



ECOLOGICAL ADVICE SERVICE

TO: *Marion Geary*

FROM: *Luke Wallace*

DATE: *23 April 2021*

SUBJECT: *21/501909/EIASCO / Land North of Marden*

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.

Our comments regarding this request for a scoping opinion are detailed below.

Protected Species and Habitats

A preliminary ecological appraisal (PEA) has been undertaken. The PEA identified the following habitats to have greatest value within the site:

- Ancient Woodland;
- Hedgerows;
- Field ditches, and;
- Ponds.

The scoping report states that the presence and populations of protected species within the site is to be established by detailed ecological assessment, and that the following surveys are being undertaken:

- Great Crested Newts;
- Breeding Birds;
- Bat activity and roosting;
- Dormice; and
- Reptiles.

We note that within the PEA, badger surveys have also been recommended as there is potential for this protected species to be utilising the site. There appears to be no mention of badgers within the scoping report. We advise that in alignment with the recommendations in the PEA, *all* further surveying must be undertaken.

All survey results, and necessary mitigation measures, must be included within the Environment Statement.

Designated Sites and Ancient Woodland

The Marden Meadows SSSI is located 0.5km to the south east of the site. Of note, this is considered to be one of the “...*best examples of unimproved neutral grassland remaining in Kent (SSSI citation)*” and features rare and threatened flora. Importantly, the PEA states that “*The Site falls within the Marden Meadow SSSI Impact Risk Zone (IRZ) and advises that any residential development of 100 or more houses outside existing settlements/urban areas should consult Natural England on potential impacts*”.

Ancient Woodland is located within, and around, the south-east part of the site. As cited in the NPPF, this habitat is irreplaceable and is one of the most biodiverse habitats in the UK.

The report identifies the following significant impacts to identified habitats/sites:

- Effects on on-site habitats through direct loss but also through increased recreation and other pressures on retained/replaced habitats;
- Effects on protected species for example through loss of habitat, disturbance, cat predation, road traffic and light pollution amongst others; and
- Effects on Marden Meadows SSSI and Marden Local Wildlife Site from increased recreational pressure.

We are satisfied that the identified impacts to habitats and the SSSI are accurate. However, we highlight concern about how mitigation can be achieved, with points of concern being:

- Habitat fragmentation, whereby the development separates biodiversity on all sides if habitat connectivity cannot be maintained within the development.
- The recreational pressure on the SSSI (Marden Meadows) – this sensitive and highly valuable site will likely to be subject to significantly increased recreational pressure which could entail significant detrimental impacts to the site’s biodiversity/notable ground-flora.
- Increased cat predation within the habitats on-site and the surrounding habitats, such as within the ancient woodland. The impact of cat predation (especially regarding birds, reptiles and small mammals) is not insignificant. However, this is an impact that is almost impossible to negate/limit.

We expect the Environmental Statement to provide a range of robust and effective measures to limit the identified impacts. This should not include the recommended minimum 15m buffer-zone for ancient woodland (as recommended by Natural England) as, given the scale of the development combined with the sensitivity and importance of the habitats, this will be insufficient. Instead, we expect much more significant and effective measures (including a much bigger buffer-zone and high quality on-site green space) to limit impacts.

Biodiversity Net-Gain

Within the scoping report, the only reference to biodiversity net-gain is the following sentence; *"The Proposed Development will seek to achieve a net biodiversity gain in accordance with NPPF policy."*

We take the view that this wording is not strong enough to provide confidence that biodiversity net-gain will be achieved. Of concern, there is no mention of the Defra Metric; the tool used to calculate estimated biodiversity net-gain/loss based on objective parameters.

We highlight that whilst there is no legislation associated with the Defra Metric, section 40 of the NERC act (2006) and paragraph 175 of the NPPF cite the need for developments to achieve biodiversity net-gain. The Defra Metric allows for an objective assessment of biodiversity gain/loss and, therefore, we advise that this is included with any submitted application. This should inform the proposed outline Landscape and Ecological Management Plan (LEMP).

Once the development design has demonstrated that biodiversity net-gain can be achieved, enhancement measures, such as integrated bird bricks, must then be included.

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

Luke Wallace
Biodiversity Officer

This response was submitted following consideration of the following documents:

- *Request for a Scoping Opinion. DHA. April 2021.*
- *Preliminary Ecological Appraisal Report. Corylus Ecology. November 2020.*