



ECOLOGICAL ADVICE SERVICE

TO: *Joanne Dymowska*

FROM: *Stefanie Bramley MCIEEM*

DATE: *21st January 2022*

SUBJECT: *CA/16/00600 Land north and south of New Dover Road, Canterbury*

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.

The additional information for this planning application includes an update to the previously submitted ecological information. The *Letter from Samuel Durham* confirms that “*Based on the findings of the August 2021 habitat survey, there are no ecologically significant differences between the type, extent, arrangement and condition of habitats recorded during the 2018/19 baseline update and during the August 2021 update habitat survey.*”

With regards to the potential for ecological impacts to arise as a result of the proposed development, we are satisfied that an appropriate level of ecological survey work has been undertaken to ensure the planning decision is informed by adequate up-to-date information.

The submission also includes the *Statement Regarding Predicted Biodiversity Net Gain*, in which it is confirmed that “*the applicant has set a 15% BNG (biodiversity net gain) target for the project*”. The approach to assessing the baseline biodiversity units and the predicted BNG is acceptable, and we note the conclusion that BNG (with the exception of hedgerows) will not be achievable on-site.

The applicant has therefore committed to delivering or funding off-site habitat creation and enhancement to reach the 15% BNG. This will need to be secured in a s106 agreement.

Farmland birds

We previously highlighted that the proposed development will result in the permanent loss of farmland bird habitat used by skylarks and yellowhammers. No mitigation was reported to be available, and at that time we reluctantly accepted that without a strategic delivery plan, it was not realistic for the applicant to compensate for this loss of farmland bird habitat.

With the applicant's undertaking to deliver off-site habitat creation in order to achieve the 15% BNG, we believe this also provides an opportunity for the applicant to provide compensatory habitat for farmland birds. Skylarks and yellowhammers are both species of principal importance / BAP species, and Canterbury CC should make particular effort, under the NERC Act 2006 'Biodiversity Duty', to conserve species of principal importance and there is now a greater opportunity for the planning decision to do so.

Suggested condition wordings

Site-wide ecological mitigation and enhancement strategy

No development (including any ground works, site or vegetation clearance) will commence until a site-wide ecological mitigation and enhancement strategy has been submitted to and approved in writing by the Local Planning Authority. The strategy will be informed by up-to-date ecological surveys and assessments (as necessary), will accord with the construction and operational mitigation and enhancement measures identified in the Environmental Statement and will set out the principles for ecological mitigation and enhancement, for all ecological receptors including farmland birds and including the delivery of 15% biodiversity net gain. The strategy will include prescriptions for and details of the approach to phasing of site-wide mitigation, compensation and enhancement delivery, including measures to protect biodiversity during construction, habitat creation, green infrastructure provision, ecological enhancement measures and the green bridge.

Phased ecological mitigation and enhancement plans

No development will take place in any phase (including any ground works, site or vegetation clearance) until a detailed ecological mitigation and enhancement plan for that phase has been submitted to, and approved in writing, by the local planning authority. The plan will be based upon the approved site-wide ecological mitigation and enhancement strategy, and the content of each detailed plan will be informed by updated specific species surveys (as necessary) and will include:

- a) Purpose and objectives for the proposed works*
- b) Detailed design(s) and/or working method(s) necessary to achieve stated objectives*
- c) Extent and location of proposed works, including all necessary receptor sites, shown on appropriate scale maps and plans*
- d) Timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction*
- e) Persons responsible for implementing the works, including times during construction when specialist ecologists need to be present on site to undertake / oversee works*
- f) Use of protective fences, exclusion barriers and warning signs*
- g) Details of temporary management measures to be put in place prior to full implementation of the landscape and ecological management and monitoring plan.*

The works will be carried out in accordance with the approved details and will be retained in accordance with the approved details.

Landscape and Ecological Management and Monitoring Plan (LEMMP)

No development beyond the construction of foundations will take place in any phase until a Landscape and Ecological Management and Monitoring Plan (LEMMP) has been submitted to, and been approved in writing by, the local planning authority. To ensure a coherent approach to management and monitoring of ecological mitigation and enhancement measures (including BNG), the LEMMP will be updated at each phase to incorporate and review approved management plans for earlier phases and, upon development of the last phase will provide a single LEMMP for the entire development. The content of the LEMMP will include the following:

- a) Description and evaluation of features to be managed
- b) Ecological trends and constraints on site that might influence management
- c) Aims and objectives of management
- d) Appropriate management options for achieving aims and objectives
- e) Prescriptions for management actions, together with plan(s) of management compartments
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period in perpetuity)
- g) Details of the body(ies) or organisation(s) responsible for implementation of the plan
- h) Ongoing species and habitat monitoring in relation to ecological mitigation and delivery of biodiversity net gain
- i) Provision for the implementation of remedial measures
- j) Timetable for management plan review.

The LEMMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Site-wide lighting strategy for biodiversity

No development will take place until a site-wide 'lighting design strategy for biodiversity' has been submitted to and approved in writing by the local planning authority. The site-wide lighting strategy will:

- a) Identify those areas/features on site that are particularly sensitive for badgers and bats and where lighting is likely to cause disturbance in or around breeding sites and resting places or along important routes used to access key areas of their territory
- b) Identify areas in which 'dark corridors' for biodiversity will be maintained
- c) Provide specifications for external lighting to minimise biodiversity impacts.

Phased lighting strategy for biodiversity

Prior to occupation of any phase, a detailed lighting strategy for biodiversity will be submitted to, and approved by, the local planning authority. The detailed lighting strategy will be in accordance with the approved site-wide 'lighting design strategy for biodiversity' and will show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent badgers and bats using their territory or having access to their breeding sites and resting places.

All external lighting will be installed in accordance with the specifications and locations set out in the strategy and these shall be maintained thereafter in accordance with the strategy.

We would be happy to liaise further to ensure that, if planning permission is granted, all planning conditions securing ecological matters are appropriately worded.

If you have any queries regarding our comments, please contact me.

Stefanie Bramley MCIEEM
Biodiversity Officer

This response was submitted following consideration of the following document(s):
Letter from Samuel Durham, Lloyd Bore Ecology to Joanne Dymowska, Canterbury City Council dated 10th September 2021.
Statement Regarding Predicted Biodiversity Net Gain. Lloyd Bore Ecology. December 2021.