

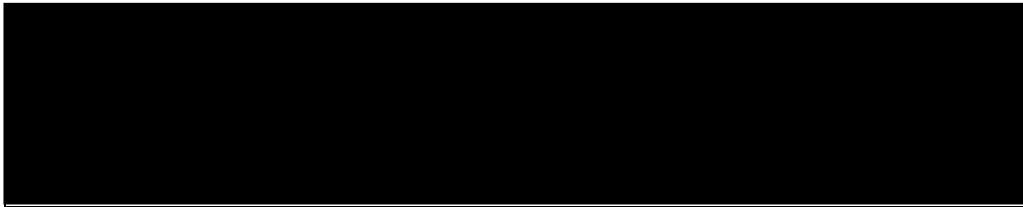
Land East of Cauldham Lane, Capel-le-Ferne

Ecological Appraisal

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Executive Summary

- i) Introduction. Aspect Ecology has been commissioned by Quinn Estates Ltd in to undertake an Ecological Appraisal in respect of proposed redevelopment of land at Capel Street, Capel-le-Ferne, Folkestone, Kent.
- ii) Proposals. The proposals are for the demolition of single dwelling and erection of up to 90 dwellings with associated landscaping, parking and infrastructure; with all matters reserved except access.
- iii) Survey. The site was surveyed in May 2022 based on standard extended Phase 1 methodology. In addition, a general appraisal of faunal species was undertaken to record the potential presence of any protected, rare or notable species, with specific surveys conducted in respect of bats, Badger, Great Crested Newt and wintering birds.
- iv) Ecological Designations. The site itself is not subject to any statutory or non-statutory ecological designations. The nearest statutory designation is Folkestone Warren Site of Special Scientific Interest (SSSI) located approximately 0.3km to the south of the site. The nearest non-statutory designation is a Roadside Nature Reserve (RNR) approximately 1.4km to the south-west of the site. All of the ecological designations in the surrounding area are physically well separated from the site and given the small scale nature of the proposals, are unlikely to be adversely affected.
- v) Habitats. The site is dominated by an arable field largely bound by hedgerows. Additionally, the site contains small areas of tall ruderal vegetation and bare ground which are largely associated with the filed margins. A building is located within the easternmost part of the site, surrounded by an area of amenity grassland associated with the garden. The hedgerows on site form important ecological features of which the majority are retained under the proposals.
- vi) Protected Species. The site offers some limited opportunities to a number of faunal groups, largely limited to common and widespread species, although there is some potential for a small number of protected species to make use of the site largely associated with the boundary features. Appropriate mitigation measures will therefore be implemented to safeguard fauna during relevant site works. Long-term opportunities will be maintained, if not enhanced, under the proposals with examples including new landscape planting and provision faunal enhancements.
- vii) Enhancements. The proposals present the opportunity to secure a number of biodiversity net gains, including additional native tree planting, new roosting opportunities for bats, and more diverse nesting habitats for birds.
- viii) Summary. In summary, the proposals have sought to minimise impacts on biodiversity and subject to the implementation of appropriate avoidance, mitigation and compensation measures, it is considered unlikely that the proposals will result in significant harm.

1 Introduction

1.1 Background and Proposals

1.1.1 Aspect Ecology has been commissioned by Quinn Estates Ltd to undertake an Ecological Appraisal in respect of proposed development of land east of Cauldham Lane, Capel-le-Ferne, centred at grid reference TR 24686 38681 (see Plan 6117/ECO1), hereafter referred to as 'the site'.

1.1.2 An outline planning application is being submitted at the site for the demolition of single dwelling and erection of up to 90 dwellings with associated landscaping, parking and infrastructure; with all matters reserved except access. The proposals plan is provided at Appendix 6117/1.

1.2 Site Overview

1.2.1 The site comprises the southern section of a large arable field, bound to the north by further arable fields, beyond which lies the A20. The site is bound to the west by residential properties, beyond which lies Cauldham Lane. The site is bound to the east and south by existing residential development, beyond which lies Capel Street to the east, and Cauldham Lane to the south.

1.2.2 The site is dominated by an arable field largely bound by hedgerows. Additionally, the site contains small areas of tall ruderal vegetation and bare ground which are largely associated with the field margins. A residential house is located within the easternmost part of the site, surrounded by an area of amenity grassland associated with the garden, whilst a narrow corridor to the west extends into an adjacent grassland field.

1.3 Purpose of the Report

1.3.1 This report documents the methods and findings of the baseline ecology surveys and desktop study carried out in order to establish the existing ecological interest of the site, and subsequently provides an appraisal of the likely ecological effects of the proposals. The importance of the habitats and species present is evaluated. Where necessary, avoidance, mitigation and compensation measures are proposed so as to safeguard any significant existing ecological interest within the site and where appropriate, opportunities for ecological enhancement are identified with reference to national conservation priorities and local Biodiversity Action Plans (BAPs).

2 Methodology

2.1 Desktop Study

- 2.1.1 In order to compile background information on the site and its immediate surroundings a number of organisations were contacted, with data requested on the basis of a search radius of 2km.
- 2.1.2 To gather information on nearby ecological designations and known sites for protected and notable species, Kent and Medway Biological Records Centre (KMBRC) was contacted in September 2022. KMBRC also provided records held by Kent Bat Group (KBG) and Kent Ornithological Society (KOS). The information received from these organisations is discussed in the text and reproduced, where appropriate, on Plan 6117/ECO2.
- 2.1.3 Information on statutory designations was obtained from the online Multi-Agency Geographic Information for the Countryside (MAGIC) database, which utilises data provided by Natural England, with an extended search radius (25km). In addition, the MAGIC database was searched to identify the known presence of any Priority Habitats within or adjacent the site. Relevant information is reproduced at Appendix 6117/2 and on Plan 6117/ECO2, where appropriate.
- 2.1.4 In addition, the Woodland Trust database was searched for any records of ancient, veteran or notable trees within or adjacent to the site.

2.2 Habitat Survey

- 2.2.1 The survey area was initially surveyed in June 2015 in order to ascertain the general ecological value of the land contained within the boundaries of the site and to identify the main habitats and ecological features present. An update survey was subsequently undertaken in May 2022. The survey included areas immediately adjacent to the west of the site, either side of the western access corridor, referred to as the additional survey area.
- 2.2.2 The site and additional survey area was surveyed based on standard Phase 1 Habitat Survey methodology¹, whereby the habitat types present are identified and mapped, together with an assessment of the species composition of each habitat. This technique provides an inventory of the basic habitat types present and allows identification of areas of greater potential which require further survey. Any such areas identified can then be examined in more detail through Phase 2 surveys. This method was extended, in line with the Guidelines for Preliminary Ecological Appraisal² to record details on the actual or potential presence of any notable or protected species or habitats.
- 2.2.3 Using the above method, the site was classified into areas of similar botanical community types, with a representative species list compiled for each habitat identified. The nomenclature used for plant species is based on the Botanical Society for the British Isles (BSBI) Checklist.

2.3 Faunal Surveys

- 2.3.1 General faunal activity, such as mammals or birds observed visually or by call during the course of the surveys was recorded. Specific attention was also paid to the potential

¹ Joint Nature Conservation Committee (2010, as amended) 'Handbook for Phase 1 habitat survey: A technique for environmental audit.'

² Chartered Institute for Ecology and Environmental Management (CIEEM) (2013) 'Guidelines for Preliminary Ecological Appraisal.'

presence of any protected, rare or notable species, and specific consideration was given to Bats, Badgers and Great Crested Newt, as described below.

Bats³

Visual Inspection Surveys

2.3.2 Buildings. Buildings within the site were subject to specific internal and external inspection surveys using ladders, torches and binoculars where necessary during a separate survey visit in August 2023.

2.3.3 During the internal inspections, evidence for the presence of bats was searched for with particular attention paid to any loft voids and relevant potential roost features and locations, such as ridge boards, rafters, purlins, gable walls, and mortise joints. Specific searches were made for bat droppings that can indicate present or past use and extent of use, whilst other signs that can indicate the possible presence of bats were also searched for, e.g. presence of stained areas, feeding remains, corpses, etc. Any droppings collected during the course of the surveys were visually assessed and attributed to a species where possible on the basis of size / shape / texture⁴. Where appropriate, samples of similar droppings were collected with gloved hands and put into labelled eppendorfs, and sent off for DNA analysis where appropriate.

2.3.4 During the external inspections, particular attention was given to any potential roost features or access points, such as broken or lifted roof tiles, lifted lead flashing, soffit boxes, weatherboarding, hanging tiles, etc. and for any external signs of use by bats such as accumulations of bat droppings or staining. Binoculars were used to inspect any inaccessible areas more closely where appropriate.

2.3.5 Trees. Trees were assessed for their suitability to support roosting bats based on the presence of features such as holes, cracks, splits or loose bark. Suitability for roosting bats was rated based on relevant guidance⁵ as:

Negligible;

Low;

Moderate; or

High.

2.3.6 Any potential roost features identified were also inspected for any signs indicating possible use by bats, e.g. staining, scratch marks, bat droppings, etc.

Dusk Emergence / Dawn Re-entry Survey

2.3.7 As building B1 is set to be removed for site-access, dusk emergence and dawn re-entry surveys were carried out to identify if any bats are roosting in the building. Building B1 was assessed as offering moderate bat roosting potential and was therefore subject to two surveys.

³ Surveys based on: English Nature (2004) 'Bat Mitigation Guidelines' and Collins, J. (ed.) (2016) 'Bat Surveys for Professional Ecologists: Good Practice Guidelines (3rd edn).' Bat Conservation Trust

⁴ Stebbings, RE, Yalden DW and Herman, JS (2007). 'Which bat is it? A guide to bat identification in Great Britain and Ireland.' The Mammal Society

⁵ Collins, J. (ed.) (2016) 'Bat Surveys for Professional Ecologists: Good Practice Guidelines (3rd edn).' Bat Conservation Trust

- 2.3.8 During surveys, surveyors and / or Infrared (IR) cameras were positioned around buildings to record emerging or re-entering bats, with survey positions chosen to cover specific features identified as providing bat roosting potential. Plan 6117/ECO4 shows the surveyor and IR camera locations, with details set out in Table 2.1 and Table 2.2 below. At dusk, surveyors and IR cameras were in position 15-30 minutes prior to sunset, remaining in place for approximately 2 hours. At dawn, surveyors and IR cameras were in place approximately 1 hour 30 minutes to 2 hours before sunrise and remained in place until 15 minutes after sunrise. This survey method aims to identify any roosting bats emerging from or returning to potential roost sites.
- 2.3.9 Surveyors employed Anabat Scout handheld detectors to aid identification of any bats observed. IR camera set-ups, comprising a 1080p IR sensitive camera and two Evolva T38 IR lights together with an Anabat Scout detector, were also utilised at a number of locations to identify the precise roosting locations and to confirm the number of any emerging or re-entering bats. On occasions where IR cameras were utilised, these were monitored by an additional surveyor / IR camera technician (making sure lights, batteries etc. are functional) and where appropriate adjusting the IR camera set ups to optimise the footage / data collected.
- 2.3.10 This survey work was carried out during suitable weather conditions, as set out in Tables 2.1 and 2.2 below.

Table 2.1. Dusk survey details.

Date	Start & end times & time of sunset	Structure reference / location	Equipment used	Weather
16/08/2023	Start time: 20:00 End time: 22:15 Sunset: 20:15	B1	Anabat Scout, IR cameras.	Dry, 30% cloud, BF3, 18°C
Comments: The survey was undertaken by 1 surveyor, 1 camera technician and 4 IR cameras. All Surveys were under direction of licence holder CLS00307				

BF0 = calm, BF12 = hurricane force.

Table 2.2. Dawn survey details.

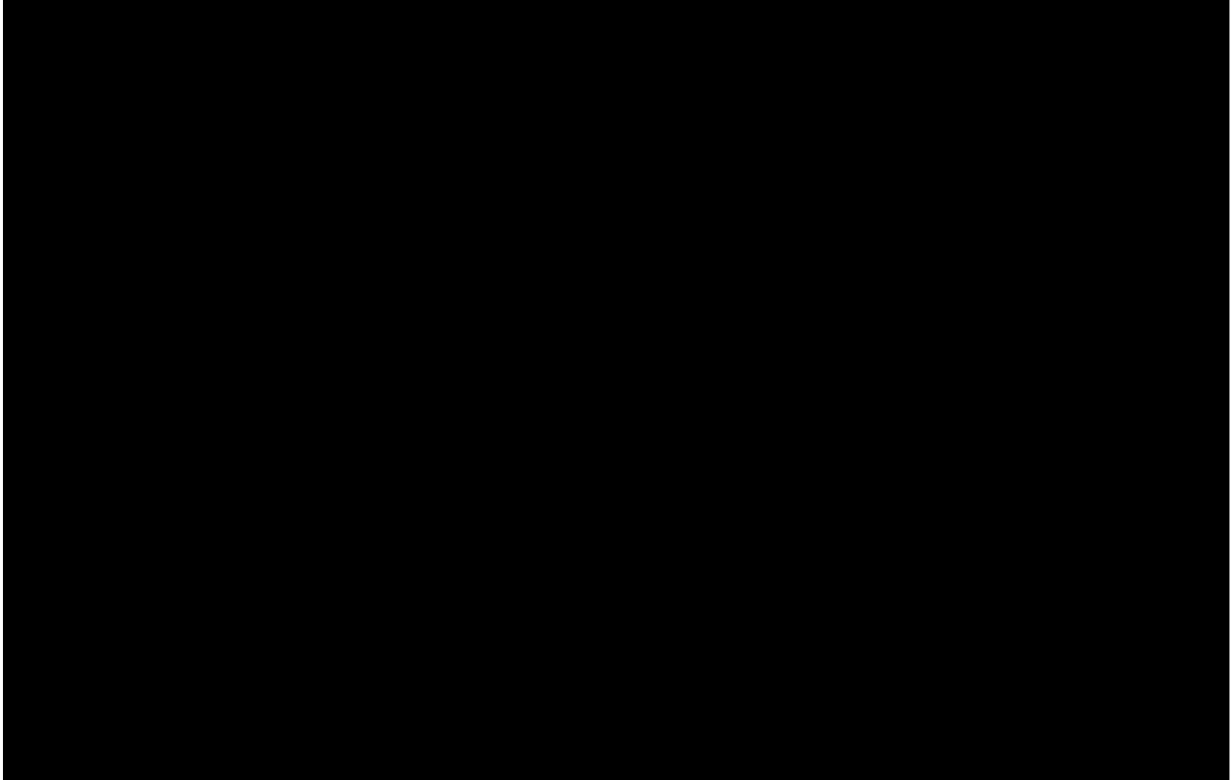
Date	Start & end times & time of sunrise	Structure reference / location	Equipment used	Weather
31/08/2023	Start time: 04:06 End time: 06:21 Sunrise: 06:06	B1	Anabat Scout, IR cameras.	Dry, 80% cloud, BF1, 12°C
Comments: The survey was undertaken by 1 surveyor, 1 camera technician and 4 IR cameras. All Surveys were under direction of licence holder CLS00307				

BF0 = calm, BF12 = hurricane force.

