



ECOLOGICAL ADVICE SERVICE

TO: *Graham Parkinson*

FROM: *Marie Thibault*

DATE: *16 October 2019*

SUBJECT: *3-5 Kings Road, Headcorn / 19/503532*

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.

We have reviewed the information which has been submitted and we advise that sufficient ecological information has been provided for the determination of the planning application. We require no additional ecological information to be submitted prior to determination of the planning application but **the detailed mitigation/enhancement requirements must be submitted/implemented as a condition of planning permission if granted.**

Roosting bats

Bat surveys confirmed the presence of 4 roosts of Common Pipistrelle (2 separate roosts in each building) and an outline mitigation strategy has been suggested.

The proposed demolition of the two buildings will result in the loss of several confirmed bat roosts.

Bats are European protected species and Maidstone BC must have sufficient information to address the requirements of the EC Habitats Directive when making the planning decision. It has been confirmed that offences will be committed if the works take place without a EPSML,

so Maidstone BC must consider whether it is likely that a EPSML will be granted by addressing its mind to the three derogation tests. The three tests are that:

- The development activity must be for imperative reasons of overriding public interest or for public health and safety;
- There must be no satisfactory alternative; and
- Favourable conservation status of the species must be maintained.

We are only able to comment on the third test as the first two tests must be considered by the planning officer.

We advise that we are satisfied that sufficient survey effort has been submitted to inform a detailed mitigation strategy and we are satisfied that sufficient mitigation has been proposed to maintain the favourable conservation status of the bats. We advise that the information of the detailed bat mitigation strategy, along with an updated site plan demonstrating that it will be implemented on site, are submitted and implemented as a condition of planning permission if granted.

We suggest the following wording :

Prior to the commencement of development (and vegetation clearance), an updated site plan demonstrating that the bat roosting features detailed within the mitigation strategy will be incorporated in to the new buildings and surrounding trees will be submitted to, and approved in writing by the Local Planning Authority. The full bat mitigation strategy, as detailed in the Bat Emergence Survey Report, Fellgrove, 22nd September 2019, along with measures to enhance the site for bats shall be implemented in full, and shall be thereafter retained. The mitigation strategy must be implemented as approved unless varied by a European Protected Species (EPS) license issued by Natural England.

Commuting and foraging bats

As discussed within the report, lighting can be detrimental to roosting, foraging and commuting bats. We advise that the Bat Conservation Trust's *Guidance Not 8 Bats and artificial lighting in the UK* is adhered to in the lighting design for the works undertaken and the new dwellings built.

If planning permission is granted we suggest the following condition wording :

Within 3 months of works commencing a "bat sensitive lighting plan" for the site boundaries has been submitted to and approved in writing by the local planning authority. The lighting strategy shall:

- a) Identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory;*
- b) Show how and where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory (including details of light spill which shall not exceed 1LUX on the vegetated boundaries).*

Ecological enhancement

The application provides opportunities to incorporate features into the design which are beneficial to wildlife, such as native species planting or the installation of bat/bird nest boxes. 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*".

As a reminder, we advise that ecological enhancements measures need to be over and above any mitigation measures. As such, the suggested bat boxes enhancements have to be in addition of any bat boxes suggested in the bat mitigation strategy.

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

Marie Thibault
Biodiversity Officer

This response was submitted following consideration of the following documents:
Preliminary Ecological Appraisal. Greenspace Ecological Solutions Ltd. July 2019;
Bat Emergence Survey Report, Fellgrove, 22nd September 2019.