded the highest level of protection. Any person who intentionally kills, injures, or takes 'fully protected species', or who intentionally or recklessly damages or destroys a structure or place used for shelter and/or protection, disturbs the animal whilst occupying a structure and/or place used for shelter and protection, or obstructs access to any structure and/or place used for shelter or protection is likely to have committed an offence.

The National Planning Policy Framework

Planning policy requires new developments to take into consideration our local and national wildlife. With the objective to maintain or increase the viability of the site for wildlife. The existing proposals are considered to determine whether Habitat enhancements are offered and whether they are adequate to meet the policy requirements. Again, national, regional, county and borough policies are considered.

The National Planning Policy Framework states that the planning system should contribute to and enhance the natural and local environment by minimizing impacts on biodiversity and delivering net gains in biodiversity where possible.

Ecological habitat enhancements measures need to be over and above any mitigation measures.

Appendix 2: Bat and bird box design and site photos

ECOassistance