Analysis of Bat Survey Recordings

- 2.3.11 All bat calls were analysed using Anabat Insight v2.0.1 to verify the species recorded during the survey work. Where recordings could not be reliably attributed to species (such as for Myotis species) or where overlaps between otherwise distinguishable species occur (such as in Pipistrelle bat calls around 40kHz or 50kHz) calls were identified to genus level; in the case of calls which could not be distinguished between Nyctalus sp. and Serotine, these have been labelled as 'big bat' species.
- 2.3.12 Infra-red camera data was analysed using MotionMeerkat v2.0.5 with analysis parameters set to ensure maximum trigger sensitivity to identify all movement within the video footage obtained. The output was subsequently reviewed using VLC Media Player v3.0.20 to confirm whether the motion events were attributable to emerging or re-entering bats. In addition

to the motion events identified by MotionMeerkat, any potential emerging or re-entering bats or notable activity identified by surveyors during each survey were examined in detail through reviewing the footage at the times identified. A copy of any emergence or re-entry events, in addition to a still image from the darkest point of the survey to demonstrate sufficient illumination and field of view, were extracted from each video and are presented at Appendix 6117/3.



Wintering Birds⁷

- 2.3.15 A wintering bird survey was conducted at the site during January to March 2021, based around the methodology set out in Scottish Natural Heritage (SNH) Guidance, which although relating specifically to onshore windfarms sets out a number of methodologies for bird surveys that are applicable to a wide range of situations.
- 2.3.16 Three visits were made to the site during suitable weather between January and March 2021. On each survey an experienced ornithologist walked a circuitous route that took in all field margins. Most surveys either started or ended in the hours of darkness in order to record nocturnal species such as owls.

Table 2.3. Winter bird survey dates and weather conditions.

Survey Date	Weather Conditions			
	Wind (BF)	Temp(°)	Cloud Cover (%)	Precipitation (0-5)
31/01/2021	3	3	60	Dry
07/02/2021	4	0	90	Dry
07/03/2021	1	0	90	Dry

⁶ Based on: Mammal Society (1989) 'Occasional Publication No. 9 – Surveying Badgers'

⁷ Scottish Natural Heritage (2005) 'Survey Methods for the use in assessing the Impacts of Onshore Windfarms on Bird Communities'

Great Crested Newt (*Triturus cristatus*)

Environmental DNA (eDNA)

- 2.3.17 During 2015 an eDNA survey was carried out to determine the presence / absence of Great Crested Newt at ponds within the surrounds of the site. At the time of the survey only pond P1 contained water while the other ponds were dry or no longer present. Accordingly, water samples were collected from pond P1 on 30/06/2015 following the procedure outlined in the methods manual prepared for DEFRA by Biggs et al. (2014)⁸. The survey fell within the acceptable seasonal window set out by Natural England (15th April to 30th June)⁹. Samples were collected by suitably licensed surveyor. Updated eDNA surveys were attempted during May 2022, however, both ponds P1 and P2 were dry and therefore no survey was undertaken.

2.4 Survey Constraints and Limitations

- 2.4.1 All of the species that occur in each habitat would not necessarily be detectable during survey work carried out at any given time of the year, since different species are apparent during different seasons. The Phase 1 habitat survey was undertaken within the optimal season therefore allowing a robust assessment of habitats and botanical interest across the site.
- 2.4.2 Attention was paid to the presence of any invasive species listed under Schedule 9 of the Wildlife and Countryside Act 1981 (as amended). However, the detectability of such species varies due to a number of factors, e.g. time of year, site management, etc., and hence the absence of invasive species should not be assumed even if no such species were detected during the Phase 1 survey.

2.5 Ecological Evaluation Methodology

- 2.5.1 The evaluation of ecological features and resources is based on professional judgement whilst also drawing on the latest available industry guidance and research. The approach taken in this report is based on that described by the Chartered Institute of Ecology and Environmental Management (CIEEM, 2018)¹⁰, which involves identifying 'important ecological features' within a defined geographical context (i.e. international, national, regional, county, district, local or site importance). For full details refer to Appendix 6117/4.

8 Biggs J., Ewald N., Valentini A., Gaboriaud C., Griffiths R.A., Foster J., Wilkinson J., Arnett A., Williams P. and Dunn F. (2014). 'Analytical and methodological development for improved surveillance of the Great Crested Newt. Appendix 5. Technical advice note for field and laboratory sampling of great crested newt (*Triturus cristatus*) environmental DNA'. Freshwater Habitats Trust, Oxford.

9 Natural England (2015) 'Great crested newts: surveys and mitigation for development projects. Standing advice for local planning authorities who need to assess the impacts of development on great crested newts'. Last updated at www.gov.uk on 24/12/2015.

10 CIEEM (2018) 'Guidelines for Ecological Impact Assessment in the UK and Ireland: Terrestrial, Freshwater, Coastal and Marine', ver. 1.2, Chartered Institute of Ecology and Environmental Management, Winchester

2.6 National Policy Approach to Biodiversity in the Planning System

2.6.1 The National Planning Policy Framework (NPPF)¹¹ describes the Government's national policies on 'conserving and enhancing the natural environment' (Chapter 15). NPPF is accompanied by Planning Practice Guidance on 'Biodiversity, ecosystems and green infrastructure' and ODPM Circular 06/2005¹².

2.6.2 NPPF takes forward the Government's strategic objective to halt overall biodiversity loss¹³, as set out at Paragraph 180, which states that planning policies and decisions should contribute to and enhance the natural and local environment by:

'minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures'

2.6.3 The approach to dealing with biodiversity in the context of planning applications is set out at Paragraph 186:

'When determining planning applications, local planning authorities should apply the following principles:

- a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
- b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;
- c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and
- d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.'

2.6.4 The above approach encapsulates the 'mitigation hierarchy' described in British Standard BS 42020:2019¹⁴, which involves the following step-wise process:

Avoidance – avoiding adverse effects through good design;

¹¹ Department for Levelling Up, Housing and Communities (2023) 'National Planning Policy Framework'

¹² ODPM (2006) 'Circular 06/2005: Planning for Biodiversity and Geological Conservation – A Guide to Good Practice'

¹³ DEFRA (2011) 'Biodiversity 2020: A strategy for England's wildlife and ecosystem services'

¹⁴ British Standards Institution (2013) 'Biodiversity – Code of practice for planning and development', BS 42020:2019

Mitigation – where it is unavoidable, mitigation measures should be employed to minimise adverse effects;

Compensation – where residual effects remain after mitigation it may be necessary to provide compensation to offset any harm; and

Enhancement – planning decisions often present the opportunity to deliver benefits for biodiversity, which can also be explored alongside the above measures to resolve potential adverse effects.

- 2.6.5 The measures for avoidance, mitigation, compensation and enhancement should be proportionate to the predicted degree of risk to biodiversity and to the nature and scale of the proposed development (BS 42020:2019, section 5.5).

2.7 Local Policy

Dover District Council Core Strategy 2010

- 2.7.1 Planning policy in Dover District Council is set out within the Council's Core Strategy 2010 and Land Allocations Local Plan 2015.

- 2.7.2 A number of policies within Dover's Core Strategy are of relevance to ecology and nature conservation. These are:

Policy CP7 – Green Infrastructure Network. This policy states that 'the integrity of the existing network of green infrastructure will be protected and enhanced through the lifetime of the Core Strategy'. Planning permission will only be granted if it can 'incorporate measures that avoid the harm arising or sufficiently mitigate its effects'; and

Policy DM15 – Protection of the Countryside. This policy protects against developments that would result in the loss of, or adverse effects on, the countryside [defined as undeveloped land beyond settlement boundaries]. Developments will only be permitted if they do not result in the loss of ecological habitats.

Draft Dover District Local Plan

- 2.7.3 The Council is currently in the process of producing a new Local Plan. To date, a Regulation 19 Local Plan has been submitted for examination (dated October 2022), with hearings taking place in autumn 2023. This sets out the following draft policies of relevance to ecology and nature conservation:

SP 13 – Protecting the District's Hierarchy of Designated Environmental Sites and Biodiversity Assets. This policy sets out how ecological designations will be protected, with consideration to the hierarchy of European, national, and local sites. The policy states that "development should avoid significant harm to locally identified biodiversity assets, including Local Wildlife Sites and Local Nature Reserves as well as priority and locally important habitats and protected species."

SP 14 – Enhancing Green Infrastructure and Biodiversity. This policy promotes the conservation and enhancement of biodiversity in accordance with the Kent Biodiversity Strategy and Dover District Green Infrastructure Strategy. The policy states that "proposals should safeguard features of nature conservation interest and should include measures to retain, conserve and enhance habitats."

CC8 - Tree Planting and Protection. This policy encourages two native trees to be planted for each new dwelling and encourages trees protected by Tree Preservation Orders should be retained wherever possible.

NE1 – Biodiversity Net Gain. This policy sets out that development proposals must provide a minimum of 10% biodiversity net gain, and sets out the associated requirements for any planning proposals.

NE2 - Landscape Character and the Kent Downs AONB. This policy largely related to landscape, however it references ecology in part, stating proposals should adhere to landscape characteristics including “the type and composition of wildlife habitats”.

3 Ecological Designations

3.1 Statutory Designations

Description

- 3.1.1 The statutory designations of ecological importance that occur within the local area are shown on Plan 6117/ECO2. The nearest statutory designation is Folkestone Warren Site of Special Scientific Interest (SSSI) located approximately 310m to the south of the site. This SSSI is designated on the basis of its chalk cliff habitats that support outstanding assemblages of plants and invertebrates, together with individual species that are nationally uncommon, such as the fiery clearwing moth *Bembecia chrysidiformis*. Parts of the SSSI are also designated as Folkestone Warren Local Nature Reserve (LNR).
- 3.1.2 The next nearest statutory designation is Folkestone to Etchinghill Escarpment SSSI located approximately 1.4km to the south-west of the site. The SSSI is designated for an extensive area of chalk grassland and scrub, unimproved chalk downland, three nationally rare plants, outstanding lichen flora, a diverse breeding bird community, and an outstanding assemblage of insects, including many local and rare species.
- 3.1.3 Folkestone to Etchinghill Escarpment SSSI is also subject to European designation as a Special Area of Conservation (SAC). The SAC is designated on the basis of the presence of the Annex I habitat semi-natural dry grasslands and scrubland facies on calcareous substrates (*Festuco-Brometalia*) (including important orchid sites). A number of other European designations are located within 25km of the site, with the next nearest being Lydden and Temple Ewell Downs SAC located 6.8km to the north-east.
- 3.1.4 Natural England has developed Impact Risk Zones (IRZs) as an initial tool to help assess the risk of developments adversely affecting SSSIs, taking into account the type and scale of developments. The site lies within a SSSI IRZ in relation to Folkestone Warren SSSI, however the proposals fall under the threshold as the IRZ indicates that proposals of more than 100 dwellings would trigger likely impacts.

Evaluation

- 3.1.5 The site itself is not subject to any statutory ecological designations, whilst the majority of statutory ecological designations in the surrounding area are well separated from the site by existing development and given the nature and scale of the proposals, these designations are unlikely to be affected.
- 3.1.6 Folkestone Warren SSSI is located 310m to the south of the site, although is located on steep chalk cliffs limiting access away from footpaths such that it is unlikely to be affected by indirect effects such as recreational pressure.
- 3.1.7 The Habitats Regulations Assessment (HRA) of the draft Local Plan¹⁵ provides an assessment of impacts on Folkestone to Etchinghill Escarpment SAC and other European designations, with the site included as an allocated site under the draft Local Plan (SAP44). The site is located within the 4km zone of influence (ZoI) identified for recreational effects at Folkestone to Etchinghill Escarpment SAC, although the HRA notes that the SAC is actively managed, with gates, fencing and onsite wardening, whilst steep escarpments are present which limit access. As such, recreational effects are typically focused in specific areas which can be readily targeted by management. Given wider policy measures to promote open

¹⁵ LUC (March 2023) Dover District Local Plan (Reg 19) Habitats Regulations Assessment

space provision and commit to ongoing monitoring, the HRA concludes that there would be no adverse effect on integrity as a result of recreational activity. The site is located outside of identified Zols in relation to other European sites, aside from those with a very large catchment (e.g. Dover to Kingsdown Cliffs SAC) where the proposed development would make a negligible contribution to visitor numbers.

3.1.8 In regard to air quality, traffic associated with the proposed development could be expected to route along the A20 or A2 close to Folkestone to Etchinghill Escarpment SAC and Lydden and Temple Ewell Downs SAC. However, any contribution from the proposed development would be minimal given its small scale, whilst the HRA of the draft Local Plan concludes no adverse effect on integrity from air quality at these designations. The proposed development is also located outside of identified buffer zones in relation to functionally linked habitat, and is unlikely to result in significant effects as a result of water quality or quantity.

3.1.9 On this basis, statutory designations in the surrounding area are unlikely to be affected by the proposed development.

3.2 Non-statutory Designations

Description

3.2.1 The non-statutory designations of nature conservation interest that occur within the local area are shown on Plan 6117/ECO2. No Local Wildlife Sites (LWS) (the main non-statutory nature conservation designation within Kent) are located within 2km of the site. A Roadside Nature Reserve (RNR) is located approximately 1.4km to the south-west of the site along Smallpox Hill road at the edge of Folkestone to Etchinghill Escarpment SSSI (RNR SH02 Road between Crete Road East and Dover Hill).

Evaluation

3.2.2 The site itself is not subject to any non-statutory nature conservation designations. All non-statutory designations in the surrounding area are well separated from the site by existing development and given the nature and scale of the proposals, these designations are unlikely to be affected.

3.3 Priority Habitats, Ancient Woodland and Notable Trees

Description

3.3.1 A search of the MAGIC database does not indicate any areas identified under the Priority Habitat inventory within or directly adjacent to the site. In addition, based on the Woodland Trust database there are no records of any notable or veteran trees within or adjacent to the site. No Ancient Woodland is located within the site, whilst the nearest such woodland is located approximately 1km west of the site. The small block of woodland is separated from the site by arable fields.

Evaluation

3.3.2 Given their separation from the site, it is unlikely that any Priority Habitats, Ancient Woodland or any notable or veteran trees will be significantly affected by the proposals.

3.4 Summary

- 3.4.1 In summary, the site itself is not subject to any statutory or non-statutory ecological designations, and given the nature and scale of the proposals and separation from any such designations, these are unlikely to be affected by the proposed development.

4 Habitats and Ecological Features

4.1 Background Records

4.1.1 No specific records of any protected, rare or notable plant species from within or immediately adjacent to the site are included within the information returned from the Records Centre. A number of records of Priority Species were returned from KMBRC including Juniper *Juniperus communis*, Fly Orchid *Ophrys insectifera*, Man Orchid *Orchis anthropophora*, Wild Candytuft *Iberis amara*, Slender Bedstraw *Galium pumilum*, Basil Thyme *Clinopodium acinos*, Chalk Eyebright *Euphrasia pseudokernerii* and Borrer's Saltmarsh-grass *Puccinellia fasciculata*. However, no evidence for the presence of any of these species within the site was recorded during the survey work undertaken.

