



## ECOLOGICAL ADVICE SERVICE

**TO:** *Emma Gore*

**FROM:** *Stefanie Bramley MCIEEM*

**DATE:** *01 May 2019*

**SUBJECT:** *SE/19/00701/FUL Redleaf Estate Yard, Chiddingstone Causeway*

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*The following is provided by Kent County Council's Ecological Advice Service (EAS) for Local Planning Authorities. It is independent, professional advice and is not a comment/position on the application from the County Council. It is intended to advise the relevant planning officer(s) on the potential ecological impacts of the planning application; and whether sufficient and appropriate ecological information has been provided to assist in its determination. Any additional information, queries or comments on this advice that the applicant or other interested parties may have must be directed in every instance to the Planning Officer, who will seek input from the EAS where appropriate and necessary.*

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The *Preliminary Ecological Appraisal* has been submitted. We are satisfied that an appropriate level of ecological survey work has been carried out and advise that the proposed development has potential to result in ecological impacts, for which mitigation recommendations are provided in the report.

### **Bats**

The barn proposed as 'Plot 3' has been confirmed as a bat roost and it is recommended in the report that provision is retained within the roof of the barn. We note on the *Planning Drawing Plot 3* that the retention of the bat roost is highlighted, though the dimensions are not specified. **We advise that clarification is sought from the applicant regarding the void height and apex length/width to ensure that it meets the recommendations in the *Preliminary Ecological Appraisal*.**

An acceptable approach to the method of works is outlined in the *Preliminary Ecological Appraisal*.

A European protected species mitigation licence (EPSML) will be required to carry out the proposed development due to the impacts upon roosting bats. The Conservation of Habitats and Species Regulations 2017 requires Sevenoaks District Council, the competent authority, to have regard to the requirements of the Habitats Directive in the exercise of their functions.

As such, Sevenoaks District Council must consider whether it is likely that an EPSM Licence from Natural England will be granted, and in so doing must address the three tests when deciding whether to grant planning permission for the proposed development. The three tests are that:

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)(a) states: the appropriate authority shall not grant a licence unless they are satisfied “*that there is no satisfactory alternative*”.
3. Regulation 55(9)(b) states: the appropriate authority shall not grant a licence unless they are satisfied “*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.*”

We are satisfied that ‘Test 3’ will be met as a result of the implementation of the proposed mitigation/compensation measures. Tests 1 and 2 are planning matters that Sevenoaks DC must consider.

As a EPSML will be sought, Sevenoaks DC need not condition the submission of the bat mitigation/compensation measures, but we advise that the provision of the bat roost in the barn roof must be clearly identified on all relevant plans.

### **Birds**

Habitat suitable for nesting birds is present on the site and recommendations are provided in the *Preliminary Ecological Appraisal* to minimise the potential for impacts. The applicant should be reminded of their responsibilities with an informative attached to the planning permission, if granted.

#### *Breeding bird – suggested informative wording*

*The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this Act. Suitable habitat is likely to contain nesting birds between 1st March and 31st August inclusive. Vegetation and buildings with suitable breeding bird habitat are present on the application site and are to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present.*

### **Hedgehogs**

Habitat suitable for hedgehogs is present on the site and recommendations are provided in the *Preliminary Ecological Appraisal* to minimise the potential for impacts. We advise that the implementation of the recommended measures must be secured by condition, if planning permission is granted.

#### *Hedgehog protection during construction – suggested condition wording*

*To ensure the protection of hedgehogs, all works shall be carried out in accordance with the details contained in section 4.9 of the Preliminary Ecological Appraisal dated April 2018 as*

*already submitted with the planning application and agreed in principle with the Local Planning Authority prior to determination.*

We advise that, to ensure the availability of the gardens to hedgehogs, any close-boarded fencing must incorporate ground-level holes (13 x 13cm) to allow movement of hedgehogs. This must be secured by condition, if planning permission is granted.

*Hedgehog fence holes – suggested condition wording*

*Prior to first use of the buildings, details of the fence holes for hedgehogs shall be submitted to and approved in writing by the Local Planning Authority. The approved details will be implemented and thereafter retained.*

**Ecological Enhancements**

The proposed development provides opportunities to incorporate features into the design which are beneficial to wildlife, such as native species planting and the installation of bat/bird nest boxes. Recommendations are provided in the *Preliminary Ecological Appraisal*. We advise that measures to enhance biodiversity are secured as a condition of planning permission, if granted. This is in accordance with Paragraph 175 of the NPPF “*opportunities to incorporate biodiversity improvements in and around developments should be encouraged*”.

*Ecological enhancements – suggested condition wording*

*Prior to the completion of the development hereby approved, details of how the development will enhance biodiversity will be submitted to and approved in writing by the Local Planning Authority. The approved details will be implemented and thereafter retained.*

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

**Stefanie Bramley MCIEEM**  
**Biodiversity Officer**

This response was submitted following consideration of the following documents:  
*Preliminary Ecological Appraisal. KB Ecology. April 2018.*  
*Planning Drawing Plot 3, drawing no. 1321 P003B. MSD Architects. June 2018.*