



## ECOLOGICAL ADVICE SERVICE

**TO:** *Annabel Hemmings*

**FROM:** *Helen Forster*

**DATE:** *06 July 2023*

**SUBJECT:** *Land on the North East Side of Nash Road, Margate OL/TH/23/0685*

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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 if sufficient/appropriate ecological information has been provided.*

*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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We have reviewed the ecological information and we advise that it provides a good understanding the ecological interest of the site. We advise that we are satisfied that sufficient survey information is required but additional information is required on the proposed mitigation.

The ecological information submitted has detailed the following:

- Two areas of semi improved calcareous grassland present on site (including the RNR). Lizard orchid was recorded in area next to footpath and lizard orchid is protected under Schedule 9 Wildlife and Countryside Act 1981 (as amended).
- Lowland deciduous woodland
- Native species hedgerow (habitats of principle importance).
- Scattered trees
- Golden Plover recorded in field adjacent to site (species associated with the SPA).
- The wintering bird surveys confirmed the site was used by barn owls (schedule 1 species under the Wildlife and Countryside Act 1981) farmland bird species of conservation concern and species recorded in the field margins/hedgerows
- 35 species recorded during the breeding bird surveys which confirmed that the site was used by ground nesting birds (including corn buntings and skylarks). Barn Owl

was recorded nesting in adjacent site and the majority of species were recorded within the field margins/hedgerows (including grey partridge and linnet).

- Roosting Pipistrelle recorded within Nash Farm (building being impacted by road)
- At least 7 species of foraging/commuting bats within the site (greatest interest near Nash Farm and the cemetery).
- Likely to be small populations of reptiles within the edges of the site but none were recorded during the survey. Slow worms were confirmed within Nash Farm.
- Hares recorded within the site.
- Hedgehogs likely to be present.

With the exception of farmland birds and roosting bats the majority of the site interest is located within the site boundaries and the submitted Green Infrastructure parameter plan does demonstrate that the site boundaries will be retained and can be enhanced. In addition areas of open space/habitat creation will be carried.

The habitat creation/habitat enhancement includes the following measures:

- Creation of a 50m buffer area adjacent to the Road Side Nature Area (termed the Chalkhole Farm Roadside Nature Area is shown on the Green Infrastructure Plan). Also to provide habitat to support corn bunting and other farmland birds.
- At least a 5 m buffer on the chalk grassland and lizard orchid in the east boundary of the site.
- Enhancement and retention of the hedgerows in the site.
- Creation of green space throughout the site

A biodiversity net gain metric has been submitted and detailed that an anticipated BNG of 18% could be achieved. If the habitat creation/enhancement is achieved as detailed within the BNG assessment we do agree that it is likely that suitable habitat to support the majority of species within the site can be retained within the site. However it is dependent on appropriate habitat creation works and long term management being implemented within the site. All the grassland to be created within the site has been assessed as reaching good condition and if appropriate management does not occur the conditions proposed within the BNG metric may not be achieved and the proposed BNG habitat assessment is likely to be lower than the anticipated 18% BNG.

### **Farmland Birds**

The proposal will result in a loss of arable fields which have been confirmed being used by farmland birds (including corn bunting and skylarks). The creation of Chalk hole Farm roadside Nature area is likely to provide habitat for some farmland birds including linnet and corn bunting but not ground nesting birds such as skylarks. The proposal will result in the loss of skylark habitat and 28 territories were recorded within the development site and no mitigation has been proposed to mitigate the impact. We question if any discussions have been had with landowners in the wider area to create skylark plots to increase opportunities for skylarks within the surrounding area. We advise that additional information on this matter must be provide prior to determination.

### **Roosting Bats**

A common pipistrelle roost will be lost due to the proposed development and we are satisfied that within the site appropriate mitigation can be implemented however we highlight that limited details on the proposed mitigation has been provided. We

recommend that information is provided confirming the minimum number of bat roosts which will be created within the buildings in the proposed development site both as mitigation and enhancements. This information will enable the applicant to demonstrate that sufficient measures will be implemented to mitigate the loss of the bat roost.

### **Species Mitigation**

An overview of the species mitigation has been provided and other than the points detailed above we are satisfied with the principle of the proposed mitigation. We advise that if planning permission is granted a detailed mitigation strategy will be required as part of any planning permission.

The success of the proposed ecological mitigation and achieving the anticipated BNG is based on the implementation of appropriate management and if planning permission is granted there will be a need for a detailed habitat creation plan and a site wide management plan to be submitted as a condition of planning permission.

### **Ecological Enhancement**

In addition to enhancing the site for biodiversity for through increasing habitats within the site there are opportunities to enhance the site through increasing the number of enhancement features within the green space and buildings. We recommend that details of the minimum number of enhancement features to be incorporated in to the site must be provided. This must include details of integrated bat and bird boxes/tiles, bee bricks, log piles, hedgehog highways and nesting opportunities.

### **Habitat Regulations Assessment**

We have reviewed the Habitat Regulations Assessment and we are largely satisfied with the conclusions of the report. However the report has conclude that, without mitigation, there will be no impact on the designated sites due to Water pollution / pollution to groundwater (point sources and diffuse sources) / marine water pollution (construction or once the Project is operational).

If any mitigation is required (such a SuDS) to address impacts such as pollution of water courses which could then impact the designated sites there is a need for the HRA to be updated to include water pollution in the full HRA. They must not be ruled out at the screening stage of the HRA.

We advise that the TDC consultee on surface water must be satisfied that the conclusions of the HRA are correct with regard to water pollution. In

Subject to the surface water consultees being satisfied that the information within the report is correct we advise that the TDC must adopt the HRA. We highlight that the HRA requirements includes a contributing to the Thanet And Canterbury SAMMP.

### **Lighting**

The lighting report has detailed the following lighting principles will be taken forward with regard to lighting and minimising impacts on ecological features/interest:

- *The road improvements adjacent to Nash Court Farm should adopt directional lighting to reduce light spill in so far as possible onto the buildings within Nash Court Farm.*
- *The proposed new green corridors (e.g. linking Nash Farm to the western hedgerows and St John's Cemetery) and landscaping features should be kept dark to allow for*

*their future use for bat movement. The Bats and Artificial Lighting in the UK (Bat Conservation Trust, 2018) guidance should be referred to for appropriate limits on artificial lighting.*

- *As shown on the Land Use Parameter Plan (Appendix B), the proposed strategic link corridor will cut through some of these green corridors. If lighting on this road is required, light density should be reduced in these areas while maintaining appropriate conditions to meet road safety requirements.*
- *All new LEDs in use within the Proposed Development will be a maximum of 3000K to reduce impacts of the spectral power distribution (colour temperature) on bats.*

We advise that TDC must be satisfied that the proposed principles can be achieved. For example it's our understanding that if the road are to be adopted KCC Highways require lighting to be 4000K. Where lighting is located adjacent to green spaces there must be an undertaking to dim or switch of lighting over night and as part of this undertaking full consideration must be given to the impacts associated with Health and Safety requirements for residents.

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

**Helen Forster MCIEEM**  
**Biodiversity Officer**

This response was submitted following consideration of the following documents:  
Environmental Statement. Chapter 6 and appendix 6.1-6.8; Axis Land Partnerships  
Parameter Plan – Green infrastructure; Mosaic; September 2022