4.2 Overview

4.2.1 The habitats and ecological features present within the site are described below and evaluated in terms of whether they constitute an important ecological feature and their level of importance, taking into account the status of habitat types and the presence of rare plant communities or individual plant species of elevated interest. The likely effects of the proposals on the habitats and ecological features are then assessed. The value of habitats for the fauna they may support is considered separately in Chapter 5 below.

4.2.2 The following habitats / ecological features were identified within / adjacent to the site:

- Arable;
- Semi-improved Grassland;
- Tall Ruderal Vegetation;
- Bare Ground;
- Hedgerows and Trees;
- Building and Amenity Garden; and
- Other Adjacent Habitats.

4.2.3 The locations of these habitat types and features are illustrated on Plan 6117/ECO3 and described in detail below.

4.3 Priority Habitats

4.3.1 Section 40 of the Natural Environment and Rural Communities (NERC) Act 2006 places duties on public bodies to have regard to the conservation of biodiversity in the exercise of their normal functions. In particular, Section 41 of the NERC Act requires the Secretary of State to publish a list of habitats which are of principal importance for conservation in England. This list is largely derived from the 'Priority Habitats' listed under the former UK Biodiversity Action Plan (BAP), which continue to be regarded as priority habitats under the subsequent country-level biodiversity strategies.

4.3.2 Of the habitats within and adjacent to the site, woodland and hedgerows are considered to qualify as Priority Habitats and therefore constitute important ecological features. Ponds which are found adjacent to the site can also form a Priority Habitat. This is discussed further in the relevant habitat sections below.

4.4 Arable

Description

- 4.4.1 The site is largely comprised of a single arable field, labelled F1 on Plan 6117/ECO3. At the time of the May 2022 survey, this was recorded to comprise well-established cereal crops, likely winter sown, with a sward height of approximately 1m tall with very few arable weeds present. During the August 2023 building inspections, the field was noted to remain under arable cultivation. The field is bounded by areas of bare ground, rough grassland, tall ruderal vegetation and hedgerows as shown on Plan 6117/ECO3 and described further below.

Evaluation

- 4.4.2 The arable field appears to be intensively managed, with few arable weed species present. Narrow field margins were recorded to be dominated by common and widespread species, with no notable arable species observed. Arable fields are not uncommon in the local area, as such, the arable field does not constitute an important ecological feature. The loss of arable to the proposals is therefore of minor ecological significance.

4.5 Semi-improved Grassland

- 4.5.1 The site contains an area of semi-improved grassland to the west, labelled F2 on Plan 6117/ECO3. Field F2 comprises semi-improved grassland, with uneven tussocky sward height for the majority of the field and a section of longer sward grassland in the north-western part. The species present within the central grassland sward include Meadow Foxtail *Alopecurus pratensis*, Yorkshire-fog *Holcus lontanus*, Common Sorrel *Rumex acetosa*, Creeping Buttercup *Ranunculus repens* and Germander Speedwell *Veronica chamaedrys*. The species present within the longer sward section of grassland in the north-west include Meadow Foxtail, Yorkshire-fog, Cock's-foot *Dactylis glomerata*, Red Fescue *Festuca rubra*, Creeping bent *Agrostis stolonifera*, Creeping Buttercup, Dock species *Rumex* sp., Common Nettle *Urtica dioica*, Teasel species *Dipsacus* sp., Creeping Thistle *Cirsium arvense*, Common Bird's-foot-trefoil *Lotus corniculatus*, Spear Thistle *Cirsium vulgare*, Silverweed *Argentina anserina*, White Clover *Trifolium repens*, Common Mouse-ear *Cerastium fontanum*, Ragwort *Senecio jacobaea*, Slender Tare *Vicia parviflora* and Gorse species *Ulex* sp.
- 4.5.2 Small areas of rough grassland were also recorded around the margins of field F1, supporting a similar range of species.

Evaluation

- 4.5.3 Overall, the majority of grassland F2 supports a low diversity of common and widespread species and based on the type and abundance of species present (with few indicator species of higher quality grassland) it can be classified as semi-improved grassland¹⁶. Semi-improved grassland is not uncommon in the local area. As such, the grassland does not constitute an important ecological feature. The loss of grassland to the proposals is therefore of minor ecological significance.

¹⁶ Natural England (2010) 'Higher Level Stewardship – Farm Environment Plan (FEP) Manual', 3rd Edition

4.6 Tall Ruderal Vegetation

Description

- 4.6.1 Small areas of tall ruderal vegetation are present within the site as shown on Plan 6117/ECO3. The area of tall ruderal vegetation found within grassland F2 was dominated by Common Nettle with Common Figwort *Scrophularia nodosa* and Dock sp.
- 4.6.2 The area of tall ruderal vegetation found to the north of hedgerow H4 is a 2m wide strip comprising of species including Cow Parsley *Anthriscus sylvestris*, Common Nettle, Cleavers *Galium aparine*, Docks species, Bramble scrub and Gorse.

Evaluation

- 4.6.3 The areas of tall ruderal vegetation comprise common and widespread species and are small in extent. As such, these areas are not considered to form an important ecological feature.

4.7 Bare Ground

Description

- 4.7.1 Small sections of bare ground are present along the southern and eastern borders of field F1. The strips of bare ground are both approximately 1m wide adjacent to the cereal crop.

Evaluation

- 4.7.2 These areas are not considered to form an important ecological feature.

4.8 Hedgerows and Trees

Description

- 4.8.1 Seven hedgerows are present within / adjacent to the site which largely bound the site to the west, south and east. The hedgerows are described in more detail in Table 4.1.

Table 4.1. Hedgerow descriptions.

No.	H	W	Woody species	Avg. per 30m*	Ground flora & climbers	Associated features	Comments (including structure / management)	Likely to qualify#
H1	-8m	-2m	<u>Alder (D), Hornbeam, Silver Birch</u>		Common Nettle (D), Cleavers	-	Dense with continuous vegetation, almost a treeline.	N
H2	~10m		<u>Alder (D), Hornbeam (D), Ash, Field Maple</u>		Cow Parsley, False Oat-grass	-	More of a woodland edge than hedgerow and therefore likely not managed differently to the woodland. Width undefined as it forms the woodland boundary.	N

No.	H	W	Woody species	Avg. per 30m*	Ground flora & climbers	Associated features	Comments (including structure / management)	Likely to qualify#
H3	~9m	~3m	<u>Alder, Hornbeam</u>		Smooth Meadow-grass, Cleavers, Common Nettle, Bittersweet	-	-	N
H4		~1-2m	Privet, Hydrangea, Wilson's Honeysuckle, <u>Yew</u> G Ash (sm), <u>Hawthorn</u> , Horse chestnut	<3	Crane's-bill species, Willowherb species., Field speedwell, <u>Herb-Robert</u>	-	This hedge is made from a mixture of residential garden hedges which has created a gappy mismanaged hedgerow. Some sections comprise open wooden fencing. The eastern section is of semi-natural character. Two large standard Ash trees associated with east of the hedgerow including tree T1.	N
H5	~6m	~1-3m	<u>Blackthorn (D)</u> , Ash, <u>Elder</u> , Rhododendron, Bramble, Privet, Sycamore, <u>Hawthorn</u> , <u>Hornbeam</u> , <u>Hazel</u> , Lilac, Pine	<6	Common Nettle, Cleavers, Bramble, False oat-grass	-	This hedge is made from a mixture of residential garden hedges which has created a gappy mismanaged hedgerow. Some sections comprise open wooden fencing. Three standard Sycamore trees associated with one of the residential gardens.	N
H6	5-6m		<u>Hornbeam (D)</u>	1	Common Nettle	-	Looks to be more of a young treeline ~10-20 years old.	N
H7	~2m	~3m	<u>Blackthorn</u> , <u>Hawthorn (D)</u>	<2		-	Low and wide hedgerow along the roadside.	N

Woody species (as listed under Schedule 3 of the Hedgerows Regulations 1997) and woodland ground flora species (as listed under Schedule 2 of the Hedgerows Regulations 1997) underlined, y = young, sm = semi-mature, m = mature, pv = possible veteran, B = bank, W = wall, br = bridleway, f/p = footpath, b/w = byway, (D) = dominant species

* estimated average number of woody species (as listed under Schedule 3 of the Hedgerows Regulations 1997) in any one 30m stretch

likely to qualify – as 'important' under the wildlife and landscape criteria of the Hedgerows Regulations 1997

Evaluation

4.8.2 The hedgerows within the southern and eastern areas of the site (H4 and H5) are largely associated with residential properties bounding the site. These hedgerows are of varying character including sections of dense native planted hedgerows, multiple sections of Privet with varying character, ornamental species and sections of open space / fences. Additionally, hedgerows H4 and H5 have small numbers of standard trees, including Ash and Sycamore respectively. Hedgerows within the west (H1, H2, H3, H6 and H7) of the site are mainly composed of dense native woody species of varying nature. None of the

hedgerows within the site are considered to be species rich or have important associated features and are all unlikely to qualify as important under the Hedgerow Regulations 1997.

- 4.8.3 All of the hedgerows within the site are likely to qualify as a Priority Habitat based on the standard definition¹⁷, which includes all hedgerows (>20m long and <5m wide) consisting predominantly (≥80%) of at least one native woody species. It has been estimated that approximately 84% of countryside hedgerows in GB qualify as a Priority Habitat under this definition.¹⁷
- 4.8.4 On this basis, the hedgerows within the site constitute important ecological features, although given the relatively limited network present, are only of importance at the local level.
- 4.8.5 The proposals incorporate the retention of the majority of the hedgerows within the site, with the only losses occurring for access (small sections of H3, H5 and H7). Retained hedgerows will be protected during the construction phase of the proposals as per the recommendations included at Chapter 6 below. Furthermore, the proposals incorporate new planting which will link with and strengthen the existing / retained hedgerows (a number of which were noted to be somewhat gappy in nature) which will aim to enhance the value of these features for biodiversity.

4.9 Building and Amenity Grassland

Description

- 4.9.1 A single building (B1) is present within the site as shown on Plan 6117/ECO3.
- 4.9.2 Building B1 is a single storey residential bungalow, with concrete interlocking roof tiles, a pitched roof and a varied roof structure, with a gable end and extension facing north and a lower porch-type extension facing west.
- 4.9.3 Building B1 is surrounded by garden, labelled as residential garden on Plan 6117/ECO3. This mostly comprised short mown amenity lawn, with some areas of herbaceous and tree planting, largely comprising non-native species.

Evaluation

- 4.9.4 The building and garden support a limited range of common and widespread floral species and are inherently of negligible ecological value. As such, they do not form important ecological features and their removal under the proposals is of negligible ecological significance. Potential for the buildings to support faunal species are discussed further below.

4.10 Other Adjacent Habitats

- 4.10.1 At the time of the Phase 1 survey the location of the emergency access road located at the west of the site was still being finalised, as such, a wider area was surveyed (as shown on Plan 6117/ECO3). The habitats within the survey area include the remaining area of grassland F2, woodland, dense scrub, allotment, building B2 and tall ruderal vegetation.
- 4.10.2 Two areas of woodland are located offsite to the west and south of the red line boundary. Woodland W1 to the west of the arable field F1 and to the north of the offsite allotments is

¹⁷ Based on: Biodiversity Reporting and Information Group (2011) 'UK Biodiversity Action Plan (BAP) Priority Habitat Descriptions', ed. Ant Maddock

semi-mature in nature and is dominated by tightly packed Pine *Pinus* sp. that are around 30 years old with broadleaved species towards the margins including Alder *Alnus glutinosa* and Hornbeam *Carpinus betulus*, with an understorey of Hawthorn *Crataegus monogyna* and Dogwood *Cornus sanguinea*. The ground flora was recorded to be dominated by Nettle or bare ground. Woodland W2 is bordered by grassland F2, tall ruderal vegetation to the north, and off-site scrub to the east. Woodland W2 is a planted woodland of a similar age to woodland W1 with canopy species including Holm Oak *Quercus ilex*, Conifers, Field Maple *Acer campestre* and Lime species *Tilia* sp with a line of Cyprus species *Cupressus* sp. trees forming the southern woodland boundary. The understorey was comprised mostly of Bramble scrub, tall ruderal vegetation or dense areas of Common Nettle. Additionally, within more open areas of the woodland patches of Himalayan Balsam *Impatiens glandulifera* were recorded at the time of survey. Himalayan Balsam is an invasive species listed under Schedule 9 of the Wildlife and Countryside Act 1981 (as amended) which makes it an offence to cause to grow in the wild any plant listed on the schedule. Further discussion of this issue along with a number of recommendations for removing these species are included in Section 6. Due to the composition and species present both woodlands are likely to qualify as Priority Habitat, however, as they lie outside of the redline boundary, they are unlikely to be detrimentally impacted by the proposals.

4.10.3 The additional survey area also contains a small parcel of tall ruderal vegetation which is dominated by Common Nettle as described above and a patch of dense scrub which is dominated by Bramble. Additionally, this area contains a small section of allotments and an associated derelict brick built shell of a building (B2).

4.10.4 There are no ponds located within the site, although there are two ponds located within 250m of the site boundary, labelled P1 and P2 on Plan 6117 /ECO3. The offsite ponds are described in Table 4.2 below:

Table 4.2. Pond descriptions from May 2022

Pond no.	Brief description	Approx. size	Shading	Aquatic / emergent & marginal vegetation	Comments
P1 (Dry)	Offsite field pond	20x10m	Heavily overshadowed by surrounding scrub.	Dense stand of nettles around the pond edge, some Bittersweet <i>Solanum dulcamara</i> noted.	Dry at the time of survey. Some damp mud at the bottom. Bounded by Willow <i>Salix</i> sp., Privet <i>Ligustrum ovalifolium</i> and ornamental hedging.
P2 (Dry)	Offsite field pond	10x5m	Shaded by encroaching vegetation and bounding trees.	Redshank <i>Persicaria maculosa</i> noted within the centre. Heavily encroached by Common Nettle, Dock species and other ruderal vegetation.	Pond was completely dry at the time of survey with a shallow basin. Bounded by Hawthorn, Dogwood, Crack Willow <i>Salix fragilis</i> , Elder <i>Sambucus nigra</i> and Horse Chestnut <i>Aesculus hippocastanum</i> .

4.10.5 The ponds recorded within 250m are low quality examples of this habitat and provide limited ecological value. As such, they are unlikely to qualify under the priority habitat description for ponds. Potential for the ponds to support faunal species such as amphibians is discussed below in Chapter 5.

4.11 Habitat Evaluation Summary

4.11.1 On the basis of the above, the following habitats within and adjacent to the site are considered to form important ecological features:

Table 4.3. Evaluation summary of habitats forming important ecological features.

Habitat	Level of Importance
Hedgerows and Trees	Local
Woodland (offsite)	Local

4.11.2 Other habitats present within the site include semi-improved grassland, tall ruderal vegetation, bare grounds and buildings and amenity garden. However, these habitats do not form important ecological features.

5 Faunal Use of the Site

5.1 Overview

5.1.1 During the survey work, general observations were made of any faunal use of the site with specific attention paid to the potential presence of protected or notable species. Specific survey work was undertaken in respect of bats, Badger, Great Crested Newt and wintering birds, with the results described below.

5.2 Priority Species

5.2.1 Section 40 of the Natural Environment and Rural Communities (NERC) Act 2006 places duties on public bodies to have regard to the conservation of biodiversity in the exercise of their normal functions. In particular, Section 41 of the NERC Act requires the Secretary of State to publish a list of species which are of principal importance for conservation in England. This list is largely derived from the 'Priority Species' listed under the former UK Biodiversity Action Plan (BAP), which continue to be regarded as priority species under the subsequent country-level biodiversity strategies.

5.2.2 During the survey work undertaken, the Priority Species Herring Gull *Larus argentatus*, Skylark *Alauda arvensis*, Starling *Sturnus vulgaris*, House Sparrow *Passer domesticus*, Brown Long-eared Bat *Plecotus auratus* and Noctule Bat *Nyctalus noctula* were recorded within the site. This is discussed further below.

5.3 Bats

5.3.1 Legislation. All British bats are classed as European Protected Species under the Conservation of Habitats and Species Regulations 2017 (as amended) and are also listed under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended). As such, both bats and their roosts (breeding sites and resting places) receive full protection under the legislation (see Appendix 6117/5 for detailed provisions). If proposed development work is likely to result in an offence a licence may need to be obtained from Natural England which would be subject to appropriate measures to safeguard bats. Given all bats are protected species, they are considered to represent important ecological features. A number of bat species are also considered S41 Priority Species.

5.3.2 Background Records. No specific records of bats from within or adjacent to the site were returned from the desktop study. Information received from the KMBRC returned records of Serotine Bat *Eptesicus serotinus*, Alcaholic Bat *Myotis alcathoe*, Bechstein's Bat *Myotis bechsteinii*, Brant's Bat *Myotis brandtii*, Daubenton's Bat *Myotis daubentonii*, Greater Horseshoe Bat *Rhinolophus ferrumequinum*, Greater Mouse-eared Bat *Myotis myotis*, Whiskered Bat *Myotis mystacinus*, Leisler's Bat *Nyctalus leisleri*, Noctule, Nathusius' Pipistrelle *Pipistrellus nathusii*, Common Pipistrelle *Pipistrellus pipistrellus*, Soprano Pipistrelle *Pipistrellus pygmaeus*, Brown Long-eared Bat and Grey Long-eared Bat *Plecotus austriacus* within 5km of the site. The closest record is for a grounded Common Pipistrelle bat, recorded in 2016, located approximately 64m to the south-east of the site boundary. The closest known roost related to an unknown roost type for Pipistrelle species which was recorded in 1990 and located approximately 340m to the north-east of the site boundary.

5.3.3 Survey Results and Evaluation

Trees

- 5.3.1 A number of semi-mature trees are present on site while a single tree has been noted to offer bat roosting potential. The results of the tree assessment work undertaken at the site are illustrated on Plan 6117/ECO3 and summarised in Table 5.1 below.

Table 5.1 Tree inspection results.

Tree No.	Species	Age	Potential Roost Features	Suitability
T1	Ash	Semi-mature	Some rot and decay on main trunk	Low

- 5.3.2 It is understood that all trees within the site, including those described above with potential bat roost features, are to be retained under the proposals. Safeguarding measures in the event the tree is to be subject to works are set out at Chapter 6 below.

Buildings – inspection survey

- 5.3.3 A detailed inspection was undertaken of all the buildings within the site, the results of which are summarised below.
- 5.3.4 Building B1 is located within the easternmost section of the site which is set to be removed for access to the site from Capel Street. Building B1 is a residential bungalow-style building dating from approximately 1960, with a pitched roof formed of interlocking concrete tiles. The roof is of varied structure with a gable end extension facing the west, and a lower porch-style extension to the north of the building. The external inspection highlighted a limited number of features that could provide roosting opportunities for bats including a small gap at the barge board on the north-western aspect and some small areas of lifted lead flashing.
- 5.3.5 Building B1 was also subject to an internal building inspection whereby the loft void was inspected for evidence of roosting bats alongside its suitability to support roosting bats. The dimensions of the main void are approximately 2m high, 8m wide and 10m long. The void was of open construction with few wooden beams throughout including a central wooden ridge beam, storage tank, chimney flume and little homeowner use / items present. The internal roof is lined with wooden sarking and bitumen felt which in general provides a secure and tight roof void. However, there was a single open access point observed located near the chimney flume where the clay tiles were exposed and daylight could be observed. Part of the roof void was covered with insulating foam and fibres which covered the beams meaning part of the roof void was not thoroughly searched on health and safety grounds. Building B1 also included a smaller roof void located at the south of the building which is likely attributed with an extension. This smaller void was similar in construction and measured approximately 2.5m wide and 8m long. Complete access was not possible within the smaller void however there was small hole from the main roof void where a point observation could be made.
- 5.3.6 During the internal inspection no evidence of roosting bats were observed and despite the access limitations a robust inspection was completed. Given the evidence observed during the external and internal building inspection building B1 has been assessed as providing moderate bat roosting potential and was therefore subject to further emergence / re-entry surveys, described below.
- 5.3.7 Building B2 is an offsite building located to the north of an offsite section of grassland F2 and is a derelict brick-built shed with no roof. Associated with the building is a wooden shed

and an area of allotments including chicken coops. This building offers negligible opportunities for roosting bats and no evidence of roosting bats was recorded during the survey work undertaken.

Buildings – emergence / re-entry surveys

- 5.3.8 Building B1 was recorded to support moderate bat roosting potential. Given this assessment, building B1 was subject to further emergence and re-entry surveys. The results of the dusk emergence and dawn re-entry surveys are summarised in Table 5.2 below and shown on Plan 5934/ECO4.

Table 5.2. Emergence / re-entry survey results.

Building	Date	Sunset / sunrise	Emergence / re-entry	Summary of other activity
B1	16 th August 2023 (dusk)	Sunset: 20:15	None	Occasional passes and foraging activity by Common Pipistrelle, Brown Long-eared Bat and Noctule located within the rear and front garden.
	31 st August 2023 (dawn)	Sunrise: 06:06	None	Very occasional passes by Common Pipistrelle located within the front garden.

- 5.3.9 Building B1 was assessed as providing moderate potential to support roosting bats. Accordingly, further survey work in the form of emergence and re-entry surveys were undertaken, although these recorded no roosting activity associated with the building.
- 5.3.10 As such it is considered that no bat roosts are present within the site and no specific mitigation or licensing for bats is required. Nonetheless, bats are dynamic animals and as such it remains possible that individuals could colonise the site in the future. Natural England guidance in respect of European Protected Species¹⁹ such as bats advises that, even where proposals are reasonably unlikely to result in any offence, such that licensing is not required, reasonable precautions should be taken to minimise the risk to protected species in the unlikely event that they should be found during the course of the activity. Accordingly, recommended precautionary mitigation measures are set out at Chapter 6 below and subject to their implementation it is considered that bats will be fully safeguarded under the proposals.

Foraging / Commuting

- 5.3.11 Habitats at the margins and adjacent to the site including the hedgerows and woodland may offer some potential for foraging and commuting bats, although the majority of the site, being dominated by an arable field, is likely to be of low value for bats. The majority of the habitats of elevated value for bats will be retained under the proposals, whilst new tree, hedgerow and shrub planting will improve connectivity through the site and increase the foraging potential of the site.
- 5.3.12 Accordingly, subject to the implementation of the recommendations outlined at Chapter 6 below in regard to lighting, along with other ecological enhancements, it is considered that the conservation status of local bat populations will be fully safeguarded under the scheme.

¹⁹ Natural England (2013) 'European Protected Species: Mitigation Licensing - How to get a licence (WML-G12)'

5.5 Dormouse

- 5.5.1 Legislation: Dormouse is fully protected under the Wildlife and Countryside Act 1981 (as amended) and is a European Protected Species under the Conservation of Habitats and Species Regulations 2017 (as amended). Such legislation affords protection to individuals of the species and their breeding sites and places of rest (see Appendix 6117/2 for detailed provisions). Dormouse is also a S41 Priority Species. On this basis, Dormouse is considered to form an important ecological feature.
- 5.5.2 Background Records: Information returned from KMBRC included one record of Dormouse found approximately 496m to the south of the site, dated from 2010. No specific records of Dormouse were returned from within the site itself.
- 5.5.3 Survey Results and Evaluation. Given that the site is dominated by arable, a habitat not suitable for Dormouse, and suitable habitats, namely hedgerows, scrub and woodland, are associated with residential garden curtilages and are largely isolated from wider suitable habitat by residential development and roads, it is unlikely that Dormouse is present within the site boundary. Accordingly, this species is not considered to form a constraint to the proposals.

5.6 Water Vole and Otter

- 5.6.1 Legislation. Water Vole is fully protected under the Wildlife and Countryside Act 1981 (as amended). Water Vole is also a S41 Priority Species. As such, this species is considered to represent an important ecological feature. The legislation affords protection to individuals of the species and their breeding sites and places of shelter (see Appendix 6117/5 for detailed provisions). There is no provision under the Act for licensing what would otherwise be offences for the purpose of development. Such activities must be covered by the defence in the Act that permits otherwise illegal actions if they are the incidental result of a lawful operation and could not reasonably be avoided.
- 5.6.2 If, despite all reasonable efforts, properly authorised development will adversely affect Water Vole and there are no alternative habitats nearby, Natural England may issue a licence to trap and translocate Water Vole for the purpose of conservation. To issue such a licence, Natural England would need to be assured there is no reasonable alternative to the development and that there are no other practical solutions that would allow Water Vole

to be retained at the same location. NE would also require assurance that the actions would make a positive contribution to Water Vole conservation.

5.6.3 Otter is fully protected under the Wildlife and Countryside Act 1981 (as amended) and is a European Protected Species under the Conservation of Habitats and Species Regulations 2017. Such legislation affords protection to individuals of the species and their breeding sites and places of rest (see Appendix 6084/5 for detailed provisions). Otter is also a S41 Priority Species. On this basis, Otter is considered to represent an important ecological feature.

5.6.4 Background Records. No specific records of Water Vole or Otter within or adjacent to the site were returned from the desktop study, nor in the surrounding study area.

5.6.5 Survey Results and Evaluation. The habitats within the site itself are unsuitable for Water Vole and Otter, mostly comprising an arable field with boundary hedgerows. There are no ditches or watercourses on-site or nearby rivers suitable for to support Water Vole or Otter. Due to the lack of suitable habitat within or adjacent to the site, it is unlikely these species will be affected by the proposals.

5.7 Other Mammals

5.7.1 Legislation. A number of other UK mammal species do not receive direct legislative protection relevant to development activities but may receive protection against acts of cruelty (e.g. under the Wild Mammals (Protection) Act 1996). In addition, a number of these mammal species are S41 Priority Species and should be assessed as important ecological features.

5.7.2 Background Records. No specific records of other mammals from within or directly adjacent to the site were returned from the KMBRC. However, a number of records of Priority Species have been returned from the search area including Hedgehog *Erinaceus europaeus* and Brown Hare *Lepus europaeus*. Other returned records include Grey Seal *Halichoerus grypus*, Harbour Seal *Phoca vitulina*, Minke Whale *Balaenoptera acutorostrata*, Common Porpoise *Phocoena phocoena*, and European Rabbit *Oryctolagus cuniculus*. The nearest record relates to Brown Hare, located approximately 330m to the north-west of the site.

5.7.3 Survey Results and Evaluation. No evidence of any other protected, rare or notable mammal species was recorded within the site. Other mammal species likely to utilise the site, such as Fox *Vulpes vulpes*, remain common in both a local and national context, and as mentioned above do not receive specific legislative protection in a development context. As such, these species are not a material planning consideration and the loss of potential opportunities for these species to the proposals is of negligible significance.

5.7.4 The desktop study returned background records of Brown Hare and Hedgehog within the surrounding area. These are Priority Species, however, remain relatively widespread within the UK. The site offers potential opportunities for these species, although habitats are unlikely to be of importance in a local context, and Brown Hare and Hedgehog are considered to be of importance at a site level only. Abundant similar opportunities are present within the local area and there is no evidence to suggest the proposals will significantly affect local populations of these species. However, it is recommended that precautionary safeguards are put in place to minimise the risk of harm to Brown Hare and Hedgehog in the event these species are present, as detailed in Chapter 6 below.

5.8 Birds

- 5.8.1 Legislation. All wild birds and their nests receive protection under Section 1 of the Wildlife and Countryside Act 1981 (as amended) in respect of killing and injury, and their nests, whilst being built or in use, cannot be taken, damaged or destroyed. Species included on Schedule 1 of the Act receive greater protection and are subject to special penalties (see Appendix 6617/5 for detailed provisions).
- 5.8.2 Conservation Status. The conservation importance of British bird species is categorised based on a number of criteria including the level of threat to a species' population status³¹. Species are listed as Green, Amber or Red. Red Listed species are considered to be of the highest conservation concern being either globally threatened and or experiencing a high / rapid level of population decline (>50% over the past 25 years). A number of birds are also S41 Priority Species.
- 5.8.3 Background Records. Information received from KMBRC included a large number of records of notable birds from within the search radius. However, it is noted that all of the records that have been returned are from four-digit grid references meaning they have an accuracy of a 1km x 1km grid square. The vast majority of the records returned are attributed to the 1km x 1km grid square to the east of the site which is located on the coast and as such these bird species have little relevance to the site which is dominated by arable habitat. The data search did return a small number of records for bird species that may potentially utilise the site including the Priority Species Yellowhammer *Emberiza citrinella*, Corncrake *Crex crex*, Tree Sparrow *Passer montanus*, Corn Bunting *Miliaria calandra*, Turtle Dove *Streptopelia turtur*, Twite *Carduelis flavirostris* and Herring Gull *Larus argentatus*.
- 5.8.4 Survey Results and Evaluation. During the Phase 1 survey in May 2022, Skylark, Woodpigeon, Starling, Magpie, Pheasant *Phasianus colchicus*, Blackbird *Turdus merula* and Goldfinch were noted on-site.

Wintering Bird Survey

- 5.8.5 A total of 20 species of birds were recorded within the site during the 2022 wintering bird survey including Woodpigeon *Columba palumbus*, Collared Dove *Streptopelia decaocto*, Black-headed Gull *Chroicocephalus ridibundus*, Common Gull *Larus canus*, Herring Gull, Magpie *Pica pica*, Carrion Crow *Corvus corone*, Blue Tit *Cyanistes caeruleus*, Great Tit, Skylark, Wren *Troglodytes troglodytes*, Starling, Blackbird *Turdus merula*, Robin *Erithacus rubecula*, House Sparrow, Dunnock *Prunella modularis*, Meadow Pipit *Anthus pratensis*, Chaffinch *Fringilla coelebs*, Greenfinch *Carduelis chloris* and Goldfinch *Carduelis carduelis*. Only 6 species were recorded within the field itself (including Skylark), with the remainder recorded within peripheral vegetation, associated with adjacent housing or flying overhead.
- 5.8.6 On this basis, the site is considered to support an unremarkable wintering bird assemblage which includes very few notable bird species, namely a single Skylark (Red list) and two Meadow Pipit (Amber list) which are declining farmland birds. However, these are of negligible significance as both species remain very common and widespread during the winter, both locally and nationally, as do all the other species recorded at the site.
- 5.8.7 Under the proposals, habitats of value for bird species can largely be retained under the layout, with the majority of hedgerows and trees to be maintained. Additionally, the habitats present are common in the surrounding area and there is no evidence to suggest the site is of elevated value at a local level for birds. The proposals will result in some minor loss of hedgerow and treeline to facilitate site access and this could potentially affect any nesting birds that may be present at the time of works. Accordingly, a number of safeguards

in respect of nesting birds are proposed, as detailed in Chapter 6 below. In the long-term, new nesting opportunities will be available for birds as described in Chapter 6 below.

5.9 Amphibians

- 5.9.1 **Legislation.** All British amphibian species receive a degree of protection under the Wildlife and Countryside Act 1981 (as amended). Great Crested Newt is protected under the Act and is also classed as a European Protected Species under the Conservation of Habitats and Species Regulations 2017 (as amended). As such, both Great Crested Newt and habitats utilised by this species are afforded protection (see Appendix 6117/5 for detailed provisions). Great Crested Newt is also a S41 Priority Species, as are Common Toad *Bufo bufo*, Natterjack Toad *Epidalea calamita*, and Pool Frog *Pelophylax lessonae*. As such, these species should be assessed as important ecological features.
- 5.9.2 **Background Records.** No specific records of amphibians from within or adjacent to the site were returned from KMBRC. A number of records of Great Crested Newt, Palmate Newt *Lissotriton helveticus*, Smooth Newt *Lissotriton vulgaris*, Common Frog *Rana temporaria* and Common Toad were returned from the search area surrounding the site, with the closest record of Great Crested Newt located approximately 1.5km to the south-west of the site dated from 1975.
- 5.9.3 **Survey Results and Evaluation.** As discussed previously, no waterbodies are located within or adjacent to the site, however two waterbodies are present within 250m of the site (labelled ponds P1 and P2 on Plan 6117/ECO5). The site itself offers little suitable terrestrial habitat for Great Crested Newts and other amphibian species, comprising predominantly of arable field, whilst no breeding habitat in the form of ponds are present. However, the semi-improved grassland and boundary hedgerows do provide some limited opportunities for amphibian species.
- 5.9.4 **Further survey in the form of eDNA analysis** was undertaken at pond P1 in 2015, which returned a negative result for Great Crested Newt, whilst pond P2 was recorded to be dry. Update eDNA surveys were attempted during 2022 however both ponds were dry at the time of survey.
- 5.9.5 **Given the low suitability of ponds P1 and P2, supporting only low water levels or recorded to be dry, a lack of other waterbodies within the surrounds of the site and the previous negative result for pond P1, it is considered that Great Crested Newt is unlikely to be present within the site or its surrounds, and this species is not considered to form a constraint to the proposals.**

5.10 Reptiles

- 5.10.1 **Legislation.** All six species of British reptile are listed under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended), which protects individuals against intentional killing or injury. Sand Lizard *Lacerta agilis* and Smooth Snake *Coronella austriaca* receive additional protection under the Conservation of Habitats and Species Regulations 2017 (as amended); refer to Appendix 6117/5 for detailed provisions. All six reptile species are also S41 Priority Species. As such, all reptile species should be assessed as important ecological features.
- 5.10.2 **Background Records.** No specific records of reptiles from within or adjacent to the site were returned from KMBRC. A number of records of Slow Worm *Anguis fragilis*, Sand Lizard, Common Lizard *Lacerta agilis*, Adder *Vipera berus* and Grass Snake *Natrix helvetica* were returned from the search area surrounding the site, with the closest record of reptile being Common Lizard located approximately 330m to the south of the site.

5.10.3 Survey Results and Evaluation. The site is dominated by an arable field which provides limited value for reptiles. Reptiles typically require habitats that offer variable levels of shade / cover and areas of open habitat for basking, such as a mosaic of tussocky long grassland, scrub and short sward areas. Accordingly, the main part of the site does not appear to provide suitable habitat for this species group. Small areas of grassland and tall ruderal vegetation are located at the arable field boundary and within the western field, providing potential limited opportunities for this species group. No areas of particularly suitable reptile habitat are located within the nearby surrounds of the site, this being dominated by arable land and residential properties, although reptiles are common and widespread in Kent. Accordingly, small numbers of reptiles could occur around the margins of the site. Given hedgerows and associated boundary vegetation are located at the margins of the site, any loss of suitable habitat would be minimal, although any reptiles present could be at risk during construction activities. Accordingly, to ensure that any reptiles are safeguarded (if present), a precautionary working method is set out in Section 6 below.

5.11 Invertebrates

5.11.1 Legislation. A number of invertebrate species are listed under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended). In addition, Large Blue Butterfly *Maculinea arion*, Fisher's Estuarine Moth *Gortyna borellii lunata* and Lesser Whirlpool Ram's-horn Snail *Anisus vorticulus* receive protection under the Conservation of Habitats and Species Regulations 2017 (as amended); refer to Appendix 6117/5 for detailed provisions. A number of invertebrates are also S41 Priority Species. Where such species are present, they should be assessed as important ecological features.

5.11.2 Background Records. No specific records of invertebrates from within or adjacent to the site were returned from KMBRC. A number of records of Priority species were returned from the desktop study including Dingy Skipper *Erynnis tages*, Small Blue *Cupido minimus*, Small Heath *Coenonympha pamphilus*, Wall Lasiommata *megea* and Grayling *Hipparchia semele*, together with numerous moth species, including Fiery Clearwing *Pyropteron chrysidiformis* (protected under Schedule 5 of the Wildlife and Countryside Act 1981). The closest record of a Priority invertebrate to the site is Small Blue located approximately 530m to the south-east of the site, dated from 2009.

5.11.3 Survey Results and Evaluation. No evidence for the presence of any protected, rare or notable invertebrate species was recorded within the site. The site is dominated by an arable field with boundary hedgerows which are likely to support only a limited diversity of invertebrates. The site has several areas of bare ground and occasional patches of scrub but otherwise contains relatively few micro-habitats that would typically indicate elevated potential for invertebrates²¹, such as a variable topography with areas of vertical exposed soil, areas of species-rich semi-natural vegetation; variable vegetation structure with frequent patches of tussocks combined with short turf; free-draining light soils; walls with friable mortar or fibrous dung. Accordingly, given the habitat composition of the site and lack of adjacent sites designated for significant invertebrate interest, it is considered unlikely that the proposals will result in significant harm to any protected, rare or notable invertebrate populations, and the site is not considered to support an important invertebrate assemblage.

²¹ Natural England (2010) 'Higher Level Stewardship – Farm Environment Plan (FEP) Manual', 3rd Edition

5.12 Summary

5.12.1 On the basis of the above, a summary of the evaluation of fauna is provided below:

Table 5.3 Evaluation summary of fauna forming important ecological features.

Species / Group	Supported by or associated with the site	Level of Importance
Bats – Roosting	Potential habitat in the form of trees and buildings	Site
Bats – Foraging / Commuting	Potential flight corridors in the form of the boundary hedgerows	Site
Brown Hare and Hedgehog	Potential habitat present	Site
Reptiles	Potential habitat in the form of marginal vegetation and the western field. The site may support low numbers of reptiles.	Site
Birds	Confirmed presence of a limited number of bird species.	Site

5.12.2 Other fauna supported by the site includes non-priority species of mammals and invertebrates. However, these species do not form important ecological features.

6 Mitigation Measures and Biodiversity Net Gains

6.1 Mitigation

- 6.1.1 Based on the habitats, ecological features and associated fauna identified within / adjacent to the site, it is proposed that the following mitigation measures (MM1 – MM10) are implemented under the proposals. Further, detailed mitigation strategies or method statements can be secured via suitably-worded planning conditions, as recommended by relevant best practice guidance (BS 42020:2019).

Hedgerows and Trees

- 6.1.2 MM1 – Hedgerow and Tree Protection. All hedgerows and trees to be retained within the proposed development shall be protected during construction in line with standard arboriculturalist best practice (BS5837:2012) or as otherwise directed by a suitably competent arboriculturalist. This will involve the use of protective fencing or other methods appropriate to safeguard the root protection areas of retained trees / hedgerows.

Bats

- 6.1.3 MM2 – Felling of Trees Supporting Bat Roosting Potential. No trees supporting bat roosting potential have been identified for removal under the current layout, although should a need for works to these trees be identified at a later stage (e.g. for health and safety purposes) it is recommended a suitably qualified ecologist is consulted to advise on any further survey requirements and mitigation measures. Such measures may include climbing inspections or emergence / re-entry surveys to investigate potential roosting features and soft felling of trees under an ecological watching brief. If any evidence for the presence of roosting bats is recorded, works on that tree will be suspended and consideration will be given to the need to undertake works under a European Protected Species (EPS) development licence, and a licence application will be made to Natural England as required.
- 6.1.4 MM3 – Demolition of building B1. No confirmed evidence of roosting was recorded at building B1, although given it supports some roosting potential, removal of the roof structure should be undertaken with care during favourable weather conditions (e.g. not during heavy rain, high winds or unseasonable low temperatures) under an appropriate watching brief. Should any bats be encountered, works would need to stop and Aspect Ecology contacted so that suitable mitigation can be agreed prior to works re-commencing. This may potentially involve discussion with Natural England and acquisition of a development licence for works to resume.
- 6.1.5 Should any considerable time (e.g. >2 years) elapse between the survey work detailed above and any development works, a further survey of the buildings with potential to support roosting bats should be undertaken prior to the commencement of works to confirm the continued absence of bats.
- 6.1.6 MM4 – Sensitive Lighting. Light-spill onto retained and newly created habitat, in particular the retained hedgerows, tree lines and scrub will be minimised in accordance with good practice guidance²² to reduce potential impacts on light-sensitive bats (and other nocturnal

²² Bat Conservation Trust and Institute of Lighting Professionals (2018) 'Guidance Note 08/18: Bats and artificial lighting in the UK'; Stone, E.L. (2013) 'Bats and lighting: Overview of current evidence and mitigation guidance.'; ILP (2011) 'Guidance notes for the reduction of obtrusive light' Institution of Lighting Professionals, GN01:2011.

fauna). This may be achieved through the implementation of a sensitively designed lighting strategy, with consideration given to the following key factors:

Light exclusion zones – ideally no lighting should be used in areas likely to be used by bats. Light exclusion zones or ‘dark buffers’ may be used to provide interconnected areas free of artificial illumination to allow bats to move around the site;

Appropriate luminaire specifications – consideration should be given to the type of luminaires used, in particular luminaries should lack UV elements and metal halide and fluorescent sources should be avoided in preference for LED luminaries. A warm white spectrum (ideally <2,700K) should be adopted to reduce the blue light component;

Light barriers / screening – new planting (e.g. hedgerows and trees) or fences, walls and buildings can be strategically positioned to reduce light spill;

Spacing and height of lighting units – increasing spacing between lighting units will minimise the area illuminated and allow bats to fly in the dark refuges between lights. Reducing the height of lighting will also help decrease the volume of illuminated space and give bats a chance to fly over lighting units (providing the light does not spill above the vertical plane). Low level lighting options should be considered for any parking areas and pedestrian / cycle routes, e.g. bollard lighting, handrail lighting or LED footpath lighting;

Light intensity – light intensity (i.e. lux levels) should be kept as low as possible to reduce the overall amount and spread of illumination;

Directionality – to avoid light spill lighting should be directed only to where it is needed. Particular attention should be paid to avoid the upward spread of light so as to minimise trespass and sky glow;

Dimming and part-night lighting – lighting control management systems can be used, which involves switching off / dimming lights for periods during the night, for example when human activity is generally low (e.g. 12.30 – 5.30am). The use of such control systems may be particularly beneficial during the active bat season (April to October). Motion sensors can also be used to limit the time lighting is operational.

Brown Hare and Hedgehog

- 6.1.9 MM7 – Mammal Safeguards. In order to safeguard Brown Hare, Hedgehogs and other small mammals should they enter the site during construction works, the following measures will be implemented:

A watching brief should be maintained for Brown Hare, Hedgehog and other small mammals throughout any clearance works;

Any piles of material already present on site, particularly vegetation / leaves, etc. and any areas of dense scrub or hedgerows, shall be dismantled / removed by hand and checked for Hedgehog prior to the use of any machinery / disposal;

Any material to be disposed of by burning, particularly waste from vegetation clearance and tree works, should not be left piled on site for more than 24 hours in order to minimise the risk of Hedgehogs or other mammals occupying the pile. If this cannot be avoided, material should be stored within a container such as a skip to prevent animals from gaining access. Any material which has been stored on the ground overnight should be moved prior to burning to allow a thorough check for any animals which may have been occupying the pile;

In the event that an injured mammal is found, the animal should be wrapped carefully in a towel and taken to a local vet immediately.

Reptiles

- 6.1.10 MM8 – Habitat Manipulation. As a precautionary measure to minimise the risk of harm to reptiles (if present), a habitat manipulation exercise and destructive search should be undertaken within areas of potential reptile habitat including hedgerow / woodland margins and any areas of long sward grassland. This will involve cutting the grassland within the suitable habitat to a short height (~15cm) so as to encourage reptiles to disperse to suitable areas of retained / nearby habitat, whilst also allowing for a fingertip search of the area. The vegetation can then be stripped back to ground level. This exercise should be carried out under the supervision of a competent ecologist during the active reptile season where practicable (generally March / April to September / October, depending on prevailing

weather). Any potential refuge features, e.g. piles of rubble, heavy logs, brash piles, will be fingertip-searched by an ecologist prior to being carefully disassembled. Any reptiles encountered during the destructive search will be carefully rescued by the supervising ecologist and relocated to suitable nearby habitat.

Nesting Birds

- 6.1.11 MM9 – Timing of Works. To avoid a potential offence under the relevant legislation, no clearance of suitable vegetation should be undertaken during the bird-nesting season (1st March to 31st August inclusive). If this is not practicable, any potential nesting habitat to be removed should first be checked by a competent ecologist in order to determine the location of any active nests. Any active nests identified would then need to be cordoned off (minimum 5m buffer) and protected until the end of the nesting season or until the birds have fledged. These checking surveys would need to be carried out no more than three days in advance of vegetation clearance.

Invasive Species

- 6.1.12 MM10 – Invasive Species Safeguards. Himalayan Balsam, which is listed on Schedule 9 Part II of the Wildlife and Countryside Act 1981, was recorded within adjacent woodland W2. No evidence of this species was recorded within the site itself, although it is an offence to cause to grow in the wild, any plant listed on the schedule. As such, all relevant precautions should be taken when carrying out actions that could potentially spread these plants. The government has set out guidance on what can be considered ‘causing to grow in the wild’ within a response to the Schedule 9 review which states:

“We would expect that where plants listed in Schedule 9 are grown in private gardens, amenity areas etc., reasonable measures will be taken to confine them to the cultivated area so as to prevent their spreading to the wider environment and beyond the landowner’s control. It is our view that any failure to do so, which in turn results in the plant spreading to the wild, could be considered as ‘causing to grow in the wild’ and as such would constitute an offence...Additionally, negligent or reckless behaviour such as inappropriate disposal of garden waste, where this results in Schedule 9 species becoming established in the wild would also constitute an offence.”

- 6.1.13 As such, a watching brief should be maintained for this species within the site, with appropriate safeguards put in place to prevent its spread if any plants are recorded. Such measures would likely involve herbicide application and / or excavation and removal of any material within the site itself (which should then be disposed of appropriately to prevent colonisation of off-site areas).

6.2 Biodiversity Net Gains

- 6.2.1 The National Planning Policy Framework (NPPF) encourages new developments to maximise the opportunities for biodiversity through incorporation of enhancement measures. The proposals present the opportunity to deliver ecological enhancements at the site for the benefit of local biodiversity, thereby making a positive contribution towards the broad objectives of national conservation priorities and the local Biodiversity Action Plan (BAP). The recommendations and enhancements summarised below are considered appropriate given the context of the site and the scale and nature of the proposals. Through implementation of the following ecological enhancements (EE1 – EE10), the opportunity exists for the proposals to deliver a number of biodiversity net gains at the site.

Habitat Creation

- 6.2.2 EE1 – New Planting. It is recommended that where practicable, new planting within the site be comprised of native species of local provenance, including trees and shrubs appropriate to the local area. Suitable species for inclusion within the planting could include native trees such as Oak, Ash, Birch *Betula pendula* and Field Maple, whilst native shrub species of particular benefit would likely include fruit and nut bearing species which would provide additional food for wildlife, such as Blackthorn, Hawthorn, Crab Apple *Malus sylvestris*, Hazel *Corylus avellana* and Elder. Where non-native species are proposed, these should include species of value to wildlife, such as varieties listed on the RHS' 'Plants for Pollinators' database, providing a nectar source for bees and other pollinating insects.
- 6.2.3 EE2 – Wildflower Grassland. It is recommended that areas of wildflower grassland are created within the site such that, in combination with new native landscape planting, opportunities for biodiversity will be maximised under the proposals. This would make a positive contribution towards the local BAP, which lists 'lowland meadows' as a priority. Consideration should be given to the laying of wildflower turfs, comprising locally appropriate native species, to establish wildflower grassland. This would ensure rapid establishment of these habitats, and reduce the timeframe for delivering the range of ecological benefits that are proposed.
- 6.2.4 EE3 – Wetland Features. The opportunity exists under the proposals to create new wetland habitats that will provide a range of opportunities for wildlife. It is recommended that the potential to create ponds or other wetland habitats such as Sustainable Drainage Systems (SuDS) under the proposals be given due consideration. Creation of such habitats would provide opportunities for a range of wildlife while also helping to attenuate surface water run-off.

Bats

- 6.2.5 EE4 - Bat Boxes. It is recommended that a number of bat boxes should be incorporated within the proposed development. The provision of bat boxes will provide new roosting opportunities for bats in the area, such as Soprano Pipistrelle, a national Priority Species. So as to maximise their potential use, the bat boxes should ideally be situated on suitable retained trees, erected as high up as possible and sited in sheltered wind-free areas that are exposed to the sun for part of the day, facing a south-east, south or south-westerly direction. In addition, where architectural design allows, a number of integrated bat boxes / roost features should be incorporated into a proportion of the new build. The precise number and locations of boxes / roost features should be determined by a competent ecologist, post-planning once the relevant final development design details have been approved.

Hedgehog

- 6.2.6 EE5 – Hedgehog Nest Domes. It is recommended that Hedgehog nest domes be installed within sheltered areas, such as the existing or newly created hedgerows to provide suitable nesting and hibernation sites for this species. The Hedgehog nest domes should be positioned out of direct sunlight, in areas of dense vegetation.

Birds

- 6.2.7 EE6 - Bird Boxes. A number of bird nesting boxes can be incorporated within the proposed development, thereby increasing nesting opportunities for birds at the site. Ideally, the bird boxes will have greater potential for use if sited on suitable, retained trees, situated as high

up as possible. In addition, where architectural design allows, a number of integrated bird boxes are recommended to be incorporated into a proportion of the new build. The precise number and locations of boxes should be determined by a competent ecologist, post-planning once the relevant final development design details have been approved.

Invertebrates

- 6.2.8 EE7 – Habitat Piles. A proportion of any deadwood arising from vegetation clearance works should be retained within the site in a number of wood piles located within areas of new planting, new wetland habitats or areas of wildflower grassland in order to provide potential habitat opportunities for invertebrate species, which in turn could provide a prey source for a range of other wildlife. In addition, the provision and management of new native landscape planting will likely provide additional opportunities for invertebrates at the site in the long term.
- 6.2.9 EE8 – Nectar Source. The wildflower mix will include various Bents *Agrostis* spp. and Hawkweeds (*Hieracium* / *Hypochoeris*), which will provide a larval food source and adult nectar source, respectively, for Wall butterfly (Priority Species).
- 6.2.10 EE9 – Bee Bricks / Insect Posts. It is recommended that a number of bee bricks be incorporated within the proposed development thereby increasing nesting opportunities for declining populations of non-swarming solitary bee populations. Ideally, bee bricks should be located within suitable south-facing walls (where architectural design allows), located at least 1m off the ground. The bricks should be unobstructed by vegetation, though within close vicinity of nectar and pollen sources. If bee brick can not be accommodated or in addition to bee bricks insect posts should be erected in suitable habitat.

Reptiles

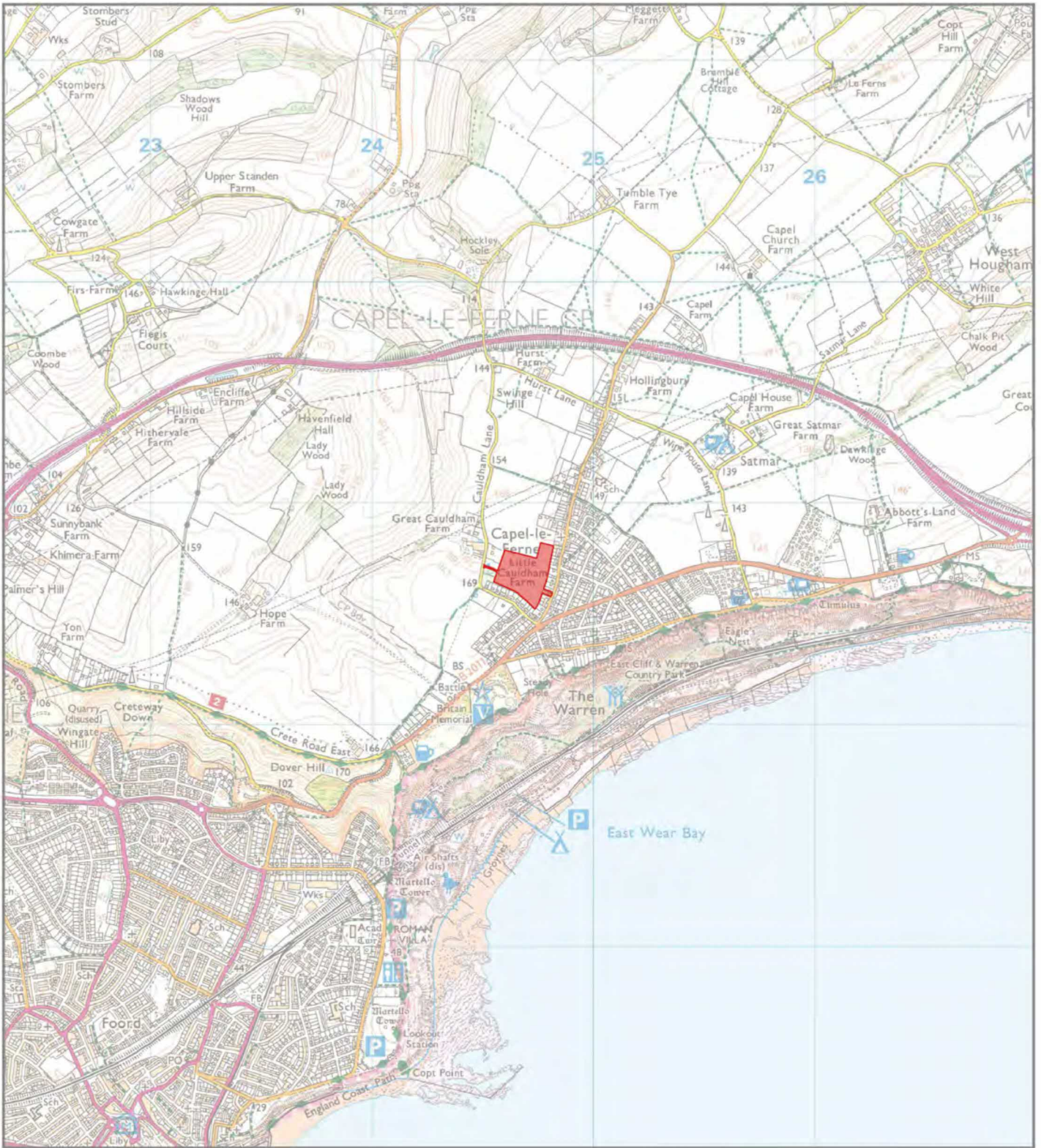
- 6.2.11 EE10 – Log Piles and Hibernacula / Refuge. Within suitable areas at the north and west of the site the creation of dedicated refugia and hibernacula for reptiles are recommended to be incorporated within the landscape plan. These can be created from the wood and brash arising left from the clearance works of the trees and scrub within the development footprint. The log piles and refugia should approximately measure 2m x 1m x 1m in size and then be topped with top soil or turf. This will also benefit other species such as Hedgehog and a range of invertebrates.

7 Conclusions

- 7.1 Aspect Ecology has carried out an Ecological Appraisal of the proposed development, based on the results of a desktop study, Phase 1 habitat survey and a number of detailed protected species surveys.
- 7.2 The available information confirms that no statutory or non-statutory nature conservation designations are present within or adjacent to the site, and none of the designations within the surrounding area are likely to be adversely affected by the proposals.
- 7.3 The Phase 1 habitat survey has established that the site is dominated by habitats not considered to be of ecological importance, whilst the proposals have sought to retain those features identified to be of value. Where it has not been practicable to avoid loss of habitats, new habitat creation has been proposed to offset losses, in conjunction with the landscape proposals.
- 7.4 The habitats within the site have limited potential to support protected species, including species protected under both national and European legislation. Accordingly, a number of mitigation measures have been proposed to minimise the risk of harm to protected species, with compensatory measures proposed, where appropriate, in order to maintain the conservation status of local populations.
- 7.5 In conclusion, the proposals have sought to minimise impacts and subject to the implementation of appropriate avoidance, mitigation and compensation measures, it is considered unlikely that the proposals will result in significant harm to biodiversity. On the contrary, the opportunity exists to provide a number of biodiversity net gains as part of the proposals.

Plan 6117/ECO1:

Site Location



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Key:

Site Boundary

aspect ecology
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**Land East of Cauldham
 Lane, Capel Le Ferne**
 Site Location

6117/ECO1

B/BG

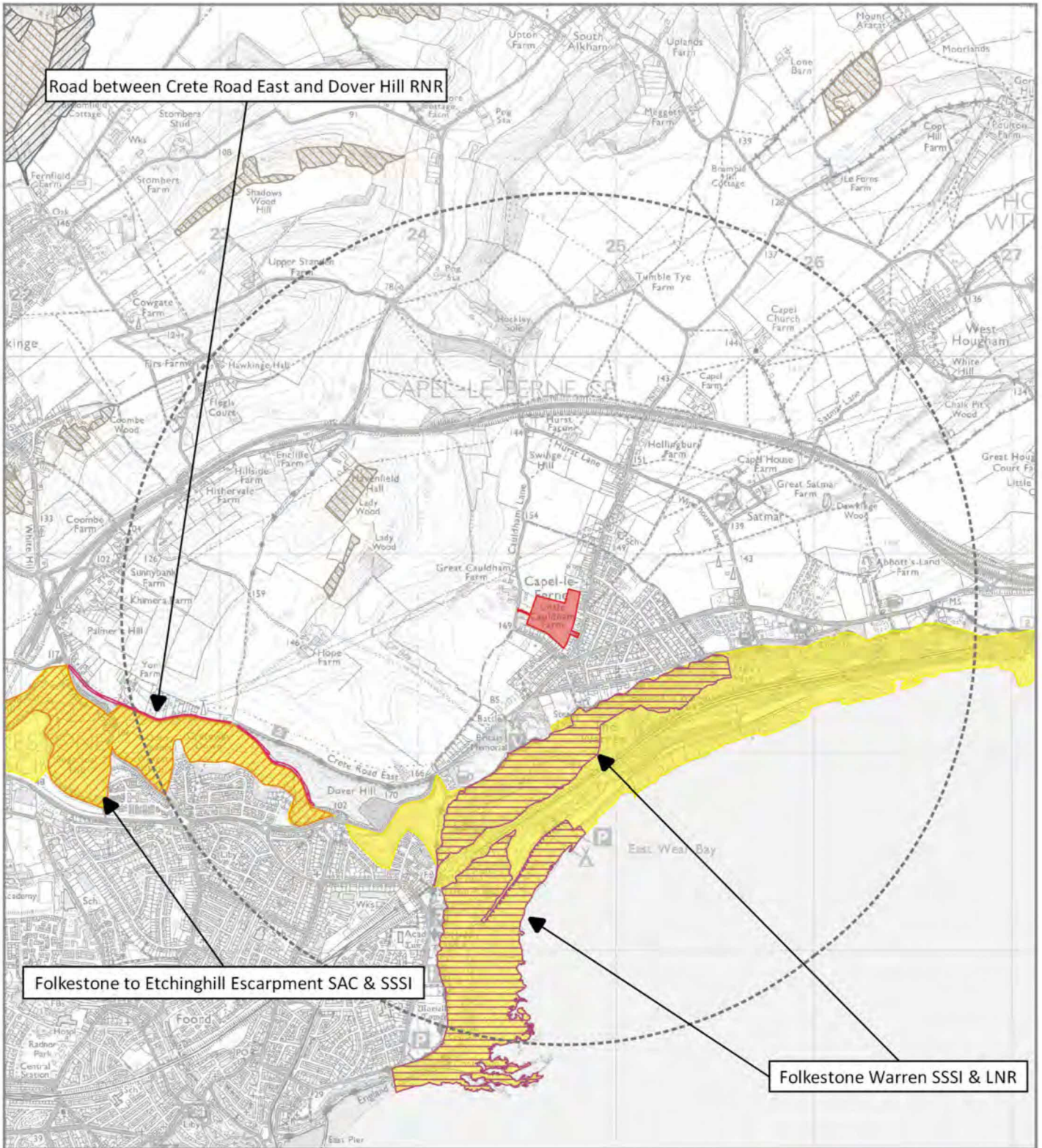
February 2024

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DATE



Plan 6117/ECO2:

Ecological Designations



Key:

- Site Boundary
- Special Areas of Conservation (SAC)
- Sites of Special Scientific Interest (SSSI)
- Local Nature Reserve (LNR)
- Roadside Nature Reserve (RNR)
- Ancient Semi Natural Woodland (ASNW)
- 2km Buffer

No Local Wildlife Sites present within 2km buffer



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Land East of Cauldham Lane,
 Capel Le Ferne
 Ecological Designations

6117/ECO2

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February 2024



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Plan 6117/ECO3:

Habitats and Ecological Features



- Key:**
- Site Boundary
 - Arable
 - Semi-improved Grassland
 - Long Sward Semi-improved Grassland
 - Rough Grassland
 - Amenity Garden
 - Tall Ruderal Vegetation
 - Bare Ground
 - Building
 - Allotment
 - Dense Scrub
 - Woodland
 - Pond
 - Hedgerow
 - Tree with Low Bat Roosting Potential
 - Tree

aspect ecology
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Land East of Cauldham Lane, Capel
 Le Ferne
 Habitats and Ecological Features

6117/ECO3

C/MC

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Plan 6117/ECO4:

Bat Survey Results



Key:

- Site Boundary
- IR Camera Location
- Surveyor Location
- Field of View

No emergencies or re-entries recorded during the surveys.



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Land East of Cauldham Lane, Capel
 Le Ferne
 Bat Survey Results and Survey Positions

6117/ECO4



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Plan 6117/ECO5:

Great Crested Newt Survey Results



P1
2015 - Negative eDNA result
2022 - Pond dry

P2
2015 - Pond dry
2022 - Pond dry

- Key:
- Site Boundary
 - Pond
 - Site Boundary - 250m Buffer

No Great Crested Newts recorded during the surveys.



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Land East of Cauldham Lane, Capel Le Ferne
Great Crested Newt Survey Results

6117/EC05



A/MC

February 2024



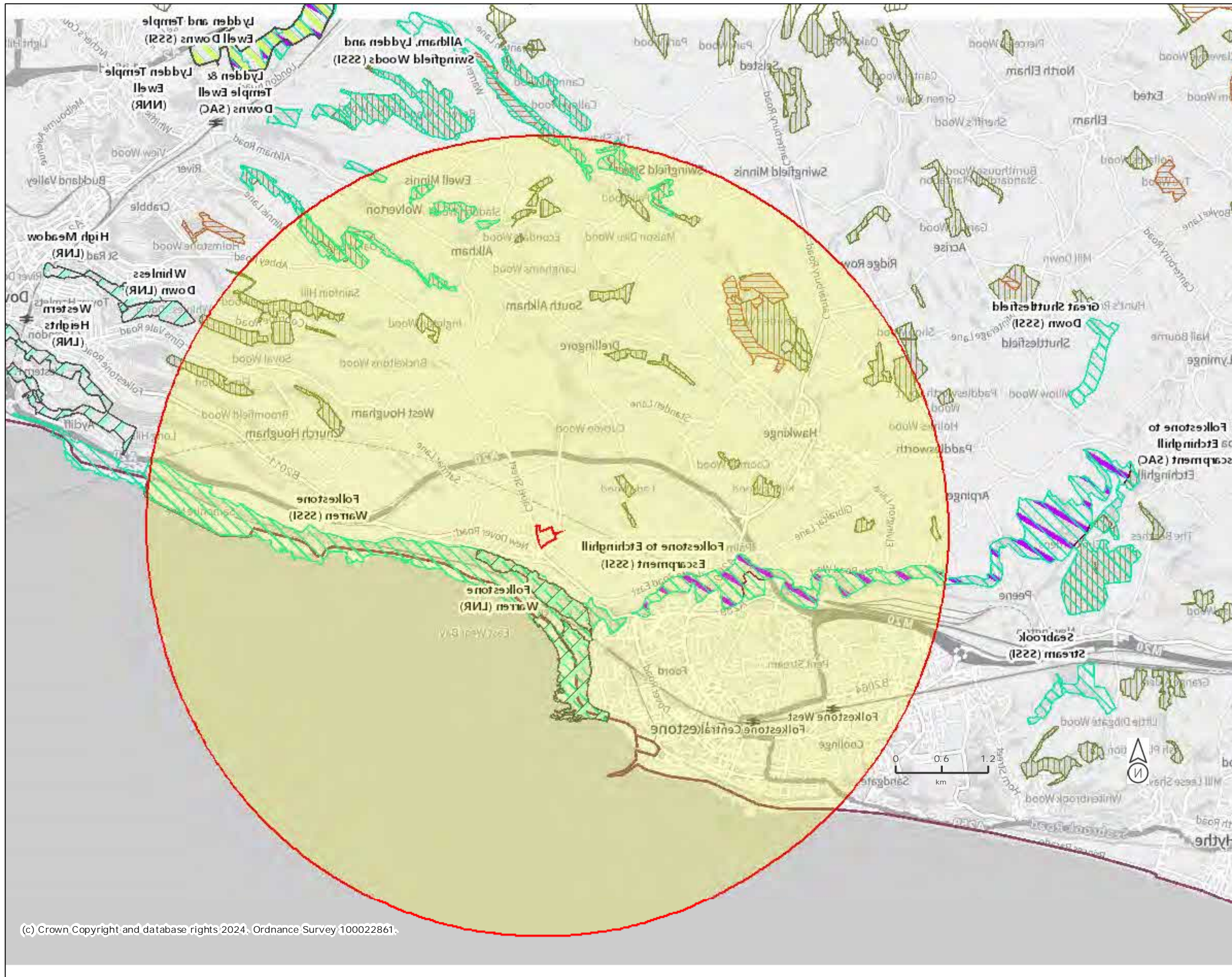
Appendix 6117/1:

Proposal Plan



Appendix 6117/2:



Desktop Study Data



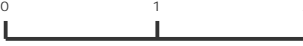
Legend

-  Local Nature Reserves (England)
-  National Nature Reserves (England)
-  Ramsar Sites (England)
-  Proposed Ramsar Sites (England)
-  Sites of Special Scientific Interest (England)
-  Special Areas of Conservation (England)
-  Possible Special Areas of Conservation (England)
-  Special Protection Areas (England)
-  Potential Special Protection Areas (England)

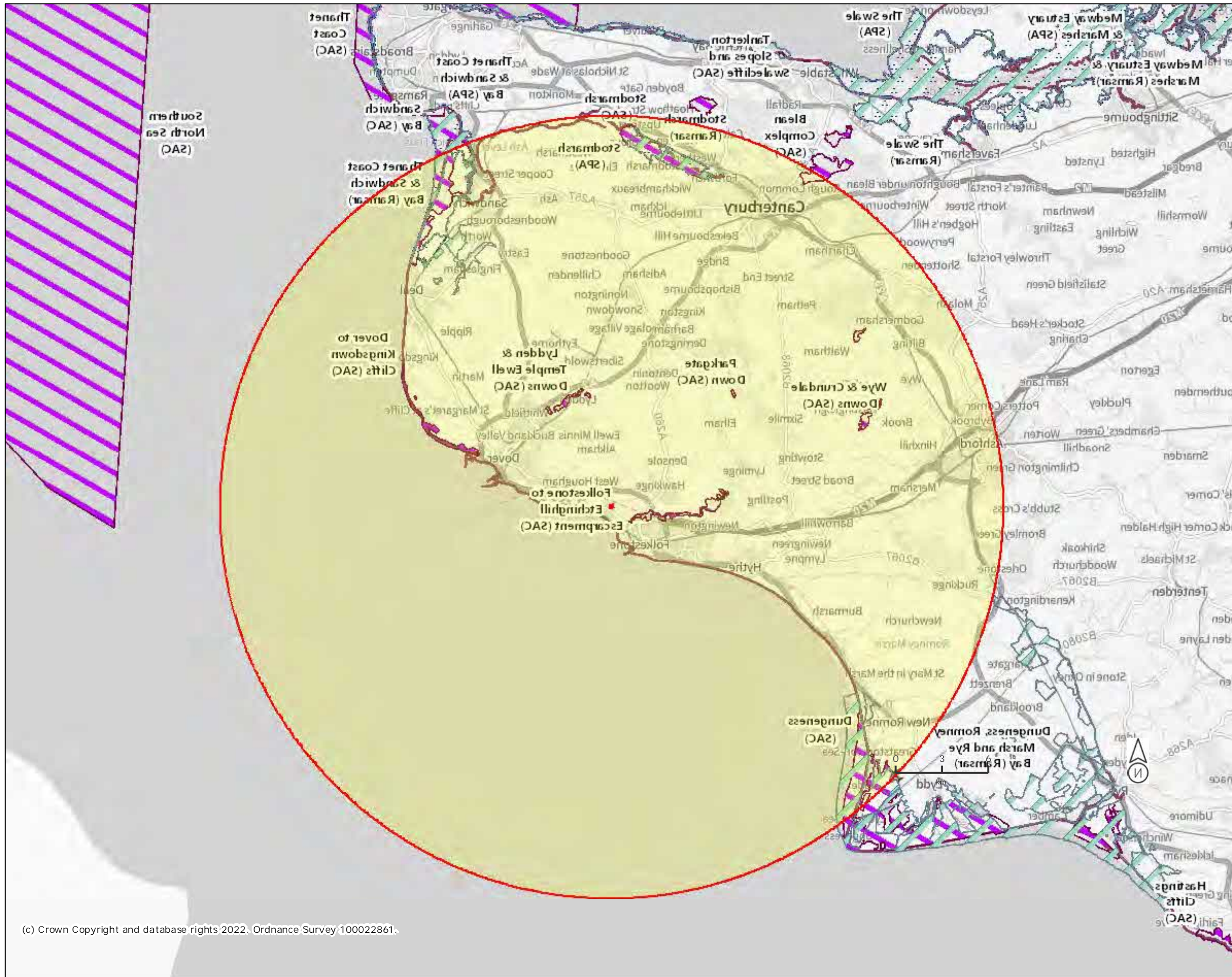
Ancient Woodland (England)

-  Ancient and Semi-Natural Woodland
-  Ancient Replanted Woodland

Projection = OSGB36
 xmin = 611000
 ymin = 133200
 xmax = 636400
 ymax = 145300



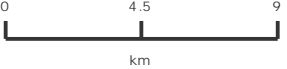
Map produced by MAGIC on 20 February, 2024.
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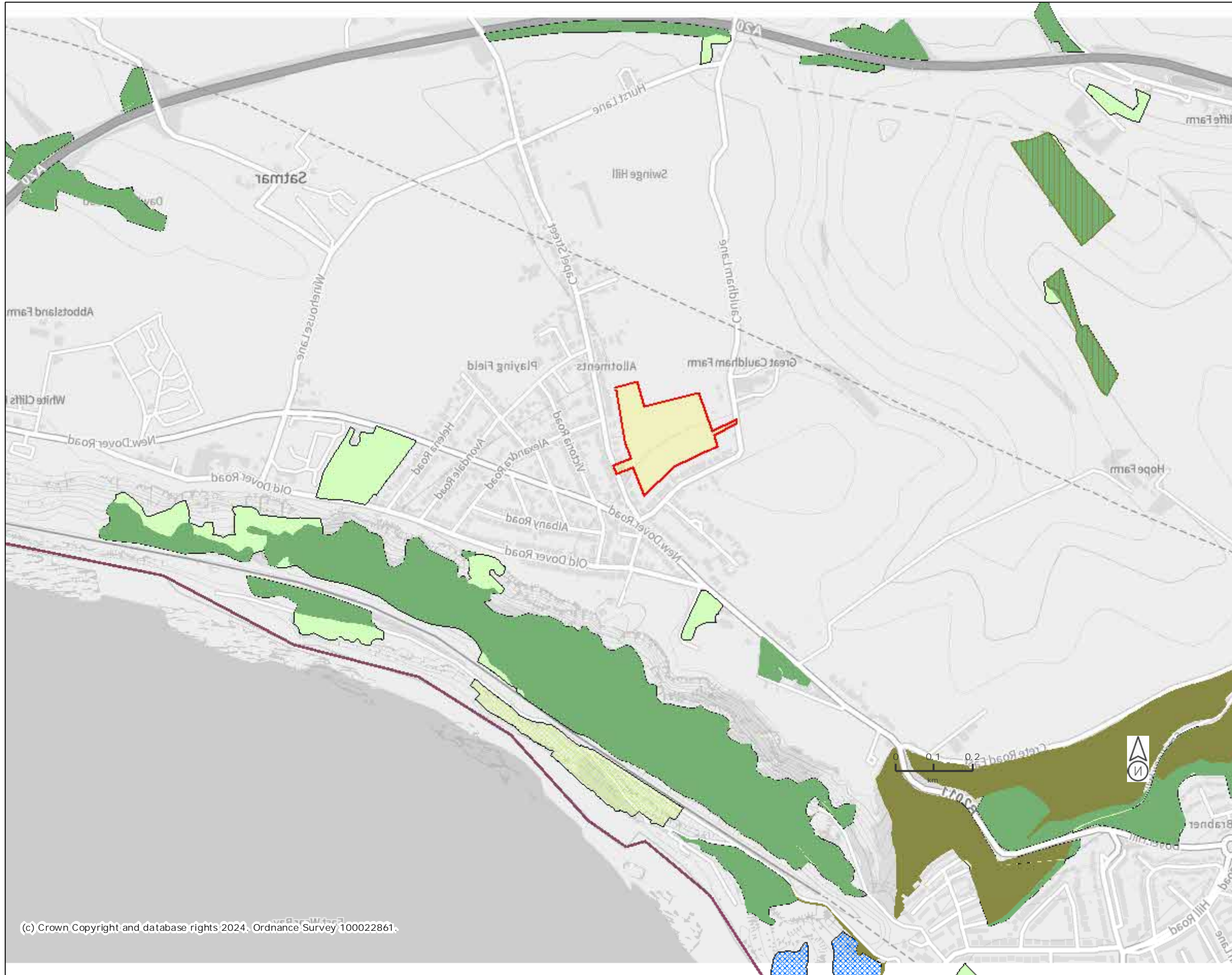
Legend

-  Ramsar Sites (England)
-  Proposed Ramsar Sites (England)
-  Special Areas of Conservation (England)
-  Possible Special Areas of Conservation (England)
-  Special Protection Areas (England)
-  Potential Special Protection Areas (England)

Projection = OSGB36
 xmin = 560900
 ymin = 107800
 xmax = 686800
 ymax = 171400



Map produced by MAGIC on 23 September, 2022.
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Legend

Priority Habitat Inventory -
 Lowland Calcareous Grassland (England)

Ancient Woodland (England)

Ancient and Semi-Natural Woodland
 Ancient Replanted Woodland
 Priority Habitat Inventory - Deciduous Woodland (England)

National Forest Inventory (GB)

Assumed woodland
 Broadleaved
 Cloud \ shadow
 Conifer
 Coppice
 Coppice with standards
 Failed
 Felled
 Ground prep
 Low density
 Mixed mainly broadleaved
 Mixed mainly conifer
 Shrub
 Uncertain
 Windthrow
 Young trees
 Priority Habitat Inventory - Traditional Orchards (England)

Projection = OSGB36
 xmin = 622300
 ymin = 137300
 xmax = 627300
 ymax = 139700

Map produced by MAGIC on 20 February, 2024.
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Appendix 6117/3:

Infrared Camera Darkest Points

Capel-le-Ferne- 6117 - IR Camera Darkest Points

B1

Survey 1 - 16.08.23 - dusk

South-west



West



North-west



South-east



Survey 2 - 31.08.23 – dawn

South-west



West



North-west



South-east



Appendix 6117/4:

Evaluation Methodology

Evaluation Methodology

1. The evaluation of ecological features and resources is based on professional judgement whilst also drawing on the latest available industry guidance and research. The approach taken in this report is based on that described by the Chartered Institute of Ecology and Environmental Management (CIEEM) 'Guidelines for Ecological Impact Assessment in the UK and Ireland' (2018)¹.

Importance of Ecological Features

2. Ecological features within the site/study area have been evaluated in terms of whether they qualify as 'important ecological features'. In this regard, CIEEM guidance states that "it is not necessary to carry out detailed assessment of features that are sufficiently widespread, unthreatened and resilient to project impacts and will remain viable and sustainable".
3. Various characteristics contribute to the importance of ecological features, including:

Naturalness;

Animal or plant species, sub-species or varieties that are rare or uncommon, either internationally, nationally or more locally, including those that may be seasonally transient;

Ecosystems and their component parts, which provide the habitats required by important species, populations and/or assemblages;

Endemic species or locally distinct sub-populations of a species;

Habitat diversity;

Habitat connectivity and/or synergistic associations;

Habitats and species in decline;

Rich assemblages of plants and animals;

Large populations of species or concentrations of species considered uncommon or threatened in a wider context;

Plant communities (and their associated animals) that are considered to be typical of valued natural/semi-natural vegetation types, including examples of naturally species-poor communities; and

Species on the edge of their range, particularly where their distribution is changing as a result of global trends and climate change.

4. As an objective starting point for identifying important ecological features, European, national and local governments have identified sites, habitats and species which form a key focus for biodiversity conservation in the UK, supported by policy and legislation. These are summarised by CIEEM guidance as follows:

Designated Sites

Statutory sites designated or classified under international conventions or European legislation, for example World Heritage Sites, Biosphere Reserves, Wetlands of International Importance (Ramsar sites), Special Areas of Conservation (SAC), Special Protection Areas (SPA);

¹ CIEEM (2018) 'Guidelines for Ecological Impact Assessment in the UK and Ireland: Terrestrial, Freshwater, Coastal and Marine', Chartered Institute of Ecology and Environmental Management, Winchester

Statutory sites designated under national legislation, for example Sites of Special Scientific Interest (SSSI), National Nature Reserves (NNR) and Local Nature Reserves (LNR);

Locally designated wildlife sites, e.g. Local Wildlife Sites (LWS).

Biodiversity Lists

Habitats and species of principal importance for the conservation of biodiversity in England and Wales (largely drawn from UK BAP priority habitats and priority species), often referred to simply as Priority Habitats / Species;

Local BAP priority species and habitats.

Red Listed, Rare, Legally Protected Species

Species of conservation concern, Red Data Book (RDB) species;

Birds of Conservation Concern;

Nationally rare and nationally scarce species;

Legally protected species.

5. In addition to this list, other features may be considered to be of importance on the basis of local rarity, where they enable effective conservation of other important features, or play a key functional role in the landscape.

Assigning Level of Importance

6. The importance of an ecological feature should then be considered within a defined geographical context. Based on CIEEM guidance, the following frame of reference is used:

International (European);

National;

Regional;

County;

District;

Local (e.g. Parish or Neighbourhood);

Site (not of importance beyond the immediate context of the site).

7. Features of 'local' importance are those considered to be below a district level of importance, but are considered to appreciably enrich the nature conservation resource or are of elevated importance beyond the context of the site.
8. Where features are identified as 'important' based on the list of key sites, habitats and species set out above, but are very limited in extent or quality (in terms of habitat resource or species population) and do not appreciably contribute to the biodiversity interest beyond the context of the site, they are considered to be of 'site' importance.
9. In terms of assigning the level of importance, the following considerations are relevant:

Designated Sites

10. For designated sites, importance should reflect the geographical context of the designation (e.g. SAC/SPA/Ramsar sites are designated at the international level whereas SSSIs are designated at the national level). Consideration should be given to multiple designations as appropriate (where an area is subject to differing levels of nature conservation designations).

Habitats

11. In certain cases, the value of a habitat can be measured against known selection criteria, e.g. SAC selection criteria, 'Guidelines for the selection of biological SSSIs' and the Hedgerows Regulations 1997. However, for the majority of commonly encountered sites, the most relevant habitat evaluation will be at a more localised level and based on relevant factors such as antiquity, size, species-diversity, potential, naturalness, rarity, fragility and typicalness (Ratcliffe, 1977). The ability to restore or re-create the habitat is also an important consideration, for example in the case of ancient woodland.
12. Whether habitats are listed as priorities for conservation at a national level in accordance with Sections 41 and 42 of the Natural Environment and Rural Communities Act (NERC) 2006, so called 'Habitats of Principal Importance' or 'Priority Habitats', or within regional or local Biodiversity Action Plans (BAPs) is also relevant, albeit the listing of a particular habitat under a BAP does not in itself imply any specific level of importance.
13. Habitat inventories (such as habitat mapping on the MAGIC database) or information relating to the status of particular habitats within a district, county or region can also assist in determining the appropriate scale at which a habitat is of importance.

Species

14. Deciding the importance of species populations should make use of existing criteria where available. For example, there are established criteria for defining nationally and internationally important populations of waterfowl. The scale within which importance is determined could also relate to a particular population, e.g. the breeding population of common toads within a suite of ponds or an otter population within a catchment.
15. When determining the importance of a species population, contextual information about distribution and abundance is fundamental, including trends based on historical records. For example, a species could be considered particularly important if it is rare and its population is in decline. With respect to rarity, this can apply across the geographic frame of reference and particular regard is given to populations where the UK holds a large or significant proportion of the international population of a species.
16. Whether species are listed as priorities for conservation at a national level in accordance with Sections 41 and 42 of the Natural Environment and Rural Communities Act (NERC) 2006, so called 'Species of Principal Importance' or 'Priority Species', or within regional or local Biodiversity Action Plans (BAPs) is also relevant, albeit the listing of a particular species under a BAP does not in itself imply any specific level of importance.
17. Species populations should also be considered in terms of the potential zone of influence of the proposals, i.e. if the entire species population within the site and surrounding area were to be affected by the proposed development, would this be of significance at a local, district, county or wider scale? This should also consider the foraging and territory ranges of individual species (e.g. bats roosting some distance from site may forage within site whereas other species such as invertebrates may be more sedentary).

Appendix 6117/5:

Legislation Summary

LEGISLATION SUMMARY

1. In England and Wales primary legislation is made by the UK Parliament, and in Scotland by the Scottish Parliament, in the form of Acts. The main piece of legislation relating to nature conservation in the UK is the Wildlife and Countryside Act 1981 (as amended).
2. Acts of Parliament confer powers on Ministers to make more detailed orders, rules or regulations by means of secondary legislation in the form of statutory instruments. Statutory instruments are used to provide the necessary detail that would be too complex to include in an Act itself¹. The provisions of an Act of Parliament can also be enforced, amended or updated by secondary legislation.
3. In summary, the key pieces of legislation relating to nature conservation in the UK are:
 - Wildlife and Countryside Act 1981 (as amended)
 - Protection of Badgers Act 1992
 - Hedgerows Regulations 1997
 - Countryside and Rights of Way (CROW) Act for England and Wales 2000
 - Natural Environment and Rural Communities Act 2006
 - Conservation of Habitats and Species Regulations 2017
4. A brief summary of the relevant legislation is provided below. The original Acts and instruments should be referred to for the full and most up to date text of the legislation.
5. Wildlife and Countryside Act 1981 (as amended). The WCA Act provides for the notification and confirmation of Sites of Special Scientific Interest (SSSIs) identified for their flora, fauna, geological or physiographical features. The Act contains strict measures for the protection and management of SSSIs.
6. The Act also refers to the treatment of UK wildlife including protected species listed under Schedules 1 (birds), 5 (mammals, herpetofauna, fish, invertebrates) and 8 (plants).
7. Under Section 1(1) of the Act, all wild birds are protected such that it is an offence to intentionally:
 - Kill, injure or take any wild bird;
 - Take, damage or destroy the nest of any wild bird whilst in use* or being built;
 - Take or destroy an egg of any wild bird.

*The nests of birds that re-use their nests as listed under Schedule ZA1, e.g. Golden Eagle, are protected against taking, damage or destruction irrespective of whether they are in use or not.
8. Offences in respect of Schedule 1 birds are subject to special, i.e. higher, penalties. Schedule 1 birds also receive greater protection such that it is an offence to intentionally or recklessly:
 - Disturb any wild bird included in Schedule 1 while it is building a nest or while it is in, on or near a nest containing eggs or young;
 - Disturb dependent young of such a bird.

¹ <http://www.parliament.uk/business/bills-and-legislation/secondary-legislation/statutory-instruments/>

9. Under Section 9(1) of the Act, it is an offence to:
 - Intentionally kill, injure or take any wild animal included in Schedule 5.
10. In addition, under Section 9(4) it is an offence to intentionally or recklessly:
 - Obstruct access to, any structure or place which any wild animal included in Schedule 5 uses for shelter or protection; or
 - Disturb any wild animal included in Schedule 5 while occupying a structure or place which it uses for that purpose.
11. Under Section 13(1) it is an offence:
 - To intentionally pick, uproot or destroy any wild plant listed in Schedule 8; or
 - Unless the authorised person, to intentionally uproot any wild plant not included in Schedule 8.
12. The Act also contains measures (S.14) for preventing the establishment of non-native species that may be detrimental to native wildlife, prohibiting the introduction into the wild of animals (releases or allows to escape) and plants (plants or causes to grow) listed under Schedule 9.
13. Protection of Badgers Act 1992. The Act aims to protect the species from persecution, rather than being a response to an unfavourable conservation status, as the species is in fact common over most of Britain. It should be noted that the legislation is not intended to prevent properly authorised development. Under the Act it is an offence to:
 - Wilfully kill, injure, take, possess or cruelly ill-treat* a Badger, or attempt to do so;
 - To intentionally or recklessly interfere with a sett# (this includes disturbing Badgers whilst they are occupying a sett, as well as damaging or destroying a sett or obstructing access to it).

the intentional elimination of sufficient foraging area to support a known social group of Badgers may, in certain circumstances, be construed as an offence

A sett is defined as “any structure or place which displays signs indicating current use by a Badger”. Natural England advice (June 2009) is that a sett is protected so long as such signs remain present, which in practice could potentially be for some time after the last actual occupation by Badger. Interference with a sett includes blocking tunnels or damaging the sett in any way
14. Licences can be obtained from the Statutory Nature Conservation Organisation (SNCO) for development activities that would otherwise be unlawful under the legislation, provided there is suitable justification. The SNCO for England is Natural England.
15. Hedgerows Regulations 1997. ‘Important’ hedgerows (as defined by the Regulations) are protected from removal (up-rooting or otherwise destroying). Various criteria specified in the Regulations are employed to identify ‘important’ hedgerows for wildlife, landscape or historical reasons.
16. Countryside and Rights of Way (CRoW) Act for England and Wales 2000. The CRoW Act provides increased measures for the management and protection of SSSIs and strengthens wildlife enforcement legislation. Schedule 12 of the Act amends the species provisions of the WCA 1981, strengthening the legal protection for threatened species. The Act also introduced a duty on Government to have regard to the conservation of biodiversity and maintain lists of species and habitats for which conservation steps should be taken or promoted, in accordance with the Convention on Biological Diversity.

17. Natural Environment and Rural Communities Act 2006. Section 41 of the NERC Act requires the Secretary of State to publish a list of habitats and species that are of principal importance for the conservation of biodiversity in England. The S41 list is used to guide decision-makers such as local planning authorities, in implementing their duty under Section 40 of the Act, to have regard to the conservation of biodiversity in England, when exercising their normal functions. 56 habitats and 943 species of principal importance are included on the S41 list. These are all the habitats and species in England that were identified as requiring action in the UK Biodiversity Action Plan (BAP).
18. Conservation of Habitats and Species Regulations 2017 (as amended). The Regulations enact the European Union's Habitats Directive (92/43/EEC) in the UK. The Habitats Directive was designed to contribute to the maintenance of biodiversity within member states through the conservation of sites, known in the UK as Special Areas of Conservation (SACs), containing habitats and species selected as being of EC importance (as listed in Annexes I and II of the Habitats Directive respectively). Member states are required to take measures to maintain or restore these natural and semi-natural habitats and wild species at a favourable conservation status.
19. The Regulations also require the compilation and maintenance of a register of European sites, to include SACs and Special Protection Areas (SPAs)² classified under Council Directive 79/409/EEC on the Conservation of Wild Birds (the Birds Directive). These sites constitute the Natura 2000 network. The Regulations impose restrictions on planning decisions likely to significantly affect SPAs or SACs.
20. The Regulations also provide protection to European Protected Species of animals that largely overlaps with the WCA 1981, albeit the provisions are generally stricter. Under Regulation 43 it is an offence, inter alia, to:
 - Deliberately capture, injure or kill any wild animal of a European Protected Species;
 - Deliberately disturb any wild animals of any such species, including in particular any disturbance likely to impair their ability to survive, to breed or reproduce, to rear or nurture their young, to hibernate or migrate, or which is likely to affect significantly their local distribution or abundance;
 - Deliberately take or destroy the eggs of such an animal;
 - Damage or destroy a breeding site or resting place of such an animal.
21. Similar protection is afforded to European Protected Species of plants, as detailed under Regulation 47.
22. The Regulations do provide a licensing system that permits otherwise illegal activities in relation to European Protected Species, subject to certain tests being fulfilled.

² Special Protection Areas (SPAs) are protected sites classified in accordance with Article 4 of the EC Directive on the Conservation of Wild Birds (79/409/EEC) (aka the Birds Directive), which came into force in April 1979. SPAs are classified for rare and vulnerable birds (as listed on Annex I of the Directive), and for regularly occurring migratory species.

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